

ORDINANCE NUMBER 2024-1

**AN ORDINANCE AMENDING TITLE 3
OF THE MUNICIPAL CODE**

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
ROSEVILLE, ILLINOIS:

Section One. The Municipal Code of Roseville of 1992, at Title 3 is amended by the
addition of Chapter 5A "Mobile Food Vehicles."

Chapter 5A

MOBILE FOOD VEHICLES

SECTION:

3-5A-1: Definitions

3-5A-2: License Required

3-5A-3: License Application

3-5A-4: Fees

3-5A-5: Unpermitted Locations For Operations

3-5A-6: Violations

3-5A-7: Revocation Or Suspension Of License

3-5A-8: Appeals

3-5A-1: DEFINITIONS:

The following definitions are applicable to the administration of this chapter:

MOBILE FOOD VEHICLE:	A commercially manufactured, motorized mobile food unit from which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned and sold for immediate consumption and open to the general public.
MOBILE FOOD VEHICLE VENDOR:	The owner of a mobile food vehicle, hereinafter referred to as "Vendor." Mobile food vehicle vendors do not include street and sidewalk vendors or ice cream vendors.
VILLAGE	The Village of Roseville, Illinois, a municipal corporation

3-5A-2: LICENSE REQUIRED:

It shall be unlawful for any person to operate within the Village a mobile food vehicle, as defined
in this chapter, without first having obtained a license from the Village for that purpose. The
Village shall issue a mobile food vehicle license upon receipt of a completed application and
compliance with the following provisions.

3-5A-3: LICENSE APPLICATION:

A. Application shall be made by the vendor in writing to the Village on a form as required and approved by the Village. A license and application fee, as set forth in this chapter, shall be submitted with the application.

B. A license shall terminate on May 31 of each year and renewals shall commence on June 1 of each year. Each license shall only be valid for one (1) mobile food vehicle. Application for renewal, along with the annual license fee as set forth in this chapter, shall be filed with the Village no later than thirty (30) days prior to the expiration of the license.

C. The vendor shall be required to include in the application a true statement of certain facts including, but not limited to: whether the vendor is a corporation, limited liability company, partnership or sole proprietorship; the state of incorporation or organization of the vendor if the vendor is a corporation or a limited liability company; whether the vendor is organized and qualified to do business under the laws of the State of Illinois if the vendor is a corporation or limited liability company; the names of the individuals who own the vendor; the registered agent of the vendor; the vendor's principal place of business; the principal office of the vendor; and a list of owners or holders of five percent (5%) or more of equity or stock.

D. The vendor shall, with its application for a license, register, or cause to be registered, the mobile food vehicle operated by, or operated for, such vendor within the Village. The following information for the mobile food vehicle to be registered shall be provided:

1. The year, make, model, color, license plate number and vehicle identification number of the vehicle.

2. Name, address, and telephone number of the owner of the vehicle.

3. A description of the food product(s) offered for sale, including the intended menu.

E. The vendor shall submit a signed statement that the vendor shall defend and hold harmless the Village and its officers and employees, and shall indemnify the Village, its officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried out under the terms of the license. Vendor shall furnish a certificate of insurance showing that it maintains such public liability, food products liability, and property damage insurance as will protect vendor, property owners, and the Village from all claims for damage to property or bodily injury, including death, which may arise from the operations under the license or in connection therewith. **Such insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence** and shall list the Village as an additional insured. The policy shall further provide that it may not be cancelled except upon a thirty (30) day written notice served upon the Village attorney.

F. The vendor, applicant(s), and any employee(s) or agent(s) that will be operating the mobile food vehicle shall also submit proof of automobile liability insurance. A license issued pursuant to the provisions of this section shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the Village Clerk.

G. The vendor shall be required to submit a copy of the required Warren County Health Department permit to the Village with the application. The failure to obtain or revocation of the Warren County Health Department permit shall constitute an automatic revocation or denial of the mobile food vehicle license issued by the Village.

H. Failure to fully comply with the application and disclosure requirements of this section shall constitute grounds for the Village to deny issuance of a license. The vendor shall notify the Village within thirty (30) days of any changes to application information.

I. Issuance Or Denial Of License. The **Village Clerk** shall, within five (5) business days after submittal of a properly completed application (including the payment of all applicable fees), issue or deny the issuance of a license.

3-5A-4: FEES:

The annual license fee for a license granted under this chapter shall be **fifty dollars (\$50.00)**. **Any restaurant, coffeehouse, or retail beverage dealer currently operating within the Village and who has a valid Village business license shall be exempt from paying any license fees for a permit granted under this chapter.**

3-5A-5: PROHIBITED LOCATIONS FOR OPERATIONS:

A. No mobile food vehicle shall operate in a location that:

1. Would substantially obstruct a public right of way;
2. Would impair the movement of pedestrians or vehicles;
3. Would pose a hazard to public safety;
4. **Is within one hundred (100) feet of: (i) any stand-alone restaurant, coffeehouse, or retail beverage dealer, with the exception of Village sponsored events; (ii) the property lot line of any elementary, middle, and secondary schools (public or private), without written permission from the school; (iii) the property line of a public park without written permission from the Village of Roseville; or (iv) the property line of a public library, without written permission from the library.**

B. It is strictly prohibited for any mobile food vehicle to be permanently located at any single location.

3-5A-6: VIOLATIONS:

Any person or entity who shall be guilty of a violation of any of the provisions of this chapter, shall be subject to a fine in the amount of **one hundred dollars (\$100.00) for the first offense, two hundred fifty dollars (\$250.00) for the second offense, five hundred dollars (\$500.00) for the third offense, and seven hundred fifty dollars (\$750.00) for the fourth or greater offense.** A separate offense shall be deemed committed for every day a violation continues.

3-5A-7: REVOCATION OR SUSPENSION OF LICENSE:

A. A license issued under the provisions of this chapter may be revoked or suspended by the Village for a violation of any provision of this chapter. If the Village determines after investigation that cause exists for the suspension or revocation of a license, the Village shall notify the vendor in writing that its license will be revoked or suspended, setting forth the reasons therefor, and advising the vendor of its right to a hearing pursuant to section 3-5A-8 of this code.

B. An application may be denied or an approved license may be revoked, suspended, or not renewed for any of the following reasons:

1. The application contains material omissions or false, fraudulent, or deceptive statements.
2. The mobile food vehicle is operated in such a manner that constitutes a public nuisance per this code or state statutes.
3. The operation of the mobile food vehicle is in violation of any federal, state, or local laws.

The provisions of this section are not exclusive. This section shall not preclude the enforcement of any other provisions of this code or state and federal laws and regulations.

C. No revocation or suspension shall require return by the Village of any license fee.

D. Any revocation of a license shall preclude the licensee (or any subsequent company that has twenty percent (20%) or more common identity/ownership interest with the licensee) from receiving another permit under this chapter for **two (2) years** from the date of revocation.

E. Revocation or suspension of a license shall not preclude the imposition of a fine by a court of competent jurisdiction for violation of any part of this chapter.

3-5A-8: APPEALS:

A. Any license holder who receives a notice of revocation or suspension or whose application has been denied, may request a hearing in accordance with the procedures set forth below.

B. Hearing On Revocation:

1. Upon receipt of a notice of revocation, or a notice denying the issuance of a license, the licensee, permittee or applicant, as the case may be, shall have three (3) days from the date of said notice within which to file a written request for a hearing with the Village Clerk. In the case of a license or permit revocation, upon the filing of said request for hearing, the effective date of said revocation shall be stayed until a written decision is rendered pursuant to said hearing.

2. In the absence of any provision to the contrary, all hearings provided for in this section shall be conducted by the Village Mayor.

3. Upon receipt of a request for hearing, the Village Clerk shall deliver the same to the Mayor, and said Mayor shall notify the party requesting said hearing of the time and place of said hearing, provided that a hearing shall not be held less than three (3) days nor more than fourteen (14) days after the date of request.

4. All such hearings shall be open to the public and any interested party may present evidence at said hearing. Within five (5) days after said hearing, the Mayor shall render her decision, and if the Mayor after such hearing determines that the license or permit shall be revoked, or the application for same denied, the Mayor shall state the reason for such determination and a written order of revocation or denial and shall serve a copy of such order within the five (5) days upon the licensee or applicant or an agent, employee or partner thereof.

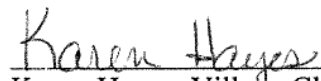
5. If Mayor affirms the revocation of a license, the licensee shall cease to engage in the business for which the license was issued upon receipt of the order of revocation.

Section Two. This ordinance shall be in full force and effect Ten (10) days from and after its passage and approval.

Section Four. Severability. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect.

January 5, 2024

ADOPTED:



Karen Hayes, Village Clerk

APPROVED:

Morgan Wise
Morgan Wise, Mayor

STATE OF ILLINOIS)
) SS
COUNTY OF WARREN)

I, Karen Hayes, as Clerk of the Village of Roseville, Illinois, do hereby certify that I am the duly elected, qualified Village Clerk of said Village; that I am the official keeper of all books and records of said office and of said Village; that the foregoing is a full, true, correct and complete copy of a “**ORDINANCE NUMBER 2024-__ AN ORDINANCE AMENDING TITLE 3 OF THE MUNICIPAL CODE** “ which was adopted by the President and Board of Trustees of said Village at the regularly called and constituted meeting of said Mayor and Board of Trustees on January 5, 2024; that said Ordinance was adopted by an affirmative vote of the Trustees then holding office, all of which fully appears from the official records and minutes of said Board of Trustees in my office now remaining.

IN WITNESS WHEREOF, I have hereunto affixed my hand and signature as Clerk of the Village of Roseville, Illinois, and the corporate seal of said Village, at Roseville, Illinois,

Karen Hayes
Clerk of the Village of Roseville, Illinois

(CORPORATE SEAL)