

**CITY OF EFFINGHAM  
EFFINGHAM, ILLINOIS**

**ORDINANCE NO. 015 -2018**

**AN ORDINANCE REGULATING  
MOBILE FOOD SERVICE ESTABLISHMENTS**

**WHEREAS**, the City of Effingham, Illinois, is authorized, pursuant to 65 ILCS 5/11-80-11 to regulate the use of streets and other municipal property; and,

**WHEREAS**, the City of Effingham, Illinois, is further authorized, pursuant to 65 ILCS 5/11-42-5, to license, tax, regulate or prohibit hawkers, peddlers, pawnbrokers, itinerant merchants, transient vendors of merchandise, theatricals and other exhibits and shows; and,

**WHEREAS**, the City Council, after careful investigation and consideration, has determined that it is in the best interest of the City of Effingham to adopt a policy for the licensing and regulation of mobile food service establishments operating within the corporate limits of the City of Effingham, Illinois.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF EFFINGHAM, ILLINOIS, THAT:**

**SECTION 1:** The preliminary paragraphs set forth above are incorporated herein as part of this Ordinance.

**SECTION 2: DEFINITIONS:** The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- A. **“Mobile Food Service Establishment”** shall mean a self-contained food service operation, located in a readily movable, motorized, wheeled or towed vehicle or other unit, used to store, prepare, display or serve food intended for individual portion service.
- B. **“Person”** shall mean any natural person, firm, partnership, joint venture, club, company, association, syndicate, society, business trust, organization, institution, agency, government corporation, municipal corporation, district or other political subdivision, corporation, limited liability company, proprietorship, contractor, supplier, vendor, vendee, operator, or other legal entity. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to

law. Whenever the word "Person" appears in any section of this Ordinance prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members thereof, and as to corporations or limited liability company, shall include the officers, agents or members thereof who are responsible for any violation of this Ordinance.

**SECTION 3: PERMIT REQUIRED:**

- A. Requirement:** No Person shall operate, conduct, or maintain a Mobile Food Service Establishment within the corporate limits of the City of Effingham, Illinois, unless such Person, shall have first obtained a duly issued and authorized permit issued by the City of Effingham, Illinois, authorizing such Mobile Food Service Establishment (hereinafter referred to as the "Mobile Food Service Vendor Permit").
- B. Application for Permit:** Any Person desiring to secure a Mobile Food Service Vendor Permit from the City of Effingham, Illinois, shall complete and file with the City Clerk an application for a Mobile Food Service Vendor Permit on such forms as prescribed by the City Clerk (hereinafter referred to as the "Mobile Food Service Vendor Permit Application"). A Mobile Food Service Vendor Permit Application shall include at least the following information:
1. Name, business name, permanent business address (which must include a street address), residence address of the principal of the applicant and, if the applicant is a partnership, corporation, or limited liability company, the name and residence address of each officer, shareholder, member, partner, etc.;
  2. Copy of current state photo identification or driver's license;
  3. Description of the food and beverages to be sold in or through the Mobile Food Service Establishment;
  4. The location or locations where the Mobile Food Service Establishment will operate;
  5. The date or dates when the Mobile Food Service Establishment will operate;
  6. Whether the applicant seeks an annual permit or a one-day permit;

7. The date, or approximate date, of the applicant's latest previous application for a permit under this Ordinance, if any;
8. Whether the applicant has ever been convicted of a violation of any of the provisions of this Ordinance, and whether the applicant's permit has ever been revoked. If the applicant is a partnership, corporation, or limited liability company, whether any officer, shareholder, member, partner of said partnership, corporation, or limited liability company has ever been convicted of a violation of any of the provisions of this Ordinance or had a permit revoked;
9. Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States or is a registered sex offender. If the applicant is a partnership, corporation, or limited liability company, whether any officer, shareholder, member, partner of said partnership, corporation, or limited liability company has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States or is a registered sex offender;
10. The applicant's registration number under the Retailer's Occupation Tax Act; and,
11. In addition to information required above, an application for a permit to operate a Mobile Food Service Establishment on City property or a right-of-way shall include:
  - (1) A signed statement that the applicant shall hold harmless the City, its officers and employees and shall indemnify the City, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Applicant shall furnish and maintain public liability and property damage insurance as will protect applicant, property owner, and the city from all claims from damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therewith. The insurance shall provide coverage of not less than \$100,000 for bodily injury for each person, \$300,000 for each occurrence and not less than \$50,000 for property damage per occurrence. The insurance shall be without prejudice to coverage otherwise existing, and shall have as additional insured the City, its officers and employees, on a primary, non-contributory basis, and shall further provide that the policy shall not terminate or be canceled prior to the expiration of the permit without 30 days' written notice to the City Clerk.

(2) A certificate of insurance as provided in this section and proof of registration with the Effingham County Health Department and the tax ID number of the applicant.

**C. Inspection:** Prior to the issuance and/or renewal of a Mobile Food Service Vendor Permit, an applicant shall also present the Mobile Food Service Establishment to the Fire Prevention Bureau of the City of Effingham, Illinois, or his/her designee, for an inspection to determine whether the Mobile Food Service Establishment complies with the provisions of this Ordinance and may be operated on the streets under the jurisdiction and control of the City of Effingham, Illinois.

**D. Issuance of Permit:** The City Fire Prevention Bureau, or his/her designee, is hereby authorized and directed to issue such Mobile Food Service Vendor Permit in accordance with this Ordinance if the Fire Prevention Bureau, or his/her designee, determines that the applicant and the Mobile Food Service Establishment comply with the provisions of this Ordinance, and to further collect the required Mobile Food Truck Permit Fee imposed under Paragraph E of this Section. No Mobile Food Service Vendor Permit shall be issued to any Person:

1. Who has been convicted of a felony under the laws of the State of Illinois or any other state or federal law of the United States, within five years of the date of the application;
2. Who is a registered sex offender;
3. Who has been twice convicted in the previous five years of a violation of any of the provisions of this Ordinance;
4. Whose license pursuant to this subchapter has been revoked in the previous five years; or,
5. Who is lacking an Effingham County Health Department certificate and an Illinois Department of Revenue tax identification number (unless not selling food for profit).

**E. Permit Fee:** A Mobile Food Service Vendor Permit Application shall be accompanied by the following applicable fee, which shall be deposited with the Office of the City Clerk:

1. One Hundred Dollars (\$100.00) for an annual license good for one year from the date of issuance; or,
2. Forty Dollars (\$40.00) for a permit good for up to one forty-eight hour period,

(hereinafter referred to as the "Mobile Food Service Permit Fee"). Should a Mobile Food Service Vendor Permit Application be denied, the Mobile Food Service Permit Fee shall be refunded to the applicant.

**F. Continuing Obligation to Supply Information:** The requirement to supply all information required in Mobile Food Service Vendor Permit Application as provided for in Paragraph B of this Section is a continuing one. If any supplied information or statements become invalid, it is the duty of the Permittee of a Mobile Food Service Vendor Permit to provide updated information to the City of Effingham, Illinois.

**G. Renewal:**

1. Any Permittee may renew a Mobile Food Service Vendor Permit at the expiration thereof provided, that the Permittee is then qualified to receive a Mobile Food Service Vendor Permit. The requirements for and the procedures for obtaining a renewal of a Mobile Food Service Vendor Permit shall be the same as that provided for in case of an original application for a Mobile Food Service Vendor Permit, however, any application for renewal of an annual Mobile Food Service Vendor Permit shall be filed with the City Clerk not less than thirty (30) days prior to the expiration of the annual Mobile Food Service Vendor Permit.
2. The failure to renew a Mobile Food Service Vendor Permit as prescribed or to pay the required Mobile Food Service Vendor Permit Fee before the expiration date shown on the Mobile Food Service Vendor Permit being renewed shall result in the lapse of the Mobile Food Service Vendor Permit.

**H. Privilege Granted by Mobile Food Service Vendor Permit:** A Mobile Food Service Vendor Permit issued under this Ordinance shall be purely a personal privilege, good for a period of time listed in the Mobile Food Service Vendor Permit, provided, in no event shall it exceed one (1) year after issuance, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such Mobile Food Service Vendor

Permit shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the Permittee of a Mobile Food Service Vendor Permit; provided that, the executor of the will or administrator of the estate of any deceased Permittee and the trustee of any insolvent or bankrupt Permittee, when such estate consists in part of a Mobile Food Service Establishment, may continue the business of the Mobile Food Service Establishment under order of the appropriate court, and may exercise the privileges of the deceased, insolvent, or bankrupt Permittee until the expiration of such Mobile Food Service Vendor Permit or until six (6) months after the death, insolvency or bankruptcy of such Permittee, whichever is the shorter period of time.

- I. **Transfer:** All Mobile Food Service Vendor Permits issued under this Ordinance shall be considered personal and may not be transferred to any Person.
- J. **License to be Posted:** Every Permittee or holder of a Mobile Food Service Vendor Permit under the provisions of this Ordinance shall cause the Mobile Food Service Vendor Permit to be hung in plain view in a conspicuous place at or near where the Mobile Food Service Establishment is operated.
- K. **Exemption:** Any obligation to obtain a Mobile Food Service Vendor Permit under this Section, shall not apply to any farmers or gardeners selling the produce, including vegetables, fruit, or perishable farm products, of their farms and gardens.

**SECTION 4: OPERATION REQUIREMENTS FOR MOBILE FOOD SERVICE ESTABLISHMENTS:**

No Person shall operate a Mobile Food Service Establishment except in accordance with the following provisions:

- A. Mobile Food Service Establishments are allowed to operate within designated vending areas daily between 6:00 a.m. to 1:00 a.m., except where indicated otherwise.
- B. Mobile Food Service Establishments are allowed to operate at a designated vending area on a "first come, first served" basis.
- C. The Mobile Food Service Establishment, as well as the service area for the operation of the Mobile Food Service Establishment, shall not block, obstruct, or interfere with vehicular, bicycle or pedestrian flow.

- D. The Mobile Food Service Establishment, as well as the service area for the operation of the Mobile Food Service Establishment, shall not block obstruct, or interfere with the access of any public or private fire hydrant, or any building's fire department connection (FDC).
- E. The Mobile Food Service Establishment, as well as the service area for the operation of the Mobile Food Service Establishment, shall not block, obstruct, or interfere with any ingress or egress from any public or private establishment.
- F. The Mobile Food Service Establishment shall be operated in a manner in which to allow access for emergency vehicles, and shall be readily moveable in a timely manner should access to the area be required for such emergency vehicles.
- G. There shall be no tents, tables, chairs or other displays placed within the designated vending areas. One portable sign board no greater than 6 square feet in area may be placed within the designated service area near the Mobile Food Service Establishment.
- H. Noise from Mobile Food Service Establishments, including but limited to generators and music, shall not exceed 75 decibels as measured from 10 feet away.
- I. Mobile Food Service Establishments shall collect all trash and debris resulting from the Mobile Food Service Establishment within 100 feet of the designated vending area.
- J. Permittees shall properly train any and all employees regarding the proper use of equipment, fuel and electrical shut-offs, fire suppression equipment, emergency procedures, and securing the Mobile Food Service Establishment for transit. Documentation of all training shall be maintained by the Permittee for a period of not less than two (2) years and shall be available for inspection by the Fire Prevention Bureau, or his/her designee.
- K. All decorations utilized by Mobile Food Service Establishments shall be flame resistant.
- L. Any hot surfaces from cooking and heating devices contained on or within the Mobile Food Service Establishment shall be guarded so that the public is protected from physical contact.
- M. **Fire Extinguishers:**

1. All Mobile Food Service Establishments shall maintain a 4A:60-B:C, (10lbs ABC red extinguisher) portable fire extinguisher, which shall be located in a conspicuous location where it will be readily accessible and immediately available for use near the point of egress.
2. If the Mobile Food Service Establishment cooking methods create grease laden vapors, the Mobile Food Service Establishment shall maintain a 6L Class "K" type portable extinguisher, which shall be located in a conspicuous location where it will be readily accessible and immediately available for use near the point of egress.
3. All required fire extinguishers shall bear a current inspection tag validated within the past twelve months OR a receipt of purchase within the last 12 months shall be available for inspection. Annual inspection shall be performed by a licensed service provider.
4. All employees working in the Mobile Food Service Establishment shall be trained in the proper use of the fire extinguishers.

**N. Hoods & Suppression Systems:**

1. All Mobile Food Service Establishments, that are enclosed and produce grease laden vapors, shall have a Type 1 hood, as well as a fire suppression system installed with the Type 1 hood. The pull station for the fire suppression system should be accessible, and preferably located near the point of egress.
2. Hood fire suppression systems shall bear a current inspection tag validated within the past six months. Semi-annual inspections shall be performed by a licensed service provider.
3. Fire suppression system shall be UL 300 approved.
4. Hood and ducts shall be cleaned at regular intervals to prevent grease accumulation and tagged appropriately by a service company.
5. All hood filters shall be in place during cooking operations.
6. Hood filters should be regularly cleaned by employees between hood service appointments.



7. Documentation of all inspections, testing, and cleaning, shall be available for inspection by the City Fire Prevention Bureau, or his/her designee, and maintained for a period of not less than two (2) years.

**O. Detection Systems:**

1. Cooking operations shall be equipped with a working carbon monoxide (CO) detector that meets standards set forth in NFPA 1192-6.4.6.
2. Mobile Food Service Establishments utilizing liquid propane (LP), shall be equipped with a leak indicator and gas detection device according to NFPA 1192-6.4.8.

**P. Liquid Propane and Natural Gas:** Any Mobile Food Service Establishment utilizing liquid propane gas and/or natural gas shall:

1. Maintain liquid propane and/or natural gas relief valves, which shall be located within a safe distance away from any ignition source (open flame or generator) NFPA 58-3804.3 (e2) (ie. 5 feet).
2. LP tank relief valves shall be pointed away from the vending side of the vehicle and away from the public. They should also be located as distant from the exiting of the work space as feasibly possible.
3. Maintain main system shutoff valves, which shall be located on or close to the fuel and/or natural gas tanks, and must be able to stop the supply of fuel from all liquid propane gas tanks. Such shutoff valves shall be clearly marked with a reflective decal that includes the words measuring not less than two inches (2") high stating "PROPANE SHUTOFF VALVE" or "NATURAL GAS SHUTOFF VALVE," with said reflective decal being permanently affixed to the outside of the Mobile Food Service Establishment.
4. The gas hose shall be designed for a working pressure of 350 psig (2.4MPag). Only a rubber hose stamped "Approved for LP Gas" or "Approved for Natural Gas" may be used to transport gas through the Mobile Food Service Establishment to any appliances contained within or a part of said Mobile Food Service Establishment. Copper piping shall NOT be used. NFPA 58 – 5.9.6.4 (a).
5. All tanks, hoses, and fittings shall be free from leaks and are subject to inspection

by the City of Effingham, Illinois, Fire Prevention Bureau and/or designee.

6. A “No Smoking” sign shall be maintained next to or directly above the liquid propane and/or natural gas container and visible to the public. Such sign shall be posted with a minimum of 2 inch lettering.
7. DOT approved liquid propane and natural gas (49 CFR 178) tanks shall be used. Tanks must be equipped with a regulator as prescribed by NFPA 58 – 6.23.4 and 5.2.15. No quick-connect devices (as defined in NFPA 58- 7.2.2.5) are allowed except on chassis-mounted tanks. Any such quick connect devices on a chassis-mounted tank shall be equipped with a manual shutoff.
8. Tanks shall be properly labeled with prominent safety placards in accordance with the US DOT regulations (49 CFR 178).
9. Operations may use two size 20lb tanks or one 40lb tank. All tanks shall be properly secured to the Mobile Food Service Establishment.
10. LP gas shall not be used for the purpose of operating devices or equipment unless such device or equipment is approved for use with LP gas or natural gas.

**Q. Mounting and placement of Liquid Propane and Natural Gas Tanks:**

1. The mounting of liquid propane and natural gas tanks must withstand impact equal to four times the weight of the filled propane or natural gas container according to NFPA 58 – 6.23.3.4. Tanks must be secure (NFPA 58- 5.2.4) and conform with NFPA standards relating to the safe mounting of tanks as described in NFPA 58-6.23.3.3. Under these guidelines there are three permitted mounting options for propane and natural gas tanks and a fourth for trailers only:
  - a. Outside mounted in a semi-enclosed cabinet. All tanks must be properly secured to the Mobile Food Service Establishment. Tanks may be in an outside accessible cabinet and if located in a cabinet, the door must have venting both at top and bottom. Any outside accessible cabinet must also be sealed from leakage into the working space. Tank must have a weather protected regulator and a leak indicator as described in NFPA 1192-6.4.8.
  - b. Outside mounted. LP tanks are located at the rear of the vehicle. The DOT

approved LP tanks shall be mounted at a minimum height of 46 inches above the ground no less than 28 inches above the top of a DOT approved rear bumper with a weather protected regulator.

- c. Chassis mounted, according to NFPA 58-6.23.3.4.
  - d. If the Mobile Food Service Establishment is an unenclosed trailer, tanks may be mounted on the tong rails of the front of the trailer.
2. No liquid propane or natural gas tank shall be installed on the roof of the vehicle under any circumstances. In addition, no flammable liquids should be stored inside any enclosed Mobile Food Service Establishment. Such liquids may only be stored in their own separate container in a manner consistent with their type and secured from spilling. **No gas shall be stored in the work area of the Mobile Food Service Establishment.**
  3. Liquid propane and natural gas tanks shall be shut off while the Mobile Food Service Establishment is in motion, unless the tank is equipped with an impact detection shut-off device approved by the U.S. DOT. Propane and natural gas tanks must always be shut off while the Mobile Food Service Establishment is unattended and/or in overnight storage.

**R. Cooking Equipment/Appliances:**

1. All cooking appliances must be listed by Underwriters Laboratories or NSF International for mobile applications for the appropriate fuel and be clearly marked with the appropriate rating sticker.
2. All fat fryers must have a lid over the oil vat that can be secured in order to prevent the spillage of cooking oil during transit. This lid should be secured at all times when the Mobile Food Service Establishment is in motion.
3. Electrical cooking and heating equipment shall comply with the 2015 NFPA 101 Life Safety Code, Section 12.7.
4. All cooking equipment and appliances shall have all manufacturer's knobs, switches, indicator lights in working order and equipment should not be modified

or deviate from its original design.

**S. Ventilation:** Any enclosed Mobile Food Service Establishment must be equipped with a working ventilation system that meets the requirements of NFPA 96 chapter 5. This ventilation system must be in operation at all times when the cooking equipment of the enclosed Mobile Food Service Establishment is being used. All fan systems must have combined cubic feet per minute rating equal to twice the volume of the interior of the Mobile Food Service Establishment as measured in cubic feet.

**T. Electrical:**

1. All electrical equipment shall comply with the ICC Electrical Code, as adopted by the City of Effingham, Illinois.
2. All electrical equipment shall be maintained and kept in good working order as designed without modification.
3. Electrical Cords shall be properly sized (amps) with the equipment it is being used.
4. Electrical adapters or gang electrical taps are prohibited.
5. Circuits for outlets and equipment should be installed in such a manner to prevent overloading and tripped breakers. Extension cords are prohibited unless they include a circuit protected device.
6. Open junction boxes and open-wiring splices are prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.
7. Equipment power cords shall be protected from physical damage and from becoming a tripping hazard.

**U. Generators:**

1. Mobile Food Service Establishments with pre-plumbed (inboard) gasoline, diesel, or LP generators are allowed (and recommended) to operate provided they meet the requirements of NFPA 2008.
2. Generators shall be properly grounded.

3. Generators shall be mounted or stored on the traffic side of the Mobile Food Service Establishment, rather than the vending side of said Mobile Food Service Establishment.
4. Generators installed within an enclosed Mobile Food Service Establishment shall be sealed from leaking Carbon Monoxide (CO) within the enclosed portions of the Mobile Food Service Establishment.
5. Generators shall be placed in a location to protect the public from coming into contact with the same.
6. Must have an adequate fuel tank to prevent having to refuel during business hours. No refueling of hot generators while in the public way and setup for business is permitted.
7. Any storage area for a generator shall not be utilized for the storage of any other equipment and/or other items.
8. Generators shall be properly maintained and free of leaks.
9. A maintenance log should be kept and available if requested by the Fire Prevention Bureau of the City of Effingham, Illinois, or his/her designee, for review during inspections.

**V. Awnings:**

1. Any fabric awnings shall be flame retardant treated fabric or vinyl and meet flame propagation requirements.
2. Awnings shall be composed of material meeting the flame propagation performance criteria of NFPA 701 or shall be treated with a flame retardant in an approved manner and meet the flame propagation performance criteria of NFPA 701, and that such flame propagation performance criteria are effective for the period specified. 2015 NFPA 101 Life Safety Code, Section 11.9.1.6.
3. Membrane structures, tents or canopies shall have a permanently affixed label bearing the identification of size and fabric or material type. The label shall have date the fabric was last treated with flame-retardant solution. 2015 NFPA 101 Life Safety Code, Section 11.11.2 Flame Resistance.

**W. Certificate of Safety:** All Mobile Food Service Establishments with a GWR of 8000 pounds or greater shall maintain a current Certificate of Safety as issued by the Illinois Department of Transportation in accordance with state law (625 ILCS5).

**SECTION 5: MOBILE FOOD SERVICE VENDOR PERMIT SUSPENSION OR REVOCATION:**

- A.** The City of Effingham, Illinois, Fire Prevention Bureau and/or designee, may revoke or suspend any Mobile Food Service Vendor Permit issued by the City if the City of Effingham, Illinois, Fire Prevention Bureau and/or designee determines that the Permittee has violated any of the provisions of this Ordinance. No such Mobile Food Service Vendor Permit shall be so revoked or suspended except after a public hearing by the City of Effingham, Illinois, Fire Prevention Bureau and/or designee and written notice to the Permittee affording such Permittee an opportunity to appear and defend. All such proceedings shall be instituted by a written citation. Said citation shall state the particular provision, rule, or regulation alleged to have been violated and shall be signed by the City of Effingham, Illinois, Fire Prevention Bureau and/or designee. Said citation and a notice of hearing shall be served on the Permittee named therein, not less than three (3) calendar days prior to the date specified in the notice of hearing. Service of the citation and notice of hearing on the agent or employee of the Permittee shall constitute service on said Permittee. If the Permittee's whereabouts are unknown or reasonable attempts to serve the Permittee have failed, service shall be by publication in a newspaper of general circulation within the City of Effingham. Said Permittee named in the citation and notice of hearing shall appear at the time and place designed in said citation and notice of hearing.
- B.** The hearing shall be conducted under the rules issued by the City of Effingham, Illinois, Fire Prevention Bureau and/or designee. Such rules shall be consistent with the nature of the proceedings and shall ensure that each party may present evidence, cross-examine witnesses, and be represented by legal counsel. All such hearings shall be open to the public and the City of Effingham, Illinois, Fire Prevention Bureau and/or designee shall reduce all evidence to writing and shall maintain an official record of the proceedings.
- C.** The City of Effingham, Illinois, Fire Prevention Bureau and/or designee, within five (5) calendar days after such hearing, if he determines after such hearing that the Mobile Food Service Vendor Permit should be suspended or revoked, shall state the reason or reasons for such determination in a written order, and either the period of suspension

for a Mobile Food Service Vendor Permit, or that the Mobile Food Service Vendor Permit has been revoked. The period of the suspension or the declaration of revocation, and all costs shall be clearly set forth in said written order. All costs of the public hearing incurred by the City shall be charged to the Permittee or upon a determination of a violation and the issuance of an order setting forth a suspension, or revocation. A copy of the written order shall be served on the Permittee within the five (5) calendar days after the hearing. Service of the written order on the agent or employee of the Permittee shall constitute service on the Permittee. If the Permittee's whereabouts are unknown or reasonable attempts to serve the Permittee have failed, service shall be by publication in a newspaper of general circulation within the City of Effingham.

- D. Any review of decisions of the City of Effingham, Illinois, Fire Prevention Bureau and/or designee shall be as provided for in Section 5/3-101, *et. seq.* of the Illinois Code of Civil Procedure.
- E. **Temporary Emergency Suspension.** Notwithstanding anything contained in this Ordinance to the contrary, at any time, for the purposes of preserving the peace; protecting the safety of the public; or abating any imminent, continuing public nuisance, the City of Effingham, Illinois, Fire Prevention Bureau and/or designee, City of Effingham, Illinois, Fire Prevention Bureau and/or designee may then issue a temporary emergency suspension of that Mobile Food Service Vendor Permit, but in no case shall such temporary emergency suspension exceed twenty-four (24) hours from the time of its issuance, except as allowed by law or local ordinance.

#### **SECTION 6: PENALTIES.**

- A. Pursuant to 65 ILCS 5/1-2-1, any Person violating, disobeying, omitting, neglecting, or refusing to comply with or unlawfully resisting or opposing the enforcement of any of the provisions of this Ordinance shall, upon conviction thereof, be deemed guilty of a civil ordinance violation and shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Seven Hundred Fifty Dollars (\$750.00) for each offense. A separate offense shall be deemed to be committed on each day during or on which a violation occurs or continues.
- B. Every act or omission of whatsoever nature constituting a violation of any provision of this Ordinance, by any officer, director, manager or other agent or employee of any holder of a Mobile Food Service Vendor Permit or any Person subject to the provisions of this Ordinance, shall be deemed and held to be the act of such employer or holder of a Mobile Food Service Vendor Permit and the employer or holder of a Mobile Food

Service Vendor Permit shall be punishable in the same manner as if the act or omission had been done or omitted by him personally.

- C. For violations of this Ordinance, the penalty provided in Paragraph A of this Section is in addition to, not in lieu of, any administrative action taken by the City of Effingham, Illinois, Fire Prevention Bureau and/or designee as contained within Section 5 of this Ordinance.

**SECTION 7: MISCELLANEOUS PROVISIONS.**

- A. **Invalidity.** In the event a court of competent jurisdiction declares any particular provision of this ordinance to be invalid or unenforceable, the remaining provisions of this Ordinance shall be construed to be valid and enforceable. The invalidity of any part of this Ordinance shall not affect any other part or parts thereof.
- B. **Effective Date.** This Ordinance shall be in full effect from and after passage and approval as provided by law.
- C. Any ordinance of the City of Effingham contrary to the terms and conditions of this Ordinance shall be deemed to be repealed.

Place on file this 26 day of February, 2018.

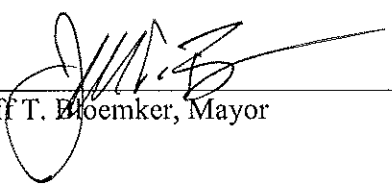
Presented, passed and approved this 6 day of March, 2018.

Commissioner Gillenwater:	<u>Yea</u>
Commissioner Willis:	<u>Yea</u>
Commissioner Althoff:	<u>Absent</u>
Commissioner Esker:	<u>Yea</u>
Mayor Bloemker:	<u>Yea</u>

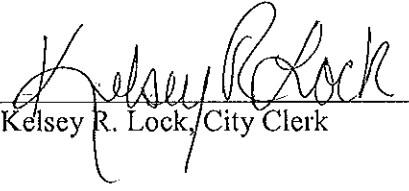
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NAYS:	<u>0</u>
ABSENT:	<u>1</u>



CITY OF EFFINGHAM, ILLINOIS

  
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Jeff T. Bloemker, Mayor

ATTEST:

  
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Kelsey R. Lock, City Clerk