

VILLAGE OF SHABBONA

ORDINANCE NO. 2021-09-27(A)

AN ORDINANCE AMENDING TITLE 2,  
“BUSINESS AND LICENSE REGULATIONS,”  
OF THE SHABBONA MUNICIPAL CODE

TO ADD A NEW CHAPTER 8 ENTITLED,  
“MOBILE FOOD VENDORS”

ADOPTED BY THE  
VILLAGE BOARD  
OF THE  
VILLAGE OF SHABBONA  
THIS 27<sup>th</sup> DAY OF SEPTEMBER, 2021

**Published in pamphlet form by authority of the Village Board of the Village of Shabbona,  
DeKalb County, Illinois, this 27<sup>th</sup> day of September, 2021 A.D.**

**AN ORDINANCE AMENDING TITLE 2, “BUSINESS AND LICENSE  
REGULATIONS,” OF THE SHABBONA MUNICIPAL CODE TO ADD A NEW  
CHAPTER 8 ENTITLED, “MOBILE FOOD VENDORS.”**

**NOW, THEREFORE, BE IT ORDAINED** by the Village Board of the Village of Shabbona, Illinois, as follows:

**SECTION 1.** That Title 2, “Business and License Regulations,” be amended by adding a new Chapter 8 entitled, “Mobile Food Vendors,” as follows:

**Chapter 8**

**MOBILE FOOD VENDORS**

**2-8-1: DEFINITIONS:**

**2-8-2: PERMIT REQUIRED:**

**2-8-3: APPLICATION FOR PERMIT; FEE:**

**2-8-4: REQUIREMENTS:**

**2-8-5: INVESTIGATION OF APPLICANT:**

**2-8-6: ISSUANCE OR DENIAL OF PERMIT:**

**2-8-7: EXPIRATION OF PERMIT; RENEWAL:**

**2-8-8: REVOCATION OF PERMIT:**

**2-8-9: APPEALS:**

**2-8-10: CONSTITUTIONAL GUARANTEES:**

**2-8-1: DEFINITIONS:**

For the purpose of this chapter, the following words and terms are hereby defined:

**FIXED POINT:** The location of a mobile food vending operation that is the primary place from which the business will operate within the Village of Shabbona.

**MOBILE FOOD VENDOR:** A food vending operation that prepares/serves food from a permitted vehicle, trailer, or cart.

**SPECIAL EVENT:** For the purposes of mobile food vending, a special event shall mean a temporary operation and location, as part of an event or gathering such as fundraisers, company picnics, block parties, weddings, etc.

**2-8-2: PERMIT REQUIRED:**

It shall be unlawful for a mobile food vendor as defined in Section 2-8-1 of this chapter, to engage

in such business within the Village without first obtaining a permit in compliance with the provisions of this chapter.

A violation of this section shall be subject to penalty as provided in Section 1-4-1 of this code.

### **2-8-3: APPLICATION FOR PERMIT; FEE:**

A. Application: Every mobile food vendor shall, prior to engaging in such activity, make application to the Village Clerk's office for a mobile food vendor permit with the following information:

1. Name, address, and Federal Employer Identification Number of the business;
2. A brief description of the nature of the business;
3. Name and address of applicant;
4. The length of time and the hours of operation the applicant wishes to be engaged in such activity (Special Event Permit or Fixed Point Mobile Food Vendor Permit);
5. A description of the vehicle, trailer, or cart including any license plate number or other means of identification;
6. A drawing depicting the location of the vehicle, trailer, or cart.
7. The names of at least two (2) reliable residents of the Village who will certify as to the applicant's good character and business responsibility, evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility; and
8. A statement of whether the applicant has ever been convicted of a felony and if so, what, when, and where.

B. Fee: At the same time of filing the application, a fee equal to the cost of the investigation or the current fee charged by the investigation service provider shall be delivered to the Village Clerk payable to the Village or the investigation service provider, as the case may be, at the time the license application is submitted to cover the cost of investigation.

Further, at the same time of filing the application, the following fees shall be paid to the Village by the applicant:

1. Special Event Mobile Food Vendor Permit: \$50/annually
2. Fixed Point Mobile Food Vendor Permit: \$50/month or \$250/annually

C. Felony Conviction Or False Information: It shall be unlawful for any person to engage as a mobile food vendor within the Village if any of the information furnished by the applicant, as

required by this chapter, which is material to his character and responsibility or to the activity he proposed to engage in, has been falsely stated or is adverse to his character, or if he has been convicted of a felony in the past five (5) years.

#### **2-8-4: REQUIREMENTS:**

##### **A. Special Event Mobile Food Vendors:**

Permits for the operation of special event mobile food vending will be reviewed on a case-by-case basis with an emphasis on public safety.

All mobile food vendors for special events shall possess a permit as defined in section 2-8-2 and remain in good standing with the Village.

##### **B. Fixed Point Mobile Food Vendors:**

Fixed point mobile food vendors are permitted in C-1 Central Business District, C-2 General Business District, and I Industrial District, provided the location meets the following:

1. Each vendor must receive written authorization from the property owner on the form provided by the Village.
2. The location cannot be within two hundred fifty feet (250') from the property line of any other permanent prepared food service vendor. This provision may be waived in writing by the impacted business(es).
3. The entire vehicle, trailer, or cart must comply with all setback requirements for the zoning district in which the mobile food vending operation will occur. A minimum twenty-five feet (25') setback is required for any zoning classification if the required setbacks are less. The location of mobile food vending operations and equipment shall be entirely at or behind the front plane of any building or structure related to the primary use of the property. An exception will be made to allow mobile food vendors to operate beyond the front plane of the building when a business or property has more than one hundred (100) parking stalls (subject to staff review).
4. A minimum of five (5) dedicated parking spaces beyond those required for the primary business are required.
5. Fixed point mobile food vendors shall not operate before ten o'clock (10:00) a.m. or after nine o'clock (9:00) p.m. No vehicle, trailer, or equipment related to mobile food vending operations shall be on the property from ten o'clock (10:00) p.m. to nine o'clock (9:00) a.m.
6. Fixed point mobile food vendors shall only be permitted to operate from May 1<sup>st</sup> through the second to last full weekend in October.

7. A drawing to scale depicting the location of any vehicles or equipment used in the mobile food vending operation, including compliance with setbacks and dedicated parking spaces is required to be submitted with the application for a fixed point mobile food vendor permit.

C. General Requirements:

Signs: No free-standing signage, flags, banners, etc. shall be allowed.

Public Health and Safety: All mobile food vendors shall meet public safety requirements, including health, sanitation, and fire and life safety requirements. Food may only be dispensed from a properly sanitized conveyance licensed by the DeKalb County Public Health Department. Applicants shall demonstrate proof of valid Food Safety permit from the DeKalb County Health Department and comply with all required regulations during the duration of the Village's permit. Failure to maintain a Food Safety permit from the DeKalb County Health Department will result in an immediate termination of the Village's mobile food vendor permit.

Requirements for fire and life safety shall generally be the same as those applied to other restaurants within the Village. Additionally, mobile food vendors preparing food on-site shall conform with NFPA standards for "Mobile and Temporary Cooking Operations" (NFPA 1: Fire Code, Ch. 50.7 & Annex "B") and standards for "Ventilation Control and Fire Protection of Commercial Cooking Operations" (NFPA 96) and ensure gas or fuels are separated from the cooking/serving area and smoke and carbon monoxide detectors are installed.

Any vehicle over 8,000 lbs. and trailers with a gross weight over 5,000 lbs. shall obtain an Illinois Department of Transportation Certificate of Safety. Safety inspections are required every six months. Garages or service stations licensed by the Illinois Department of Transportation (IDOT) may conduct safety inspections.

Sight-triangle: Vehicles and equipment shall be arranged so as not to limit a driver's visibility.

Advertisement by Loud Noises: No peddler, solicitor, or itinerant merchant shall carry on his trade by means of loud outcries or other noises that unreasonably alarm residents of the Village.

Sanitization: Mobile food vendors shall have access to a toilet with hand sanitization, within three hundred feet (300') of the portable vending operation, at all hours that the facility is open for business.

Waste: Mobile food vendors shall provide a stable waste receptacle that is emptied and maintained on a regular basis.

Electricity: If any power is required, it shall be protected with ground fault circuit interrupters and be provided through a properly sized, UL approved cord that is safely installed.

#### **2-8-5: INVESTIGATION OF APPLICANT:**

A. Verification of Information: The Village Clerk shall promptly submit the complete application to the DeKalb County Sheriff's Office for verification. The DeKalb County Sheriff's Department shall complete the verification and investigation in no more than forty-five (45) days.

#### **2-8-6: ISSUANCE OR DENIAL OF PERMIT:**

A. Submittal to Clerk:

1. All such applications, upon being processed by the DeKalb County Sheriff's Department, shall be submitted to the Village Clerk with a determination as to whether or not all requirements of this chapter have been met.
2. If the applicant does not satisfactorily meet any of the above requirements or background verification, no permit should be issued. If the above requirements are satisfactorily met, then a permit shall be issued.

B. Contents of Permit; Transferability:

1. The permit herein required shall express the time the mobile food vendor is permitted to operate and continue, the name of the person and the article, identification of a vehicle, if any, and whether said permittee will pass from place to place or remain at a fixed point or place within the Village.
2. Permits shall not be assignable or transferable and shall be identified as a "mobile food vendor permit," specifying "special event" or "fixed point" with an identifying number and date of purchase.
3. Each registrant shall affix his signature to the "mobile food vendor permit" as required by this section.

#### **2-8-7: EXPIRATION OF PERMIT; RENEWAL:**

A. Term; Expiration: Special event mobile food vendor permits shall be granted for one-year for the period of May 1 to April 30 and fixed-point mobile food vendor permits shall be for the period requested within the requirements outlined in Section 2-8-4, above.

#### **2-8-8: REVOCATION OF PERMIT:**

A. Cause for Revocation: The permits issued pursuant to this chapter may be revoked, after notice, for any of the following causes:

1. Any fraud, misrepresentation, or false statement contained in the application for permit.

2. Any violation of this chapter.

3. Conviction of the permittee of any felony or of a misdemeanor involving moral turpitude.

B. Notice of Revocation: Notice of revocation of a permit shall be given in writing and set forth specifically the grounds for revocation.

#### **2-8-9: APPEALS:**

A. Any person aggrieved by the decision of the Village Clerk regarding the denial of application for a permit as provided in Section 2-8-6 of this chapter or in connection with the revocation of a permit as provided for in Section 2-8-8 of this chapter, shall have the right to appeal to the Village Board of Trustees.

B. Such appeal shall be taken by filing a written statement setting forth the grounds for the appeal, with the Village Clerk within fourteen (14) days after notice of the decision by the Village Clerk has been mailed to the applicant's last known address.

C. The Village Board of Trustees shall schedule a hearing on such appeal at the next regular board meeting. Notice of hearing shall be given to such person in the same manner as provided in Section 2-8-8 of this chapter for notice of hearing on revocation.

#### **2-8-10: CONSTITUTIONAL GUARANTEES:**

No provision of this chapter shall be construed so as to deprive any person of his right of freedom of religion or freedom of speech as guaranteed by the constitution of the state or the constitution of the United States or as any infringement upon businesses engaged in interstate commerce.

**SECTION 2.** That each section, paragraph, sentence, clause, and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof, other than the part affected by such decision.

**SECTION 3.** That except as to the amendment heretofore mentioned, all chapters and sections of the Municipal Code of Shabbona, Illinois, shall remain in full force and effect.

**SECTION 4.** That this Ordinance shall, by authority of the Village Board of the Village of Shabbona, Illinois, be published in pamphlet form, from and after ten days after said publication, this Ordinance shall be in full force and effect.

**PASSED BY THE** Board of Trustees of the Village of Shabbona this 27<sup>th</sup> day of September, 2021, and approved by the President and the Board of Trustees this 27<sup>th</sup> day of September, 2021.


AYES: 6

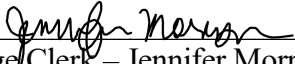
NAYS: 0

ABSTAIN: 0

APPROVED: September 27, 2021

ATTEST:

  
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Village President – Donald J. Goncher

  
\_\_\_\_\_  
Village Clerk – Jennifer Morrison



## CERTIFICATE

STATE OF ILLINOIS        )  
                                      ) SS.  
COUNTY OF DEKALB        )

I, Jennifer Morrison, certify that I am the duly appointed and acting Village Clerk of the Village of Shabbona, DeKalb County, Illinois.

I further certify that on September 27, 2021, the Corporate Authorities of such municipality passed and approved Ordinance No. 2021-09-27(A), entitled AMENDING TITLE 2, "BUSINESS AND LICENSE REGULATIONS," OF THE SHABBONA MUNICIPAL CODE TO ADD A NEW CHAPTER 8 ENTITLED, "MOBILE FOOD VENDORS," including a cover sheet thereof prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on September 30, 2021, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request of the municipal clerk.

Dated at Shabbona, Illinois, this 27th day of September 2021.

(SEAL)

  
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Jennifer Morrison, Village Clerk