

**TOWN OF CORTLAND
DEKALB COUNTY, ILLINOIS**

**TOWN OF CORTLAND
ORDINANCE NO. 2023-__**

**AN ORDINANCE AMENDING TITLE 3 “BUSINESS AND LICENSE REGULATIONS,”
TO ADD A NEW CHAPTER 11 TITLED “FOOD TRUCKS”
TO THE CORTLAND TOWN CODE**

**ADOPTED BY THE
MAYOR AND BOARD OF TRUSTEES
OF THE TOWN OF CORTLAND**

This ____ day of _____, 2023

Effective date: _____, 2023

Published in pamphlet form by the authority of the Mayor and Board of Trustees of the Town of Cortland, DeKalb County, Illinois, this ____ day of _____

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TOWN CODE**

WHEREAS, the Board of Trustees of the Town of Cortland, Illinois has determined that it is in the best interest and welfare of the citizens of the Town of Cortland to modify its regulations of businesses operating as food trucks within the Town;

NOW THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Cortland, Illinois, as follows:

That a new Chapter 11, “Food Trucks,” in Title 3, “Business and License Regulations,” shall be enacted and added to the Town Code as follows:

TITLE 3 BUSINESS AND LICENSE REGULATIONS

CHAPTER 11, FOOD TRUCKS

3-11-1: Definitions:

Food truck means a food service establishment that is mobile and located upon or within a vehicle, or which can be pulled by a vehicle, or a pushcart, where food or beverage is cooked, prepared and/or served. This definition shall not apply to vehicles such as ice cream trucks that move from place to place and are stationary in the same location for no more than 15 minutes at a time.

3-11-2: Licensing Procedure:

- A. License Required: Any food truck operating within the Town of Cortland shall be required to obtain from the Town Clerk a food truck license annually.
- B. Payment of a non-refundable application fee of \$50.00.**
- C. The cost of a license for a food truck shall be fixed at \$250.00 annually.
- D. The cost of a license for food truck for Special Event shall be fixed at \$50 each event.**
- E. The provisions of Chapter 1 of this Title 3 regarding licenses issued in the Town of Cortland shall be applicable as otherwise may be necessary.

3-11-3: Location for Operation of Food truck:.

Subject to the restrictions and limitations set forth in this ordinance, food trucks may operate in parking spaces within the public right-of-way, on Town owned property at locations and times as may be approved by the Town department in primary control of such property, and in such other private areas as may be permitted by the owner of such property which do not otherwise

violate provisions of this Code. It is further provided that food trucks may not operate on the public right-of-way within fifty (50) feet of the primary entrance of any type of restaurant located within a permanent structure or building, nor may food trucks park or locate within ten (10) feet of any permanent structure.

3-11-4: Specific Regulations for Food Trucks:

In addition to any and all other ordinances, laws, rules and regulations, food trucks shall:

- a) Display a valid Town of Cortland business license.
- b) If operating on a public right-of-way on Town property, contain food preparation within the Food truck.
- c) Not obstruct traffic or the public right-of-way or public sidewalks or walkways.
- d) If operating on a public right-of way, park at least twenty (20) feet from any intersection.
- e) If operating on a public right-of-way, distribute food/beverages away from vehicular traffic flow.
- f) If operating on a public right-of-way, utilize no more than two parking spaces.
- g) Not utilize Town utility connections.
- h) Continuously contain and police waste and refuse.
- i) Provide a trash receptacle for use by customers.
- j) If operating on the public right-of-way, not be left overnight or unattended at any time.
- k) Only operate between the hours of 7:00 a.m. and 10:00 p.m.
- l) Service/replenish the Food truck on a daily basis. This includes getting fresh water, disposing of waste and refuse and restocking supplies.
- m) Not leave any location without first picking up, removing and disposing of all waste and refuse remaining from sales made by the food truck.
- n) Not solicit or conduct business with occupants of a motor vehicle.
- o) Not permit unnecessarily loud or attention-attracting sound, including operating any loud speaker, public address system, radio, music player, sound amplifier or similar device to attract attention of the public.
- p) Not burn wood or charcoal, or produce smoke while operating on the public right-of-way.
- q) Provide exterior lighting which must be hooded or shielded so that the light source is not scattering light to surroundings other than to the food truck and its adjacent service area.
- r) Maintain and operate generators in conformance with the requirements of the noise ordinance of this Town.
- s) Comply with all health inspection requirements of State and County regulations and display proof of compliance as may be necessary.
- t) The operator of any Food truck shall report sales taxes, with such sales taxes being reported as originating within the Town, where required by applicable law.

3-11-5: Penalty:

It shall be unlawful for any person or entity to violate any of the provisions of this Ordinance. Any person or entity found violating any provision of this Ordinance shall be subject to penalty as provided in Section 1-4-1 of the Town Code.

BE IT FURTHER ORDAINED that:

- a) All Town Ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.
- b) The provisions of this Ordinance are severable. If any part of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, that declaration shall not affect the part or parts that remain.

PASSED BY THIS BOARD OF TRUSTEES of the Town of Cortland, Illinois, at a regular meeting thereof held on the ____ day of ____, 2023 and approved by me as Mayor on the same day.

AYE:

NAY:

ABSENT:

Mark Pietrowski, Mayor

ATTEST:

Cheryl Aldis, Town Clerk