



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 023-021
DATE OF PASSAGE March 28, 2023

An Ordinance amending Chapter 25, Article XII entitled "Mobile Food Unit Vendors" of the Code of Ordinances.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City Council anticipated adopting amendments to Chapter 25, Article XII of the Code of Ordinances to amend the Mobile Food Unit vending licensing process and subsequently adopted Ordinance O22-077 on November 22, 2022 imposing a moratorium on the issuance of Mobile Food Unit Licenses until February 28, 2023. On February 14, 2023, the City Council adopted Ordinance O23-011 extending the moratorium until March 28, 2023 or the adoption of said amendments to the code; and

WHEREAS, the City Council finds that it is appropriate and in the best interests of the City to amend Chapter 25, Article XII, Mobile Food Unit Vendors as set forth in Exhibit A, which is attached hereto and made part of this Ordinance as if fully set forth herein; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That Chapter 25, Article XII, Mobile Food Unit Vendors shall be and hereby is amended as set forth in Exhibit A.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval, with the exception of the implementation of the location provision, specifically relating to the distance requirement for existing registered mobile food unit vendors, will take effect on January 1, 2024.

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Section Three: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: That the City Clerk and Corporation Counsel are hereby authorized to make any non-substantive, clerical or formatting changes and amendments to Exhibit A as necessary for codification and updating of this Ordinance in Municode.

ORDINANCE NO. 023-021

LEGISTAR NO. 23-0198

PASSED AND APPROVED ON March 28, 2023

AYES 11 NAYS 0 NOT VOTING 0 ABSENT 1

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderwoman Hart-Burns, Ward 7	absent
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Woerman, At Large	yes
Alderman Jenkins, At Large	yes

ATTEST:

Jenifer Stallings
City Clerk

Carl Franco
Mayor Pro-Tem, Carl Franco

Sec 25-282 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Address point. The measuring point from the property line of a brick-and-mortar food establishment to the property line of where the potential mobile food unit will operate ~~site~~ or any adjacent property within 100 feet of the brick-and-mortar food establishment. If the mobile food unit applies to operate in a shopping center, plaza, or strip mall the measuring point to determine the required 100 feet separation between a mobile food unit and a brick-and-mortar food establishment shall be 100 feet from the property line of any brick-and-mortar food establishment to any point on the mobile food unit.

Adjacent. All land adjoining and abutting the site, including but not limited to streets, sidewalks, bridges and buildings adjoining the site.

Authorized operating locations. Locations designated specifically for use by mobile food units. The usage of these locations is limited to posted dates and times. Mobile food units are permitted to operate at authorized operating locations on a first come first served basis. Mobile food units must be removed from the premises at the expiration of the posted allowed time of operation. Mobile food units remaining at an authorized operating location after the expiration of the posted allowed time of operation will be subject to fines and/or towing.

Corresponding county health department. Certification or permit from the health department of the county/counties the mobile food unit operates within (Kane, Kendall, Will or DuPage).

Entertainment districts. As defined in Chapter 6 of the Code of Ordinances.

Fire inspection. To demonstrate compliance with minimum fire safety precautions.

Health department inspection. Mobile food units must demonstrate that they have complied with all inspections as required by the corresponding health department(s).

License administrator. As used in this article, "License Administrator" means the chief financial officer of the city ~~or designee~~.

License types. As defined in the rules and/or regulations issued by the license administrator from time to time.

Local business. A mobile food unit that has a valid, verifiable physical address located within the corporate boundaries of the City of Aurora at least twelve (12) months prior to date of application, from which the mobile food vendor operates. The local business must disclose the percentage of workforce residing in the City of Aurora; be registered with the City of Aurora Business Registration Program; be subject to City of Aurora taxes (inclusive of sales taxes); be current with property tax payments and sales tax payments; not have any outside cited code violations; not have any outstanding debts to the City of Aurora.

1 *Mobile food unit.* A commercially manufactured, motorized, non-motorized or temporary food unit,
2 including but not limited to food trailers and food trucks, in which ~~ready to eat~~ food is cooked,
3 wrapped, packaged, processed, and/or portioned for ~~service, sale or distribution~~ immediate
4 consumption by the consumer. The categories of mobile food units are:

5 *Food cart.* A compact mobile food serving unit that is either pushed by hand or towed by
6 a non-motorized bicycle. Food carts are primarily used for the sale of food or beverages
7 directly to the consumer. Food carts may include an approved mechanism for
8 maintaining food temperature prior to sale. Approved food carts are only eligible to apply
9 for participation in Special Events. Food carts may not operate within the City except at
10 permitted Special Events or Private Events. This includes but is not limited to hot dog
11 carts, beverage carts, candy carts, and roasting spits, except when approved for
12 participation in permitted Special Events. Food carts must obtain a permit to operate.

13 *Food trailer.* A mobile kitchen operating from an enclosed trailer requiring swing doors
14 and consisting of metal or composite siding with no wood paneling on the interior walls.
15 Requires towing by a vehicle for transportation from site to site. Approved food trailers
16 may operate in designated operating zones, however, the maximum size of a food trailer
17 can be no larger than a single designated space in the operating zone.

18 *Food truck.* A self-contained motorized temporary food unit/kitchen in which food is
19 cooked, wrapped, packaged, processed and/or portioned for immediate consumption by
20 the consumer. A food truck is driven from site to site without the need for towing. This
21 definition includes units engaged in mobile ice cream sales for immediate consumption.

22
23 ~~*Stationary mobile food unit.* A commercially manufactured, motorized, non-motorized or~~
24 ~~temporary food unit in which ready to eat food is cooked, wrapped, packaged, processed, or~~
25 ~~portioned for service, sale or distribution from a temporary fixed location.~~

26 ~~*Non-stationary mobile food unit.* A commercially manufactured, motorized, non-motorized or~~
27 ~~temporary food unit in which ready to eat food is cooked, wrapped, packaged, processed, or~~
28 ~~portioned for service, sale or distribution from a non-stationary unit.~~

29 *Mobile food vendor.* The owner of mobile food unit or the owner's agent; hereinafter referred to
30 as "vendor."

31 *Nonlocal business.* Any mobile food unit vendor who does not meet the definition of local
32 business as contained herein.

33 *Private event.* A temporary and by invitation only event, where the host controls access to a
34 private premises and any mobile food unit hired by the host which is in no way open to the public
35 or available for use by the public.

36 *Private property.* Any residential dwelling, business or taxing district property where the mobile
37 food unit vending would not be located in or on public property, streets, roadways, alleys,
38 sidewalks, or rights-of-way within the city.

39 ~~*Corresponding county health department.* The health department in the county in which the unit~~
40 ~~is operating.~~

Special event. As used in this chapter, means a permitted, preplanned, single gathering event or series of related consecutive daily gatherings or events of an entertainment, cultural, pop-up, recreational, or sporting nature, or any other similar nature, held by an individual or entity, whether for-profit or non-profit. See Chapter 41.5 herein for guidelines on special events.

Visual inspection. Mobile food units must obtain a visual inspection to demonstrate compliance with minimum aesthetic requirements as defined in the rules and/or regulations issued by the license administrator from time-to-time.

Sec 25-283 License Required; Application

(a) *License required.* It shall be unlawful for any person to operate within the city a mobile food unit, as defined in this chapter, without first having obtained a license from the license administrator for that purpose. Any person who violates this provision shall be subject to a fine of \$500.00 for the first offense, and a fine of \$1,000.00 for a second or subsequent offense.

(b) *Application requirements.* Any person desiring to operate a mobile food unit shall make a written application for such license to the license administrator ~~or his/her designee~~. The application for such license shall be on forms provided by the license administrator ~~or his/her designee~~ and shall include the following:

(1) Name, signature and address of each applicant and each corporate officer;

(1)(2) The required application fee.

(3) Property consent form, if applicable.

(4) License type requested.

1. Annual

1.2. Event

(5) Payment of applicable taxes.

1. City taxes. Applicants shall file and pay applicable food and beverage taxes as required in section 44-113 of the code of ordinances.

2. State taxes. Applicants shall provide an IDOR number to the city and shall file and pay all taxes required by the State of Illinois including sales tax.

(6) Inspections

1. In-Person or Video Conference Visual Inspection and Identification Requirements and Exclusions.

a. Dimensions of food unit.

b. Exterior photographs clearly showing all sides of the unit must be submitted with the application.

i. Photographs will be retained by the administrator and the exterior of the unit shall not be modified during the certification period unless new photos are submitted immediately upon changes to the exterior of the unit and all changes are approved by the administrator.

c. Exterior Displays of Unit:

i. Exterior displays shall be designed to minimize confusion or distraction that jeopardizes vehicular and pedestrian safety and shall be harmonious with the surroundings and

consistent with the character of the community in which the temporary food vending unit operates.

ii. Identification:

1. Prominently display the business name and contact information clearly to the public.
2. All identifying information, logos, advertising, decorations, or other displays on the exterior of a mobile food unit shall conform to the requirements of chapter 41 of the code of ordinances regulating commercial signage, to the extent applicable.

b. Fire ~~Suppression~~ Inspection. All mobile food units shall be inspected by the Aurora Fire Department's Fire Prevention Bureau and must contain the applicable fire ~~suppression~~ equipment as follows:

- a. If the unit contains a griddle, grill, deep fryer or open flame:
 - i. Class K Fire Extinguisher, Ansul R-102 or Class K Fire Suppression System, 10 lb. Class ABC Fire Extinguisher; and
 - ii. A functioning ventilation or hood exhaust system.
- b. If the unit uses a generator:
 - i. The generator must be a minimum of ten (10) feet from any buildings, other vehicles and away from public access; and
 - ii. No fuel or gasoline may be stored on or near the unit.
- c. If the unit is a non-cooking unit, it must contain one (1) class ABC rated fire extinguisher.
- d. Outside Approval. If the unit has a valid fire ~~suppression~~ inspection from another Illinois municipality within the previous 12 months of submitting an application to the city, the applicant may submit their existing approval for Fire Department Fire Prevention Bureau review. The Fire Department Fire Prevention Bureau may accept the approved fire ~~suppression~~ inspection of another municipality in lieu of a new inspection by the city.

(7) County Health Department Certificate. All temporary food vending units shall be kept in a clean and sanitary condition as determined by the corresponding county health department. All applicants shall provide a copy of their county health certificate and shall abide by county health department requirements where the food truck is operating and the following:

1. All mobile food unit operators shall agree to comply with the health requirements set forth in this ordinance as well as those set forth in any rules adopted pursuant to it.

(8) Private property consent form (if applicable).

(9) Power.

1. All electrical power required for a mobile food unit operated on a public right-of-way shall be self-contained unless the unit is participating as a registered unit in a city-sponsored event.

1 2. Mobile food units on private property may use electrical power from an
2 adjacent property only when the property owner provides written
3 consent.

4 3. All other power sources must be self-contained. No power cable or
5 equipment shall be extended at grade across any city street, alley or
6 sidewalk.

7 (10) Insurance and indemnification.

8 1. An agreement to hold the city and its officers and employees, harmless
9 and to indemnify the city, its officers and employees for any claims for
10 damage to property or injury to persons which may be occasioned by any
11 activity carried on under the terms of the permit.

12 2. An agreement to hold harmless the adjacent property owner(s) for any
13 claims for damage to property or injury to persons which may be
14 occasioned by any activity carried on or under the permit.

15 3. Proof of insurance of the vendor's public liability, food products liability,
16 and property damage insurance sufficient to protect vendor, property
17 owners, and the city from all claims for damage to property or bodily
18 injury, including death, which may arise from the operations under the
19 registration or in connection therewith. Unless the rules promulgated by
20 the license administrator require a higher amount, such insurance shall
21 provide coverage of not less than one million dollars (\$1,000,000.00) per
22 occurrence. The policy shall further provide that it may not be cancelled
23 except upon thirty (30) days' written notice served upon the City of Aurora
24 Law Department. A registration issued pursuant to the provisions of this
25 section shall be invalid at any time the insurance required herein is not
26 maintained and evidence of continuing coverage is not filed with the City
27 of Aurora Finance Department; and

28 (11) Compliance with the International Fire Prevention Code for locations or
29 other restrictions.

30 (12) Any other information the license administrator believes necessary to carry
31 out the purpose and intent of the ordinance.

32 ~~a. Description of unit type.~~

33 ~~b. Proof of insurance; compliance with fire department and~~
34 ~~corresponding county health department.~~

35 ~~c. Private property consent form (if applicable).~~

36 ~~d. An agreement to hold the city and its officers and employees,~~
37 ~~harmless and to indemnify the city, its officers and employees for~~
38 ~~any claims for damage to property or injury to persons which may~~
39 ~~be occasioned by any activity carried on under the terms of the~~
40 ~~permit.~~

41 ~~e. An agreement to hold harmless the adjacent property owner(s) for~~
42 ~~any claims for damage to property or injury to persons which may~~
43 ~~be occasioned by any activity carried on or under the permit.~~

44 ~~f. Proof of insurance of the vendor's public liability, food products~~
45 ~~liability, and property damage insurance sufficient to protect vendor,~~

1 ~~property owners, and the city from all claims for damage to property~~
2 ~~or bodily injury, including death, which may arise from the~~
3 ~~operations under the registration or in connection therewith. Unless~~
4 ~~the rules promulgated by the license administrator require a higher~~
5 ~~amount, such insurance shall provide coverage of not less than one~~
6 ~~million dollars (\$1,000,000.00) per occurrence. The policy shall~~
7 ~~further provide that it may not be cancelled except upon thirty (30)~~
8 ~~days' written notice served upon the City of Aurora Law~~
9 ~~Department. A registration issued pursuant to the provisions of this~~
10 ~~section shall be invalid at any time the insurance required herein is~~
11 ~~not maintained and evidence of continuing coverage is not filed with~~
12 ~~the City of Aurora Finance Department; and~~
13 ~~g. Compliance with the visual inspection; and~~
14 ~~h. Any other information the license administrator believes necessary~~
15 ~~to carry out the purpose and intent of the ordinance.~~
16 ~~i. The required application fee.~~

17 (c) *Processing of application.* Upon receipt of a license application, the license administrator
18 shall evaluate the application for its conformity with the requirements of paragraph (b) of this
19 section within fourteen (14) days of receipt. If the license administrator determines that the
20 applicant has not complied with the requirements of paragraph (b) he shall promptly notify the
21 applicant in writing and return the application along the reasons why the application is deficient to
22 the applicant. If the license administrator determines that the applicant has complied with the
23 requirements of paragraph (b) he shall proceed with the processing and issuance of the license
24 in accordance with the provisions of this ordinance and any rules adopted pursuant to it.

25
26 **Sec 25-284 Mobile Food Unit Operating Procedures Requirements**

27 ~~(a) Health and safety requirements. All licensed vendors shall adhere to the safety~~
28 ~~requirements set forth in this ordinance as well as those set forth in any rules adopted~~
29 ~~pursuant to it.~~

30 ~~(1) Fire suppression requirements. All mobile food units shall be subject to inspection~~
31 ~~by the Aurora Fire Department. Units are required to have the following:~~

32 ~~a. If the unit contains a griddle, grill, deep fryer or open flame the following~~
33 ~~are required but not limited to:~~

34 ~~1. Class K Fire Extinguisher, Ansul R-102 or Class K Fire Suppression~~
35 ~~System, 10 lb. Class ABC Fire Extinguisher; and~~

36 ~~2. A functioning ventilation or hood exhaust system.~~

37 ~~b. If the unit uses a generator:~~

38 ~~1. The generator must be a minimum of ten (10) feet from any~~
39 ~~buildings, other vehicles and away from public access; and~~

40 ~~2. No fuel or gasoline may be stored on the truck.~~

41 ~~c. If the unit is a non-cooking unit, it must contain one (1) class ABC rated fire~~
42 ~~extinguisher.~~

43 ~~(2) Vehicle operation and safety requirements. All mobile food units shall comply with~~
44 ~~all applicable provisions of the Illinois Vehicle Code.~~

45 ~~a. Vendors shall obey the lawful orders of a police officer to move to a different~~
46 ~~permitted location to avoid congestion or obstruction of a public way or~~

1 ~~remove the vehicle entirely from the public way if necessary to avoid such~~
2 ~~congestion or obstruction.~~

3 ~~b. No mobile food unit shall be left unattended on a public way, nor remain on~~
4 ~~a public way outside of the hours of operation authorized by this ordinance.~~

5 ~~(3) Health requirements. All mobile food units shall be kept in a clean and sanitary~~
6 ~~condition as determined by the corresponding county health department.~~

7 ~~a. All waste liquids, garbage, litter and refuse shall be kept in leak proof,~~
8 ~~nonabsorbent containers which shall be kept covered with tight fitting lids~~
9 ~~and properly disposed of either at an affiliated licensed restaurant or~~
10 ~~alternative location(s) as disclosed and agreed to with the corresponding~~
11 ~~county health department.~~

12 ~~b. No waste liquids, garbage, litter or refuse shall be dumped or drained into~~
13 ~~sidewalks, streets, gutters, drains or trash receptacles. A garbage~~
14 ~~receptacle shall be easily accessible for customer use. Vendor shall be~~
15 ~~responsible for all litter and garbage left by customers.~~

16 ~~(4) Payment of applicable taxes:~~

17 ~~a. Mobile food vendor shall file and pay applicable food and beverage taxes~~
18 ~~as required in section 44-113 of the City of Aurora Code of Ordinances.~~

19 ~~b. Mobile food vendor shall file and pay the taxes required by the State of~~
20 ~~Illinois, including sales tax.~~

21 (a) Location requirements. Unless otherwise authorized by rules adopted under this
22 ordinance, mobile food units may operate only in permitted locations, or when part of a
23 special event authorized by the city, ~~or with the permission of a private property owner~~
24 ~~and in accordance with all applicable laws and ordinances.~~

25 (1) Public property. Mobile food units may operate in designated and signed locations
26 in accordance with the rules posted at said locations. No mobile food unit shall
27 park, stand, or operate in a location not approved by the license administrator.
28 This requirement shall not apply to a restaurant affiliated with the mobile food
29 vehicle vendor.

30 (2) Mobile food units may operate at private events only with permission from the
31 private property owner and in accordance with all applicable laws and ordinances.

32 (3) Mobile food units shall only operate in locations approved by the license
33 administrator. Mobile food units shall not operate in gas station parking lots,
34 vacant and/or undeveloped property or parking lots, unless otherwise approved
35 by the license administrator.

36 ~~(5)-~~

37 ~~(6) No mobile food unit shall be permitted to operate in a location where it would~~
38 ~~substantially obstruct a public way, impair the movement of pedestrians or~~
39 ~~vehicles, or pose a hazard to public safety.~~

40 ~~(7) No mobile food unit shall park, stand, or operate in a location which is adjacent to~~
41 ~~or within one hundred (100) feet of the address point of a restaurant. This~~
42 ~~requirement shall not apply to a restaurant affiliated with the mobile food vehicle~~
43 ~~vendor.~~

44 ~~(8) No mobile food unit shall operate within five hundred (500) feet of the address point~~
45 ~~of any fair, carnival, circus, festival, special event, or civic event that is licensed or~~
46 ~~sanctioned by the city except when vendor has obtained the necessary~~
47 ~~registration.~~

~~(9) No mobile food unit shall operate within one hundred (100) feet of the address point of public parks without first obtaining written authorization and required registration from the city.~~

~~(10) No mobile food unit shall operate on private property within the corporate limits of Aurora without first obtaining written consent to operate from the affected private property owner.~~

~~(11) No mobile food unit shall operate in any area of the city that the license administrator, in consultation with the traffic engineer and zoning administrator, has determined is unsuitable for such operation. The license administrator, no less frequently than annually, shall compile a map of areas which he or she has determined are suitable for mobile food unit operation and cause such map to be available from the city's website.~~

(b) Hours of operation. ~~Hours of operation shall be limited to the hours are not restricted except that hours shall be limited between 7:00 a.m. and 10:00 p.m. in residential areas, by permit, or as otherwise posted. Mobile food units must be moved to an appropriately zoned parking spot when not in operation. The hours of operation for mobile food vehicles located within three hundred (300) feet of a residential building or a mixed use building with a residential component shall be limited to the hours between 7:00 a.m. and 10:00 p.m.~~

(c) Vehicle operation and safety requirements. All mobile food units shall comply with all applicable provisions of the Illinois Vehicle Code.

(1) Vendors shall obey the lawful orders of a police officer to move to a different permitted location to avoid congestion or obstruction of a public way or remove the vehicle entirely from the public way if necessary to avoid such congestion or obstruction.

(2) No mobile food unit shall be left unattended on a public way, nor remain on a public way outside of the hours of operation authorized by this ordinance.

~~(b)-~~

(c)(d) Miscellaneous requirements.

(1) No mobile food vendor shall use or maintain any outside sound amplifying equipment, lights, or noisemakers, such as bells, horns or whistles.

(2) No mobile food vehicle shall use external signage, bollards, seating, or any other equipment not contained within the vehicle.

(3) No mobile food vehicle shall offer drive-through or drive-by service.

(4) Mobile food vehicles must prominently display the name of the business and contact information. their city-issued license.

(5) All grease shall be disposed of in compliance with county and state health department requirements.

(6) All waste liquids, garbage, litter and refuse shall be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of either at an affiliated licensed restaurant or alternative location(s) as disclosed and agreed to with the corresponding county health department.

(7) No waste liquids, grease, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains or trash receptacles.

(8) A garbage receptacle shall be easily accessible for customer use. Vendor shall be responsible for all litter and garbage left by customers.

~~(4) Any power required for the mobile food vehicle located on a public way shall be self-contained and shall not use utilities drawn from the public right of way unless participating in a city sponsored event. Mobile food vehicles on private property may use electrical power from an adjacent property only when the property owner provides written consent. All other power sources must be self-contained. No power cable or equipment shall be extended at grade across any city street, alley or sidewalk.~~

~~(5) All identifying information, logos, advertising, decorations, or other displays on the exterior of a mobile food vehicle shall conform to the requirements of the city code section regulating commercial signage, to the extent applicable. Exterior displays shall be designed to minimize confusion or distraction that jeopardizes vehicular and pedestrian safety and shall be harmonious with the surroundings and consistent with the character of the community in which the mobile food vehicle operates.~~

Sec 25-285 License Issuance, Administration And Rules

- (a) The license administrator shall issue an available license to any vendor who satisfies the requirements of this ordinance and the rules adopted pursuant to it. The license administrator shall issue to each vendor a suitable decal that shall be permanently and prominently affixed or prominently displayed to the unit.
- (b) The license administrator shall have the authority and the duty to at any time inspect the unit and determine the fitness and suitability of any licensed mobile food unit for its intended use.
- (c) The license administrator shall annually determine the number and types mobile food vendor licenses available and determine fees for the application and issuance of all such licenses. Fees imposed under this ordinance shall be reasonable and relate to the cost to the city in maintaining and enforcing the regulations set forth or authorized by this ordinance, including any and all inspections.
- (d) The license administrator shall make all rules and regulations not inconsistent with the provisions of this ordinance with respect to the form of the licenses and conditions appertaining thereto provided that each mobile food unit license shall expire in accordance with the terms of said license and licenses shall not be transferrable from person to person or from place to place and valid for only one (1) unit only. The license administrator shall file such rules and regulations with the city clerk and provide copies of such rules to each licensee. These rules shall become effective within fourteen (14) days of issuance.
- (e) Any person licensed under this ordinance shall notify the license administrator of any changes to the information contained in a licenses application within thirty (30) days of such changes.

Sec 25-286 Sanctions, Appeals

- ~~(a) The license administrator may deny, revoke, suspend, or decline to renew, a license issued under this chapter for any of the following reasons:~~
- ~~(1) The application contains material omissions or false, fraudulent, or deceptive statements.~~
- ~~(2) The vehicle is operated in such a manner as constituting a public nuisance per the City of Aurora Code of Ordinances or State statute.~~

- ~~(3) The mobile food unit or vehicle has been operated in violation of any provision of this Code or rule adopted pursuant to it.~~
- ~~(4) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this city code pertaining to food, fire prevention, public health or safety. The provisions of this section are not exclusive. This section shall not preclude the enforcement of any other provisions of this city code or state and federal laws and regulations.~~
- ~~(b) The license administrator may impose fines against any licensee or any agent thereof violating who violates of the provisions of this chapter in an amount not less than five hundred dollars (\$500.00) for each violation.~~
- ~~(c) The license administrator shall provide written notice of any adverse action taken against an applicant for an available license or a licensee. Within five (5) days of the receipt of such notice, a person aggrieved by the adverse action of the license administrator may appeal such a decision by filing a petition with the administrative hearing officer within five (5) days of the denial.~~
- ~~(d) No license required by this chapter shall be issued or renewed to any person who is indebted to the city or other governmental entity for payment of any fees, fines, charges, bills or taxes, which he or she is obligated to pay but have remained unpaid for more than forty-five (45) days.~~
- (a) Complaints alleging any violation of this article for which the city may suspend or revoke a license or impose a fine upon a licensee shall be brought in the name of the city and adjudicated before an administrative hearing officer in the manner set forth in Chapter 3 of this code. Each day on which a violation continues shall constitute a separate violation. The administrative hearing officer may impose a fine of not less than five hundred dollars (\$500.00) or more than one thousand dollars (\$1,000.00) plus costs or suspend for any period up to thirty (30) days or revoke for cause any license issued under this chapter if he determines that the licensee has violated any of the following provisions:
- (1) The application contains material omissions or false, fraudulent, or deceptive statements.
- (2) The mobile food unit or vehicle is operated in such a manner as constituting a public nuisance per the City of Aurora Code of Ordinances or State statute.
- (3) The mobile food unit or vehicle has been operated in violation of any provision of this Code or rule adopted pursuant to it.
- (4) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this city code pertaining to food, fire prevention, public health or safety. The provisions of this section are not exclusive. This section shall not preclude the enforcement of any other provisions of this city code or state and federal laws and regulations.
- (5) The licensee is more than forty-five (45) days delinquent in payment of any debt to the city.
- (b) No license shall be issued for a mobile food vendor within one hundred (100) feet of a brick-and-mortar restaurant. The one hundred (100) feet measurement is to be taken from property line to property line.
- (1) The administrative hearing officer may grant a reduction of the distance requirement in this subsection, based on a finding from an administrative hearing officer that such a reduction would not detrimentally affect the brick-and-mortar

1 restaurants within one hundred (100) feet of the premise proposed to be licensed.
2 If a reduction is granted, applicants must still comply with all other application
3 requirements associated with the issuance of a mobile food vendor license.

4 (2) The hearing officer shall consider the following factors in reviewing a reduction in
5 the distance requirement:

- 6 1. The type of activity to be conducted at the premises proposed to be
7 licensed and the days and times during which such activity will take place;
- 8 2. Notice provided by the applicant to the surrounding businesses;
- 9 3. Type of businesses that may be affected by the mobile food unit operating
10 at the location;
- 11 4. The zoning classification of the place the mobile food vendor would like to
12 operate;
- 13 5. The availability of adequate parking for patrons of both the applicant's
14 business and the affected establishment;
- 15 6. Reports from fire or property standards regarding violations at the
16 proposed location;
- 17 7. Reports from the police regarding the location, as well as the history of
18 activity conducted at or in conjunction with the premises and any
19 associated infractions or violations of state law or local ordinances;
- 20 8. The relevant geography and location of the applicant's business;
- 21 9. The legal nature and history of the applicant; and
- 22 10. The measures the applicant proposes to implement to maintain quiet and
23 security in conjunction with the establishment.

24 (3) An applicant seeking a distance requirement reduction shall make a written
25 submission to the city clerk for review by an administrative hearing officer. Upon
26 receiving a completed application, the city clerk shall notify the law department.
27 The application shall present all factors the applicant believes to be relevant to
28 whether a reduction is appropriate. Aldermen and/or representatives of the city
29 will also have an opportunity to submit information they believe to be relevant to
30 the hearing officer's recommendation. Applicants shall bear all costs associated
31 with the hearing officer's review. The hearing officer shall review the information
32 provided and shall incorporate it into the hearing officer's decision.

33 (4) If the administrative hearing officer grants a mobile food vendors distance
34 reduction, the factors that were deemed relevant to the hearing officer's finding
35 may be included in a plan of conduct. Any such plan of conduct shall be deemed a
36 part of the license, and compliance with the plan of conduct shall be a necessary
37 condition to the continued validity of the license. Failure to comply with one (1)
38 or more elements of the plan of conduct shall subject the licensee to suspension
39 or revocation of the mobile food vending license.