

ORDINANCE NO. 014 -2021

AN ORDINANCE AMENDING ARTICLE X TO CHAPTER 26 OF THE MUNICIPAL
CODE OF THE CITY OF OTTAWA, LA SALLE COUNTY, ILLINOIS
(Mobile Food Vendors)

WHEREAS, mobile food vendors park on public streets and participate in special events throughout the City of Ottawa; and

WHEREAS, the City of Ottawa previously passed Ordinance 56-2020, which added regulations for Mobile Food Vendors; and

WHEREAS, the City of Ottawa would like to add licensing regulations and location regulations on mobile food vendors within the City of Ottawa; and

WHEREAS, the Council of the City of Ottawa believes it be in the best interest of the health, safety and welfare of the community to add additional regulations to mobile food vendors within the City of Ottawa.

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OTTAWA, ILLINOIS, AS FOLLOWS:

Section One: That Section 26-500 of the Code of Municipal Ordinances of the City of Ottawa is hereby amended by adding the definitions of *Brick-and-Mortar Business* and *Special Event*.

Brick-and-Mortar Business is a business lawfully operating at a fixed location within a building in the city limits.

Special Event is an event or festival within the City that is sponsored by the City of Ottawa and/or the event is publicized by the City of Ottawa.

Section Two: That Section 26-501 of the Code of Municipal Ordinances of the City of Ottawa is hereby amended to read as follows:

Sec. 26-501. – Requirements to operate within City limits.

All Mobile Food Vendors that operate within the City of Ottawa, regardless of the length of time or type of event, must comply with all of the following regulations:

- (a) *License.* The Mobile Food Vendor must have a City of Ottawa Mobile Food License as provided for in this Article. If a Mobile Food Vendor operates

more than one vehicle or trailer, then each vehicle or trailer will require its own separate license. A Mobile Food Vendor may apply for an Annual License or a Single Event License.

1. An Annual License will be valid in the City limits from January 1 to December 31st each year and may be used at any permitted location within the City or for any Special Event.
2. A Single Event License is valid for any Special Event or for any event hosted on private property. A Single Event license is valid for the duration of the Special Event or for the day of the event on the private property and may not be used for any other event. A Mobile Food Vendor may apply for more than one Single Event License throughout the calendar year, but each Single Event License requested will require a separate application and a separate license fee.

(b) *Locations.* Mobile Food Vendors may operate on private property with permission of the owner or tenant. Mobile Food Vendors may operate on public property except in the following locations in the City of Ottawa:

1. *C-4 District.* Mobile Food Vendors shall not operate in the C-4 Central Core Business District, except if the Mobile Food Vendor is sponsored by a brick-and-mortar business located in the C-4 District. A brick-and-mortar business may sponsor a Mobile Food Vendor no more than six (6) times in a given calendar year. The Mobile Food Vendor may only operate during the regular business hours of the sponsoring brick-and-mortar business and may only park in the parking spaces located directly in front of the sponsoring brick-and-mortar business.
2. *Public Parks.* Mobile Food Vendors shall not operate at public parks except, Mobile Food Vendors may operate at Washington Park, Thornton Park, Allen Park, and the Jordan Block from the hours of 7:00 a.m. to 9:00 p.m. Any Mobile Food Vendor who wishes to operate at one of the permitted public parks must contact the Ottawa Police Department to restrict parking at the permitted park for the Mobile Food Vendor's use.
 - a. *Organized Sports Group Exception.* Mobile Food Vendors may operate at any of the public parks if the vendor is invited by an organized sports group and there are no concession stands being operated by another organized sports group at the same park.

(c) *Special Event Restrictions.* If a Special Event is occurring, then Mobile Food Vendors may not operate on any property within the City limits unless the Mobile Food Vendor is an approved food vendor of the Special Event.

- (d) *Service and Traffic.* All service to customers must be located on the curb side if parked next to a curb and must not obstruct or congest bicycle or pedestrian traffic on the sidewalks. If not parked next a curb, then service must not block, obstruct, or interfere with vehicular, bicycle or pedestrian flow. If an Ottawa Police Officer finds the location and service of the Mobile Food Vendor is blocking, obstructing, or interfering with vehicular, bicycle, or pedestrian flow and requests the Mobile Food Vender to relocate, the Mobile Food Vendor must comply with such request and move to another permitted location to avoid congestion or obstruction of traffic.
- (e) *Trash Receptacles.* Trash receptacles must be provided, and the Food Truck Vendors must not leave until picking up, removing, and disposing of all trash.
- (f) *City's Ordinances and Fire Department Regulations.* The Mobile Food Vendor must comply with all of the City of Ottawa's ordinances, including all health, safety, and parking regulations applicable to Mobile Food Vendors and must comply with all fire department guidelines. A designated individual from the City and/or the Fire Department will be permitted to randomly inspect Mobile Food Vendors to ensure all ordinances and regulations are being complied with while operating within the city limits. Failure to permit an inspection by a designated individual from the City and/or Fire Department may result in the suspension of the Mobile Food Vendor license.
- (g) *County Ordinances and Regulations.* The Mobile Food Vendor must ensure they are following all LaSalle County Health Department regulations including the LaSalle County Food Sanitation Ordinance and all other health, safety, or sanitation codes applicable to Mobile Food Vendors.
- (h) *State Regulations.* The Mobile Food Vendor must ensure they are following the Illinois Department of Public Health Food Service Sanitation Code and all other State health, safety, or sanitation requirements applicable to Mobile Food Vendors.
- (i) *Sales and Use Taxes.* All sales by the Mobile Food Vendor that are subject to the sales and use tax and occur within the City must be reported and the required payment made to the State of Illinois, including any applicable municipal taxes, and must identifying the City as the point of sale.

Section Three: That Section 26-502 of the Code of Municipal Ordinances of the City of Ottawa is hereby amended to read as follows:

Sec. 26-502. License Application and Fee.

To receive a City of Ottawa Mobile Food Vendor license, the vendor must supply the City with the following items:

(a) *Application.* An application on a form prescribed by the City, which must contain the following information:

1. Name, Address, phone number, and email of the individual that operates the vehicle or trailer;
2. The name of the Mobile Food Vendor, a description of the vehicle or trailer, and the type of food and/or beverages that will be served to customers;
3. Name, if any, of the limited liability company or corporation that owns or operates the vehicle or trailer, if different from the name of the Mobile Food Vendor;
4. The license plate number of the vehicle or trailer used to serve customers; and
5. Whether the applicant desires an Annual License or a Single Event License. If a Single Event License is desired, the applicant must state or describe what event the license is being requested for.

(b) *Documentation.* The following documents must be submitted with the application and the failure to submit any of the following documents will result in the denial of the Food Vendor license:

1. A copy of the driver's license of the individual that will be operating the vehicle or trailer;
2. A liability insurance policy covering the subject vehicle or trailer;
3. A copy of the vehicle or trailer's registration;
4. A copy of the Food Handler's Certificate for each employee as required by the Illinois Department of Public Health; and
5. A copy of the proper mobile food license issued by the LaSalle County Health Department.

(c) *Fee.* The application must also include the fee of two hundred dollars (\$200.00) for an Annual License or fifty dollars (\$50.00) for a Single Event License. This fee is non-refundable in the event the application is denied.

Section Four: That Section 26-503 of the Code of Municipal Ordinances of the City of Ottawa is hereby added to read as follows:

Sec. 26-503. – Annual License Renewal.

In all subsequent years, the applicant must file a new application to cover such vehicle or trailer and provide all the necessary documents and application fee.

Section Five: That Section 26-504 of the Code of Municipal Ordinances of the City of Ottawa is hereby added to read as follows:

Sec. 26-504. – License Nontransferable.

The Mobile Food Vendor's License issued hereunder is not transferable to any other individual, partnership, firm, corporation, trust, association, or other entity.

Section Six: That Section 26-505 of the Code of Municipal Ordinances of the City of Ottawa is hereby added to read as follows:

Sec. 26-505. Suspension or Revocation of License.

An Annual License or Single Event License issued under this Article may be suspended or revoked by the Mayor if the Mayor finds:

- (a) The Mobile Food Vendor Failed to permit an inspection by a designated individual from the City and/or Fire Department.
- (b) The City and/or Fire Department personnel determined after an inspection the Mobile Food Vendor is not operating in a manner that is safe to the health, safety, and welfare of the public.
- (c) The Mobile Food Vendor is operating in a location within in the City of Ottawa that is not permitted.
- (d) The Mobile Food Vendor failed to abide by an Ottawa Police Officer's request to relocate due to the Mobile Food Vendor blocking, obstructing, or interfering with vehicular, bicycle, or pedestrian flow.
- (e) If an operator of the vehicle or trailer of the Mobile Food Vendor is convicted of moving violations while operating under the Mobile Food Vendor license and in the City of Ottawa.
- (f) If the Mobile Food Vendor has failed to maintain all the certificates, licenses and permits required by state, county, or local ordinances or is not in compliance with the State, County, or City's laws and regulations, including but not limited to LaSalle County's Food Sanitation Ordinance and the Illinois Department of Public Health Food Service Sanitation Code and any other State, County or City regulations that apply to Mobile Food Vendors.

Appeal. If the Mayor suspends or revokes the Mobile Food Vendor's license, City staff will mail a notice of suspension or revocation to the address listed on the license application and will state the reasons for the suspension or revocation. A licensee may appeal a decision of the Mayor to the City Council within fourteen (14) days of the mailing date. The decision of the City Council will be a final decision.

Section Seven: That Section 26-506 of the Code of Municipal Ordinances of the City of Ottawa is hereby added to read as follows:

Sec. 26-506. – Violations and Penalties.

- (a) *Operating Without a Valid License.* In addition to other penalties provided for in this Article, any person, partnership, firm, corporation, trust, association, or other entity who operates without a valid Food Vendor's License will be fined not less than \$100.00 and not exceeding \$750.00. A separate offense will be deemed committed each day the violation occurs or continues to occur.
- (b) *Other Violations.* Except for an Operating Without a Valid License violation, any person, partnership, firm, corporation, trust, association or other entity who violates any of the other provisions of this Article will be fined as established in Section 1-11 of this Code. A separate offense will be deemed committed each day the violation occurs or continues to occur.

Section Eight: Any ordinance or part thereof in conflict with the provisions of this amendatory ordinance is hereby repealed to the extent of such conflict.

Section Nine: This Ordinance shall be in full force and effect immediately after its passage, approval and publication in pamphlet form.

	Aye	Nay	Absent
Commissioner Eichelkraut	X	_____	_____
Commissioner Ganiere	X	_____	_____
Commissioner Rodriguez	X	_____	_____
Commissioner Less	X	_____	_____
Mayor Aussem	X	_____	_____

Passed and Approved this 16th day of March 2021.


 Daniel F. Aussem, Mayor

ATTEST:

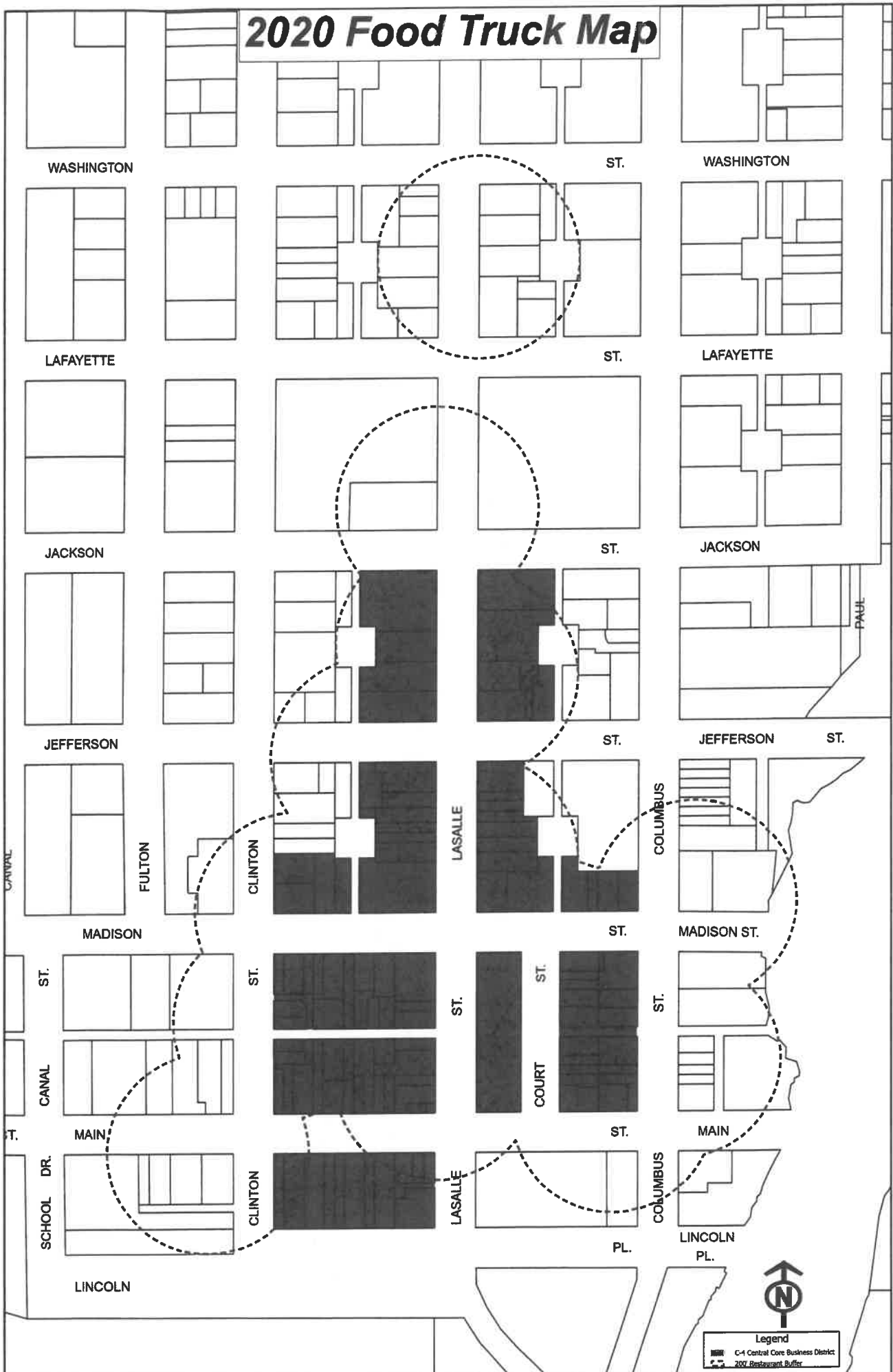

 Shelly L. Munks, City Clerk

Published in pamphlet form by authority of the Council of the City of Ottawa, LaSalle County,
Illinois this 17th day of March, 2021

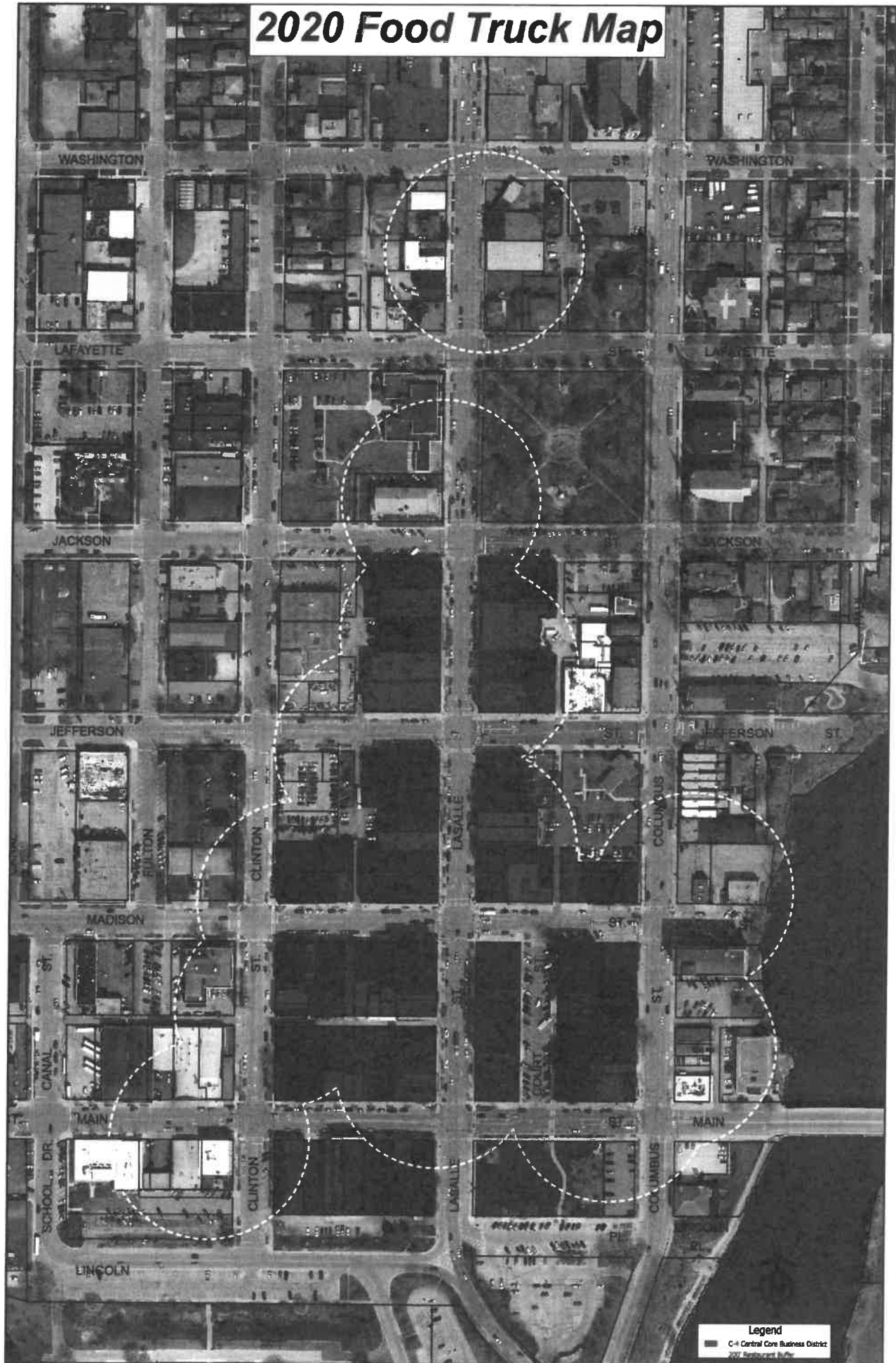

Shelly L. Munks
Shelly L. Munks, City Clerk

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2020 Food Truck Map



2020 Food Truck Map



Legend
■ C-4 Central Core Business District
○ 200' Buffer