

ORDINANCE NO. 10147

AN ORDINANCE AMENDING ORDINANCE 9907 BY ADDING SECTION 5.129 TO CHAPTER 5 TO LICENSE AND REGULATE FOOD TRUCKS WITHIN THE CITY OF GRANITE CITY

WHEREAS, the City of Granite City is a Home Rule Unit pursuant to Article VII, Section 6 of the Illinois State Constitution of 1970; and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-20-2 et seq., empowers Cities and other Municipalities to regulate the sale of all beverages and food for human consumption for the public health, safety, and welfare, and

WHEREAS, the City Council of the City of Granite City believes it is necessary and in the best interests of the health, safety and general welfare of the City of Granite City to amend Title 5 (Business Taxes, Licenses and Regulations*) of the Municipal Code in order to set forth in greater detail laws relating to food trucks operating within the corporate boundaries of the City of Granite City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE CITY, ILLINOIS:

Title 5, Chapter 5, of the City of Granite City, Illinois Municipal Code is hereby amended with the following:

SECTION 1: CHAPTER 5.129 FOOD TRUCKS

5.129.010 FOOD TRUCK DEFINED; OPERATE DEFINED .

Any person or business that prepares or serves any food or beverage in the City of Granite City from a cart, vehicle, or self-contained or enclosed trailer with a valid license plate; mobile food unit or any portable food preparation device that sells food or beverages and is subject to paying sales tax, also known as retailers occupation tax.

To operate a food truck is to dispense, sell, prepare, cook, or serve food or beverages, or to otherwise engage in the use of any kitchen or food preparation facilities in a food truck.

5.129.020 ~~SPECIAL EVENT DEFINED~~-Repealed.

~~An event so designated by the City of Granite City and held on public property that has a defined and limited duration, is open to viewing or participation of the~~

~~general public or involves a large gathering of people outside of normal operations, and occurs once or only on designated days of the year. Examples of special events include, but are not limited to: carnivals, festivals, parades, open air gatherings, and athletic events such as 5K run/walks, bicycle races or organized rides, or triathlons, or any other event that requires the City of Granite City approval or designation.~~

5.129.030 LICENSE AND ~~PERMIT~~ REQUIRED

- A. Each food truck requires a separate City of Granite City issued annual license.
- B. Each food truck license shall pay ~~including, but not limited to~~ an annual license fee of (\$100.00) ~~and special event permit fee (\$25.00), shall have a fee as listed in the schedule in Chapter 5.03.010, as amended.~~
- C. No license shall be issued without a complete application being submitted to the City of Granite City and approval of the application by the City of Granite City. Fee (\$100.00)
- D. Each license shall be valid for one food truck. ~~a separate permit shall be issued for each special event. Trucks requesting to operate on multiple public properties require a separate permit for each property.~~
- E. Each food truck license will be valid through December 31, of the year issued.

5.129.040 CONDITIONS OF APPROVAL

No Food Truck shall operate within the City of Granite City without compliance with the following regulations and all food trucks licenses are subject to the following conditions:

- A. Food trucks shall only operate on the ten (10) spaces designated by the City of Granite City for the sole use of Food Trucks or in compliance with 5.129.070 OR 5.129.080 as stated below. ~~public property for which a permit has been issued.~~
- B. Food trucks may only operate during the hours of designated by permit. of 7:00am to 11:00pm.

- C. The food truck's vehicle license, insurance and Illinois business tax (IBT) number shall be provided with the completed license application.
- D. Proof of Madison County Health Department approval must be provided with the completed application prior to issuance of any food truck license.
- E. A fire extinguisher of minimum size 2A:10B:C shall be provided in the cooking area. Cooking equipment involving vegetable or animal oils and fats shall be protected by a Class K rated portable fire extinguisher.
- F. Food trucks must provide refuse receptacles and properly dispose of all waste.
- G. No Food Truck vehicle shall be operated unless it is covered by a general liability insurance policy with the City of Granite City added as an additional insured party and minimum limits of \$1,000,000 individually and in the aggregate. The licensee shall furnish a copy of such insurance policy prior to the issuance of a license.
- H. Food trucks must comply with all noise regulations of the City of Granite City.
- I. Use of amplified sound or music emanating from the vehicle shall be ~~approved by the City of Granite City as part of the permit application.~~ prohibited.
- J. Food trucks shall be parked on a suitable surface, as determined by the City of Granite City building inspector.
- K. Food trucks shall not be allowed to park in fire lanes, handicap parking spaces, or in any other location that will impede traffic flow or create unsafe conditions for pedestrians.

5.129.050 DENIAL OF LICENSE

An applicant may be denied a food truck license under any of the following conditions:

- A. The applicant previously failed to comply with the provisions of a food truck license; ~~or permit~~
- B. The applicant has been convicted of a violation of any provision of this chapter.
- C. The applicant has any outstanding debt owed to the City of Granite City.

5.129.060 REVOCATION OF LICENSE

The City of Granite City may revoke any issued food truck license under any of the following conditions:

- A. The applicant is found in violation of this chapter, or of the statutes of the State of Illinois or ordinances of the City of Granite City relating to the public health, safety, or fire protection;
- B. The applicant has made a false material statement in the application; or
- C. The applicant fails to comply with any of the provisions of this chapter or the terms or conditions of the license ~~or permit~~ issued pursuant to this chapter.

5.129.070 FOOD TRUCKS ON PRIVATE PROPERTY

The regulations in this chapter shall not apply to the operation of Food Trucks operating on private property with an agreement in writing signed by the property owner where the food served is for the exclusive benefit of the property owner or guests or employees of the property owner so long as the owner of the private property obtains approval from the City Clerk's Office in advance of the operation of the Food Truck on the private property. Failure to obtain approval in advance by the City Clerk's Office shall subject the private property owner to the penalties described in 5.129.110 below.

5.129.080 FOOD TRUCK LOCATION REQUIREMENTS

Unless otherwise authorized by this chapter, Food Trucks may operate only in ten (10) spaces designated by the City of Granite City for the sole use of Food Trucks permitted locations, or when part of a special event authorized by the City of Granite City, or with the written permission of a private property owner and approval granted to the private property owner by the City Clerk as stated in 5.129.070 above and in accordance with all applicable laws and ordinances. and at any public business in the City of Granite City if properly licensed by the City of Granite City and Madison County, IL and subject to the following requirements:

- A. No Food Truck mobile food unit shall be permitted to operate in a location where it would substantially obstruct a public way, impair the movement of pedestrians or vehicles, or pose a hazard to public safety, ~~and~~ in no event shall be within sixteen (16) feet from roadway intersections and shall not be permitted in any location zoned residential except as provided in 5.129.070 above.

B. No Food Truck ~~mobile food unit~~ shall park, stand, or operate in a location which is adjacent to or within two hundred (200) feet ~~thirty (30) feet~~ of the front door of a restaurant. This requirement shall not apply to a restaurant affiliated with the Food Truck. A restaurant may manifest affiliation by written request to the City of Granite City as part of the application process or at other times when seeking to affiliate with a Food Truck.

C. No Food Truck ~~mobile food unit~~ shall operate within seven ~~one~~ hundred (700~~100~~) feet of the address point of any fair, carnival, circus, festival, special event, or civic event that is licensed or sanctioned by the City of Granite City except when the Food Truck has obtained the necessary registration.

D. Food Truck shall operate at the same location for more than three (3) consecutive days.

E. No Food Truck shall operate within two hundred (200) feet of a City of Granite City sponsored event.

F. No Food Truck shall operate within ten (10) feet of another Food Truck.

G. No Food Truck shall operate within two hundred (200) feet of any restaurant or other food truck selling substantially the same product.

5.129.090 APPEARANCE AND MAINTENANCE

A. Food Trucks ~~trucks~~ must be kept in good mechanical and structural condition. All Food Trucks ~~vehicles~~ shall be kept in a clean, sanitary condition, and shall be thoroughly cleaned each day they are so used. It shall be unlawful to permit stale food, decaying matter or other waste material to accumulate in, on or around such vehicle while it is so used. If unwrapped foodstuffs are transported in any such vehicle, such goods shall be carried in a portion of the vehicle which is screened and protected against dust and insects.

B. Each driver must possess a valid driver's license.

C. The company name must be clearly displayed on the vehicle. The City-issued license ~~and permit~~ must be clearly displayed and visible to the patrons.

D. At any time the Building and Zoning, Police and Fire Departments reserve the right to inspect food trucks operating in the City limits

5.129.100 PERIPHERAL SETUP TO FOOD TRUCKS

No tents, tables, chairs shall be placed outside the designated vending area. Signage shall be limited to the vehicle and/or a free-standing sandwich board. Connection to city water and sewer is prohibited unless proper approval by the City is obtained. Proper sanitary refuse containers must be visible to patrons and must be removed before the Food Truck departs.

5.129.110 PENALTY

Any business in violation of this chapter shall be fined not less than \$25.00, and not more than \$750.00, for each offense.

SECTION 2: Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid licenses that are severable from the invalid licenses shall remain in full force and effect.

SECTION 3: Repeal and Savings Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4: Effective Date. This Ordinance shall be in full force and effect from after its passage and approval.

This Ordinance shall be in full force and effect from and after its passage and approval and filing with the Clerk of the City of Granite City, Illinois

PASSED AND APPROVED by the City Council City of Granite City, Illinois this 20th day of June, 2023.

Mayor: _____

Attest: _____

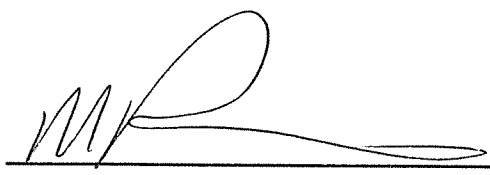
City Clerk

98435

PASSED by a majority vote of the elected Corporate Authorities of the City of Granite City, Illinois, now holding office this 20th day of June, 2023, pursuant to the following roll call vote:

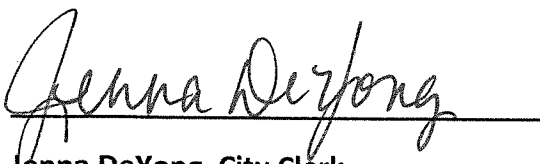
<u>ALDERPERSON</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Dan McDowell	✓			
Bob Pickerell	✓			
Mary Davis				✓
Brad Eavenson	✓			
Jason Smith	✓			
Jerry Harrington	✓			
Randy LeMaster	✓			
Jim Hawkins	✓			
Kim Pierson	✓			
Greg Garcia Sr.	✓			

APPROVED by the Mayor of the City of Granite City, Madison County, Illinois, this 20th day of June, 2023.



Mayor Parkinson

Attest:



Jenna DeYong, City Clerk