

VILLAGE OF LONG GROVE

RESOLUTION NO. 2018-R-___

RESOLUTION APPROVING A PILOT PROGRAM IN THE HISTORIC
B-1 DISTRICT RELATING TO FOOD TRUCKS

WHEREAS, the Village of Long Grove (the “*Village*”) has endeavored to encourage the development and maintenance of a vibrant commercial area within its Historic B-1 District (the “*Downtown*”); and

WHEREAS, encouraging restaurants and other destination locations has been identified as an important component to maintaining the vibrancy of the Downtown; and

WHEREAS, it is believed that potential restaurateurs for Downtown would be more likely to establish a business in the Downtown if they could effectively test-market their offerings in the Downtown; and

WHEREAS, in addition, the Village Board of Trustees (the “*Village Board*”) has previously granted approvals and financial incentives to the Buffalo Creek Brewery to locate its operations at 360 Historical Lane (the “*Brewery*”) in the Downtown; and

WHEREAS, the Brewery’s business model does not include food service, as it was expected that synergistic relationships could be developed with Downtown restaurateurs; and

WHEREAS, the owner of the Brewery has reported to the Village Board that, as yet, reliable opportunities for delivery of food service to patrons of the Brewery have not materialized; and

WHEREAS, Section 5-4-9.A.2 of the Village Zoning Code requires all business in the Downtown to be conducted wholly within enclosed buildings (unless otherwise allowed by a special event or other permit approved by the Village); and

WHEREAS, in order to help test-market the Downtown for new permanent restaurants in the Downtown, to provide the Brewery with additional options for the

continued success of its business and the establishment of the synergistic relationships contemplated, and to explore new ways to enhance the vibrancy of the Downtown, the Village Board is desirous to suspend temporarily the strict enforcement of Section 5-4-9.A.2 with respect to “food trucks” (as hereinafter defined), but only subject to and in accordance with the terms set forth in this Resolution (the “**Food Truck Pilot Program**”); and

WHEREAS, the Village Board has determined that implementing the Food Truck Pilot Program is in the best interests of the Village and its residents;

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Long Grove, County of Lake, State of Illinois, as follows:

Section 1: Incorporation of Recitals. The foregoing recitals are incorporated into and made a part of this Resolution.

Section 2: Enforcement Moratorium; Establishing Food Truck Pilot Program.

A. Subject to the terms of the Food Truck Pilot Program as hereinafter set forth, the Village Board authorizes and directs that the Village and its officers and employees temporarily suspend enforcement of Section 5-4-9.A.2 of the Zoning Code with respect to any person operating in conformity with the Food Truck Pilot Program.

B. The Food Truck Pilot Program, as set forth in Exhibit A attached to this Resolution and made a part hereof, shall be in force and effect upon the effective date of this Resolution until **[January 31, 2019]**, unless the Village Board shall either terminate the Food Truck Pilot Program or extend its duration. The Food Truck Pilot Program is independent of the authorizations for food service providers during special events separately approved within the Downtown by the Village Board.

C. The Village Manager is hereby authorized to oversee and implement the Food Truck Pilot Program and monitor its effectiveness and impact. The Village Manager shall also report to the Village Board periodically about the status and assessments of the Food

Truck Pilot Program, which reports may also include recommendations for modifications to the Food Truck Pilot Program.

Section 3: **Effective Date.** This Resolution shall be in full force and effect upon its passage and approval in the manner provided by law.

PASSED THIS _____ DAY OF _____, 2018.

Ayes:

Nays:

Absent:

Abstain:

APPROVED THIS _____ DAY OF _____, 2018.

President

ATTEST:

Village Clerk

EXHIBIT A

Food Truck Pilot Program

1. Establishment. There is hereby established a Food Truck Pilot Program (the “**Program**”) within the Historic B-1 Zoning District (the “**Downtown**”) of the Village of Long Grove (the “**Village**”). The Program is intended to have a short-term duration, and it is further intended to allow the Village to assess the viability and desirability of maintaining or expanding such a Program. The initial term of the Program shall conclude effective **[January 31, 2019]** (the “**Initial Term**”).
2. “Food Truck” Defined. For purposes of the Program, a “Food Truck” means any person who: (i) offers for sale and immediate delivery any food from any motorized vehicle or any trailer, cart, or other container attached to or intended to be attached to any motorized vehicle; or (ii) prepares food for sale in any motorized vehicle or any trailer, cart, or other container attached to or intended to be attached to any motorized vehicle, when such food is presented for sale within a Sponsoring Venue.
3. Sponsoring Venue. The Program shall be limited to Food Trucks to be located and intended to serve patrons at an existing business location within the Downtown (the “**Sponsoring Venue**”).
 - a. Only one Sponsoring Venue shall be authorized as part of the Program, unless expressly provided otherwise by the Village Board of Trustees (the “**Village Board**”).
 - b. A Sponsoring Venue shall be located adjacent to a Village-owned parking lot, and the owner or occupant of such Sponsoring Venue shall file an application with the Village (for which no application fee shall be required) setting forth the following:

- i. The name, address, e-mail address, and phone number of the owner and (if different) tenant of the Sponsoring Venue, as well as of the operating manager of the Sponsoring Venue;
- ii. The Sponsoring Venue's agreement to require the operator of any Food Truck to obtain a certificate of registration from the Village in accordance with Section 4 of the Program.
- iii. The Sponsoring Venue's agreement to notify the Village at least seven (7) days in advance of the name of the operator of a Food Truck and the date(s) that such Food Truck shall be operating from the Sponsoring Venue.
- iv. The Sponsoring Venue's agreement to allow not more than one (1) Food Truck to operate from the Sponsoring Venue on any calendar day.
- v. The Sponsoring Venue's agreement to make adequate facilities available for the Food Truck, including without limitation facilities for waste disposal.
- vi. The Sponsoring Venue's agreement to indemnify, defend, and hold the Village (including its officers, officials, employees, agents, attorneys, and representatives) harmless from any claims of injuries, death, damage, loss, judgment or other liability arising from the Food Truck or the Program.
- vii. The Sponsoring Venue's acknowledgement and agreement that the Program may be terminated at any time by the Village.
- viii. Such other information as the Village Manager may reasonably request.

c. Provided that the requirements of this Section 3 are satisfied, the Sponsoring Venue shall be the Buffalo Creek Brewery at 360 Historical Lane in Long Grove. In the event that the Buffalo Creek Brewery does not satisfy the requirements of this Section 3, the Village Manager may approve another venue as the Sponsoring Venue, provided that it qualifies under this Section 3.

4. Food Truck Registration. Any Food Truck participating in the Program shall be required to apply for and obtain a certificate of registration with the Village in accordance with this Section 4. No cost shall be charged for filing such application or receiving a certificate of registration. The application for the certificate of registration shall set forth:

- a. The name, address, e-mail address, and phone number of the Food Truck operator. If such operator is a corporation, the name, address, e-mail address, and phone number of each officers and shareholders having greater than a 5% share in the corporation, as well as the name, address, e-mail address, and phone number of the manager of the Food Truck. If such operator is a partnership, the name, address, e-mail address, and phone number of each general partner, as well as the name, address, e-mail address, and phone number of the manager of the Food Truck. If such operator is a limited liability company, the name, address, e-mail address, and phone number of each member and manager of the limited liability company, as well as the name, address, e-mail address, and phone number of the manager of the Food Truck.
 - b. Identification of the Food Truck vehicle(s), including license number.
 - c. Proof that the Food Truck has all required licensing and authorizations from the Lake County Health Department or equivalent authorizing agency.
 - d. The tax identification number of the Food Truck operator.
 - e. The agreement of the Food Truck operator to account for all sales from the Food Truck pursuant to the Program as sales within the Village of Long Grove for sales tax purposes, including the completion of appropriate forms to ensure the proper crediting of such sales taxes to the Village.
 - f. The agreement of the Food Truck to adhere to all applicable federal, state, and local laws.
 - g. Evidence of required insurance for the Food Truck.
 - h. The Food Truck operator's agreement to indemnify, defend, and hold the Village (including its officers, officials, employees, agents, attorneys, and representatives) harmless from any claims of injuries, death, damage, loss, judgment or other liability arising from the Food Truck or the Program.
 - i. The Food Truck operator's acknowledgement and agreement that the Program may be terminated at any time by the Village.
 - j. Such other information as the Village Manager may reasonably request.
5. Additional Regulations. In addition to any other applicable federal, state, or local laws relating to the operation of a Food Truck, the following additional regulations shall apply to any Food Truck operating pursuant to the Program:
- a. Hours of Operation. No Food Truck shall operate before 11:00 a.m. or after 10:00 p.m. on Sundays through Thursdays, nor between 10:00 a.m. and 12:00 midnight on Fridays and Saturdays. In no event may a Food Truck operate at any time during which the Sponsoring Venue is closed for business.

- b. Alcoholic Beverages. No Food Truck shall be authorized to sell, distribute, or otherwise serve alcoholic beverages.
- c. Location. In order to mitigate any disturbances from noise, light, or other impacts of a Food Truck, the Village Manager or the Manager's designee may identify the particular location upon the premises of a Sponsoring Venue (or upon an adjacent Village parking lot) from which the Food Truck shall operate.
- d. Additional Requirements. Upon notice to the Food Truck and the Sponsoring Venue, such additional requirements as the Village Manager may reasonably establish to protect the public health, safety, and general welfare.