
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: BRENT EICHELBERGER, VILLAGE ADMINISTRATOR
ALISON MURPHY, ASSISTANT TO THE VILLAGE
ADMINISTRATOR/VILLAGE CLERK
SUBJECT: ORDINANCE: MOBILE VENDING - TITLE 3, CHAPTER 8
AGENDA: JANUARY 4, 2022 REGULAR BOARD MEETING
DATE: DECEMBER 30, 2021

ISSUE

Shall the Village Board approve an ordinance amending Title 3, Chapter 8 – Mobile Vending.

DISCUSSION

At the December 21, 2021 board meeting, the Village Board reviewed proposed changes to the Title 3, Chapter 8 – Mobile Vending. These changes sought to clarify food trucks from mobile vendors, i.e. ice cream trucks by defining a mobile food vendor as someone whose vehicle travels throughout the Village on public streets or at three or more fixed locations in a day (3-8-1). The Board reviewed the changes and directed staff to bring back an ordinance for approval.

COST

Costs will be approximately \$300 for attorney review.

RECOMMENDATION

That the Village Board approve an ordinance amending Title 3, Chapter 8 – Mobile Vending.



**VILLAGE OF SUGAR GROVE
ORDINANCE NO. 20220104C**

**AN ORDINANCE AMENDING THE VILLAGE OF SUGAR GROVE CODE OF ORDINANCES
REGARDING MOBILE VENDING
(TITLE 3, CHAPTER 8)**

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
THIS 4TH DAY JANUARY, 2022.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
THIS 4TH DAY OF JANUARY, 2022

**AN ORDINANCE AMENDING THE VILLAGE OF SUGAR GROVE CODE OF ORDINANCES
REGARDING MOBILE VENDING**

(TITLE 3, CHAPTER 8)

ORDINANCE NO. 20220104C

BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

WHEREAS, the Village of Sugar Grove is a non-home rule municipality within Article VII, Section 6A of the 1970 Constitution of the State of Illinois, and therefore, acts pursuant to those powers granted to it under 65 ILCS 5-1-1 *et seq.*; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs in order to protect the public health, safety, and welfare of its citizens; and,

WHEREAS, the Village wishes to update the Village Code of Ordinances ("Village Code") to make certain changes with regard to the designation of a president pro tem and temporary chairman; and,

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION 1 – RECITALS.

The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2 – TEXT AMENDMENTS

Title 3, Chapter 8 of the Village Code shall be amended to read as follows:

CHAPTER 8 – MOBILE VENDING

SECTION:

3-8-1: Definitions

3-8-2: License Required; Hours Of Operation

3-8-3: Application For License

3-8-4: Contents Of Application

3-8-5: Documents To Be Submitted With Application

3-8-6: License Required For Each Vehicle

3-8-7: Applicants Responsible For Drivers Of Vehicles

3-8-8: Employment Requirements

3-8-9: Application Fee

3-8-10: License Renewal

3-8-11: License Nontransferable

3-8-12: Waiver Of License Requirement For Certain Events On Public Property

3-8-13: Revocation And Violations Of Vendor's License

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~~^[BE1]~~[AM2]~~^[LJ3] ~~or pedaled mobile unit upon the streets or public property within the Village of Sugar Grove for the purpose of selling, from said said mobile unit vehicle, to the general public while traveling on a public street or roadway or at three or more fixed locations in a day,~~ ^[BE4]~~[AM5]~~ ~~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 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, pedaled or carried upon or in a motor vehicle or trailer^[BE6]^[AM7]^[LJ8].

~~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.~~^[BE9]~~[AM10]~~ ~~An example would include, but not be limited to, ice cream trucks.~~^[LJ11]

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~~mobile unit to be operated, upon the streets or public property within of the ~~V~~village of Sugar Grove ^[BE12]^[AM13]^[LJ14] without first obtaining from the Vvillage 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 Vvillage ^[BE15]^[LJ16] to control and prohibit the use of non-street 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 Vvillage. (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 Vvillage 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 ~~mobile unit~~vehicle from which applicant intends to operate, including the Illinois state license number thereof if applicable;
- C. The number and expiration date of applicant's Illinois state driver's license (if the applicant will be driving said ~~motor vehicle~~mobile unit). (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 as~~ required by Kane County);
- D. Applicant's public liability insurance policy covering the subject ~~vehicle~~mobile unit;
- 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 Vvillage staff from time to time (the Vvillage 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~~mobile unit upon the streets or public property of the Vvillage of Sugar Grove, the applicant must file separate applications and obtain separate mobile food or liquid vendor's licenses for each such ~~motor vehicle~~mobile unit. (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~~mobile unit on the streets or public property of the Vvillage 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~~mobile unit. (Ord. 2007-11-20, 11-20-2007)

3-8-8: EMPLOYMENT REQUIREMENTS:

No person shall be employed to drive said vehicle ~~or conduct sales out of said mobile unit~~ unless and until the applicant has filed with the ~~V~~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)[BE17][AM18]

3-8-9: APPLICATION FEE:

The ~~said~~ application ~~for a mobile food or liquid vendor~~ 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~~ mobile unit. (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 V~~village staff may waive the requirement of a license for a mobile food or liquid vendor operating only upon public property during ~~V~~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 V~~village staff may waive the advance notice of said request in their discretion. ~~The V~~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 V~~village staff shall first give preference to the organization operating said event to obtain any available waivers. ~~The V~~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 ~~V~~village of Sugar Grove shall revoke any mobile food or liquid vendor's license if the driver of said ~~vehicle~~ mobile unit is convicted of a moving traffic law violation occurring while operating under a license issued hereunder in the ~~V~~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 ~~V~~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 ~~S~~sex ~~O~~ffender ~~R~~egistration ~~A~~act, the ~~V~~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 or designee. The Village staff shall mail, via regular certified mail [LJ19], 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)

SECTION 3- MISCELLANEOUS PROVISIONS.

A. Severability. If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect the other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision of its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

B. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 4th day of January, 2022.

Jennifer Konen, President of the Board of Trustees
of the Village of Sugar Grove, Kane
County, Illinois

ATTEST: _____

Alison Murphy, Clerk, Village of Sugar Grove

Aye Nay Absent Abstain

Trustee Matthew Bonnie	_____	_____	_____	_____
Trustee Sean Herron	_____	_____	_____	_____
Trustee Heidi Lendi	_____	_____	_____	_____
Trustee Michael Schomas	_____	_____	_____	_____
Trustee Ryan Walters	_____	_____	_____	_____
Trustee James F. White	_____	_____	_____	_____