



News

Illinois Restaurant Association Backs City of Chicago Food Truck Ordinance in Amicus Brief

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Hinshaw & Culbertson LLP recently filed an amicus brief on behalf of the Illinois Restaurant Association, in a case currently before the Illinois Supreme Court. At issue is a challenge to the City of Chicago's mobile food vendor ordinance, first adopted in 2012. Under the ordinance, food trucks are prohibited from parking within 200 feet of any brick and mortar establishment that serves food. The ordinance also mandates that food trucks carry GPS devices. Prior to the appeal to the Supreme Court, the ordinance was upheld as constitutional at both the trial court and the appellate court level. Partner and Chair of the Firm's Appellate Practice Gretchen Harris Sperry and Firm Managing Partner Robert T. Shannon represented the industry group in the filing.

In its amicus brief, the Illinois Restaurant Association explains why the ordinance is an appropriate and legitimate exercise of government policy. In particular, it describes the significant and positive impact of the restaurant industry on the City's economic, cultural and urbanization objectives, and also how a decision invalidating the 200-foot rule would affect its members.

The brief sets out how the City depends on the restaurant industry as a "centerpiece of tourism;" how, as long-term investors in their communities, restaurants help create stability and maintain property values; and how, in an industry that already operates on "razor-thin" margins, the consequences of losing business to unregulated food trucks will mean restaurants will be forced to close, negatively impacting tourism and contributions to the tax base. Accordingly, it calls for the Court to uphold the 200-foot rule as a fair and legitimate compromise between restaurateurs and food truck operators.

In its brief, the Illinois Restaurant Association also calls on the Court to uphold the GPS tracking device requirement, because it is "imperative that there be a method by which food trucks can be located in case of an outbreak of food borne illness."

The case has received significant Chicago media coverage, including these articles:

NPR Illinois: "[Chicago Food Trucks Take Beef with City to State's High Court](#)"

Chicago Tribune: "[State Supreme Court fight over food truck limits: 'Proper' balancing of interests or 'blatant protectionism'?](#)"

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WEBZ: "The Future Of Food Trucks In Chicago"

The case is *LMP Services v. The City of Chicago*, No. 123123. [Download a copy of the Illinois Restaurant Association amicus brief \(PDF\)](#)