

### **3-3A-1: Definitions:**

The words and terms set forth in this section, wherever they occur in this chapter, shall be construed as herein defined:

*Edible food products:* Products that are ready for immediate consumption, including prepackaged food and food cooked, prepared or assembled on-site. The term "edible food products" does not include fresh produce unless the produce has been packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared for consumption.

*Location:* Any single parcel or any combination of contiguous parcels owned or controlled by a single entity or affiliated entities.

*Lot, improved:* A platted lot or parcel of land upon which a building, structure or other primary use, as defined by the zoning ordinance, exists.

*Lot, unimproved:* A platted lot or parcel of land upon which no structure or uncompleted structure exists.

*Mobile food vendor vehicle:* A vehicle, from which edible food products are cooked, prepared or assembled with the intent to sell such items to the general public. Nothing precludes the sales of prepackaged food items. For the purposes of this chapter, this shall also include pushcarts.

### **3-3A-2: City of Plano Mobile Food Vendor License required:**

Every person desiring to engage in mobile food vendor services on public property owned by the City or within the City's public right-of-way including streets, roadways, alleys, sidewalks and parks, are hereby required to make written application for a City of Plano Mobile Food Vendor. It shall be unlawful for any person to engage in mobile food vendor services without having first obtained said Plano City Mobile Food Vendor License. Said license shall be carried by the applicant while engaged in mobile food vendor services and shall be displayed at all times in a place readily visible to all customers.

A. Fees:

1. The City of Plano Mobile Food Vendor License fee shall be twenty-five dollars (\$25.00) per year. Said fee shall be paid at the time of application.
2. All fees are nonrefundable.
3. The Mobile Food Vendor License fee is waived if (a) the mobile food vendor is participating in a city-sponsored special event or in any special event in which a vendor fee is charged by the event organizer, or (b) the mobile food vendor is sponsored by or working for a religious, educational, or charitable organization where such organization is entirely a nonprofit organization and who can furnish the City with a "tax exempt number" and written proof of its "tax exempt status".

B. Term:

The term for mobile food vendor licenses shall commence on January 1 and shall expire on December 31 of each year.

C. Application:

1. It shall be unlawful for any person or entity to operate as a mobile food vendor on property owned by the City including streets, roadways, alleys, sidewalks, parks, or rights-of-way within the City without first having obtained a Mobile Food Vendor License from the office of the City Clerk. Applications for a Mobile Food Vendor License shall be on forms prepared and kept on file by the City Clerk. The applicant shall truthfully state in full the information requested on the application, including but not limited to the following:

- a. *Name, residence and type of business:* Applicant name, present place of residence, phone number, business name, business address, type of business, length of time in type of business being applied for;
- b. *Drivers or operators:* Name, address, phone number for all drivers or operators of the mobile vendor vehicles;
- c. *Identification:* Copy of current state photo identification or driver's license from all applicants, members, partners, officers, drivers, and operators;
- d. *Description of mobile food vendor services:* Description sufficient for identification of the mobile food service provided by the vendor which the applicant will engage in;
- e. *Tax identification number:* Each applicant shall produce an Illinois Department of Revenue identification number for the retailers' occupation tax. No license shall be issued if the applicant does not have an identification number except that no identification number shall be required if a mobile food vendor is sponsored by or working for a religious, educational, or charitable organization where such organization is entirely a nonprofit organization and who can furnish the City with a "tax exempt number" and written proof of its "tax exempt status"; and
- g. *Revocation history:* Whether a Business License issued to the applicant under this article has ever been revoked.

D. General Requirements:

- 1. *Tax requirements:* Mobile food vendors must comply with all federal, state, county and local business tax, sales tax and other tax requirements.
- 2. *Health certificate:* Mobile food vendors shall be required to obtain a health inspection certificate from the Kendall County Public Health Department. Said certificate shall be required to do business under a business license under this title in the City of Plano.
- 3. *Insurance:* The applicant shall obtain and maintain in force comprehensive general liability, broad form property damage and blanket contractual liability insurance in a combined single limit amount, per claim and aggregate of at least one million dollars (\$1,000,000.00) covering the applicant's operations. Such insurance shall name the City of Plano as additional insured. A certificate of insurance shall contain provisions that prohibit cancellations, modifications, or lapse without thirty (30) days' prior written notice to the City's Clerk's office.

E. Denial, Suspension or Revocation:

- 1. No permit or license shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law in the United States, within five (5) years of the date of application; nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose permit or license issued hereunder has been previously revoked, as herein provided.
- 2. Any license issued under the provisions of this chapter may be temporarily suspended by the mayor for any violation of any section or regulation hereof, and such suspension shall be in addition to any fine imposed.
- 3. The City of Plano reserves the right to deny any vendor a license and/or to revoke an existing license as provided in Section 3-3-4 (l) of this Chapter.

**3-3A-3: Reserved:**

**3-3A-4: Purpose:**

To encourage and regulate the operation of mobile food vendor subject to operational standards, on public and private property within the City. These operational standards are intended to recognize the opportunity for unique outdoor portable fare and added convenience to persons living and working within The City of Plano, while protecting the health, safety and welfare of the general public.

**3-3A-5: Time limit/restrictions on Mobile Food Vendor vehicles:**

- A. Mobile food vendors may conduct business from 7:00 AM. to 10:00 PM. Sunday through Saturday, including holidays unless such business is located on private property and unless the vendor is participating in a city-sponsored special event with approval for special hours.
- B. Mobile food vendors are not licensed to conduct business door to door.
- C. It shall be unlawful for any person, mobile food vendor vehicle operator to drink any alcoholic beverages, or to disturb the peace in any manner while on duty.
- D. Sale of food or merchandise from mobile food vendor vehicles shall be prohibited as follows:
  - 1. In any City Park, or on City Park property, including parking lots unless the mobile food vendor has received a vending permit from the City or is participating as a paid vendor in an approved special event.
  - 2. In any area where the operation impedes vehicular or pedestrian travel as determined by the Chief of Police or his designee.
  - 3. The City has the ability to restrict the location of mobile food vendors should it be determined the location creates a parking shortage, parking issue, or unsafe parking conditions.
- E. No sales or service of alcohol shall be allowed by mobile food vendor vehicles.

**3-3A-6: Mobile food vendor vehicles:**

- A. General provisions:
  - 1. It shall be a violation to operate a mobile food vendor vehicle at any location except in compliance with the requirements of this section.
  - 2. Mobile food vendor vehicles are permitted in all zoning districts of the City, subject to the location and operational standards established in this title or this Code.
  - 3. Mobile food vendor vehicles shall not obstruct or interfere with the free flow of pedestrian or vehicular traffic, including but not limited to, access to or from any business, public building, or dwelling vehicle, nor shall it restrict the sight distances triangle at driveways and street right-of-way intersections or prevent access of emergency vehicles.
  - 4. Mobile food vendor vehicle shall comply with the provisions of the noise standards in Title 9, Chapter 7 of the Plano City Code.
  - 5. Mobile food vendor vehicles shall provide at least one (1) trash receptacle for use by patrons and in a convenient location that does not impede pedestrian or vehicular traffic. All litter or debris generated immediately within the vicinity of the mobile food vendor vehicle shall be collected and removed by the mobile operator.

6. Mobile Food Vendor Vehicles must be marked with the business name in a conspicuous location on the vehicle.
- B. Location and operational standards:
1. Mobile food vendor vehicles operating within the public right-of-way:
    - a. Mobile food vendor vehicles shall be legally parked in full compliance with all State and local parking provisions which apply to the location at which it is parked, including any sign prohibiting the parking or standing of a vehicle or indicating a parking time limit.
    - b. Operation of mobile food vendor vehicles within City parks shall be subject to applicable rules and regulations.
    - c. No unattended mobile food vendor vehicle shall be parked or left overnight within a public right-of-way or on any other public property, unless participating in an approved special event.
    - d. Mobile food vendor vehicles shall not be parked within twenty-five feet (25') from a street intersection with a crosswalk, traffic light, or stop sign, or within twenty-five feet (25') from a railroad crossing.
    - e. Mobile food vendor vehicles operators shall be responsible for organizing customer queuing in a manner that maintains a clear path along the sidewalk.
    - f. All sales and service shall be limited solely to that side of the mobile food vendor vehicle facing away from the public street.
    - g. Mobile food vendor vehicles shall not encroach onto a public sidewalk with any part of the vehicle, or any other equipment or furniture related to the operation of its business, except for required refuse receptacles.
    - h. Mobile food vendor vehicles greater than thirty-five feet (35') in length, or that occupy more than two (2) on-street parking spaces, are not permitted to operate in the public right-of-way adjacent to residentially zoned properties.
    - i. Mobile food vendor vehicles should not block a lawfully placed monument sign of another business.
  2. Mobile food vendor vehicles operating on private property:
    - a. Mobile food vendor vehicles may be permitted to operate on private property as a temporary accessory use in all zoning districts.
    - b. Mobile food vendor vehicles shall not occupy more than forty percent (40%) of required parking spaces on an improved lot or exceed the maximum lot coverage for the district in which it is located on an unimproved lot.
    - c. The maximum number of mobile food vendor vehicles permitted on a site shall be determined as follows:
      - (1) Generally, one (1) mobile food vendor vehicle may operate on the site for every five hundred twenty-five (525) square foot paved area (at least thirty-five feet by fifteen feet (35' x 15') in dimension); except that mobile food vendor vehicles greater than thirty-five feet (35') in length require a space at least seventy feet by fifteen feet (70' x 15').
      - (2) Generally, mobile food vendor vehicle operations shall occur upon a paved, level parking area or surface.

- (3) Mobile food vendor vehicles parked within required parking areas shall not impede pedestrian or vehicle ingress or egress through the remainder of the parking area or adjacent public right-of-way.
- (4) Mobile food vendor vehicles may be permitted to have canopies and outdoor seating areas.
- (5) Mobile food vendor vehicles shall not block fire lanes, designated construction traffic lanes for ingress or egress or access to or from the construction site.

### **3-3A-7: Violations; Penalty:**

- A. Penalty: Any person found liable/guilty by preponderance of the evidence of a violation of this chapter in an administrative/judicial hearing shall be subject to a fine, plus applicable hearing costs. The fine amount is not less than two hundred fifty dollars (\$250.00) to a maximum fine not to exceed seven hundred fifty dollars (\$750.00), plus applicable hearing costs. The city mayor/clerk may revoke the license of any applicant under this chapter for any violation of this chapter.
- B. Settlement Of Violations: Any person accused of a violation of this chapter may settle and compromise this claim of violation against him by paying the fine to the city, within ten (10) days of the time such alleged violation or offense was committed.

### **Section Three – Codification**

The title, chapter(s) and section(s) adopted and amended by this ordinance shall be numbered and placed in an appropriate title, chapter(s), and sections(s) when and during the codification of the Plano Municipal Code.

### **Section Four - Conflict Clause**

That all ordinances, parts of ordinances or board actions in conflict with the terms of this ordinance shall be repealed to the extent of said conflict.

### **Section Five - Passage Clause**

That this ordinance shall take full force and effect from and after its passage, approval and publication as provided by law.

### **Section Six - Constitutionality Clause**

Any part or parts of this ordinance declared by a court of law to be invalid or unconstitutional shall not affect the validity of the remaining provisions of this ordinance or the City of Plano Municipal Code.

### **Section Seven - Publication**

This ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

### **Section Eight - Recording**

This ordinance shall be entered into the minutes and upon the journals of the City Council of the City of Plano.



17 E. Main Street, Plano, Illinois 60545, Phone 630-552-8275, Fax 630-552-8292

## MOBILE FOOD VENDOR LICENSE APPLICATION

### Description:

Every person desiring to engage in mobile food vendor services on public property owned by the City or within the City's public right-of-way including streets, roadways, alleys, sidewalks and parks, shall obtain a Mobile Food Vendor License from the office of the City Clerk. See City of Plano Code of Ordinances, Title 3, Chapter 3A, Mobile Food Vendors, for operational standards, descriptions and restrictions of mobile food vendors.

This application is for:    a new license        an annual renewal    (circle one)

Fee:    \$25.00        waived (circle one)

The Mobile Food Vendor License fee is **waived** if: (a) the mobile food vendor is participating in a city-sponsored special event or in any special event in which a vendor fee is charged by the event organizer; or (b) the mobile food vendor is sponsored by or working for a religious, educational, or charitable organization where such organization is entirely a nonprofit organization and who can furnish the City with a "tax exempt number" and written proof of its "tax exempt status".

### General Information:

Date: \_\_\_\_\_ Business Type: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Description of mobile food vendor services (sufficient for identification of business services provided by the business): \_\_\_\_\_

\_\_\_\_\_

Business Address: \_\_\_\_\_

Business Telephone: \_\_\_\_\_

Business Date of Opening (month and year): \_\_\_\_\_



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Number of full-time equivalent employees: \_\_\_\_\_

Corporation Name: \_\_\_\_\_

Corporation Address: \_\_\_\_\_

Sales Tax Identification Number (each applicant shall produce an Illinois Department of Revenue identification number for the retailers' occupation tax): \_\_\_\_\_

Within the past ten (10) years, has a business license issued to the applicant been revoked?    Yes    No    (circle one)

If Yes, describe: \_\_\_\_\_  
\_\_\_\_\_

**Business Contact Information:**

Owner/Operator: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

**Mobile Food Vendor Vehicle Information (attach additional sheets if necessary):**

Type of mobile food vendor unit:    truck    trailer    pushcart    (circle one)

Make and Model of Vehicle: \_\_\_\_\_

Name of Registered Owner: \_\_\_\_\_

Vehicle Unit Number: \_\_\_\_\_

License Plate Number: \_\_\_\_\_



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VIN Number: \_\_\_\_\_

Address of location of mobile food vendor vehicle when not in use: \_\_\_\_\_

\_\_\_\_\_

List all drivers or operators of mobile food vendor vehicles (attach additional sheets if necessary):

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_

*\*Attach a copy of a current driver's license for all drivers or operators of mobile food vendor vehicles*

*\*Attach the Kendall County Food Service Sanitation Permit for mobile food vendor vehicles*

*\*Attach the comprehensive general liability, broad form property damage and blanket contractual liability insurance*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (please print): \_\_\_\_\_