

VILLAGE OF LILY LAKE

ORDINANCE NO. 2023-01

AN ORDINANCE AMENDING THE VILLAGE CODE

Chapter 7—Public Safety

Subchapter 9—Licensing and Regulation of Mobile Food Vendors

ADOPTED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF LILY LAKE

January 23, 2023

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the Village of Lily Lake, Kane County, Illinois

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BE IT ORDAINED by the President and the Board of Trustees of the Village of Lily Lake, Kane County, Illinois, that the Village Code, as amended, be further amended as follows:

§ 1. Amending Chapter 7 of the Village Code

Chapter 7 of the Village Code entitled Public Safety is amended by adding the following as Subchapter 9:

Subchapter 9—Licensing and Regulation of Mobile Food Vendors

§ 785. Definitions

In this subchapter—

(a) *Vehicle* means any motor vehicle, motor driven cycle, motorcycle, and bicycle within the meaning of the Illinois Vehicle Code (625 ILCS 5/1-100, *et seq.*) and any cart or trailer, motorized or moved by human power.

(b) *Mobile food vendor* means any person operating any vehicle within the village from which food products will be sold to the public at retail other than persons operating a vehicle solely for the purpose of delivering food products ordered from a food establishment with a permanent location.

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§ 786. License required

Before operating a vehicle within the village every mobile food vendor must obtain a license to do so.

§ 787. Application

(a) In order to obtain a license under this subchapter a mobile food vendor shall submit an application to the village clerk on forms provided by the clerk for that purpose. The application must be verified under oath and include the following information:

- (1) the name, address and age of the applicant;
- (2) the applicant's social security number, fingerprints, a recent photograph, and a copy of the applicant's driver's license;
- (3) the year, make, model, license plate number, and vehicle identification number of all vehicles to be used by the applicant;
- (4) a copy of the permit for each vehicle to be used by the applicant issued by the Kane County Health Department;
- (5) a copy of the annual safety inspection report for each vehicle to be used by the applicant issued by the Elburn & Countryside Fire Protection District, or other qualified agency accepted by the village;
- (6) a statement whether the applicant has made an application for a similar license to any other governmental body, the disposition of such application, and, if the license was denied or revoked, the reasons therefor;
- (7) a statement that the applicant has not been convicted of any felony or arrested for a sex crime;
- (8) a statement authorizing the village to submit the applicant's fingerprints and a copy of the application to the Kane County Sheriff for the purpose of conducting a background check of the applicant with the results sent to the village;

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(9) a certificate evidencing that the applicant maintains the insurance coverage required under § 792;

(10) proof of the applicant's payment of the license fee set forth in § 515(i);

(11) if the applicant is employed or to be employed as a mobile food vendor by another then the employer must itself be licensed and, in addition to the information set forth above shall provide—

(A) the names, addresses and ages of all partners in the case of a partnership, limited partnership, or limited liability partnership;

(B) the names, addresses and ages of all officers and directors in the case of a corporation or managers and members in the case of a limited liability company; and

(C) a copy of the articles of incorporation or articles of organization and a certificate of good standing from the State of Illinois;

(b) The village shall grant or deny the license within 30 days of its receipt of a fully completed application.

#### § 788. Denial, suspension or revocation of license

The village may deny the application or suspend or revoke an existing license if at any time during the term of the license the village finds evidence that any one or more of the following circumstances exist:

(a) a material misrepresentation or false statement was contained in the application;

(b) the applicant or licensee has engaged in acts constituting a breach of the peace or a menace to the health, safety or welfare of the public, has imbibed any alcoholic liquor or intoxicating beverage, or ingested any intoxicating substance, or used any profane or obscene language while on duty;

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- (c) the applicant or licensee is in violation of any provision of the Village Code;
  - (d) the applicant or licensee is not a person of good character;
  - (e) the applicant or licensee has been convicted of a felony or misdemeanor involving moral turpitude; or
  - (f) the licensee has failed to employ proper safety, sanitation, refrigeration, or healthful practices appropriate to the food being sold from the vehicle.

§ 789. Number of licenses, limitations, hours of operation

Initially, the village will issue no more than three licenses. The number of licenses may be increased or decreased by resolution of the village board. The village may impose restrictions on the license limiting the type of food that may be sold or restricting sales to certain areas or streets. The licensee may operate between the hours of 7:30 AM and 8:00 PM (or sunset, whichever is earlier), Mondays through Saturdays, and between the hours of 10:30 AM and 8:00 PM (or sunset, whichever is earlier), on Sundays.

§ 790. Vehicles

No vehicle may be operated unless it bears a current duly issued state license plate and registration and is equipped with proper brakes, lights, tires, horn, muffler, rear and side vision mirrors, and windshield wipers in good condition. Each vehicle, while operated, must have on each side, in letters readable from a distance of 50 feet, the name of the licensee operating it and the number of the license. Each vehicle must also have a driver's identification card, including a picture of the driver, and a copy of the license prominently displayed so that it is clearly visible to customers.

§ 791. Duration and transfer of license

All licenses expire on December 31 of each year regardless of the date of issuance. The license is purely a personal privilege. The license is not the property of the licensee and may not be transferred or alienated, voluntarily or involuntarily, by the licensee while living or under the laws of testate or intestate succession after the licensee's death. The license is not subject to attachment, garnishment or execution

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and may not be encumbered or hypothecated. Upon the death or bankruptcy of the licensee the license immediately expires except under an appropriate order of court the representatives of the decedent or trustee in bankruptcy may operate under the license until its expiration.

§ 792. Insurance

(a) Whenever any licensee operates one or more motor vehicles the licensee shall maintain at least the following insurance coverages:

(1) commercial general liability insurance including bodily injury and property damage liability, independent contractors liability, contractual liability, product liability and completed operations liability in an amount not less than \$1,000,000 combined single limit;

(2) workers' compensation in the amount required by statute;

(3) employer's liability coverage in an amount not less than \$500,000;

(4) automobile liability in an amount not less than \$1,000,000 per occurrence for bodily injury and property damage, including owned, hired and non-owned vehicle coverage.

(b) The village must be named as an additional insured under the licensee's insurance using an endorsement acceptable to the village. The licensee's insurance must be primary with respect to any other insurance or self-insurance program maintained by the village.

§ 793. Violations, penalty

Any person found to have violated any provision of this subchapter may be fined in accordance with § 111 of the Village Code.

§ 2. Amending Chapter 5—Fees, Subchapter 9—Miscellaneous

Chapter 5 entitled Fees, Subchapter 9—Miscellaneous, § 515 is amended by adding the following as subsection (i):

§ 515. Schedule of fees—miscellaneous

The following fees are imposed for the services described

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(i) for the issuance of a license as a mobile food vendor—\$50 per year or any portion thereof, nonrefundable.

§ 3. Severability

If a court of competent jurisdiction finds this ordinance or any provision of this ordinance to be invalid or unenforceable as applied, that finding will not affect the validity of the remaining provisions of this ordinance and those provisions will continue to apply to the greatest extent permitted by law.

§ 4. Repealer

Any ordinance or any provision of any ordinance in conflict with the provisions of this ordinance is, to the extent of such conflict, repealed.

§ 5. Effective Date

This ordinance is fully effective from and after its passage, approval and publication as provided by law.

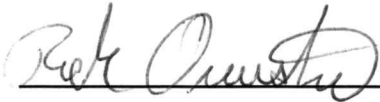
Adopted on January 23, 2023 pursuant to a roll call vote as follows:

[Signature page follows.]



Trustee	Yes	No	Absent	Abstain
Conn	X			
Damisch	X			
Dell	X			
Diehl	X			
Florian	X			
Parry	X			
Overstreet		Ø	Ø	Ø
Totals	6	Ø	Ø	Ø

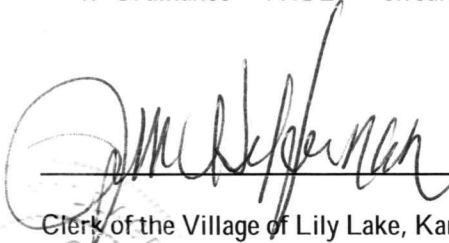
Approved January 23, 2023.



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President

\*\*\*IF Ordinance = TRUE\*\*\* on January 23, 2023.



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Clerk of the Village of Lily Lake, Kane County, Illinois

