

VILLAGE OF CHATHAM, ILLINOIS

---

ORDINANCE NO. 12- 16

**AN ORDINANCE PERTAINING TO LICENSING OF ITINERANT FOOD VENDORS  
ON VILLAGE PROPERTY**

---

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF CHATHAM, ILLINOIS

THIS 22 DAY OF MAY, 2012

---

Published in pamphlet form by the authority of the President and  
Board of Trustees of the Village of Chatham, Sangamon County,  
Illinois, this 22 day of MAY, 2012

**AN ORDINANCE PERTAINING TO LICENSING OF ITINERANT FOOD VENDORS  
ON VILLAGE PROPERTY**

*BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE  
VILLAGE OF CHATHAM, AS FOLLOWS:*

**SECTION 1:** Chapter 110 of the Village Code of Ordinances is deleted in its  
entirety and replaced with a new Chapter 110, as follows:

**Chapter 110**

**Business Licenses**

**Part 1: Itinerant Food Vendors on Public Property**

**110.1 Definitions**

“Itinerant Food Vendor” means a natural person selling or offering for sale, food or beverages or both for human consumption on property belonging to the Village of Chatham, including but not limited to a bicycle path, the village square and parks. “Itinerant Food Vendor” does not include a vendor who sets up for business for a period of less than 5 days in connection with a fair, carnival, festival or similar gathering. Nor does “Itinerant food vendor” include a vendor whose business is located on private property or property belonging to some unit of government other than the Village.

**110.2 License Requirements**

Each Itinerant Food Vendor shall have a current Itinerant Food Vendors License from the Village and a current certificate of inspection from the Sangamon County Health Department.

**110.3. Application for License**

An application for an Itinerant Food Vendor License shall be made through the Village of Chatham on forms specified by the Village Manager. The applicant shall designate the location or locations preferred by the applicant and applicable dates, and the applicant shall provide the following information and documents:

- A. Name, residential address and social security number.
- B. Copy of current state photo identification or drivers license;
- C. Description of the food and beverages to be sold by the vendor.

- D. Whether the applicant seeks an annual license or a 10-day license;
- E. The date, or approximate date, of the applicant's latest previous application for a license under this chapter, if any;
- F. Whether the applicant has ever been convicted, whether in the Code Enforcement Department of the Village or otherwise, of a violation of any of the provisions of this chapter, and whether the applicant's license has ever been revoked;
- G. Whether the applicant has ever been convicted of the commission of a felony under the laws of the state of Illinois or any other state or federal law of the United States or is a registered sex offender.
- H. The Applicant's Illinois Department of Revenue identification number for Retailers' Occupation Tax.

#### **110.4 Fee**

The license application shall be accompanied by the following fees:

- A. \$200.00 for an annual license good one year from the date of issuance; or
- B. \$40.00 for license good for one day; plus
- C. A \$25.00 background check fee for the applicant's first application in any single calendar year.

#### **110.5 Processing of License Application**

- A. The Village Manager shall process the license application and in conjunction therewith, the Chief of Police shall perform a background check on the applicant.
- B. No license shall be issued to any person who has been convicted of a felony under the laws of the state of Illinois or any other state or federal law of the United States, within five years of the date of the application; nor to any person who is a registered sex offender, nor to a person who has been twice convicted in the previous five years of a violation of any of the provisions of this chapter, nor to a person whose license pursuant to this Chapter has been revoked in the previous five years, nor to a person lacking a Sangamon County Health Department certificate and an Illinois Department of Revenue tax id number.

#### **110.6 Display and Location**

The Village Manager shall designate all locations for Itinerant Food Vendors within the Village, and shall not issue more licenses than there are designated locations. An Itinerant Food Vendor shall notify the Village 24 hours prior to opening for business. All locations for Itinerant Food Vendors shall be reserved on a first come, first served basis, and licensees shall contact the

Village Office to reserve locations. Vendors may not open for business unless the location has been reserved.

#### **110.7 Conditions of Licensure**

The following shall be conditions of licensure:

A. The licensee shall at all times maintain a Sangamon County Health Department Certificate of Inspection and shall prominently display such Certificate and the Village Itinerant Food Vendor's License.

B. The interior and the exterior of every food vending vehicle and all equipment therein shall have smooth washable surfaces and shall be maintained in good repair and in a sanitary manner. All trash and any other waste must be placed in a trash receptacle or removed from the property.

C. Hours of operation are limited to 1/2 hour after sunrise to 1/2 hour before sunset and to a maximum of 12 hours in any 24-hour period.

D. The licensee shall be limited to one vehicle or one pushcart, which shall not be stored on public property during hours when the licensee is not open for business. The licensee shall not advertise on public property except for signage on the vendor's vehicle or pushcart.

E. The licensee shall not utilize Village utilities.

F. The licensee may use employees and agents but shall have workers compensation insurance coverage for any employees and shall be personally present at all times sales or offers for sales are being made.

G. The licensee shall faithfully make Retailers Occupation Tax returns and pay Retailers Occupation Taxes

#### **110.8 Suspension and Revocation of License**

A. The Village Code Enforcement Official is charged with enforcing this Chapter. In the event of a minor violation of licensing conditions that does not present an imminent threat to public health or safety, the Code Enforcement Official may bring an enforcement action in the Village Code Hearing Department.

B. In event of a violation of the license conditions that in the opinion of the Code Enforcement Official, poses an imminent threat to public health or safety, the Code Enforcement Official may suspend the licensee's license pending correction of the condition to the satisfaction of the Code Enforcement Official, or at the licensee's option, pending hearing in the Code Hearing Department.

C. In the event the Code Enforcement Official discovers that a licensee has become ineligible for license, the Code Enforcement Official may revoke the license, subject to administrative review in the Circuit Court pursuant to the Administrative Review Law.

**110.9 Penalties**

A. Any person operating as an Itinerant Food Vendor within the Village without an Itinerant Food Vendor license shall, upon conviction thereof, be subject to a fine of \$750.00. Each day the violation continues shall be a separate offense.

B. Any holder of an Itinerant Food Vendor License who violates any term of this Chapter shall be subject to a fine of not less than \$250.00 or more than \$750.00 for each offense. In addition, the holder's license may be suspended for up to 10 days for a first offense, and up to 30 days for any subsequent offense, by the Administrative Hearing Officer of the Code Hearing Department. Each day a violation continues shall be considered a separate offense.

**SECTION 2:** This Ordinance is effective upon its passage and publication as required by law. The Clerk shall publish this Ordinance in pamphlet form and shall see to its inclusion in the next update of the Village Code of Ordinances.

PASSED this 22 day of MAY, 2012.

Thomas J Gray  
VILLAGE PRESIDENT

ATTEST:

Pat Schaal  
Village Clerk



AYES: 6 HERRMAN BOYLA  
6 HOLDEN KAUNANEN SCHATKMAN

NAYS: 0

PASSED: MAY 22, 2012

APPROVED: MAY 22, 2012

ABSENT: \_\_\_\_\_

ORDINANCE CERTIFICATE

STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF SANGAMON )

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. 12- 16 adopted by the President and Board of Trustees of said Village on the 22 day of MAY, 2012, said Ordinance being entitled:

**AN ORDINANCE PERTAINING TO LICENSING OF ITINERANT FOOD VENDORS ON VILLAGE PROPERTY**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this 22 day of MAY, 2012.

  
\_\_\_\_\_  
Village Clerk

STATE OF ILLINOIS                    )  
  ) ss.  
COUNTY OF SANGAMON            )

**CERTIFICATE**

I certify that I am the duly elected and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I further certify that on MAY 22, 2012, the corporate authorities of such Village passed and approved Ordinance No. 12- 16 entitled:

**AN ORDINANCE PERTAINING TO LICENSING OF ITINERANT FOOD VENDORS ON VILLAGE PROPERTY**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 12- 16 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on MAY 22, 2012, to continue for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

DATED at Chatham, Illinois, this 22 day of MAY, 2012.

(SEAL)



*Pat Schul*  
Village Clerk