

CITY OF PROPHETSTOWN

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ORDINANCE NO. 815

**AN ORDINANCE AMENDING TITLE IX OF THE CITY CODE OF THE CITY OF  
PROPHETSTOWN, ILLINOIS, BY THE ADDITION OF A NEW CHAPTER 9  
REGULATING THE BUSINESS AND LICENSURE OF PEDDLERS OF FOOD,  
BEVERAGES, AND OTHER GOODS**

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ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF PROPHETSTOWN

THIS 11<sup>th</sup> DAY OF July, 2017

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Published in pamphlet form by authority of the City Council of the City of Prophetstown, this  
11<sup>th</sup> day of July, 2017.

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BEVERAGES, AND OTHER GOODS**

**WHEREAS**, the City of Prophetstown has, in the past, on a trial basis, allowed peddlers of food, beverages, and other goods, commonly known as “food trucks”, to work within the City boundaries; and

**WHEREAS**, the City Council has determined that the citizens shall enjoy the diversity of food offered by such peddlers within the City boundaries; and

**WHEREAS**, the City Council of the City of Prophetstown desires to provide for allowance of such peddlers within the City boundaries; and

**WHEREAS**, the City has the authority to regulate such peddlers pursuant to 65 ILCS 5/11-42-5; and

**WHEREAS**, it is the opinion of City Council that Title IX should be amended by the addition of a new Chapter 9 that regulates the business and requires licensure of peddlers of food, beverages, and other goods.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF PROPHETSTOWN, AS FOLLOWS:**

**SECTION 1:** The City hereby finds that all the recitals contained in the preambles to this Ordinance are true and correct and does hereby incorporate them in this Ordinance by this reference.

**SECTION 2:** That the City Code be amended to add a new Chapter 9 to Title IX, which shall read as follow: Chapter 9: Peddlers of Food, Beverages, and Other Goods

9-9-1: License Required: No person shall engage in or conduct a business of any kind as a peddler of food, beverage, and other goods without first procuring a city license for such purpose as provided in this article. All peddlers licensed under this article shall display their license for the public to see during business hours. The licenses under this article are limited to two (2) licenses total for the City at any given time.

9-9-2: Application: Application for a license under this article shall be made in writing to the city clerk and shall state the name and residence of the applicant and the vehicle license plate of

the vehicle used for the peddling of food, beverages, and other goods and shall be accompanied by the license fee provided in this article.

9-9-3: License Fee: The annual license fee under this article shall be \$100.00.

9-9-4: Bond: The application under this article shall be accompanied by a bond in a penal sum of \$1,000.00 to the city, such bond to be executed by good and sufficient sureties to be approved by the city clerk, and to be conditioned that all goods, wares and merchandise will be as represented, and that the purchase price will be refunded on any article sold which is not as represented and that final delivery of goods ordered will be made in accordance with the terms of such order, and, failing therein, the advance payment on such order will be refunded. Any person aggrieved by the action of any such peddler shall have the right of action on the bond for the money paid or damages, or both.

9-9-5: Insurance: It shall be the duty of the applicant for a license under this article to furnish the city an insurance policy to protect the city from public liability and property damage claims in the amount of \$300,000.00 for each occurrence, subject, however, to a \$100,000.00 maximum for each individual and \$10,000.00 property damage.

9-9-6: Hours: Peddlers licensed under this article may only operate between the dates of April 1 and no later than October 1 of the same year and, outside of the specified date range, at any special events sponsored by the City or Main Street. Peddlers licensed under this article may only operate between the times of 8:00 a.m. and no later than 11:00 p.m. of the same day.

9-9-7: Sanitary Conditions Maintained:

- (A) All vehicles licensed under this article shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the City ordinances regulating the condition of premises used for the storage or sale of food for human consumption.
- (B) All vehicles licensed under this article shall be thoroughly cleaned each day they are so used. It shall be unlawful to permit stale foods, decaying matter, or any other waste material or product to accumulate in or on any such vehicle while it is so used.
- (C) If unwrapped foodstuffs are transported in any such vehicle, such foods shall be carried in a portion or compartment of the vehicle which is screened and protected against dust and insects.

9-9-8: Temperature Control: Readily perishable foods or beverages, while in transit, shall be maintained at a temperature of not less than 35 degrees Fahrenheit and not more than 50 degrees Fahrenheit. The temperature for hot liquid foods or beverages shall be maintained at not less than 150 degrees Fahrenheit, and for frozen foods at not more than 32 degrees Fahrenheit. The compartments in vehicles used for carrying such food shall be so constructed, equipped and maintained as to preserve the temperature as indicated in this section for the respective types of food.

9-9-9: Parking Generally Prohibited: No person shall park any vehicle upon any street for the purpose of peddling any food, beverages, and other goods. Any vehicle used for the purposes

stated above are prohibited, within the Downtown Business District, from being parked within one hundred (100) feet of any state highway.

9-9-10: Inspections: The county health department may make or cause to be made any such inspections as may be necessary to ensure compliance with a license or licensee.

9-9-11: Existing Non-Conforming Uses: Thickstens Popcorn and Shaw's Marketplace mobile vendor units have long existed within the City of Prophetstown and are herein accepted as permitted non-conforming uses. Upon application each shall be issued a permanent non-transferable license to operate under the City Code, permitting their continued operation at any locations currently used. If either entity is sold, or a controlling interest is otherwise transferred, the license shall expire.

**SECTION 3:** In all other respects, Title IX shall remain in full force and effect.

**SECTION 4:** The revisions in the identified section of this ordinance to Title IX shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the remainder.

**SECTION 5:** All ordinances and parts of ordinances in conflict herewith are to the extent of such conflict, hereby repealed.

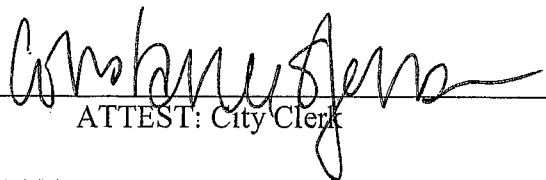
**SECTION 6:** The City Clerk is directed to publish this ordinance in pamphlet form.

**SECTION 7:** This ordinance shall be in full force and effect 30 days after its passage and approval and publication as required by law.

Passed by the Mayor and the City Council of the City of Prophetstown on the 11<sup>th</sup> day of July, 2017.



Mayor

  
ATTEST: City Clerk

AYE

NAY

Dan Baker

Daryl Drennen

Rick Woodrums

Greg Schmitt

Josh Hovey

# *City of Prophetstown*

Date: \_\_\_\_\_

## **Food Truck Vendor License**

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Business Phone # \_\_\_\_\_ Email: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Owner Address: \_\_\_\_\_

Vehicle License Plate # \_\_\_\_\_

Type of Food for Sale: \_\_\_\_\_

Requested Location(s): \_\_\_\_\_

Requested Dates: \_\_\_\_\_

Names of all persons who will be providing service under this license:

\_\_\_\_\_  
\_\_\_\_\_

Fees: ( ) \$100.00 Annual Permit

-----Office Use Only-----

( ) Vehicle Registration

( ) Health Dept. Permits

( ) Copy of Owner Driver License

( ) Vehicle Liability Ins.

( ) Applicable Fee Paid

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Rhonda Carter, City Administrator