

ORDINANCE NO. 17808

AN ORDINANCE AMENDING CHAPTER 5, SPECIAL EVENTS AND CHAPTER 13, FOOD AND FOOD HANDLERS, OF THE CITY OF JOLIET CODE OF ORDINANCES **(Clarifying and adopting provisions for food trucks)**

WHEREAS, the Mayor and City Council of the City of Joliet, Illinois (City) has the authority to adopt ordinances which govern conduct within the City of Joliet; and

WHEREAS, except for special events, the City of Joliet prohibits sales from food trucks; and

WHEREAS, the Mayor and City Council have determined that the City of Joliet Code of Ordinances must be updated to formalize the allowance of food trucks at special events; and

WHEREAS, the City of Joliet is a home rule unit of local government.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF JOLIET, ILLINOIS, PURSUANT TO ITS STATUTORY AND HOME RULE AUTHORITY, AS FOLLOWS:

SECTION 1: The Mayor and City Council hereby find that the recitals contained in the remainder of this Ordinance are true, correct and complete and are hereby incorporated into this Ordinance by reference.

SECTION 2: That Chapter 5, Special Events, Section 5-1, Definition, shall be amended by adding subsection (6) as follows:

Sec. 5-1. - Definition.

A special event is an event held on public or private property including, but not limited to, parades, festivals, block parties, athletic events, outdoor concerts, circuses, rodeos, fireworks displays, carnivals, movie or television productions, or other public meetings or events which significantly impact the city or meet some or all of the following criteria:

...

(6) Use of a food truck.

SECTION 3: That Chapter 5, Special Events, Article V., Food Trucks, shall be added as follows:

Sec. 5-51 – 5-99. Reserved.

CHAPTER 5 - SPECIAL EVENTS. ARTICLE V. - FOOD TRUCKS.

Sec. 5-100. Food trucks.

No person shall use a food truck within the corporate limits of the City of Joliet for the purpose of the direct sale or distribution of food to the public without first having obtained a special event permit from the office of the city clerk.

Sec. 5-101. Prerequisite to special event permit.

Prior to obtaining a special event permit from the office of the city clerk for use of a food truck, a food truck operator must demonstrate compliance with the requirements of the applicable (Will or Kendall County) Health Department as well as provide proof of the required sales tax registration with the State of Illinois.

Sec. 5-102. Locations.

- A. A food truck operator shall operate in conjunction with a host location (host business or property owner/property manager).
- B. Food trucks are prohibited as a principal/primary use and may not be operated on a vacant lot not associated with the host location.
- C. Unless expressly requested and authorized through the special event permit, food trucks are prohibited from operating in a parked/stationary manner in the public right-of-way or on public property; for example, in on-street public parking spaces.
- D. Unless permitted as part of a multi-day special event, food trucks are prohibited from operating at a given location for more than twelve (12) hours.

Sec. 5-103. Sales.

- A. No sale shall be made from a food truck except when such vehicle is lawfully parked at the curb, in a private parking lot or other approved location.
- B. Unless the roadway is closed for vehicular traffic, sales shall not be made from the street side of the food truck.
- C. It is expected that the sales tax generated from food truck sales are returned to the City of Joliet.

SECTION 4: That Chapter 13, Food And Food Handlers, Section 13-1, Sale Of Food From Movable Vehicles Prohibited On Through Highways, shall be renamed Sale Of Food From Movable Vehicles Prohibited On Through Highways Without A Special Event Permit Or Vendor Business License, and shall be replaced with the following:

Sec. 13-1. - Sale of food from movable vehicles prohibited on public property without a special event permit or vendor business license.

- A. The following terms shall have the hereinafter meanings ascribed to them except when the context otherwise require:
 - (1) Food: Any raw, cooked, or processed edible substances, non-alcoholic beverage or ingredient used or intended for use or for sale in whole or in part for human consumption;

(2) Movable vehicle. Any motorized truck, van, automobile, motorcycle or adaption thereof; or any bicycle, tricycle, wagon, cart or adaption thereof (e.g. ice cream trucks and food push-carts but not food trucks);

(3) Food truck. A food truck, also known as a mobile food unit, is a food and beverage service establishment that is a vehicle-mounted unit, either motorized or trailered, and readily movable, without disassembling, for transport to another location;

(4) Sale. The exchange of food for valuable consideration or other goods;

B. No person shall use or operate a movable vehicle upon public property within the corporate limits of the City of Joliet for the purpose of the direct sale of food to the public without a vendor business license.

C. No person shall use or operate a food truck upon public property within the corporate limits of the City of Joliet for the purpose of the direct sale of food to the public without a special event permit as set forth in Chapter 5, Article V.

SECTION 5: In the event that any provision or provisions, or portion or portions of this ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions or portions of this ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions.

SECTION 6: All ordinances directly in conflict with the terms of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be deemed severable and the invalidity of any portion hereof shall not invalidate the remainder.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this 7th day of August, 2018


MAYOR


CITY CLERK

VOTING YES: Councilman Dickinson, Councilwoman Gavin, Councilmen Gerl, Hug, Morris, Mudron, Councilwoman Quillman and Councilman Turk.

VOTING NO: None.

NOT VOTING: Mayor O'Dekirk.

OFFICE OF THE CITY MANAGER
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CITY MANAGER
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DATE: AUGUST 6, 2018

TO: MAYOR AND CITY COUNCIL

FROM: DAVID A. HALES, CITY MANAGER

SUBJECT: AN ORDINANCE AMENDING CHAPTER 5, SPECIAL EVENTS AND CHAPTER 13, FOOD AND FOOD HANDLERS, OF THE CITY OF JOLIET CODE OF ORDINANCES (Clarifying and adopting provisions for food trucks)

BACKGROUND:

Historically, food trucks have been “allowed” in the City of Joliet but only under certain circumstances/special events. For example, food trucks have been allowed at events such as Race-Fan Rally, Star Wars Days and New Orleans North. Otherwise, the City of Joliet prohibits sales from food trucks. There is an existing provision allowing for sales of ice cream because said vehicles are not stationary.

The proposed Ordinance puts into practice the allowance of food trucks at special events through a Special Event Application submitted through the City Clerk’s Office. A food truck operator must demonstrate compliance with the requirements of the applicable (Will or Kendall County) Health Department. A food truck operator shall operate in conjunction with a host location (host business or property owner/property manager). Food trucks are prohibited as a principal/primary use and may not be operated on a vacant lot not associated with the host location. Unless expressly requested and authorized through the special event permit, food trucks are prohibited from operating in a parked/stationary manner in the public right-of-way or on public property; for example, in on-street public parking spaces. Unless authorized as requested in the special use permit, food trucks are prohibited from operating at a given location for more than twelve (12) hours. It is expected that the sales tax generated from food truck sales are returned to the City of Joliet. The City cannot require immediate proof of payment of the sales tax prior to the event.

The Land Use and Legislative Committee reviewed this Ordinance at its July 10, 2018 meeting and voted to recommend its passage by the City Council.

RECOMMENDATION:

Based on the above, the Administration recommends that the Mayor and City Council adopt the Ordinance Amending Chapter 5, Special Events and Chapter 13, Food and Food Handlers (clarifying and adopting provisions for food trucks)

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David A. Hales".

David A. Hales
City Manager

CONCURRENCE:

A handwritten signature in black ink, appearing to read "Christa M. Desiderio".

Christa Desiderio
City Clerk

A handwritten signature in black ink, appearing to read "Martin Shanahan".

Martin Shanahan
Corporation Counsel

A handwritten signature in black ink, appearing to read "Kendall Jackson".

Kendall Jackson
Community Development Director