

VILLAGE OF LONG GROVE

ORDINANCE NO. 2023-O-___

**ORDINANCE AMENDING TITLE 3 OF THE VILLAGE CODE
ESTABLISHING FOOD TRUCK LICENSING REGULATIONS**

WHEREAS, the Village of Long Grove (the “**Village**”) has previously approved a pilot program to allow the operation of food trucks within designated areas of the Village; and

WHEREAS, as a result of such pilot program, the President and Board of Trustees of the Village (the “**Village Board**”) have determined that authorizing food truck vendors to operate in the Village pursuant to proper licensing and regulation will serve the best interests of the Village and its residents; and

WHEREAS, in furtherance of this determination, the Village Board hereby amends Title 3 of the Village Code to establish proper regulations for the licensing and operation of food trucks in the Village to protect public health, safety, and welfare, including by ensuring that the operation of Food Trucks within the Village is safe and sanitary; does not impede the safe and efficient flow of traffic and use of vehicular, pedestrian, and parking facilities; and does not alter the nature or character of existing neighborhoods and land uses within the Village; and

WHEREAS, the Village Board hereby finds that adopting such licensing regulations will serve the best interests of the Village and its residents; and

WHEREAS, to avoid any ambiguity regarding the permissibility of food truck as authorized under this Ordinance, the Village Board also directs that the Plan Commission/Zoning Board of Appeals (“**PCZBA**”) conduct the required public hearing to clarify that such food trucks are permitted temporary uses under the Village Zoning Code as provided in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Long Grove, County of Lake, State of Illinois, as follows:

Section 1: Incorporation of Recitals. The foregoing recitals are incorporated into and made a part of this Resolution.

Section 2: Amendment to Title III of the Village Code. Title 3 of the Village Code, entitled “Business Regulations,” is hereby amended to add a new Chapter 10, to be entitled “Food Truck Licensing,” which new Chapter 10 of Title 3 shall hereafter be and read as follows:

TITLE 3. BUSINESS LICENSING.

* * *

Chapter 10. Food Truck Licensing.

3-10-1. Definitions.

For purposes of this Chapter, the following terms shall have the meanings indicated:

- A. “*Food Truck*” means a motorized vehicle that is equipped with facilities for cooking and/or preparing food and for selling such food at retail. For purposes of this definition, a motor vehicle used to deliver food from a food service establishment operating within an enclosed building to another location is not a Food Truck.
- B. “*Food Truck Operator*” means any person or entity: (i) offering for sale and immediate delivery any food from a food truck; or (ii) preparing food for sale in any food truck when such food is presented for sale within a Sponsoring Venue.
- C. “*Sponsoring Venue*” means private property comprised of a zoning lot or two or more contiguous zoning lots within any zoning district of the Village (but excluding the R1, R2, and R3 Zoning Districts).
- D. “*Truck for Catering*” means a motorized vehicle that is equipped with facilities for cooking and/or preparing food at a designated location for a specific event and only for the purpose of serving designated guests of the owner or occupant of such location and not for service to the general public; provided, however, that any truck attending an event for which food is served only to persons who have purchased or otherwise acquired tickets that have been made available to the general public shall not qualify as a “Truck for Catering.”

E. “*Venue Sponsor*” means either:

1. The legal or beneficial owner(s) of any Sponsoring Venue upon which a food truck operator is authorized by such Venue Sponsor to operate a Food Truck for purposes of serving patrons of such lot and others; or
2. the permittee for a special event to be held in the Village, provided that such special event obtains a permit that expressly authorizes the use of food truck operators at specified locations within the Village.

3-10-2. Permit Required.

Each food truck operator and each food truck operating within the Village shall be required to obtain an annual permit pursuant to this Chapter. Annual permits shall be issued for a calendar year, irrespective of when such license is applied for or issued.

3-10-3. Permit Applications.

A. Food Truck Operators. Applicants for a food truck operator permit shall be required to complete an application therefor, which application shall require the following information and require the applicant to satisfy the following criteria:

1. The name, address, e-mail address, and phone number (including cellular phone number) of the Food Truck Operator. If such operator is a corporation, the name, address, e-mail address, and phone number of each officers and shareholders having greater than a 5% share in the corporation, as well as the name, address, e-mail address, and phone number of the manager of the Food Truck Operator. If such operator is a partnership, the name, address, e-mail address, and phone number of each general partner, as well as the name, address, e-mail address, and phone number of the manager of the Food Truck Operator. If such operator is a limited liability company, the name, address, e-mail address, and phone number of each member and manager of the limited liability company, as well as the name, address, e-mail address, and phone number of the manager of the Food Truck Operator.
2. Identification of the Food Truck vehicle(s), including license number, to be utilized within the Village.(each of which must also be permitted pursuant to Section 3-10-3.B).
3. The tax identification number of the Food Truck Operator.

4. Execution of an agreement with the Village that: (a) the Food Truck Operator shall account for all sales from any Food Truck occurring within the Village as sales within the Village of Long Grove for sales tax purposes, including the completion of appropriate forms to ensure the proper crediting of such sales taxes to the Village; (b) the Food Truck Operator shall submit to an audit by the Village regarding its sales tax reporting and cooperate with the Village regarding and such audit, provided that, to the extent that the audit determines an underreporting of sales taxes by more than five percent (5%) the Food Truck Operator shall be required to pay 200% of the amount underreported plus all fees and costs associated with such audit; (c) the Food Truck Operator shall adhere to all applicable federal, state, and local laws; (c) to indemnify, defend, and hold the Village (including its officers, officials, employees, agents, attorneys, and representatives) harmless from any claims of injuries, death, damage, loss, judgment, or other liability arising from the activities of the Food Truck Operator or involving any of such operator's Food Trucks; (e) the Food Truck Operator acknowledges and agrees that the Village may terminate a Food Truck Operator license for any violation of applicable law or terminate all food truck licenses if in the Village Board determines that doing so advances the best interests of the Village and its residents; and (f) the Food Truck Operator shall be responsible for reimbursing the Village for all costs and expenses (including reasonable attorneys' fees) relating to the enforcement of such agreement.
 5. Proof of general liability and other insurance in such amounts and from such insurers as the Village Manager may establish uniformly for all Food Truck Operators.
 6. Proof that the Food Truck Operator has not had a Food Truck Operator's license (or similar authorization) revoked or suspended by any other local governmental unit within the prior three (3) years.
 7. Such other information as the Village Manager may reasonably request.
- B. Food Trucks. Any food truck operator must obtain a food truck permit for each Food Truck to be operated within the Village. The application shall require the following information for each such Food Truck, and each Food Truck shall be required to satisfy the following criteria:
1. Proof that the Food Truck has appropriate licenses from the State of Illinois;
 2. Proof that the Food Truck has undergone inspection by, and has received all required licenses, approvals, and

authorizations from, the Lake County Health Department or equivalent authorizing agency.

3. Proof that adequate insurance in such amounts and from such insurers as the Village Manager may establish uniformly for all Food Truck.
 4. Proof that each Food Truck has successfully undergone an annual inspection by the Long Grove or Countryside Fire Protection District prior to use within the Village. Any cost relating to such inspection shall be borne by the Food Truck Operator.
- C. Venue Sponsor. A Venue Sponsor shall not be required to obtain a permit from the Village to host a Food Truck on a Sponsoring Venue. A Venue Sponsor for a special event, however, shall be required to provide such information regarding participating Food Trucks and Food Truck Operators as part of such Venue Sponsor's application for a special event. Any special event permit, license, or approval issued to a Venue Sponsor by the Village shall be subject to the provisions of this Chapter, whether or not such requirement is expressly set forth in the special event approval documentation.
- D. An applicant may be denied a permit under this Section of an application is incomplete or fails to meet the criteria set forth in this Section. Additionally, an applicant that has previously failed to comply with the provisions of a food truck permit (or similar authorization) either in the Village or in another locality may be denied a permit under this Chapter.

3-10-4. Permits.

Upon satisfactorily completing an application and meeting all application requirements, the Village Manager (or the Manager's designee) shall issue a permit for each Food Truck Operator, Food Truck, and (where applicable) Venue Sponsor.

3-10-5. Permit Conditions.

All permits issued pursuant to this Chapter shall be subject to the following conditions and requirements:

- A. All permits for Food Truck Operators and Food Trucks will be valid for one year, with an effective date of January 1 and an expiration date of December 31.
- B. Food trucks may operate on any Sponsoring Venue or as part of an approved special event, provided that the Food Truck Operator has been so authorized by the Venue Sponsor.

- C. No food truck may operate within the Village for more than eight hours during any twenty-four-hour period. Additionally, a food truck may only be located at a Sponsoring Venue during the actual business hours of the Venue Sponsor. Notwithstanding the foregoing, the hours of operation of a food truck may be varied pursuant to the terms of a Village special event permit.
- D. No Food Truck shall operate before 11:00 a.m. or after 10:00 p.m. on Sundays through Thursdays, nor before 10:00 a.m. or after 12:00 midnight on Fridays and Saturdays.
- E. Each food truck operator shall be required to maintain appropriate records to account for all sales from any food truck occurring within the Village as sales within the Village of Long Grove for sales tax purposes. A food truck operator shall deliver a copy of its sales tax return relating to sales within the Village contemporaneously with its delivery to the Illinois Department of revenue. Any failure to deliver such sales tax return, or to submit to or cooperate with any audit undertaken by the Village with respect to such sales tax returns, shall be grounds for automatic suspension of a food truck operator's license. If during the course of a sales tax audit the Village should discover that a food truck operator failed to remit required taxes the Village, such food truck operator's license may be suspended until all amounts due (including any amounts due pursuant to this Chapter) have been paid to the Village.
- F. In the event that any permit, approval, license, policy, or other required documentation for a food truck operator or any food truck shall expire during a calendar year,
 - 1. the food truck operator shall be required to cause such permit, approval, license, policy, or other required documentation to be renewed; and
 - 2. the food truck operator shall not be permitted to operate any food trucks within the Village pending delivery of such proof.
- G. Food truck operators operating at a Sponsoring Venue shall have written proof of authorization from the Venue Sponsor at all times during operation at such Sponsoring Venue.
- H. In order to mitigate any disturbances from noise, light, or other impacts of a Food Truck, the Village Manager or the Manager's designee may identify the particular location upon the premises of a Sponsoring Venue from which the Food Truck shall operate. Alternatively, for food truck operating in connection with a special event, the Village Manager may at any time in furtherance of the public convenience identify a location upon a Village parking lot near or adjacent to a Sponsoring Venue from which such Food Truck shall operate.

- I. If liquid propane gas is used in connection with any food truck, the following conditions shall be met:
 1. Cooking and warming equipment shall be in good working condition and regularly cleaned of grease or other combustible material;
 2. Portable liquid propane gas containers, piping, valves, and fittings which are located outside the food truck and are being used to fuel equipment shall be adequately protected to prevent tampering, damage by vehicles, or other hazards and shall be located in an approved location. Portable liquid gas containers shall be securely fastened in place by use of an approved method to prevent unauthorized movement, tipping, or regulator damage.
 3. Fittings, valves, and hoses used with liquid propane gas equipment shall be maintained in good working condition. When, in the opinion of the Fire Code Official, an unsafe condition exists with the fitting, valve, or hose used by the equipment, it shall be replaced or the equipment shall not be used.
 4. Liquid propane gas containers shall be stored within a suitable enclosure or otherwise protected against tampering.
 5. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooling appliances used for commercial purposes that produce grease-laden vapors.
 6. Combustible materials shall be kept a minimum of three feet from cooking appliances.
 7. A fire extinguisher of minimum size 2A10BC 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.
- J. Food trucks must provide receptacles for refuse and must establish and implement protocols for the proper disposal of all waste. Food truck operators shall be required to remove all refuse from the Sponsoring Venue and may not deposit such refuse in receptacles maintained by or on behalf of the Village. Food trucks or Venue Sponsors will make available compostable or reusable utensils, containers, and tableware for use in connection with any food truck.
- K. Food trucks must comply with all noise regulations of the Village.
- L. Food trucks may not provide seating or tables for their customers, with the exception of food trucks operating as part of an approved special event.

- M. Food trucks are allowed to display signage that is painted or permanently affixed to the vehicle. Food trucks are not allowed to display any additional signs, such as freestanding sandwich boards.
- N. Food trucks may not have amplified sound or music emanating from the vehicle.
- O. 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.
- P. Venue Sponsors shall provide written notice to the Village Manager (or the Manager's designee) not less than three business days before food trucks are scheduled to be located at a Sponsoring Venue. The Village Manager may establish the manner and means for providing such notice. Such notice shall identify the date(s) and hours when the food trucks will be present, the locations of the food trucks, and the food truck(s) or food truck operator(s) to be located at the Sponsoring Venue. In no event may Sponsoring Venues within 500 feet of each other host food trucks at the same time. In the event that Venue Sponsors intend to host food trucks in violation of the preceding sentence, the Venue Sponsor first providing notice to the Village as provided in this Subsection P shall have the right to proceed.
- Q. Unless a special event permit is obtained from the Village, no Sponsoring Venue may host more than [two][three] food trucks at any time. A Venue Sponsor may have more than [two][three] but not more than [six][eight] as set forth in a special event permit.
- R. The Village Manager may establish other conditions to be incorporated into the terms of any food truck operator permit or food truck permit, so long as such conditions are either: (i) generally applicable to similarly situated permit holders, or (ii) related to a particular Sponsoring Venue or special event.

3-10-6. Fees.

The fee for each annual Food Truck Operator permit shall be \$100.00. The fee for each Food Truck permit issued to an authorized Food Truck Operator shall be \$5.00. Notwithstanding the foregoing, all such fees relating to a food truck operator that has been issued a business license in connection with a business premises located within the Village shall be waived. All fees shall be payable to the Village of Long Grove.

3-10-7. Exemptions.

Food truck permits shall not be required under the following conditions:

- A. A food truck operating under contract with either: (i) the Village of Long Grove; (ii) the Long Grove Park District but solely on Park District property; (iii) an educational institution approved or authorized by the State and operating within the Village, but solely on the property of such educational institution.
- B. A truck for catering consistent with the requirements of this Chapter.
- C. A food truck operating as part of a special event approved by the Village so long as the food truck operator of such food truck is expressly exempt from the permitting requirements as part of the special event permit.

Notwithstanding the foregoing permit exemptions, a food truck and food truck operator shall nevertheless be required to comply with the requirements of Subsections 3-10-3.A,4 and .5, Subsections 3-10-3.B, and Subsections B through O of Section 3-10-5.

3-10-8. Revocation of License.

The Village Manager may revoke any food truck operator or food truck permit issued pursuant to this Chapter under any of the following conditions:

- A. The permit holder is found in violation of any provision of this Chapter (including violation of any applicable federal, State, or local ordinance, statute, law, or regulation relating to public health, safety, or fire protection).
- B. The permit holder has made a false material statement in the permit application.
- C. The permit holder fails to comply with any of the conditions of the permit issued pursuant to this Chapter.
- D. The food truck operator operates without permission of the Venue Sponsor.

Section 3: Zoning Referral. The Village Board hereby refers to the PCZBA a proposed amendment to the Zoning Code to clarify that food trucks as permitted under this Ordinance shall be an authorized temporary use within the Village (the “**Referral**”). The Village Manager shall cause appropriate notices to be provided and hearings to be conducted in furtherance of this Referral. In addition, the Village Manager is authorized and directed to defer any enforcement of the Zoning Code regarding food truck authorized

pursuant to this Ordinance prior to the conclusion of the Village Board's consideration of the Referral.

Section 4. **Effective Date.** This Resolution shall be in full force and effect upon its passage and approval in the manner provided by law.

PASSED THIS _____ DAY OF _____, 2023.

Ayes:

Nays:

Absent:

Abstain:

APPROVED THIS _____ DAY OF _____, 2023.

Village President

ATTEST:

Village Clerk