

Chapter 8 MOBILE VENDING

3-8-1: DEFINITIONS:

As used in this chapter:

MOBILE FOOD OR LIQUID VENDOR: A person who operates, or causes to be operated, a motorized mobile unit upon the streets or public property within the village of Sugar Grove for the purpose of selling, from said motor vehicle, to the general public, prepared food or liquid products including, but not limited to: hot dogs, hamburgers, french fries, ice cream, sherbet, soft drinks, flavored frozen water or other frozen liquid, snow cones, or other similar products.

MOBILE UNIT: Any apparatus (i.e., car, truck, trailer, cart, wagon) or structure not permanently fixed to a permanent foundation and which may be moved under its own power, pushed or pulled by hand, towed by a motor vehicle or carried upon or in a motor vehicle or trailer.

MOTORIZED MOBILE UNITS: A mobile unit which may be moved under its own power, towed by a motor vehicle or carried upon or in a motor vehicle or trailer. An example would include, but not be limited to, ice cream trucks.

PERSON: Any individual, partnership, firm, corporation, trust, association or other entity. (Ord. 2007-11-20, 11-20-2007)

3-8-2: LICENSE REQUIRED; HOURS OF OPERATION:

No mobile food or liquid vendor shall operate, or cause said motor vehicle to be operated, upon the streets or public property of the village of Sugar Grove without first obtaining from the village of Sugar Grove a mobile food or liquid vendor's license. Any such license shall only be valid between the hours of nine o'clock (9:00) A.M. to six o'clock (6:00) P.M. from Labor Day to Memorial Day (as those holiday dates are set by the United States federal government) and from nine o'clock (9:00) A.M. to eight o'clock (8:00) P.M. from Memorial Day to Labor Day (inclusive of said holiday dates). Nothing herein shall limit the power of the village to control and prohibit the use of nonstreet public property (e.g., public parks, parking lots) by mobile units at any time. Except as specifically allowed herein, no person shall conduct any other vending of any type or character from a mobile unit upon the street or public property within the village. (Ord. 2007-11-20, 11-20-2007)

3-8-3: APPLICATION FOR LICENSE:

Any person who wishes to obtain a mobile food or liquid vendor's license shall submit a written application to the village of Sugar Grove police department for such license as hereinafter provided. (Ord. 2007-11-20, 11-20-2007)

3-8-4: CONTENTS OF APPLICATION:

Said license application shall include:

A. Applicant's name, date of birth, residence and business addresses, and social security number;

B. A description of the vehicle from which applicant intends to operate including the Illinois state license number thereof;

C. The number and expiration date of applicant's Illinois state driver's license (if the applicant will be driving said motor vehicle). (Ord. 2007-11-20, 11-20-2007)

3-8-5: DOCUMENTS TO BE SUBMITTED WITH APPLICATION:

Copies of the following documents shall be attached to and made a part of said application:

A. The applicant's certificate of registration under the Illinois retailers' occupation tax act;

B. Applicant's Illinois driver's license;

- C. Applicant's Kane County health department food permit (if required by Kane County);
- D. Applicant's public liability insurance policy covering the subject vehicle;
- E. A sworn statement signed by the applicant stating that the applicant has never been convicted of the commission of a felony and is not a registered sex offender;
- F. A signed consent to a background check on forms promulgated by the village staff from time to time (the village staff may but shall not be required to process a background check in their discretion). (Ord. 2007-11-20, 11-20-2007)

3-8-6: LICENSE REQUIRED FOR EACH VEHICLE:

In the event that the applicant will be operating more than one such motor vehicle upon the streets or public property of the village of Sugar Grove, the applicant must file separate applications and obtain separate mobile food or liquid vendor's licenses for each such motor vehicle. (Ord. 2007-11-20, 11-20-2007)

3-8-7: APPLICANTS RESPONSIBLE FOR DRIVERS OF VEHICLES:

In the event that the applicant employs another person to drive said motor vehicle on the streets or public property of the village of Sugar Grove, then and in that event, such driver must be of legal age and must have a valid current Illinois state driver's license and the applicant shall be responsible for all actions of said drivers just as though the applicant was driving said motor vehicles. (Ord. 2007-11-20, 11-20-2007)

3-8-8: EMPLOYMENT REQUIREMENTS:

No person shall be employed to drive said vehicle unless and until the applicant has filed with the village of Sugar Grove a sworn statement signed by said employee consenting to a background check, stating that he/she has never been convicted of a felony and is not a registered sex offender, and setting forth the driver's home address, date of birth, and social security number. (Ord. 2007-11-20, 11-20-2007)

3-8-9: APPLICATION FEE:

The said application shall include an annual license application fee of two hundred fifty dollars (\$250.00). (Ord. 2007-11-20, 11-20-2007)

3-8-10: LICENSE RENEWAL:

In all subsequent years, the applicant must file a new application covering such motor vehicle. (Ord. 2007-11-20, 11-20-2007)

3-8-11: LICENSE NONTRANSFERABLE:

The mobile food or liquid vendor's license issued hereunder shall not be transferable to any other "person" (as defined herein). (Ord. 2007-11-20, 11-20-2007)

3-8-12: WAIVER OF LICENSE REQUIREMENT FOR CERTAIN EVENTS ON PUBLIC PROPERTY:

The village staff may waive the requirement of a license for a mobile food or liquid vendor operating only upon public property during village recognized community events including, but not limited to, Corn Boil and Farmers' Market. Said waiver shall be requested in writing not less than fourteen (14) days prior to said event by the applicant and shall be approved only in writing. The village staff may waive the advance notice of said request in their discretion. The village staff, in order to control traffic and maintain safety may limit the number of such waivers given and also may refuse to issue any waivers in the use of their discretion based upon the conditions of any such event, history of such event and history of any applicant. The village staff shall first give preference to the organization operating said event to obtain any available waivers. The village staff may prohibit other mobile food or liquid vendors on said public property during said event. (Ord. 2007-11-20, 11-20-2007)

3-8-13: REVOCATION AND VIOLATIONS OF VENDOR'S LICENSE:

- A. The conviction of the applicant for a felony shall result in the revocation of any and all mobile food or liquid vendor's licenses issued hereunder.
- B. The village of Sugar Grove shall revoke any mobile food or liquid vendor's license if the driver of said vehicle is convicted of a moving traffic law violation occurring while operating under a license issued hereunder in the village of Sugar Grove.
- C. The failure of the applicant to renew the mobile food or liquid vendor's license and pay the required annual fee shall result in the revocation of said license by the village of Sugar Grove.
- D. If the applicant or any driver of a subject vehicle is or shall become a registered sex offender under the Illinois sex offender registration act, the village of Sugar Grove shall refuse to issue a license hereunder or shall revoke any license already issued hereunder.
- E. A violation of any of the terms of this chapter or of the remainder of this code shall result in the revocation of any mobile food or liquid vendor's license issued hereunder.
- F. A revocation shall be processed by village staff and approved by the action of the village administrator. The village staff shall mail, via regular mail, a notice of revocation to the address listed on the licensee's application. The failure of the licensee to receive said notice of revocation shall not affect or invalidate the revocation hereunder or the time frames for appealing said revocation. Any licensee may appeal a decision of the village administrator to the village board of trustees within fourteen (14) days of the mailing date of any revocation notice. The decision of the village board of trustees on any such appeal shall be final. Any person who has had a license revoked hereunder shall not be eligible for a new license for a period of one year from the date of revocation.
- G. A violation of any of the terms of this chapter shall also be subject to the general penalties contained in sections [1-4-1](#) and [1-4-4](#) of this code. (Ord. 2007-11-20, 11-20-2007)