



## Legislation Details (With Text)

**File #:** 19-884      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 9/6/2019      **In control:** City Council

**On agenda:** 10/1/2019      **Final action:** 10/1/2019

**Title:** Waive the first reading and pass the ordinance amending Section 3-7 of the Naperville Municipal Code to allow vehicle vending at Naperville train stations (requires six positive votes)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. SolPedOrdinanceTextAmend

Date	Ver.	Action By	Action	Result
10/1/2019	1	City Council	passed as amended	Pass

### CITY COUNCIL AGENDA ITEM

**ACTION REQUESTED:**

Waive the first reading and pass the ordinance amending Section 3-7 of the Naperville Municipal Code to allow vehicle vending at Naperville train stations (requires six positive votes)

**DEPARTMENT:** City Clerk's Office

**SUBMITTED BY:** Pam Gallahue, PhD, Director-City Clerk and Kristen Foley, Senior Assistant City Attorney

**BOARD/COMMISSION REVIEW:**

N/A

**BACKGROUND:**

In 2019 City staff conducted a comprehensive review of the peddler and solicitor section of the Municipal Code. At its August 20, 2019 meeting, the Council approved the proposed repeal and replacement of the ordinance.

**DISCUSSION:**

After the repeal and replacement of was approved, staff was made aware of an expiring agreement with Harry's Catering. The food truck has been vending coffee and pre-packaged food stuffs to morning commuters at the 5<sup>th</sup> Avenue train station for over a decade. In 2014, the City entered into an agreement with Harry's Catering whereby he could use a metered electric outlet at the train station to facilitate his vending and pay a monthly fee for his electricity usage. The agreement also allowed Harry's Catering exclusive access to vend at the train station during the morning hours of 4:00 a.m. to 9:00 a.m. for an annual fee of \$600.

The agreement with Harry's Catering expired at the end of August 2019. Under the current peddler

and solicitor ordinance, he may not vend before 10:00 a.m. and may not stay in the same location for more than 15 minutes. The proposed amendment to the peddler and solicitor ordinance will allow regulated vending at both train stations.

Due to the proliferation of food trucks in the Naperville area and the ongoing discussions regarding development in the 5<sup>th</sup> Avenue train station area, staff is recommending not renewing the formal agreement with Harry's Catering, which allows exclusive access to vend, but still allowing his vending operation per the proposed text amendment.

If other vendors become interested in operating at the train stations, it may be necessary in the future for staff to develop an application process in order for the City to remain competitively neutral. Staff will inform Council if that becomes an issue.

**FISCAL IMPACT:**

Elimination of the \$600 annual fee for exclusive access to vend at 5<sup>th</sup> Avenue train station.