

VILLAGE OF PHILO
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2023 – 658

**AN ORDINANCE ESTABLISHING FOOD TRUCK VENDOR LICENSING
AND REGULATIONS FOR THE VILLAGE OF PHILO**

Adopted by the
Board of Trustees of the Village of Philo
this 12th day of July, 2023

Published in pamphlet form by authority of the President and the Board of Trustees of the Village of Philo, Champaign County, Illinois, this 12th day of July, 2023.

VILLAGE OF PHILO
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2023-658

**AN ORDINANCE ESTABLISHING FOOD TRUCK VENDOR LICENSING
AND REGULATIONS FOR THE VILLAGE OF PHILO**

WHEREAS, the Village of Philo, Champaign County, State of Illinois (the “Village”) is a duly organized and existing Village created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto with full powers to enact ordinances and resolutions for the benefit of the residents of the Village; and

WHEREAS, the Village recognizes that the popularity of self-contained motorized vehicles or self-contained enclosed trailers a/k/a “Food Trucks” is gaining popularity; and

WHEREAS, the Village also acknowledges that Champaign County has established licensing for Food Trucks to ensure food safety and the Village is concerned about maintaining public safety; and

WHEREAS, Food Trucks provide a valuable and convenient service to the public which, when appropriately regulated, is a service compatible with the community; and

NOW THEREFORE, BE IT ORDAINED by the President and the Village Board of Trustees of the Village of Philo, Illinois as follows:

Section A. Incorporation Clause.

The President and Board of Trustees of the Village hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and does hereby, by reference, incorporate and make them part of this Ordinance.

Section B. Purpose.

This Ordinance is to regulate the use of Food Trucks within the Village.

Section C. Ordinance Adopted.

The following Food Truck Vendor Ordinance is hereby adopted:

FOOD TRUCK VENDORS

1. **DEFINITION.** “Food Truck Vendor” means a person or business engaged in the selling of food from a self-contained motorized vehicle or a self-contained enclosed trailer with valid license plates and registration.

2. **LICENSING.** Food Truck Vendors shall apply for a Food Truck Vendor License to operate within the Village. Application for such shall be made to the Village Hall upon the prescribed form provided by same. The fee shall be **One Hundred Dollars (\$100.00)** per day. This Article shall be automatically converted to a Food Truck Vendor License provided all vendor requirements are met at the time.

3. **VENDOR REQUIREMENTS.** A Food Truck Vendor must hold the following certification at all times of operation within the Village, and documentation of such shall be provided to the Village Hall upon application for a Food Truck Vendor License, and at any other time upon request:

- (A) Valid Champaign County Health Department Food Establishment License.
- (B) Proof of Liability Insurance providing **One Million Dollars (\$1,000,000.00)** coverage and naming the Village as additional insured.

4. **REGULATIONS.** A Food Truck Vendor must abide by the following regulations at all times of operations within the Village. Failure to do so may result in fines, citations or the rescinding of an issued Food Truck Vendor License.

- (A) Food Truck Vendors shall not operate in the public right-of-way unless otherwise approved.
- (B) Food Truck Vendors conducting retail sales on private property shall provide certification or other acceptable proof, upon request, that the property owner has granted permission for such sales and operation.
- (C) Food Truck Vendors shall operate for the purpose of conducting retail sales only on property zoned for Business (B) or Manufacturing (M) uses. Nothing shall prohibit a Food Truck Vendor from operating on property zoned otherwise if it is for the purpose of providing food service for a special event or providing catering services for a third party.
- (D) Food Truck Vendors shall operate only in locations that do not impair traffic, visibility or public safety, regardless of whether the location itself is private or public property.
- (E) Food Truck Vendors shall not operate at locations which also operate onsite motor fuel pumps.
- (F) Food Truck Vendors shall operate only on paved surfaces except during Village sponsored farmer’s markets, organized events at the Village parks, and special event permits granted by the Village.
- (G) Food Truck Vendors shall not conduct retail sales from or be located upon any premises for more than **twelve (12) consecutive hours**. Exceptions regarding the conduct of retail sales or being located upon any premises in excess of **twelve (12) hours** may also be granted for special events.
- (H) Food Truck Vendors can operate between the hours of **10:00 a.m. to 8:00 p.m. Monday-Thursday & Sunday and 10:00 a.m. to 10:00 p.m. Friday & Saturday**.
- (I) Food Truck Vendors shall be attended at all times during all posted or advertised operating hours.

- (J) Food Truck Vendors shall be responsible for proper disposal of all grease, litter and waste generated by their operation.
- (K) Food Truck Vendors conducting retail sales shall not utilize extension cords in such a manner as to cross a public right-of-way or sidewalk. Exceptions to this provision may be granted for special events.
- (L) Food Truck Vendors shall not conduct major repairs or disassembly of a vehicle or trailer directly on the site of operation.
- (M) Food Trucks may not operate on public streets, highways, sidewalks, parks, parking lots or other property owned by the Village except where expressly approved by the Board of Trustees and President.
- (N) Each Food Truck License shall be valid for **twelve (12) hours** during **one (1) twenty-four (24) hour** period. A separate license shall be required for each period of operation.
- (O) The cost for each license issued under this ordinance shall be **One Hundred Dollars (\$100.00)**.
- (P) Village Licenses shall be readily visible to the public on the Food Truck.
- (Q) There shall be no Food Trucks on Washington Street.

5. VIOLATION. Operation of a Food Truck in the Village without a Food Truck Vendor License shall result in a fine of **Seven Hundred and Fifty Dollars (\$750.00)** with each day in violation constituting a separate offense.

Section D. Headings.

The headings for the articles, sections, paragraphs and sub-paragraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provisions of this Ordinance.

Section E. Severability.

The provisions of this ordinance are hereby declared to be severable and should any provision, clause, sentence, paragraph, sub-paragraph, section, or part of this Ordinance be determined to be shall be excluded and deemed inoperative, unenforceable, and as though not provided for herein, and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect. It is hereby declared to be the legislative intent of the Board of Trustees members that this Ordinance would have been adopted had not such unconstitutional or invalid provision, clause, sentence, paragraph, sub-paragraph; section, or part thereof had not been included.

Section F. Superseder and Publication.

All code provisions, ordinances, resolutions and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded. A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

Section G. Effective Date.

This Ordinance shall be in full force and effect upon passage and approval, as provided by the Illinois Municipal Code, as amended.

This Ordinance shall become effective immediately upon passage, approval and publication in lawful pamphlet form.

The foregoing Ordinance was moved by Pat Pioletti, seconded by Tom Kelley and approved by roll call vote.

Approved this 12th day of July, 2023.

APPROVED:

Larry R. Franks
Larry Franks
Village President

ATTEST:

Judy A. Kirby
Judy A. Kirby
Village Clerk

STATE OF ILLINOIS)

) SS

COUNTY OF CHAMPAIGN)

CERTIFICATE

I, Judy A. Kirby, certify that I am the duly appointed and acting municipal clerk of the Village of Philo, Champaign County Illinois.

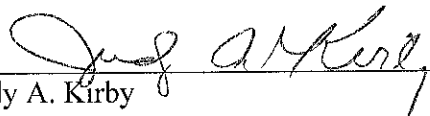
I further certify that on July 12, 2023, the Corporate Authorities of such municipality passed and approved Resolution No. 2023-~~68~~ ^{Ordinance} entitled:

AN ORDINANCE ESTABLISHING FOOD TRUCK VENDOR LICENSING AND REGULATIONS FOR THE VILLAGE OF PHILO

I further certify that the attached copy of said resolution is a true and correct copy of said resolution, as appears from the records of the Village of Philo, Illinois.

The pamphlet form of ^{Ordinance} Resolution No. 2023-~~68~~ including the Ordinance and a cover sheet thereof was prepared, a copy of such resolution was posted in the municipal building, commencing on July 12, 2023, and continuing for at least ten (10) days thereafter. Copies of such resolution were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Philo, Illinois, this 12th day of July, 2023.



Judy A. Kirby
Village Clerk
Village of Philo, Illinois

VOTING ON SAID RESOLUTION NO. 2023- 658

Trustee	Aye	Nay
Tom Kelley, Trustee	<u>✓</u>	_____
Steve Messman, Trustee	<u>✓</u>	_____
David Happ, Trustee	<u>✓</u>	_____
Pat Pioletti, Trustee	<u>✓</u>	_____
Tim Grub, Trustee	<u>✓</u>	_____
Terri Shipley, Trustee	<u>✓</u>	_____
Larry R. Franks, President	_____	_____