



News

Client Success: Illinois Restaurant Association Helps Defend City of Chicago Food Truck Ordinance against Constitutional Challenge

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Hinshaw client Illinois Restaurant Association recently helped secure a victory on behalf of Chicago restaurateurs at the Illinois Supreme Court. At issue was a City of Chicago mobile food vendor ordinance, as amended in 2012, which prevents food trucks from parking within 200 feet of any brick and mortar restaurants and also mandates that food trucks carry GPS devices to locate them in the event of a public health emergency. A group of food truck operators challenged the ordinance as unconstitutional. Partner and Chair of the Firm's Appellate Practice Gretchen Harris Sperry and Firm Managing Partner Robert T. Shannon filed an amicus brief on behalf of the Illinois Restaurant Association in the case.

The ordinance was upheld as an appropriate and legitimate exercise of legislative policy at both the trial court and the appellate court level. When the food truck operators appealed to the Illinois Supreme Court, the Illinois Restaurant Association filed an amicus brief to explain the significant and positive impact the restaurant industry has on the City's economic, cultural and urbanization objectives, and why the 200-foot rule was a fair and legitimate balancing of the interests of restaurateurs and food truck operators.

In a unanimous decision, the Illinois Supreme Court affirmed, finding that the City has a "legitimate government interest in encouraging long-term stability and economic growth of its neighborhoods," which is furthered by the benefits provided by brick-and-mortar restaurants. It also found that the GPS requirement met the "traditional Fourth Amendment standard of reasonableness" for a warrantless inspection.

The decision is believed to be the first high court case upholding the constitutionality of food truck location restrictions relative to brick and mortar restaurants. The case has received significant media coverage, including these articles:

- [Chicago Tribune: "Chicago's food truck restrictions can stand, Illinois Supreme Court rules"](#)
- [Chicago Daily Law Bulletin: "Food truck rules survive high court challenge"](#)
- [WGN Chicago: "Chicago food truck regulations constitutional, court says"](#)
- [Law360: "Ill. High Court Upholds Chicago's Food Truck Ordinances"](#)
- [Crain's Chicago Business: "Illinois Supreme Court upholds food truck restrictions"](#)

Attorneys

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Service Areas

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- *Chicago Business Journal*: "Illinois Supreme Court rules in favor of food truck restrictions"
- *CBS Chicago*: "Chicago Food Trucks Required To Continue Keeping Distance From Restaurants Under Supreme Court Ruling"
- *Cook County Record*: "IL Sup Ct: Chicago can favor restaurants over food trucks"
- *Capital Fax*: "Supremes hand down another big defeat for Chicago food trucks"

The case is *LMP Services v. The City of Chicago*, No. 123123. You can view the Illinois Supreme Court's opinion here—<http://illinoiscourts.gov/Opinions/SupremeCourt/2019/123123.pdf>—and download a copy of the Illinois Restaurant Association amicus brief (PDF)