

ORDINANCE NUMBER 19 - 28

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING CHAPTERS 37, 113 AND 120 OF THE VILLAGE OF EAST DUNDEE VILLAGE CODE CREATING A DEPOT FOOD TRUCK ZONE

WHEREAS, the Village of East Dundee ("Village") is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village desires to amend the Village Code to allow for and regulate food trucks within the Depot/Depot Park area of the Village; and

WHEREAS, the President and Board of Trustees of the Village have deemed it to be in the best interests of the Village that the Village of East Dundee Village Code ("Village Code") be amended to allow for the operation and regulation of food trucks within the Depot/Depot Park area of the Village;

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Village Code Amendments. That the Village Code is hereby amended as follows:

Amendment One:

Section 37.01(R) of the Village Code is hereby amended to read as follows, with additions underlined and deletions struck through:

(R) *Vending unit licenses (Chapter 113 and Chapter 120).*

- (1) New application: \$300
- (2) New application received June 30: \$150
- (3) Renewal: \$150
- (4) Renewal application received after January 1: \$150 plus \$10/business day after January 1

(5) Depot Food Truck Zone application: \$75/day plus \$100 security deposit

Amendment Two:

Section 113.05(B) of the Village Code is hereby amended to read as follows, with additions underlined and deletions struck through:

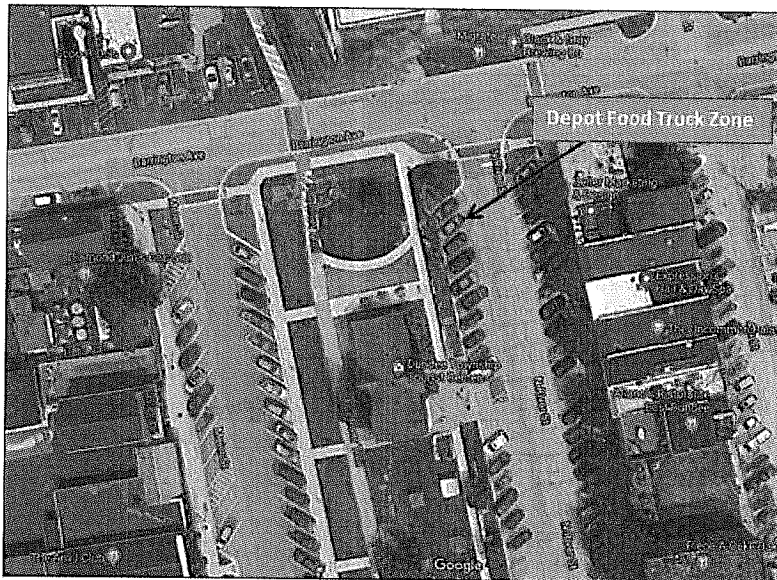
- B) Temporary vending unit licenses for nonmobile vending units to operate on a fixed location on public property may be issued for village recognized community events. Temporary vending unit licenses for nonmobile vending units to operate within the Depot Food Truck Zone may be issued in accordance with Section 120.08.

Amendment Three:

Section 120.08 is hereby added to the Village Code to read in its entirety as follows, with additions underlined and deletions struck through:

120.08 DEPOT FOOD TRUCK ZONE.

- A) For purposes of this Code the Depot Food Truck Zone shall be defined as the area designated by the Village for temporary nonmobile vending units which is located within the furthest north parking spaces on the west side of River Street and adjacent to Depot Park. The Depot Food Truck Zone is depicted below:



- B) Vending units operating within the Depot pursuant to this Chapter shall only be permitted in the Depot Food Truck Zone which vending units licenses shall be issued as described in this Chapter.
- C) Only nonmobile vending units shall be permitted to operate within the Depot Food Truck Zone.
- D) All vending units operating within the Depot Food Truck Zone are subject to the terms and provisions of this Chapter as well as Chapter 113 of this Code. If there is ever a conflict between the provisions of this Chapter and the provisions of Chapter 113, the provisions of this Chapter shall control.
- E) Only one (1) vending unit shall be permitted to operate within the Depot Food Truck Zone at any given time.
- F) No person shall engage in, conduct, maintain, operate or carry on any vending unit business, occupation, activity or establishment within the Depot Food Truck Zone without first obtaining a vending unit license. The application shall be made pursuant to the provisions of Chapter 113.06 and shall be reviewed and approved by the Village Administrator or his/her designee. All licenses issued pursuant to this Chapter shall only be valid for the day designated on the license.
- G) No person or entity operating or maintaining a vending unit will be issued a license for operation within the Depot Food Truck Zone for more than twelve (12) days per year.
- H) The issuance of vending unit licenses for the designated Depot Food Truck Zone will be permitted on Fridays, Saturdays, and Sundays only.
- I) The hours of operation of a vending unit within the Depot Food Truck Zone are 8:00 AM to 10:00 PM on Fridays and Saturdays and 8:00 AM to 8:00 PM on Sundays. These hours may be extended or reduced at the discretion of the Village Administrator or his/her designee.
- J) A vending unit must be sponsored by a local business or nonprofit organization serving the residents of East Dundee in order to be issued a license for the Depot Food Truck Zone. The determination of whether a vending unit meets this requirement shall be at the discretion of the Village Administrator or his/her designee. No business or nonprofit may sponsor more than twenty-four (24) food truck days per year.
- K) The vending unit license fee and deposit for the Depot Food Truck Zone shall be set pursuant to Chapter 37 of this Code.
- L) The window of the vending unit where food sales are made shall be facing west adjacent to the Depot lawn for the safety of the patrons. The patrons shall not be permitted to stand in the street.
- M) The sale of liquor from any vending unit shall be prohibited.
- N) The issuance of vending unit licenses for the designated Depot Food Truck Zone is at the discretion of the Village Administrator or his/her designee and may be denied by the Village for any reason.

O) At its discretion, the Village may issue a vending unit license for the Depot Food Truck Zone to a vending unit for any community event sponsored by the Village regardless of the day of the week or hours of operation.

SECTION 3: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 4: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

SECTION 7: Sunset Clause. This Resolution shall be repealed without further action by the President and Board of Trustees on December 31, 2019.

ADOPTED this 19th day of Aug, 2019 pursuant to a roll call vote as follows:

AYES: Trustees Selep, Mahony, Andresen and Kunze

NAYES: Trustee Lynam

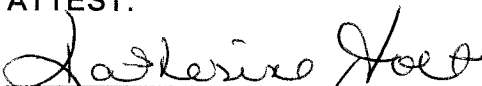
ABSENT: Trustee Wood

APPROVED by me this 19th day of August, 2019.



Lael Miller, Village President

ATTEST:



Katherine Holt, Village Clerk

Published in pamphlet form this 20th day of August, 2019, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on August 20, 2019.