

ORDINANCE NO. 3631

**ORDINANCE ADOPTING FOOD TRUCK LICENSE IN THE CITY OF LITCHFIELD,
MONTGOMERY COUNTY, ILLINOIS**

WHEREAS, the City Council of the City of Litchfield, Montgomery County, Illinois, believes it to be in the best interest of the citizens of the City of Litchfield to adopt a Food Truck License in the City of Litchfield; and

WHEREAS, the application packet is set forth in the attached Exhibit, marked EXHIBIT A, which is attached hereto and made a part hereof by reference and incorporated herein; and

WHEREAS, the City Council of the City of Litchfield, Montgomery County, believes allowing a Food Truck license will bring additional business and revenue to the City of Litchfield.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITCHFIELD, MONTGOMERY COUNTY, ILLINOIS: adopting

SECTION I: That the application attached and marked EXHIBIT A, be, and the same is, hereby approved by the City of Litchfield, Montgomery County, Illinois.

SECTION II: That a permit and inspection from Montgomery County or County/City commissary is located in will be needed before applying for a license. Applicant must obtain an Illinois Business Tax Number.

SECTION III: That the Litchfield Fire Department may inspect all food trucks at an unannounced time/place.

SECTION IV: That all requirements listed in the packet which is attached hereto and marked EXHIBIT A, must be met.

SECTION V: That there will be a \$150.00 annual registration fee.

SECTION VI: That written authorization (with original signature of property owner) to conduct sales on privately owned parking lot, or written agreement to participate in a permitted block party are required.

SECTION VII: That Food Trucks may be operated in the following places/times:

- a) Food trucks may be operated on privately owned parking lots in all zoning districts except residential with the written approval of the property owner.
- b) Food Trucks can be operated in City right-of-way's (including streets, parking spaces, or parking lots)
- c) Food Trucks may only operate in a residential area as part of a city-approved block party.
- d) Food Trucks may operate 7:00 a.m. to 10:00 p.m.
- e) Every time Food Truck is operated within the City of Litchfield, your location must be registered within 24 business hours prior to start time with the Mayor's Office.

SECTION VIII: That if having a food truck on City property or at City events, the City will need the following:

- a) Certificate of Liability Insurance (Proof of Liability Insurance must be provided with Comprehensive General Liability limits of not less than \$1,000,000 combined single limit, each occurrence/\$2,000,000 aggregate.
- b) Hold Harmless Agreement.
- c) Vehicle Insurance.
- d) Valid Driver's License.
- e) Montgomery County Health Department permit and Montgomery County Certificate of Compliance and Inspection Report. If commissary located outside of Montgomery County, then a current permit from that County/City.
- f) Current Vehicle Registration.
- g) Illinois Department of Revenue Illinois Business Tax Number.

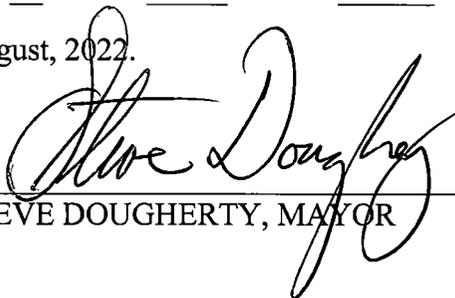
SECTION IX: That all Ordinances in conflict herewith are hereby repealed.

SECTION X: That this Ordinance shall take effect and be in full force and effect from and after its passage and approval as provided by law.

PASSED AND ADOPTED this 4th day of August, 2022 pursuant to roll call vote as follows:

	<u>Aye</u>	<u>Naye</u>	<u>Absent</u>
Marilyn J. Sisson	<u>X</u>	_____	_____
Dan Newkirk	<u>X</u>	_____	_____
Kassidy Paine	<u>X</u>	_____	_____
Ray D. Kellenberger	<u>X</u>	_____	_____
Dwayne Gerl	<u>X</u>	_____	_____
Dave Hollo	<u>X</u>	_____	_____
Timothy Wright	<u>X</u>	_____	_____
Woodrow Street	<u>X</u>	_____	_____

APPROVED THIS 4th day of August, 2022.



STEVE DOUGHERTY, MAYOR

ATTEST:



CITY CLERK

Filed in the office of the City Clerk and published in pamphlet form by authority of the Mayor and City Council of the City of Litchfield, Montgomery County, Illinois this 10th day of August 2022.

Exhibit A

Thank you for choosing the City of Litchfield as a destination for your food truck! Our application packet includes all the rules and regulations of operating a food truck within the City of Litchfield, including how to apply for a city license. Let's get you started!

1. **Register your business with the Illinois Department of Revenue.**
 - a. You will need to obtain an IBT# (Illinois Business Tax number)
2. **Apply to the Montgomery County Health Department (217-532-2001) for permit.**
 - a. You will need a permit and inspection from Montgomery County before you can apply for a City license. If commissary is located outside Montgomery County limits, then a current permit/inspection from that County/City.
3. **Complete the City of Litchfield Application Packet.**
 - a. Submit all documentation to the City Clerk's Office. They will notify you once your license has been processed and approved.
4. **Do I need a to schedule an inspection with the City?**
 - a. An Inspection with the City is **not** required for the issuance of a license but be advised that our Fire Department may inspect your truck at an unannounced time/place. Be prepared to meet the requirements listed in your packet.
5. **What do I do with the License?**
 - a. Display your license so that it is visible to all customers when your food truck is in operation. Note the expiration date! You will need to reapply before July 1st of each year.
 - b. The license is **not transferrable**. If you sell your truck or business, the license is void.
6. **Where/when can you operate?**
 - a. Food trucks **may** be operated on privately owned parking lots in all zoning districts except residential with the written approval of the property owner.
 - b. Food Trucks **can** be operated on City right-of-ways (including streets, parking spaces, or parking lots)
 - c. Food Trucks may only operate in a residential area as part of a city-approved block party.
 - d. Food Trucks may operate 7:00 a.m. to 10:00 p.m.
 - e. Every time you operate your Food Truck within the City of Litchfield, you must register your location at least 24 business hours prior to your start time with the Mayor's Office.
7. **Want to sell alcohol?**
NOT ALLOWED

Should you have any questions regarding the operation of your food truck, please do not hesitate to contact the Mayor's Office at 217-324-8151.

Food Trucks.

- (a) All mobile food trucks operating within the City of Litchfield, or within the boundaries of the City's fire protection area, are subject to announced or unannounced inspection by the Litchfield Fire Department.
- (b) Mobile food trucks cannot operate within ten feet of any structure.
- (c) Trucks must have their wheels chocked when parked.
- (d) No seating may be provided inside the truck for patrons.
- (e) Vehicles cannot block fire department access roads, fire lanes, fire hydrants or other fire department devices or equipment.
- (f) Food truck employees must have an approved means of communication to contact emergency services.
 - (1) The address of the current operational location must be posted and accessible to all employees.
 - (2) Workers must be trained in emergency response procedures, with documentation of this training available for inspection upon request.
- (g) Only U.S. Department of Transportation-approved models of propane and natural gas tanks (49 CFR 178) may be used on mobile food vehicles. No quick-connect devices (as defined in NFPA 58-7.2.2.5) are allowed except on chassis-mounted tanks. Any such quick connect devices on chassis mounted tanks shall be equipped with a manual shutoff.
- (h) Tanks must be secure and conform with NFPA standards relating to the safe mounting of tanks as described in NFPA 58-6.23.3.3.
- (i) Cooking equipment. All cooking appliances must be listed by Underwriters Laboratories or NSF International for mobile applications for the appropriate fuel.
 - (1) All fat fryers must have a lid over the oil vat that can be secured in order to prevent the spillage of cooking oil during transit.
 - (2) This lid is to be secured at all times when the vehicle is in motion.
- (j) Automatic and manual shutoffs. Each gas-fired appliance shall be equipped with an automatic device designed to shut off the flow of gas to the main burner and pilot in the event the pilot flame is extinguished. The main system shutoff valve must be clearly marked with the words "PROPANE AND NATURAL GAS SHUTOFF VALVE".
- (k) All vehicles must be equipped with no less than one 10 BC rated fire extinguisher, or if a deep fryer is present in the vehicle, a Class K fire extinguisher. All vehicles used for cooking that produces grease-laden vapors must be equipped with a working Ansul R-102 or K class automatic fire suppression system.
- (l) Kitchen hood. Each mobile food vehicle that uses propane or natural gas for cooking must be equipped with a Type I or Type II commercial kitchen exhaust hood. Additionally, each truck must be equipped with a working ventilation system that meets the requirements of NFPA 96, Chapter 5, which must be in operation at all times when the cooking equipment is being used.

(m) Detection systems. All mobile food vehicles must be equipped with a working carbon monoxide detector. All cabinet-mounted tanks must be equipped with a leak indicator according to NFPA 1192-6.4.8.

Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires.

Commissary shall mean a local health department permitted food establishment that acts as a base of operations for a food truck. The commissary provides facilities for adequate storage of food, food containers, or food supplies; equipment for adequate washing and sanitizing of food equipment and utensils; a servicing area for the sanitary disposal of liquid waste; for handling and disposal of garbage, grease, and rubbish originating from the Food Truck; facilities for filling a potable water holding tank in a sanitary manner.

Food Truck means any self-contained motorized vehicle, or self-contained trailer designed to be operated on the roadway, on/in which food for immediate consumption is prepared or from which food for immediate consumption is served.

Ice Cream Truck means a self-contained motorized vehicle or self-contained enclosed trailer designed to be operated on the roadway, from which ice cream is sold.

Manner of operation.

Certain locations prohibited. Food trucks are permitted in every zoning district except for Residential “R” Districts. However, the following exemptions are permitted:

1. Food Trucks participating in city-run events,
2. Food Trucks operating on City property or on public right-of-way owned by the City of Litchfield in all zones, except residential (R).
3. No Food Truck shall be permitted to operate within 150’ of an existing restaurant except in city sponsored activities.

Hours of operation. Food trucks shall only operate between the hours of 7:00 a.m. and 10:00 p.m.

Sale of alcoholic beverages. Under this license, the sale of alcoholic beverages is not allowed in the City of Litchfield.

Vehicle appearances and maintenance. Food Trucks shall be kept in good mechanical and structural condition. Food Trucks shall have a clean exterior and interior and shall be equipped with signs to alert traffic to proceed with caution past the truck while the truck is serving customers. Each vehicle shall have the company name affixed to it in a professional, workmanlike matter and in letters that are a minimum of six inches in height. The company name shall be affixed to each side and rear of the vehicle. Both the generator and fuel tank shall be affixed to the vehicle and shall not be placed on the ground.

Health department permit required. Any Food Truck operating in the City of Litchfield shall be properly permitted by the county health department. All Food Trucks shall be subject to the health code and all rules and regulations promulgated by the health commissioner.

Operation. Every Food Truck shall indemnify and hold harmless the City of Litchfield for all suits or actions brought against the City for or on account of any injuries or damages received or sustained by any party of parties for or from the said vendor. Further, every vendor shall obtain and maintain insurance coverage as required by the City. This insurance shall be in force at all times during the course of operation within the City. The Food Truck shall not be stored at a personal residence within the City of Litchfield.

Peripheral setup. No tents, tables, chairs, or other materials shall be placed at the designated vending area. Signage shall be limited to signs permanently or magnetically affixed to the food truck. Food trucks shall only be permitted to connect to city water, electric, or other utility to conduct business with written consent of the City. Food Trucks must also provide for the sanitary collection of all refuse, litter, and garbage generated during food preparation and service by the Food Truck and by patrons using the service and remove all such waste materials from the location before the Food Truck departs.

Public health standards. No food, food products, or beverages for public consumption shall be kept, offered for sale, transported, or handled except in accordance with the rules and regulations of the State of Illinois and the county health department.

Suspension and revocation of license. Suspension or revocation of a license shall be done in accordance with Chapter 10, Section 10.99 of the Code of the Ordinances of the City of Litchfield.

Fire safety requirements. All food trucks must meet the requirements set forth in Chapter 151 of the Code of Ordinances of the City of Litchfield.

Application Requirements.

- * Food Trucks seeking a license to operate within the City of Litchfield shall provide a completed application to the City Clerk's office. A fee shall be paid in accordance with the City's adopted fee schedule, prior to issuance of license.

Annual license.

The license for a Food Truck shall be valid for a period of 12 months and shall be renewed annually in July. Licenses for applications received throughout the year shall be issued and paid for on a pro-rated basis. Said license shall be displayed so that it is visible to customers.

License non-transferable.

Any license issued for the operation of a Food Truck shall not be transferable.

The City also requires food trucks contact the Mayor's Office describing the location and hours of operation at least 24 business hours prior to selling from any permitted site in the City. Food Trucks may only operate in the same location five (5) times per month and are restricted to the hours of 7:00 a.m. to 10:00 p.m.

Food Truck License Checklist/Application

The following documents must be submitted with this application:

Completed Application Form (attached)

License Fee - \$150 annual registration fee.

Written authorization (with original signature of property owner) to conduct sales on privately owned parking lot, or written agreement to participate in a permitted block party.

Photocopies of the following:

- Certificate of Liability Insurance (Proof of Liability Insurance must be provided with Comprehensive General Liability limits of not less than \$1,000,000 combined single limit, each occurrence/\$2,000,000 aggregate.
- Hold Harmless Agreement
- Vehicle Insurance
- Valid Driver's License
- Montgomery County Health Department permit **and** Montgomery County Certificate of Compliance and Inspection Report. If commissary located outside of Montgomery County, then a current permit from that County/City.
- Current Vehicle Registration
- Illinois Department of Revenue Illinois Business Tax Number
Note: reporting and payment of Illinois sales tax is solely the responsibility of the vendor

If having a food truck on City property or at City events, the City will need the following:

- Certificate of Liability Insurance (Proof of Liability Insurance must be provided with Comprehensive General Liability limits of not less than \$1,000,000 combined single limit, each occurrence/\$2,000,000 aggregate.
- Hold Harmless Agreement
- Vehicle Insurance
- Valid Driver's License
- Montgomery County Health Department permit **and** Montgomery County Certificate of Compliance and Inspection Report. If commissary located outside of Montgomery County, then a current permit from that County/City.
- Current Vehicle Registration
- Illinois Department of Revenue Illinois Business Tax Number
Note: reporting and payment of Illinois sales tax is solely the responsibility of the vendor

Application Procedure:

- 1) Food Trucks applying for an annual license to operate in the City of Litchfield must first contact the Montgomery County Health Department (217-532-2001) for a plan review. An approved permit from the Montgomery County Health Department is required, as is a copy of the most recent health inspection report. If commissary is located outside of Montgomery County, then a plan review and copy of most recent health inspection report must be submitted from that County/City.
- 2) Submit completed application, all supporting documentation, and fee to the City of Litchfield. Applicant will be notified upon approval and license will be mailed to applicant or may be picked up at the City Clerk's office, located at 120 E. Ryder, Litchfield, IL.
- 3) Special events conducted on City owned property require approval from the Mayor's Office. Contact the Mayor's Office at 217-324-8151 for such approval.

Application for Food Truck License

Business Information

Business Name: _____

Business Address: _____

E-mail Address: _____

Name(s) of Food Truck Operator: _____

Address of Food Truck Operator: _____

Business/Cell Phone: _____ (This is how we will contact you during the day)

Driver's Name: _____

Driver's Address: _____

IL Business Tax (IBT) Remittance Number: _____

Vehicle Information

Vehicle Make: _____ Vehicle Model: _____

Vehicle Year: _____ License Plate # and State: _____ Vehicle Length: _____

Name of Food Suppliers (attach additional sheets if necessary): _____

Name and Address of business where oil, fat, grease will be disposed: _____

Application for Food Truck License

I affirm that the statements made in this application are true and correct to the best of my understanding. I have also read the City of Litchfield's ordinance(s) (attached) regulating Food Trucks. I/Both understand and agree to operate in accordance with said regulations.

Signature of Applicant: _____ Date: _____

Printed Name: _____

Signature of property owner and/or owners authorized agent: _____

Printed Name: _____ Date: _____

Signature of business owner and/or owners authorized agent: _____

Printed Name: _____ Date: _____

Submit completed form with fee to: City Clerk's Office 120 East Ryder, Litchfield, IL 62056

Application will be processed upon its receipt. Mobile vending may not commence until license is displayed on the vehicle that is vending food.

-For Office Use Only-

Application Submittal Date: _____ Application Fee Paid Date: _____

Method of Payment: _____

Date License Issued: _____ License #: _____

FOOD TRUCK LICENSE HOLD HARMLESS AGREEMENT

_____ (“Applicant”) covenant(s) that he/she/they/it will indemnify the City of Litchfield from any loss, damage, cost, charges or expenses, whether to persons or property, to which the City of Litchfield may be put by reason of any action, omission or default on the part of Applicant, its employees or its agents from the operation of its business pursuant to this license, and Applicant hereby covenant(s) to assume the defense thereof and to pay any and all costs, charges, attorney’s fees, and other expenses, and any and all judgements that may be incurred by or obtained against the City of Litchfield as a result of the reasons cited above.

Applicant hereby agree(s) to release the City of Litchfield of any and all liability of any kind or nature in any rights, cause of action or claim of any kind or nature, other than the City’s own negligent action or omission, which may accrue as a result of Applicant’s business operation under the terms of the license.

Applicant agree(s) to furnish to the City of Litchfield a certificate of Insurance evidencing a commercial general liability insurance policy in the minimum amount of \$1,000,000 combined single limit naming the City of Litchfield as an additional insured under its terms so as to indemnify the City of Litchfield from any covered liability that the Applicant agree(s) to hold harmless from as set forth herein.

Applicant

City Of Litchfield
120 East Ryder
217-324-2022

Business Name & Local Address: _____

Corporate Name & Mailing Address: _____

Filing Period: _____ Federal ID#: _____

IL Business Tax #: _____ Operator's Name: _____

Food & Beverage Tax Reported to the IL Dept. of Revenue in previous year

1. Total gross receipts for food and beverage _____

2. Use current tax rate. 8.25% at this time _____

TOTAL OF TAX REMITTED _____

Under Penalties as Provided by Law, I Declare that to the best of my Knowledge and Belief, the information on this form is True, Correct and Complete.

Signature of Taxpayer

Signature of Preparer

Title

Title

Date Signed Telephone

Date Prepared Telephone #

Make Check Payable to: The City of Litchfield, 120 E. Ryder, Litchfield, IL 62056

City of Litchfield
"Block Party" (Event) Application
(For Neighborhood Social Activities Only)
*Due 5 business days prior to event

Name of organization or group neighborhood association:

Location/Address of sponsoring group or association:

Planned location of event: _____

Planned date(s) of event: _____ Planned time frame: _____

Purpose of event (brief explanation): _____

Number of persons attending (estimate): _____

Do you intend to serve alcohol? Yes: _____ No: _____

Do you intend to offer any products/services for sale? Yes: _____ No: _____

What items (if any): _____

Will a food truck(s) be invited to the event? Yes: _____ No: _____

If yes, name of food truck and location during event? _____

Number of residences affected by a street closing: _____

Do any affected residents object? Yes: _____ No: _____

NOTE: If any affected residents object, please use reverse side to advise the number and their reasons.

Name of individual making this application: _____

Address: _____ Phone number: _____

Applicant Signature: _____ Date: _____

RESTRICTIONS: A "block party" permit may be recalled by the Department of Police due to any weather conditions, violation of this or other ordinances, or other reasons relative to the general public safety. "Block Party" organizers must procure approved barricades. Barricade placements will be subject to approval of police authorities. Tables and other objects should be placed so as to provide a fire/EMS lane.

Organizers are encouraged to consider insurance needs relative to "block parties" and special events.