

ARTICLE B. MOBILE FOOD VENDOR UNITS

3-5B-1: DEFINITIONS:

For purposes of this article, the following words and phrases shall have the following meanings ascribed to them respectively:

COMMISSARY: A catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.

MOBILE FOOD UNIT: A vehicle mounted food service designed to be readily movable.

PUSHCART: A self-propelled vehicle limited to serving nonpotentially hazardous foods or commissary wrapped food maintained at proper temperatures.

SANITIZATION: The effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on utensils and equipment. (Ord. 2008-38, 5-13-2008)

3-5B-2: CERTIFICATE OF REGISTRATION REQUIRED:

Every person desiring to engage in mobile food service within the city is hereby required to make written application for a certificate of registration as hereinafter provided. It shall be unlawful for any person to engage in mobile food service without having first obtained said certificate of registration. Said certificate shall be carried by the applicant while engaged in mobile food service and shall be displayed at all times in a place readily visible to all customers. (Ord. 2008-39, 5-27-2008)

3-5B-3: APPLICATION FOR CERTIFICATE:

A. Application for a certificate of registration shall be made upon a form provided by the office of the city clerk and filed with such. The applicant shall truthfully state in full the information requested on the application:

1. Place Of Residence; Social Security Number: Name and address of present place of residence of the applicant and length of residence at such address; also business address if other than residence address; also social security number and date of birth;
2. Identification: Copy of current state photo identification or driver's license;
3. Name Of Employer Or Representation: Name and address of the person, firm, or corporation or association whom the applicant is employed by or represents; and the length of time of

such employment or representation;

4. Description Of Mobile Food Service: Description sufficient for identification of the mobile food service provided by the merchant which the applicant will engage in;
 5. Time Period: Period of time for which the certificate is applied for;
 6. Date Of Previous Application: The date, or approximate date, of the latest previous application for certificate under this chapter, if any;
 7. Revocation History: Whether a certificate of registration issued to the applicant under this chapter has ever been revoked;
 8. Conviction Of A Violation; History: Whether the applicant has ever been convicted of a violation of any of the provisions of this chapter or the ordinance of any other Illinois municipality regulating the activities of mobile food vendors;
 9. Conviction Of A Felony; History: Whether the applicant has ever been convicted of the commission of a felony under the laws of the state of Illinois or any other state or federal law of the United States;
 10. Tax Identification Number: Each applicant shall produce an Illinois department of revenue identification number for the retailers' occupation tax. No license shall be issued if the applicant does not have an identification number except that no identification number shall be required if a mobile food vendor is sponsored by or working for a religious, educational, or charitable organization where such organization is entirely a nonprofit organization and who can furnish the city with a "tax exempt number" and written proof of its "tax exempt status";
 11. Health Certificate: Any mobile food vendor shall be required to obtain a health inspection certificate from the Kendall County public health department. Said certificate shall be required to do business under a certificate of registration under this title in the city of Yorkville;
 12. Photo Of The Applicant: Each applicant shall submit a photo that must be the same size as required for passports _ two inches by two inches (2" x 2").
- B. All statements made by the applicant upon the application or in connection therewith shall be under oath.
- C. The office of the city clerk shall require every applicant to submit to fingerprinting by the police department in connection with the application for certificate. The applicant shall pay the fee as set by the Illinois state police for fingerprint submissions.
- D. The office of the city clerk shall cause to be kept an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this chapter and of the denial of applications.

- E. No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the state of Illinois or any other state or federal law of the United States, within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued hereunder has previously been revoked as herein provided.
- F. Each applicant shall pay a two hundred dollar (\$200.00) application fee per application. No application fee shall be charged of a mobile food vendor sponsored by or working for a religious, educational, or charitable organization where such organization is entirely a nonprofit organization and who can furnish the city with a "tax exempt number" and written proof of its "tax exempt status". (Ord. 2008-38, 5-13-2008)

3-5B-4: ISSUANCE OF CERTIFICATE:

The office of the city clerk, after consideration of the application and all information obtained relative thereto, shall, within ten (10) business days of application, approve or deny the application. If the person does not possess the qualifications for such certificate, as herein required, and the issuance of a certificate of registration to the applicant would not be in accord with the intent and purpose of this chapter, then the office of the city clerk shall deny the application. Endorsement shall be made by the office of the city clerk upon the application of the denial of the application. If the applicant is found to be fully qualified, the certificate of registration shall be issued within five (5) business days of the application approval so long as the application fees have been fully paid. Any certificate of registration issued pursuant to this chapter shall expire one year after issuance. (Ord. 2008-38, 5-13-2008)

3-5B-5: MOBILE FOOD SERVICE:

- A. Mobile food units or pushcarts shall comply with the requirements of this article, except as otherwise provided in this section. The health department may impose additional requirements to protect against health hazards related to the conduct of the food service establishment as a mobile operation, may prohibit the sale of some or all potentially hazardous food and, when no health hazard will result, may waive or modify requirements of this article relating to physical facilities except those requirements of subsections D and E of this section, and subsections [3-5B-6B](#) and [3-5B-7B](#) of this article. (Ord. 2008-38, 5-13-2008)
- B. All food items available for sale and the price of each item must be posted on the exterior of the mobile food unit or pushcart. (Ord. 2008-39, 5-27-2008)

- C. Mobile food units serving only food prepared, packaged in individual servings, transported, and stored under conditions meeting the requirements of this article or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with requirements of this chapter pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exists at the commissary.

- D. A mobile food unit requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and hand washing, in accordance with the requirements of this chapter. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil or grease, and it shall be kept capped unless being filled. The water inlet shall be provided with a transition connection of a size or type that will prevent its use for any other service. All water distribution pipes or tubing shall be constructed and installed in accordance with the requirements of this chapter.

- E. If liquid waste results from operation of a mobile food unit, the waste shall be stored in a permanently installed retention tank that is of at least fifteen percent (15%) larger capacity than the water supply tank. Liquid waste shall not be discharged from the retention tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system. (Ord. 2008-38, 5-13-2008)

3-5B-6: COMMISSARY:

- A. Mobile food units or pushcarts shall operate from a commissary or other fixed food service establishment and shall report at least daily to such location for all supplies and for all cleaning and servicing operations.

- B. The commissary or other fixed food service establishment used as a base of operation for mobile food units or pushcarts shall be constructed and operated in compliance with the requirements of this chapter. (Ord. 2008-38, 5-13-2008)

3-5B-7: SERVICING AREA AND OPERATIONS:

- A. A mobile food unit servicing area shall be provided and shall include at least overhead protection for any supplying, cleaning, or servicing operation. Within this servicing area there

shall be a location provided for the flushing and drainage of liquid wastes separate from the location provided for water servicing and for the loading and unloading of food and related supplies. This servicing area will not be required where only packaged food is placed in the mobile food unit or pushcart or where mobile food units do not contain waste retention tanks. The surface of the servicing area shall be constructed of a smooth nonabsorbent material, such as concrete or machine laid asphalt and shall be maintained in good repair, kept clean, and be graded to drain.

- B. Potable water servicing equipment shall be installed according to law and shall be stored and handled in a way that protects the water and equipment from contamination. The mobile food unit liquid waste retention tank, where used, shall be thoroughly flushed and drained during the servicing operation. All liquid waste shall be discharged to a sanitary sewerage disposal system in accordance with Yorkville-Bristol sanitary district rules and regulations. (Ord. 2008-38, 5-13-2008)

3-5B-8: TIME LIMIT ON MOBILE FOOD VENDOR UNITS:

- A. Mobile food vendors may conduct business from nine o'clock (9:00) A.M. to eight thirty o'clock (8:30) P.M. Sunday through Saturday, including holidays.

- B. Mobile food vendors are not licensed to conduct business door to door. (Ord. 2008-38, 5-13-2008)