

August 11, 2022

NOTICE

The undersigned, Daniel C. Shapiro, Mayor of the Village of Deerfield, pursuant to the provisions of Section 2-24 of the Municipal Code of the Village of Deerfield and 5 ILCS 120/2.2, does hereby call and give notice that the Mayor and Board of Trustees will meet as a committee of the whole on Monday, August 15, 2022 in the Council Chamber of Village Hall, 850 Waukegan Road immediately following the conclusion of the regularly scheduled Village Board of Trustees meeting.

An agenda for the committee of the whole is attached to this notice.

The village clerk is hereby directed to: (1) forthwith deliver a copy of this notice to all village trustees; (2) post a copy of this notice of said special meeting not less than 48 hours prior to said special meeting at the village hall; and (3) supply copies of this notice to any news media which has filed an annual request for such notices.



DANIEL C. SHAPIRO, Mayor

**Committee of the Whole Meeting**

**August 15, 2022**

**Council Chambers**

**Village Hall**

**850 Waukegan Road**

**Immediately following the conclusion of the regularly scheduled Village  
Board of Trustees meeting**

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1. Call to Order
2. Roll Call
3. Public Comment
4. Discussion of Storm Water Utility Fee (Memo to be distributed in advance of meeting)
5. Discussion of Mobile Food Vendor Regulations
6. Adjournment

# Memorandum



DATE: August 15, 2022  
TO: Mayor and Board of Trustees  
CC: Kent Street, Village Manager  
FROM: Mary Otto, Management Analyst  
**SUBJECT: Report of Staff re: Mobile Food Vendor Regulations**

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## **Introduction**

With the growing popularity of food trucks, Village staff has received numerous inquiries from residents and businesses about hosting these vendors in various situations such as on private residential and commercial properties, as well as on public property. The Village's current mobile food vendor regulations are antiquated and necessitate a revision so that, at a minimum, they are consistent with current practice and further consideration should be given to how the Village wants to regulate food trucks in various locations and scenarios. In recent years, staff has received requests to host food trucks at corporate office parks, hotels, multi-family housing developments, schools and park district events. Staff has surveyed many surrounding communities and seeks further direction from the Village Board on how to regulate mobile food vendors in certain scenarios.

## **Background**

Historically, the Village has only allowed food trucks to operate at Village sponsored events, Park District sponsored events, private single-family zoned residential properties or block parties, and food trucks have been prohibited from operating in the Village right-of-way with the exception of the pre-arranged ice cream truck, which many residential neighborhoods contract with on a weekly basis during the summer. Mass food delivery from a mobile food vendor has also been allowed in residential neighborhoods when the truck is parked on private property and the food has been prepaid and prepared off-site.

In response to public interest in allowing food trucks to operate within the Village, the Village launched the *Food Truck Thursday* summer series event, which included dates in June, July and August. This food truck event has been well received by the public and no negative feedback has been received from the business community to-date.

Given the various inquiries that the Village has received in regards to hosting food trucks on private and public property both in conjunction with special events and on a regular basis, staff advises to define specific situations in which food trucks are permitted within Village limits. Such regulations would provide the Village with optimal control over ensuring the health, safety and welfare of the public, as well as the fiscal health of our local economy.

Village staff recently researched and compared 11 neighboring municipalities regulations on mobile food vendors. This research revealed several best practices that should be included in an ordinance that regulates mobile food vendors, such as licensing, health department permits, liability insurance, health and sanitation regulations and inspections, waste disposal, sales tax requirements, liquor sales restrictions, noncompliance penalties and operating locations, times and limits. The following sections are comprised of staff's

regulatory recommendations for a mobile food vendor ordinance, as well as several concepts that staff is seeking further Board direction.

**Staff Recommendations**

Should the Board be willing to consider the request to allow mobile food vendors to operate within the Village, staff recommends adopting an ordinance that outlines mobile food vendor regulations. In consideration of the Village’s responsibility to protect the health, safety and welfare of the community, as well as the fiscal health of our local economy, the following regulations are recommended.

**Definition:** Broadly define a “mobile food vendor” as any vehicle, cart or trailer that serves, dispenses or sells food or beverages for retail purchase by consumers primarily for immediate human consumption.

**Annual Licensing:** Require mobile food vendors to be annually licensed through the Village. New and renewing licensees should be required to provide a copy of their current Lake County Health Department Permit; certificate of liability insurance; signed Sales Tax Reporting Acknowledgement; and, annual permit fee (*to be determined*).

**Lake County Health Department Permit:** Require mobile food vendors to submit a copy of their active Lake County Health Department Permit. In order for their license to be valid, vendors should be required to maintain a current Lake County Health Department Permit at all times while operating within the Village. With the vendor being solely responsible for ensuring that the Village has a valid permit on file.

**General Liability Insurance:** Require mobile food vendors to submit a copy of their active general liability insurance. Such insurance should be required to provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence and should list the Village as an additional insured. In order for their license to be valid, vendors should be solely responsible for ensuring that the Village has a current Certificate of Liability Insurance that covers all aforementioned requirements on file at all times while operating within the Village.

**Health & Sanitation Inspections:** Require vendors to permit Village administrators and Lake County Health Department officials to conduct an inspection at any reasonable time to ensure that all health and sanitary requirements as enforced by the Lake County Health Department are being followed by the mobile food vendor. Mobile food vendors should be required to ensure their mobile facility be kept in a clean and sanitary condition at all times.

**Waste Disposal:** Require vendors to secure all waste, whether produced by the vendor or their customers, in leak-proof, nonabsorbent containers that are kept covered with tight-fitting lids and properly disposed of at the affiliated food preparation/service establishment. Prohibiting any waste liquids, garbage, litter or refuse from being dumped or drained into sidewalks, streets, gutters, drains, trash receptacles or any other place. Mobile food vendors should be required to provide at least one (1) refuse and one (1) recycling receptacle for customers to utilize, as well as responsible for the removal of all litter and waste produced by customers within a fifty (50) foot radius of the location of operation.

**Sales Tax Requirements:** Require vendors to collect and remit all relevant taxes and file all sales and use tax forms with the Illinois Department of Tax and Revenue in accordance with State law.

**Liquor Sales Restrictions:** Exclude liquor sales from being included in the Mobile Food Vendor licensing process. Vendors who wish to sell alcohol within the Village, such as at a special event or on private property, should be required to follow the Village’s liquor licensing process as regulated by the Village’s Liquor Commissioner.

**Noncompliance Penalties:** Establish a noncompliance fine of \$50 to \$750 per offense for violating or failing to comply with any of the ordinance requirements. Licenses should be revoked for those adjudged to have three violations. Each day an owner is not compliant with Municipal Code should constitute a separate offense. A vendor should be prohibited from reapplying for a license to operate within Village limits for one year following a license revocation.

### **Further Board Direction**

Staff is seeking further Board direction on the following regulatory items.

**Licensing Fee:** Staff research revealed that neighboring municipalities have varying food vendor licensing and permitting fees, with some municipalities licensing vendors on an annual basis and others permitting vendors per event. Annual licensing fees range from \$25 to \$315 and special event permitting fees range from \$25 to \$75 per event. Staff recommends a \$100 annual licensing fee. Staff finds this rate to be fair as it is both consistent with the average fee charged by neighboring municipalities, as well as commensurate with other annual Village registration fees such as various contractor licenses.

**Operating Locations/Times/Limits:** In order to effectively regulate mobile food vendor operations, it is necessary to define the locations, times and limits of operation within the Village. A comparison of 11 neighboring municipalities revealed that all of the municipalities permit food vendors to participate in special events. Seven municipalities permitted operations on private property and four of which further permitted operations in the public right-of-way with certain restrictions. In all situations, each respective municipality requires mobile food vendors to secure a Village/City issued license/permit, regardless of operating on public or private property. However, permitted locations, hours of operation and number of participating vendors vary amongst municipalities. The varying food truck regulations throughout our neighboring communities reflects the importance of considering our community's unique character and interests when developing regulations regarding food truck locations, times and limits.

Staff does not recommend permitting mobile food vendors to operate in the public right-of-way on a regular basis due to the enforcement demands and safety issues affiliated with such operations, with the exception of the ice cream truck and mass food delivery, which has historically been allowed.

### **Private Property Scenarios**

Given the potential impact that food trucks could have on the Village in various scenarios, staff is seeking the Board's guidance on the specific situation(s) in which food trucks would be permitted to operate within the Village. Scenarios to consider are outlined below.

**Scenario #1:** Residents hosting food trucks on a single-family zoned residential lot in conjunction with a private party.

**Scenario #2:** A tenant in a corporate office park, such as Parkway North, hosting food trucks on private property during lunch hours for their employees.

**Scenario #3:** A tenant in a corporate office park, such as Parkway North, hosting food trucks on private property in conjunction with an employee appreciation event or other similar special event.

**Scenario #4:** Multi-family developments, such as Woodview or AMLI, hosting food trucks on private property during lunch/dinner times for their residents.

**Scenario #5:** Multi-family developments, such as Woodview or AMLI, hosting food trucks on private property in conjunction with a resident appreciation event or similar special event.

**Scenario #6:** Hotels hosting food trucks on private property for guests and employees to patronize.

**Scenario #7:** Hotels hosting food trucks on private property in conjunction with a guest appreciation event or other similar special event.

**Scenario #8:** Schools hosting food trucks on private property during lunch hours for students and faculty to patronize.

**Scenario #9:** Schools hosting food trucks on private property in conjunction with a student/teacher appreciation event or other similar special event.

**Scenario #10:** Park District hosting food trucks on private property for park visitors and staff to patronize.

**Scenario #11:** Park District hosting food trucks on private property in conjunction with a Park District or Park District affiliated special event such as a baseball game or similar event.

*It is important to note that this is not an extensive list of private property scenarios, but rather an overview of the types of requests Village staff has received to date.*

### **Public Property Scenarios**

**Scenario #1:** Residents hosting food trucks in the public right-of-way in conjunction with a special event (i.e. a block party).

**Scenario #2:** The Village hosting food trucks at Village sponsored events.

**Scenario #3:** Residents hosting the ice cream truck in the public right-of-way once a week during the summer months.

**Scenario #4:** Mass food delivery vehicles parking in the public right-of way to delivery prepaid food that has been prepared off-site.

**Special Event Permit:** If the Board decides to allow food trucks to participate in non-Village sponsored special events in some capacity, a Special Event Permit may be a useful tool to verify that mobile food vendors are registered with the Village, as well as to regulate the hours of operation and number of vendors operating at the event. A special event permit is typically a nominal fee of five dollars that would not have a significant financial impact on applicants. This process would allow the Village to effectively monitor mobile food vendors operations within the Village, as well as ensure that their presence does not become a nuisance.

**License Categories:** Since frozen prepackaged foods, such as items sold from an ice cream truck, do not require onsite food preparation, the Board may want to consider creating various categories for mobile food vendors or simply waive the mobile food vendor licensing requirements for ice cream trucks. Some municipalities categorize mobile food vendors according to the “risk type” and make a distinction with those foods that are prepacked and frozen from those that require on-site preparation and temperature control. The Board could consider similarly licensing mobile food vendors based on risk type.

## **Conclusion**

Should the Mayor and Board wish to consider the matter further, it is recommended that the Board provide staff with further direction on the regulations that should be included in a mobile food vendor ordinance. At a minimum, staff recommends that certain regulations be amended to match current practice such as allowing food trucks at Village sponsored events and distinguishing the ice cream truck and mass food delivery vehicles from other types of mobile food vendors. Further, staff is recommending that input be obtained from the DBR Chamber of Commerce before final approval of an ordinance. Management Analyst Mary Otto will be available at the August 15 Committee of the Whole meeting to respond to questions.

Please see the attached *Food Truck Regulations Comparison Table* for a comparison of the 11 neighboring municipalities surveyed by staff.

**Food Truck Regulations Comparison**

Community	Special Events Operations Permitted	Private Property Operations Permitted	Right of Way Operations Permitted (with restrictions)	Permit/License Fees	Notes
Lake Zurich	X			\$25/annual	<ul style="list-style-type: none"> <li>❖ Food trucks are only permitted at Village sponsored events.</li> <li>❖ Village sponsored food truck events have a rotating selection of two (2) trucks per week.</li> </ul>
Northbrook	X	X	X	*Risk Type 1: \$70/annual Risk Type 2: \$140/annual Risk Type 3: \$210/annual	<ul style="list-style-type: none"> <li>❖ Vendor must provide locations(s) &amp; time(s) of operations within the Village.</li> <li>❖ Vendor must provide written consent from private property owner to operate on the property.</li> </ul>
Lake Forest	X			\$100/annual	<ul style="list-style-type: none"> <li>❖ A permit covers up to three (3) vehicles/carts owned by the same business.</li> </ul>
Antioch	X	X	X	\$50/annual	<ul style="list-style-type: none"> <li>❖ To operate in the public right of way, mobile food vehicles must provide a written request to the Village no less than five (5) business days prior to the proposed date of operation.</li> <li>❖ No more than three (3) mobile food vehicles shall be allowed to operate per private parking lot located in the authorized locations.</li> </ul>
Highland Park	X	X		\$100/annual	
Arlington Heights	X	X	X	\$315/annual	<ul style="list-style-type: none"> <li>❖ No peddler may park anywhere in the Village in a given place for longer than one (1) hour on any single day, unless participating in a special event.</li> </ul>
Glencoe	X			\$25/per event	
Wheeling	X	X	X		
Buffalo Grove	X	X	X	Vehicle License: \$100/annual Vendor License: \$75/initial & \$35/renewal Temporary Food Permit: \$75/per event	<ul style="list-style-type: none"> <li>❖ Food trucks have the option of either applying for an annual license or a temporary food permit for a one-time appearance.</li> </ul>
Libertyville	X	X		\$200/annual	<ul style="list-style-type: none"> <li>❖ A mobile vendor shall not operate upon a single zoning lot for a period in excess of one (1) hour on more than four (4) calendar days during any twelve-month period.</li> <li>❖ Mobile vendors shall not operate upon any zoning lot for a period of more than eight (8) hours during any 24-hour period.</li> <li>❖ At any time not more than five (5) licenses shall be issued for mobile vendors within the Village.</li> <li>❖ Not more than (1) vehicle may be operated in connection with the license issued to a mobile vendor.</li> </ul>
Wilmette	X			\$25/per event	

*\*Northbrook has three categories of mobile food service establishments (“MFSE’s”). Risk Type 1 offers only prepackaged frozen foods. Risk Type 2 offers hot or cold prepackaged foods from temperature-controlled containers and dispensing beverages. Risk Type 3 offers foods that are cooked or prepared with minimal assembly within the MFSE.*