

**APPROVING A TEMPORARY PROCESS FOR INTERIM
LICENSURE OF FOOD AND BEVERAGE VENDING
VEHICLES.**

WHEREAS, the City of DeKalb is a home-rule Illinois Municipal Corporation with powers and authority pursuant to the Illinois Constitution of 1970 and the applicable provisions of the Illinois Municipal Code and the Intergovernmental Cooperation Act; and,

WHEREAS, the City seeks to create a temporary process for interim licensure of food and beverage vending vehicles, and the City Council finds that said process is necessary and advantageous to the City, and protects the health, welfare and morals of the City's residents and students within the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

Section 1: Interim Process Authorized:

The City Council, by and through its home rule authority, approves of this Resolution to establish an interim process for licensure of Food and Beverage Vending Vehicles, notwithstanding any contrary provision of Chapter 33 of the City Code. This process shall remain in full force and effect until the first to occur of it being repealed, until it is superseded by the adoption of any update to Section 33.13 of the City Code, or until December 31, 2018.

A) Special Events

Where a Food and Beverage Vending Vehicle (as defined in Chapter 33) is anticipated to be utilized as a component of a Special Event. A Special Event shall be defined herein as a limited duration event of not more than 3 days, in a fixed location, as a component of either an event being organized by a business located in the City of DeKalb or as a component of a community event (e.g. Farmer's Market). A Special Event shall not include generally locating Food and Beverage Vending Vehicles in the City as standalone food providers, nor shall it include mobile Food and Beverage Vending Vehicles, such as ice-cream trucks that circulate neighborhoods.

- 1) Where a party seeks to have a Food and Beverage Vending Vehicle as a component of a Special Event, the applicant shall submit a written request for approval of the Special Event on a form acceptable to the Community Development Director. The application shall describe the date, nature and duration of the event, and the number and identity of Food and Beverage Vending Vehicles involved.
- 2) Any application submitted shall be reviewed by the Police Department, Fire Department, Community Development Department and City Manager's Office for

concerns relating to each department. Each department shall forward a recommendation to the Mayor.

- 3) The Mayor shall be authorized and directed to approve of Food and Beverage Vending Vehicle Special Event Licenses, with the recommendation of City staff. Such license may include the requirement that the applicant pay a fee in an amount specified by the Mayor, intended to cover the City's actual costs of inspection.
- 4) Each license shall be conditioned upon the completion of an inspection of the Food and Beverage Vending Vehicles involved in the Special Event; said inspection may occur in advance of the Special Event or may be scheduled to occur at the Special Event. The purpose of such inspection is to confirm that there are no public safety hazards that would be generated by the operation of the Food and Beverage Vending Vehicle (e.g. unsecured gas cylinders, deep fryers located in hazardous locations or without appropriate venting / fire suppression, unvented or improperly located generators, etc.).
- 5) There shall be no limit on the number of Special Event permits available. Operation of a Food and Beverage Vending Vehicle at a Special Event shall not require completion of a criminal background check. Operators shall be required to provide evidence that they have all required licenses and permits necessary to lawfully operate the Vehicle (e.g. license, registration, Health Department approval) and shall be required to comply with all other City codes and ordinances, including those relating to imposition and collection of taxes.
- 6) Special Event Licensure for Food and Beverage Vending Vehicles may be included as a component of the approval of a Special Event permit for any event occurring within the City which is licensed or permitted under any other process, permit or license.
- 7) This same process may also be utilized for temporary food and beverage vending operations conducted at Special Events, where the food vendors are mobile/temporary but are not located within a vehicle.

B) Standalone Operation

For Food and Beverage Vehicles that are operating out of a fixed location (i.e. commissaried) that is outside of the corporate limits of the City of DeKalb, the fee structure contemplated by City Code Section 33.13 shall remain in full force and effect.

Where a Food and Beverage Vending Vehicle that is operating out of a fixed location (i.e. commissaried) that is within the corporate limits of the City of DeKalb and proposes to operate on a standalone or mobile basis, it shall be required to comply with the conditions of Chapter 33 of the City Code, provided however that the licensure fee shall consist of an application fee of \$50, plus any required fees for criminal background investigations. If an application is conditionally approved, the Food and Beverage

Vending Vehicle shall be inspected for compliance with Chapter 33 and the conditions described in Chapter 33; the cost for inspection shall be \$50 (and any reinspection required based upon non-compliance discovered during the initial inspection shall also carry a \$50 charge). Once approved, a Food and Beverage Vending Vehicle license issued under this Section 1(B) shall be valid for the period commencing on the date of issuance and concluding on December 31 of the year of issuance.


C) Authorization


The Mayor and City staff are authorized and directed to take all actions as shall be necessary to implement this policy, notwithstanding any contrary provision of Chapter 33 of the City Code. Any vehicle inspection required hereunder shall be completed by the Chief Building Official or a designee thereof.

Section 2: That the City Clerk of the City of DeKalb, Illinois, be authorized and directed to attest the Mayor's Signature and shall be effective thereupon.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 14th day of May, 2018, and approved by me as Mayor on the same day. Passed by an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none.

ATTEST:


RUTH A. SCOTT, Deputy City Clerk


JERRY SMITH, Mayor

