

Ordinance 2014-30

An Ordinance Amending the Northbrook Municipal Code (1991), as Amended, Regarding the Regulation of Mobile Food Service Establishments

Passed by the Board of Trustees, 5/27/2014
Printed and Published 5/28/2014

Printed and Published in Pamphlet Form
by Authority of the
President and Board of Trustees
VILLAGE OF NORTHBROOK
COOK COUNTY, ILLINOIS

I hereby certify that this document
was properly published on the date
stated above.

/s/ Debra J. Ford
Village Clerk

Ordinance 2014-30

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois THAT:

An Ordinance Amending the Northbrook Municipal Code (1991), as Amended, Regarding the Regulation of Mobile Food Service Establishments

shall be, and is hereby, adopted as follows:

Section 1. BACKGROUND.

The Communication and Legislation Committee of the Board of Trustees for the Village of Northbrook has recommended that certain standards regarding the licensing of mobile food service establishments ("*MFSEs*") be adopted to help protect the health, safety and welfare of citizens within the Village. The amendments to the Village of Northbrook Municipal Code (1991), as amended ("*Municipal Code*"), set forth in this Ordinance and are recommended for adoption by the Village staff.

The President and Board of Trustees hereby find that the adoption of this Ordinance pertains to the Village's government and affairs and is in the best interest of the Village and the public, and adopt this Ordinance pursuant to the Village's home rule powers.

Section 2. AMENDMENT TO CHAPTER 13 OF THE MUNICIPAL CODE.

Chapter 13 of the Municipal Code, entitled "Food," shall be, and is hereby, amended as follows: [Added text **bold and double underlined**; deleted text ~~struck through~~]:

A. Section 13-1, entitled "Definitions," of the Municipal Code shall be, and is hereby, amended as follows:

- i. by amending the definition of "Food delivery vehicle" as follows:

Food delivery vehicle means any vehicle that is primarily used for the delivery of food or beverages to consumers in the village, on request for such delivery, but does not include vehicles that primarily make deliveries to licensed food establishments, food stores or mobile food service establishments, as defined in this section.

i. by replacing the definition of "Mobile food service establishment" in its entirety with the following definition:

Mobile food service establishment (MFSE) means any vehicle, cart or trailer, whether motorized or non-motorized that serve, dispense, or sell food or beverages for retail purchase by consumers primarily for immediate human consumption. Mobile food service establishments shall be divided into the following categories:

Risk Type 1: MFSE offering only prepackaged frozen foods.

Risk Type 2: MFSE offering hot or cold prepackaged foods from temperature controlled containers and dispensing beverages.

Risk Type 3: MFSE offering foods that are cooked or prepared with minimal assembly within the MFSE

B. Section 13-6, entitled "Inspections," of the Municipal Code shall be, and is hereby, amended as follows:

(a) *Frequency of inspections.* At least once every six (6) months, the village sanitarian shall inspect each food establishment and food vending machine within the village and shall make as many additional inspections and reinspections as are necessary for the enforcement of this chapter. **The village sanitarian shall inspect each MFSE operating in the Village in accordance with the following schedule:**

1. Risk Type 1 MFSE: One inspection annually;

2. Risk Type 2 MFSE: Two inspections annually; and

3. Risk Type 3 MFSE: Three inspections annually.

(b) *Right of entry.* The village sanitarian, after proper identification, shall be permitted to enter at any reasonable time any food establishment or premises on which food vending machines are located in the village for the purpose of making inspections to determine compliance with this chapter. The village sanitarian shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received

or used and persons employed. The village sanitarian shall also be permitted to enter at any reasonable time any food processing establishment or food service establishment that prepares or packages food to be offered by an MFSE licensed by the village, even if such facility is outside of the jurisdiction of the village.

* * *

C. Section 13-10, entitled "Food from Outside Jurisdiction of Village," of the Municipal Code shall be, and is hereby, amended as follows:

Food from establishments outside the jurisdiction of the village may be sold in the village provided such food establishments conform to the provisions of this chapter or to substantially equivalent provisions. This provision shall also apply to food establishments that supply food for special charity events for nonprofit organizations, ~~mobile food trucks and portable food carts~~ and MFSEs. To determine the out-of-village food establishment's compliance with public health laws, the EHBLO shall require a copy of the latest health inspection report and state certification where such food establishment is located and such food establishment shall provide all such information.

D. Section 13-27, entitled "Application and issuance," of the Municipal Code, shall be, and is hereby, amended by adding a new subsection 13-27(e) as follows:

(e) Any applicant desiring to operate a MFSE must provide the following supplemental documentation with its permit application.

(1) The name and address of the food preparation establishment or food service establishment where food items are to be prepared and/or packaged for sale by the MFSE with copies of the establishment's most recent health inspection report and state certification;

(2) a description of the nature of the goods offered by the MFSE;

(3) A letter of agreement from the food preparation establishment or food service establishment where food items are prepared and/or packaged for sale by the MFSE agreeing to comply with the Village's food and health regulations and consenting to inspection by the village sanitarian;

(4) A list of location(s) and time(s) the MFSE will be

conducting its operations within the Village;

(5) Copies of all necessary licenses or permits required by state health or transportation authorities for the operation of the MFSE; and

(6) If the MFSE will be operating on private property, the permit application must include the written consent of the property owner stating the MFSE is allowed to operate on the property.

E. A new article IV, entitled "MOBILE FOOD VEHICLE VENDORS" shall be added to Chapter 13, and such new article shall be and read as follows:

ARTICLE IV. MOBILE FOOD SERVICE ESTABLISHMENTS.

13-50 General.

Each MFSE that is permitted to operate in the Village shall be operated in strict compliance with the regulations set forth in this Article IV as well as all applicable ordinances, laws, rules and regulations, including, without limitation, all zoning, building, health, fire and safety regulations, all other provisions of this code. If a conflict arises between applicable regulations, the strictest regulation shall control.

13-51 Location restrictions.

(a) Permitted Operating Areas: Any Risk Type 2 or Risk Type 3 MFSE may not serve, dispense, or sell food or beverages on any public street or right-of-way in the village with the exception of those areas designated for MFSE operation in the annual fee ordinance. All MFSEs will be required to comply with all parking regulations and fees in the permitted operating areas. Risk Type 1 MFSEs may serve, dispense, or sell prepackaged frozen foods on public streets or rights-of-way throughout the Village; provided, however, that all MFSEs, regardless of risk types, must comply with the minimum distance requirements set forth in subsection 13-51(c).

(b) Operation in Parking Lots: A MFSE may not serve, dispense, or sell food or beverages in a public or private parking lot within the corporate limits of Northbrook without having first obtaining written consent to operate from the owner of the property on which the lot is located. A copy of such written consent shall be maintained in the MFSE for review on request by any Village employee or officer.

(c) Minimum Distance from Existing Food Service Establishments: With the exception of those permitted operating areas designated in subsection 13-51 (a) or in parking lots as permitted in subsection 13-51 (b), a MFSE may not serve, dispense, or sell food or

beverages in any location that is located within five hundred (500) feet of the primary entrance to a food service establishment in the Village that is not a MFSE. This prohibition may be waived if the operator of the MFSE has obtained written consent of the owner of the food service establishment to operate within this minimum distance. A copy of such written consent shall be maintained in the MFSE for review on request by any Village employee or officer.

(d) Minimum Distance from Special Events: Notwithstanding any other regulation in this Article IV, a MFSE may not serve, dispense, or sell food or beverages within five hundred (500) feet of the lot line of a property on which any fair, carnival, circus, festival, special event, or civic event that has received a special event permit from the village is occurring. This prohibition may be waived if the operator of the MFSE has obtained written consent of person issued the special event permit to operate within this minimum distance. A copy of such written consent shall be maintained in the MFSE for review upon request by any Village employee or officer.

13-52 Sanitation, inspections, and operations.

(a) All MFSEs shall be kept in a clean and sanitary condition. It shall be the duty of the village sanitarian to make or cause to be made such inspections as may be necessary to ensure all MFSEs are kept in a clean and sanitary condition. The village sanitarian, bearing proper identification, shall be permitted to enter any MFSE at any reasonable time for the purpose of inspecting to determine whether the operator of the MFSE has complied with the terms of this chapter. Additionally, the operator of the MFSE shall, on request, provide the village sanitarian with the records of the MFSE to obtain information pertaining to food and supplies purchased, received, or used. Denial of access to the MFSE or to said records shall be deemed an interference with the village sanitarian in the performance of his/her duties.

(b) All food storage, preparation and distribution of food, and vehicle equipment must meet applicable Illinois Department of Public Health standards and requirements, as well as standards to be determined by the village sanitarian.

(c) All food, beverages, ice and other materials offered to the public or used in preparation of food or beverages to be sold must be obtained from an approved commercial source.

(d) All off-site food preparation and food storage must be conducted at a properly licensed food preparation establishment or food service establishment. Food may not be prepared in a residences or other unpermitted or licensed facility.

(e) All waste liquids, garbage, litter and refuse generated by an MFSE or its customers shall be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at

the affiliated food preparation establishment or food service establishment. No waste liquids, garbage, litter or refuse shall be dumped or drained onto sidewalks, streets, gutters, drains, trash receptacles, or any other place except the affiliated food preparation establishment or food service establishment. One (1) refuse/garbage and one (1) recycling receptacle shall be provided by the MFSE and easily accessible for customer use. MFSE operators shall be responsible for the removal of all litter and garbage left by customers within a fifty (50) foot radius of the location of operation.

(f) Hours of operation. A MFSE may be open to the public only between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, and the hours of 8:00 a.m. and 10:00 p.m., Saturday and Sunday. Daily set up of a MFSE may not occur before 6:00 a.m. and the end of the day clean up must be completed no later than 10:30 p.m. Hours of operation beyond these specified hours for private events may be authorized only with prior approval by the village manager.

(e) Noise pollution. During all hours of operation, a MFSE shall comply with the noise regulations set forth in article III of chapter 16 of this code.

(g) Signage Furnishing and Fixtures. All identifying information, logos, advertising, decorations, or other displays on the exterior of a mobile food vehicle shall conform to the purposes set forth in Article IX of the Village of Northbrook Zoning Code, to the extent possible. In particular, exterior displays shall be designed to minimize confusion or distraction that jeopardizes vehicular and pedestrian safety. It shall be unlawful for a mobile food vehicle vendor use or cause to be displayed while in transit or motion flashing or electronic signs, or illuminated signs. It shall be unlawful for vendors of mobile food vehicles to display or utilize any signage that is not permanently affixed to a mobile food unit unless a temporary sign permit application was filed in accordance to Article IX of the Village of Northbrook Zoning Code.

SECTION 3. EFFECTIVE DATE.

This Ordinance shall be in full force and effect ten days following its passage, approval, and publication in pamphlet form in the manner required by law.

Adopted: 5/27/2014

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Todd Heller, Trustee
SECONDER:	Bob Israel, Trustee
AYES:	Karagianis, Buehler, Scolaro, Heller, Israel
ABSENT:	Kathryn Ciesla, Sandra Frum

ATTEST:

/s/ Debra J. Ford
Village Clerk

James A. Karagianis
Village President Pro Tem