

CITY OF COLUMBIA, ILLINOIS
ORDINANCE NO. 3679

AN ORDINANCE AMENDING CHAPTER 5.50 OF THE COLUMBIA MUNICIPAL CODE TO PROVIDE FOR THE LICENSURE/REGULATION OF MOBILE VENDORS

WHEREAS, the City of Columbia (“City”), Monroe and St. Clair Counties, Illinois is a duly created, organized and validly existing municipality of the State of Illinois under the 1970 Illinois Constitution and the laws of the State of Illinois, including particularly the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto; and

WHEREAS, pursuant to Section 11-42-5 of the Illinois Municipal Code (65 ILCS 5/11-42-5), the Corporate Authorities of the City are granted the authority to license and regulate certain businesses; and

WHEREAS, Title 5 of the Columbia Municipal Code (“Code”) establishes certain licensing and regulations for persons transacting business within the corporate boundaries of the City; and

WHEREAS, the Corporate Authorities of the City find it is in the public interest to amend said Title 5 of the Code to expand the ability for certain businesses to operate within the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Columbia, Illinois as follows:

- Section 1.** The preceding recitations in the upper part of this Ordinance are realleged, restated and adopted as paragraph one (“1”) of this Ordinance.
- Section 2.** Chapter 5.50 of the Columbia Municipal Code is hereby repealed in its entirety, and shall be replaced with text in generally the same form as found in Exhibit “A,” attached hereto and incorporated by reference.
- Section 3.** All ordinances, resolutions, or orders of the City in conflict herewith, to the extent of such conflict, are hereby repealed.
- Section 4.** This Ordinance shall take full force and effect from and after the date of its passage and approval, as provided by law.

PASSED by the City Council and **APPROVED** by the Mayor of the City of Columbia, Illinois and deposited and filed in the office of the City Clerk on the 5th day of August, 2024, the vote being taken by ayes and noes and entered upon the legislative record as follows:

AYES: Aldermen Niemietz, Huch, Holtkamp, Riddle, Lawlor, and Nobbe.

NOES: None.

ABSTENTIONS: None.

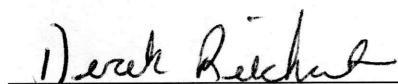
ABSENT: Aldermen Khoury and Hitzemann.

APPROVED:



BOB HILL, Mayor

ATTEST:



Derek Reichert
DEREK REICHERT, City Clerk

(SEAL)

CHAPTER 5.50

MOBILE VENDING

Sections:

- 5.50.010 Definitions.
- 5.50.020 Mobile Vending Permits and Licenses Required.
- 5.50.030 Applications.
- 5.50.040 Rules and Regulations Established.
- 5.50.045 Ice Cream Truck – Licensure/Operations.
- 5.50.050 Sales Tax Returns.

Section 5.50.010 Definitions.

- A. Applicant. Any person who applies for a mobile vendor permit, mobile vending business premises license, or mobile vending business park license within the City as required by this Chapter.
- B. Application. An application for either a mobile vendor permit, mobile vending business premises license, or mobile vending business park license on a form provided by the City.
- C. City Special Event. Any outdoor or seasonal event including, but not limited to a picnic, parade, carnival, craft fair, art fair, bicycle/motorcycle /vehicle ride, walk / run, car show, wedding or other reception, or any other event held on public property which is open to attendance by the general public and / or may require special consideration from any or all of the following City Departments: Columbia Police Department (CPD), Columbia Fire Protection District (CFPD), Department of Public Works (DOPW), Columbia Emergency Medical Service (EMS), and Community Development Department (CDD).
- D. Commissary. A local health department permitted food establishment that acts as a base of operations for a food truck. The commissary provides facilities for adequate storage of food, food containers, or food supplies; equipment for adequate washing and sanitizing of food equipment and utensils; a servicing area for the sanitary disposal of liquid waste; for handling and disposal of garbage, grease, and rubbish originating from the food truck; facilities for filling a potable water holding tank in a sanitary manner.
- E. Ice Cream Truck. Any moveable vehicle, truck, trailer, pushcart, portable structure, or other similar vehicle in which pre-packaged ice cream, sorbet, sherbet, slush drinks, popsicles, or any other frozen food item of any sort are carried for purposes of retail sale from the vehicle for immediate consumption.

- F. License Year. May 1 through April 30 of a calendar year.
- G. Licensed Premises. Real estate for which a mobile vending business premises license or mobile vending business park license has been issued.
- H. Merchandise. Any goods, wares, flowers, horticultural products, services or similar items sold by a mobile vending business.
- I. Mobile Vending Business. A business engaged in the cooking, preparing, assembling, serving, selling, offering for sale, or distributing of food, beverages, or any other type of merchandise to the general public from a mobile vending vehicle or temporary display stand within the City. A mobile vending business does not include an ice cream truck.
- J. Mobile Vending Business Park. A property on which multiple mobile vending businesses may operate at a single time, as permitted by Title 17 of the Code.
- K. Mobile Vending Business Park License. An annual license issued by the City to operate a mobile vending business park in the City.
- L. Mobile Vending Business Premises License. An annual license issued by the City to the owner or operator of a licensed premises, excluding mobile vending business parks, which authorizes the operation of a mobile vending business on the licensed premises. The holder of a mobile vending business premises license may allow multiple mobile vending businesses to operate on the licensed premises.
- M. Mobile Vending Permit. A permit issued by the City Clerk to the owner or operator of a mobile vending business to operate in the City.
- N. Mobile Vending Vehicle. Any moveable vehicle, truck, trailer, pushcart, portable structure, or other similar vehicle used by a mobile vending business.
- O. Owner. When used in connection with motor vehicles, any person who holds legal title to a vehicle or has the legal right to possession thereof; when applied to a structure, building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or part of such structure, building or land.
- P. Person. Any individual, co-partnership, firm, association, company, or combination of individuals, of whatever form or character.
- Q. Restaurant. Any business establishment whose principal business (meaning 51% or more of sales) is the selling of unpackaged food to the customer in a ready-to-consume state for immediate consumption on or off premise.

R. **Temporary Display Stand.** A stand, booth, stall, table, tent, wagon, handcart, pack, basket or other similar portable structure, container, display or devise, but not a mobile vending vehicle, used by a mobile vending business to serve, sell, distribute or offer for sale at retail of food, beverages or any other type of merchandise.

Section 5.50.020 Mobile Vending Permits and Licenses Required.

- A. **Mobile Vendor Permit.** No person shall operate a mobile vending business within the City without having first obtained a mobile vendor permit from the City Clerk pursuant to the requirements of this Chapter.
- B. **Mobile Vending Business Premises License.** No owner or operator of real estate within the City shall authorize or allow a mobile vending vehicle or temporary display stand to engage in a mobile vending business on such real estate without the owner or operator of such real estate obtaining a mobile vending business premises license from the City Clerk pursuant to the requirements of this Chapter.
- C. **Mobile Vending Business Park License.** No person shall operate a mobile vending business park within the City without having first obtained a mobile vending business park license from the City Clerk pursuant to the requirements of this Chapter.

Section 5.50.030 Applications.

- A. **Applications and Fees.**
 1. Applications for a mobile vendor permit, mobile vending business premises license, or mobile vending business park license shall be made, in writing, on forms provided by the City and submitted to the City. An applicant must submit a completed application, along with the application fee, to the City Clerk.
 2. Each application shall be accompanied by a non-refundable application fee as established in Chapter 5.04.
 3. No application fee shall be pro-rated if the license or permit is obtained during the middle of a license year.
- B. **Mobile Vendor Permit.** A separate mobile vendor permit shall be obtained for each separate and distinct mobile vending vehicle or temporary display stand proposed to be used by an applicant. An application for a mobile vendor permit shall include the following information and shall be submitted no later than

fourteen (14) days in advance of the first date in a license year on which the applicant proposes to operate its mobile vending business:

1. The full legal name, daytime telephone number, e-mail address, home address, and business address of the person applying for the mobile vendor permit.
 - a. If the applicant is an entity, the application shall state the full name of the entity, its principal address, daytime telephone number, its registered agent, and registered address.
2. The name(s), address(es), and daytime telephone number(s) of the legal owner(s) of the licensed premises on which the applicant will operate the mobile vending business, along with proof of written permission or consent from the owner(s) for applicant to operate its mobile vending business.
3. A description of the type of food, beverages or merchandise proposed to be sold, distributed, or offered for sale by the mobile vending business.
4. A description of the mobile vending vehicle or temporary display stand.
5. If the mobile vending business will operate out of a mobile vending vehicle, the application shall include:
 - a. The year, make, model, color, vehicle identification number (VIN number), State license plate number and State of licensing, if applicable, and dimensions, which shall not exceed thirty-six (36) feet in length or nine (9) feet in width, of such mobile vending vehicle.
 - b. Proof of current vehicle insurance for the mobile vending vehicle, if applicable, issued by an insurance company licensed to do business in the State of Illinois.
 - c. Proof of current vehicle registration for the mobile vending vehicle, if applicable.
 - d. If operating on City-owned property, proof of a current insurance policy with limits of coverage determined by the City. Minimum policy limits shall provide for bodily injury liability of at least fifty thousand dollars (\$50,000.00) for each person, and of at least one hundred thousand dollars (\$100,000.00) for each accident, and limits for property damage liability of at least ten thousand dollars (\$10,000.00) for each accident, issued by an insurance company licensed to do business in the State of Illinois, covering all claims for damages to property and bodily injury, including death, which may arise from operation under or in connection

with the mobile vendor permit. Such insurance shall name the City as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the City.

6. Copies of all requisite liquor licenses issued to the applicant by the City, County, or the State of Illinois.
7. Applicant's State of Illinois number of the certificate of registration required under the Retailers' Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable.
8. When applicable, a permit or license as required by the County Department of Public Health.
9. Such other information as the City Clerk may require, and, as provided by Chapter 5.04.

C. Mobile Vending Business Premises License. An application for a mobile vending business premises license shall include the following information and shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which a mobile vending business will operate on the licensed premises:

1. The full legal name, daytime telephone number, e-mail address, home address, and business address of the person applying for the mobile vending business premises license.
 - a. If the applicant is an entity, the application shall state the full name of the entity, its principal address, daytime telephone number, and its registered agent and registered address.
2. The proposed day(s) of operation and hour(s) of operation.
3. A description of the licensed premises, which shall include, but shall not be limited to, the following:
 - a. The address of the property.
 - b. A depiction of all buildings, structures, green space, parking spaces, ingresses and egresses onto and off of public roadways, and other natural or man-made features on the property.
 - c. The number, size(s), location(s), and a description of the garbage receptacles to be located and utilized by the mobile vending business.

4. Copies of all requisite liquor licenses issued to the applicant by the City, County, or the State of Illinois.
5. When applicable, a permit or license as required by the County Department of Public Health.
6. Such other information as the City Clerk may require, and, as provided by Chapter 5.04.

D. Mobile Vending Business Park License. An application for a mobile vending business park license shall include the following information and shall be submitted no later than fourteen (14) days in advance of the first date in a license year on which a mobile vending business will operate on the licensed premises:

1. The full legal name, daytime telephone number, e-mail address, home address, and business address of the person applying for the mobile vending business park license.
 - a. If the applicant is an entity, the application shall state the full name of the entity, its principal address, daytime telephone number, and its registered agent and registered address.
2. The proposed hour(s) of operation.
3. A description of the property for which a license is sought, which shall include, but shall not be limited to, the following:
 - a. The address of the property.
 - b. A depiction of all buildings, structures, green space, parking spaces, ingresses and egresses onto and off of public roadways, and other natural or man-made features on the property.
 - c. The number, size(s), location(s), and a description of the garbage receptacles to be located and utilized by mobile vending businesses.
4. Copies of all requisite liquor licenses issued to the applicant by the City, County, or the State of Illinois.
5. When applicable, a permit or license as required by the County Department of Public Health.
6. Such other information as the City Clerk may require and provided by Chapter 5.04.

E. Application Review and Determination. The City Clerk shall review each completed application in accordance with the following procedures:

1. The City Clerk shall review each completed application upon receipt of such application and its corresponding application fee and shall approve, approve with conditions, or deny such application within fourteen (14) days of receipt thereof.
2. An application is deemed to be complete upon the City Clerk determining that:
 - a. The application includes all necessary information required under Chapter 5.04.
 - b. The applicant has submitted all other requisite permits and licenses from the City, County, or State.
 - c. The applicant has paid the application fee.
3. In granting a mobile vendor permit, mobile vending business premises license, or mobile vending business park license, the City Clerk may add reasonable conditions beyond the specific restrictions and requirements of this Chapter which are deemed by the City Clerk to be necessary to protect the peace, health, safety, comfort, morals, and general welfare of the City and its inhabitants.

F. Issuance. Issuance for the operation of a mobile vending business shall be in accordance with Chapter 5.04.

G. Denial. Denial for the operation of a mobile vending business shall be in accordance with Chapter 5.04.

H. Liability. Nothing in this Chapter shall be construed to create or constitute a liability to or a cause of action against the City related to the issuance of any permit or license created and/or regulated by this Chapter.

Section 5.50.040 Rules and Regulations Established.

A. It shall be the responsibility of the mobile vending business to ensure:

1. No mobile vending vehicle or temporary display stand is left unattended.
2. All food, beverages, and other merchandise cooked, prepared, assembled, served, distributed, offered for sale, or sold from a mobile vending vehicle, or temporary display stand are in a fresh and sanitary condition. Motor vehicles used for mobile vending businesses shall be kept and maintained in

good mechanical and structural condition. Each such vehicle shall have a clean exterior and interior.

3. The prominent display of any such license issued under the provisions of this Chapter for public examination, while engaging in business operations.
4. The sidewalks, streets and other spaces adjacent to its area of operation are clean and free of refuse of any kind.
5. No mobile vending vendor shall leave any location of operation without first picking up, removing, and properly disposing of all refuse remaining from sales made or otherwise resulting from the operation of the mobile vending business.
6. No conduct of the mobile vending business is in a manner that obstructs access to private property, except with the prior written consent of the property affected thereby.
7. No mobile vending operations shall block any part of the public right-of-way, street, sidewalk, ramp, curb cut, or trail in the City.
8. No mobile vending business shall operate on City property or on any part of the public right-of way, street, sidewalk, ramp, curb cut, or trail in the City except when approved as part of a City Special Event.
9. No mobile vending business shall store, park, or leave any mobile vending vehicle or temporary display stand on any street, sidewalk or rights-of-way between 11:00 p.m. and 6:00 a.m.
10. Signage shall be limited to signs permanently or magnetically affixed to the vehicle or cart.
11. All sales taxes for the sales of food, beverages, or merchandise made by the mobile vending business within the City are promptly paid when due.

B. It shall be the responsibility of the person or entity holding the mobile vending business premises license or mobile vending business park license to ensure:

1. All mobile vendors operating on the licensed premises have been issued a valid mobile vending business permit and other licenses and permits required by the City, County, or State.
2. Operations are done in accordance with aforementioned subsection 5.50.040 (A).

C. Maximum Days of Operation.

1. **Mobile Vending Premises.** No mobile vending premise may have mobile vending businesses on the licensed premises for more than six (6) days in a calendar year.
2. **Mobile Vending Park.** There shall be no limit on the number of days of which a mobile vending business may locate within the licensed premises of a mobile vending park.

D. Generally.

1. The City or its agents shall be permitted to inspect the licensed premises, the mobile vending vehicle, temporary display stand, and all items for sale by the mobile vending business at any reasonable time to ensure compliance with this Chapter and other provisions of the ordinances/code of the City.
2. No mobile vending business shall be permitted to operate on property which is not a licensed premises under this Chapter.
3. No mobile vending business shall be operated between the hours of 10:00 p.m. and 7:00 a.m.
4. No mobile vending business providing the sales of food/liquids for immediate consumption to the public shall locate or operate within seven hundred fifty (750) feet of an existing restaurant unless they are part of a City Special Event.
5. A mobile vending business providing the sales of food/liquids for immediate consumption to the public may only locate on the property of an existing restaurant if:
 - a. The record owner of the established restaurant provides written consent.
 - b. The restaurant is no closer than seven hundred fifty (750) feet to another restaurant.
6. A mobile vending business shall only be permitted to connect to City water, electric, or other utility to conduct business with the written consent of the City or via City approved connections within a licensed Mobile Vending Park.
7. A mobile vending business shall provide for a garbage receptacle for refuse that is to be adequate, maintained and emptied regularly.
8. In conformity with any other rules, and regulations, as prescribed and applicable thereto, in Chapter 5.04.

E. **Sale of Liquor.** Selling or serving of liquor, including beer, wine, and all alcoholic beverages from food trucks shall be regulated by Chapter 5.20.

Section 5.50.045 Ice Cream Truck – Licensure/Operations

A. License Required.

1. No person shall operate an ice cream truck within the City without first having obtained a license therefore.
2. The annual license fee for the operation of an ice cream truck shall be as established by Section 18.115, in effect, and as amended from time to time.
3. Any person applying for an application to operate an ice cream truck within the City shall be subject to the investigation process found in §5.04.050 prior to issuance of said license.
4. At the time of application thereof, applicants shall furnish:
 - a. The year, make, model, color, vehicle identification number (VIN number), State license plate number and State of licensing, if applicable, of such ice cream truck.
 - b. Proof of current vehicle insurance for the ice cream truck, if applicable, issued by an insurance company licensed to do business in the State of Illinois.
 - c. Proof of current vehicle registration for the ice cream truck, if applicable.
 - d. A permit or license as required by the County Department of Public Health.
 - e. A current Illinois Retailers' Occupation Tax Certificate.
 - f. Valid driver's licenses for all individuals who will be operating the ice cream truck.

B. Regulations Specific to the Operation of Ice Cream Trucks.

1. Licensed ice cream trucks may vend from public streets, with the exception of those within a City park.
2. A person shall vend only when the ice cream truck is lawfully stopped.
3. Ice cream trucks shall not:
 - a. obstruct a public right-of-way;

- b. impair pedestrian or vehicle traffic;
- c. stop within thirty (30) feet of an intersection; or
- d. stop within three (3) feet of a curb cut.

4. A person shall vend only from the side of the truck away from moving traffic and as near as possible to the curb or side of street.
5. A person shall not vend to a person standing in the roadway.
6. An ice cream truck shall not stop on the left side of a one- way street to vend.
7. The driver of the ice cream truck shall not place vehicle in reverse in order to make or attempt a sale.
8. Music, chimes, or amplified sounds while vending are permitted between the hours of 11:00 A.M. and 8:00 P.M. only.
9. The operator of an ice cream truck may drive through the streets of the City for the purposes of vending only between the hours of 11:00 A.M. and 8:00 P.M.
10. No ice cream truck shall be permitted to remain within fifty (50) yards of any given location for more than ten (10) minutes on any given day.
11. Selling or serving of liquor, including beer, wine, and any other alcoholic beverages, by any ice cream truck is prohibited.
12. Each ice cream truck shall:
 - a. be kept in good mechanical and structural condition;
 - b. have a clean exterior and interior;
 - c. be equipped with such devices intended to alert traffic to proceed with caution past the vehicle while it is serving customers;
 - d. have the vendor name affixed to it in a professional, workmanlike manner, and in letters that are a minimum of six inches in height.

Section 5.50.050 Sales Tax Returns.

- A. Persons licensed under the provisions of this Chapter shall be subject to the following reporting requirements:

1. State of Illinois. Reporting of the tax return filed by the person engaged in the business of selling tangible personal property at retail with the Illinois Department of Revenue pursuant to 35 ILCS 120, as amended, (commonly known as "Retailers' Occupation Tax Act") showing the total sales made by such person for the preceding calendar month.
2. City of Columbia. A copy of the submitted tax return pursuant to 35 ILCS 120 to the Illinois Department of Revenue shall be filed with the City Treasurer on or before the twentieth day of each calendar month.