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**APPLICATION FOR MOBILE FOOD VENDORS - PRIVATE PROPERTY**

Return completed Registration and Fee to the Village Clerk  
 Registration Fee: \$25.00 (non-refundable)  
 Additional mobile food vehicle/truck or pushcart fee: \$10.00 each (non-refundable)

Date: \_\_\_\_\_

**Registrant**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

IL. Dept. of Revenue I.D. Number: \_\_\_\_\_

**Business**

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Webpage: \_\_\_\_\_

Nature of Business: \_\_\_\_\_

Tax Exempt?:  Yes  No

**\*\*OFFICE USE ONLY\*\***

Approved  Not Approved Date of Issuance: \_\_\_\_\_

Copy of signed and notarized Application for Mobile Food Vendors-Public Property including all required attachments.

Non-Refundable Application Fee: \$25.00 for first mobile food vehicle; \$10.00 for each additional mobile food vehicle: \$ \_\_\_\_\_

Date Received: \_\_\_\_\_

**Mobile Food Vendor Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Mobile Food Vehicle Information**

(a) Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_

VIN#: \_\_\_\_\_ License Number: \_\_\_\_\_

(b) Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_

VIN#: \_\_\_\_\_ License Number: \_\_\_\_\_

(c) Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_

VIN#: \_\_\_\_\_ License Number: \_\_\_\_\_

**Each Mobile Food Vendor Shall Submit An Application For Mobile Food Vendors – Public Property**

No Application Fee will be charged to the Mobile Food Vendor.

**Attach copies of the following information:**

- Copy of driver's license (s) for all registrants and mobile food vendors.
- Written permission from the property owner.
- Copy of all County Health Department permits.
- Copy of tax-exempt status (if applicable).
- Copy of signed and notarized Application for Mobile Food Vendors-Public Property.

I understand any misrepresentations submitted may be cause for denial and revocation of the license. The undersigned does hereby state under penalties of perjury that all statements in the foregoing application are true and correct; that the person or persons applying for such license are all of good moral character and have not been convicted of a felony; that if a license is granted hereunder, the undersigned will review the Village of Diamond Code of Ordinances, the State of Illinois Compiled Statutes and the Laws of the United State of America and is not disqualified by reason of any matter or thing contained in this document.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Title: \_\_\_\_\_

## **MOBILE FOOD VENDORS**

### **Section:**

<b>118.01</b>	<b>Definitions</b>
<b>118.02</b>	<b>Mobile Food Service License Required</b>
<b>118.03</b>	<b>Types of Mobile Food Service Licenses</b>
<b>118.04</b>	<b>Application for Mobile Food Service License</b>
<b>118.05</b>	<b>Mobile Food Service on Public Property License</b>
<b>118.06</b>	<b>Mobile Food Service on Private Property Registration</b>
<b>118.07</b>	<b>Restrictions on Use</b>
<b>118.08</b>	<b>Sanitation and Inspections</b>
<b>118.09</b>	<b>Insurance Required</b>
<b>118.10</b>	<b>Granting and Issuance of Mobile Food Service License</b>
<b>118.11</b>	<b>Revocation or Suspension of License</b>
<b>118.12</b>	<b>Enforcement</b>
<b>118.13</b>	<b>Violation and Penalty</b>

### **118.01 DEFINITIONS:**

For the purposes of this Chapter, the following definitions shall apply:

**APPLICATION:** The person or entity applying for a license, in the case of a corporation, limited liability company, partnership, or joint venture, each shareholder, member, partner, or director shall be considered an applicant.

**MOBILE FOOD SERVICE:** The preparation or sale of food, beverages or other products from a Mobile Food Vehicle/Truck or Pushcart.

**MOBILE FOOD VEHICLE/TRUCK:** A vehicle or trailer mounted food service used to conduct a Mobile Food Service and designed to be readily moveable.

**MOBILE FOOD VENDOR:** Any person conducting Mobile Food Services in a Mobile Food Vehicle/Truck or Pushcart within the Village. The Mobile Food Vendor shall include the Mobile Food Service Operator when performing Mobile Food Service.

**MOBILE FOOD SERVICE OPERATOR:** Any person or entity owning or otherwise in charge of the operations of a Mobile Food Service.

**PERMITTED SPECIAL EVENTS:** Events which have been issued a special events permit by the Village.

**PRIVATE PROPERTY:** Any residential dwelling, business, or taxing district property where the vending would not be located in or on public streets, roadways, alleys, sidewalks, or rights-of-way within the Village.

**PUBLIC PROPERTY:** Any public streets, roadways, alleys, sidewalks, or right-of way within the Village.

**PUSHCART:** A non-motorized unit limited to serving non-potentially hazardous foods or commissary wrapped food maintained at proper temperatures.

**118.02 MOBILE FOOD SERVICE LICENSE REQUIRED:**

It shall be unlawful for any person to operate within the Village a Mobile Food Service, as defined in this Chapter, without first having obtained a license for that purpose.

**118.03 TYPES OF MOBILE FOOD SERVICE LICENSES:**

Mobile Food Service Licenses shall be divided into the following types:

- A. Type A Mobile Food Service Licenses are designed to accommodate Mobile Food Services that participate in Permitted Special Events, such as private parties, block parties, company picnics, and visits to local businesses.
  
- B. Type B Mobile Food Service Licenses are designed to accommodate Mobile Food Services that visit multiple locations throughout the day, such as ice cream trucks and job site canteen trucks.

**118.04 APPLICATION FOR MOBILE FOOD SERVICE LICENSE:**

All Applications for a Mobile Food Service License shall be made to the Village Clerk on a form provided for that purpose. Each Application should be made ten (10) business days before the same is required to allow a period for proper examination and investigation of whether the Mobile Food Service License should be granted.

**118.05 MOBILE FOOD SERVICE ON PUBLIC PROPERTY:**

A. It shall be unlawful for any person or entity to operate as a Mobile Food Service Operator or a Mobile Food Vendor on Public Property without having first obtained a license from the Village Clerk. Each application shall provide the following information:

- 1. Applicant name, present place of residence, length of residence at such address, phone number, email address, business name, business address, type of business, length of time in type of business being applied for;
- 2. Name, address, phone number and email address for all drivers or operators of the Mobile Food Vehicle/Truck or Pushcart;
- 3. Copy of a valid driver's license, state ID or other government identification from all applicants, members, partners, officers, stockholders, directors, registers agents, managers, drivers, and operators;
- 4. List of Mobile Food Vehicles/Trucks or Pushcarts intended to be operated including the make, model, color, year, vehicle identification number and license number for each;
- 5. Statement whether the applicant has made similar applications for a license other than described in this application;
- 6. Statement whether a similar license has been revoked by the Village or any other licensing body and reasons therefor;

7. Statement whether the applicant or operator has ever been convicted of a violation of any of the provisions of this Chapter or the ordinance of any other Illinois municipality regulating the activities of Mobile Food Vendors;
  8. Statement whether the applicant or operator 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;
  9. Provide an Illinois Department of Revenue identification number for the retailers' occupation tax. No license shall be issued if the applicant does not have an identification number except that no identification number shall be required if a Mobile Food Vendor or a Mobile Food Service Operator is sponsored by or working for a religious, educational, or charitable organization where such organization is entirely a nonprofit organization and who can furnish the Village with a "tax exempt number" and written proof of its "tax exempt status";
  10. Copy of all required Illinois and County Health Department permits;
  11. Copy of state license and vehicle registration;
  12. Proof of liability and automobile insurance;
  13. Each applicant and operator shall submit a photo that must be the same size as required for passports: two inches by two inches.
- B. Each applicant shall pay a \$200.00 application fee per Application. The application fee covers the first Mobile Food Vehicle/Truck or Pushcart. Additional Mobile Food Vehicles/Trucks or Pushcarts will be \$50.00 each. All fees are non-refundable. No application fee shall be charged of a Mobile Food Vendor or a Mobile Food Service Operator sponsored by or working for a religious, educational, or charitable organization where such organization is entirely a nonprofit organization and who can furnish the Village with a "tax exempt number" and written proof of its "tax exempt status."
- C. No such license shall be issued to, or held by and person who:
1. Has provided incomplete or incorrect information;
  2. 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 the past five years of the date of the application;
  3. Has been convicted of a violation of any of the provisions of this Chapter or to any person whose business registration or license has previously been revoked;
  4. Must register as a sex offender as required by the Sex Offender Registration Act, ILCS Ch. 730, Act 150.
- D. A criminal background check will be performed for all applicants, drivers, and operators. The Mobile Food Vendor or the Mobile Food Service Operator shall pay all third party charges for the background check. The applicant shall furnish a list of all applicants and persons who will be employed as a Mobile Food Vendor or a Mobile Food Service Operator, including their names, addresses and a statement that each person has never been convicted of a felony;

- E. All statements made upon the application by the applicant shall be under oath.
- F. The office of the Village Clerk shall keep an accurate record of every Application received and acted upon with all other information and data pertaining to all business registrations and licenses issued under the provisions of this Chapter and of the denial of Applications.
- G. The allowed number of licenses for Mobile Food Vehicles/Trucks or Pushcarts may be limited by ordinance.

**118.06 MOBILE FOOD SERVICE ON PRIVATE PROPERTY REGISTRATION:**

A. It shall be unlawful for any person or entity to operate as a Mobile Food Service Operator or a Mobile Food Vendor on Private Property without having first obtained a registration from the Village Clerk. Registrations shall be made to the Village Clerk upon forms provided for that purpose. Each registrant shall provide the following information:

1. Registrant name, address, phone number and email address;
2. Business name, address, phone number, email address, nature of business and whether the business is tax exempt.
3. Driver/operator name, address, phone number and email address.
4. List of Mobile Food Vehicles/Trucks or Pushcarts intended to be operated including the make, model, year, color, vehicle identification number and license number for each;
5. Provide an Illinois Department of Revenue identification number for the retailers' occupation tax. No registration shall be issued if the registrant does not have an identification number except that no identification number shall be required if a Mobile Food Service Operator or a Mobile Food Vendor is sponsored by or working for a religious, educational, or charitable organization where such organization is entirely a nonprofit organization and who can furnish the Village with a "tax exempt number" and written proof of "tax exempt status";
6. Copy of driver's license for all registrants, drivers and operators;
7. Written permission from the property owner;
8. Copy of Illinois and County Health Department permits;
9. Except for licensing, all Mobile Food Vendor provisions of this Chapter are applicable.

B. Each registrant shall pay a \$25.00 registration fee for the first Mobile Food Vehicle/Truck or Pushcart, and a \$10.00 fee for each additional Mobile Food Vehicle/Truck or Pushcart. All fees are non-refundable. No registration fee shall be charged of a Mobile Food Service Operator or a Mobile Food Vendor sponsored by or working for a religious, educational, or charitable organization where such organization is entirely a nonprofit organization and who can furnish the Village with a "tax exempt number" and written proof of its "tax exempt status".

C. No such permit shall be issued if the driver or operator:

1. Has provided incomplete or incorrect information;
2. 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 the past five years of the date of the application;

3. Has been convicted of a violation of any of the provisions of this Chapter or to any person whose business registration or license has previously been revoked;
4. Must register as a sex offender as required by the Sex Offender Registration Act, ILCS Ch. 730, Act 150.

D. A criminal background check will be performed for all drivers and operators. The Mobile Food Vendor or the Mobile Food Service Operator shall pay all third party charges for the background check. The applicant shall furnish a list of all applicants and persons who will be employed as a Mobile Food Vendor or a Mobile Food Service Operator, including their names, addresses and a statement that each person has never been convicted of a felony.

#### **118.07 RESTRICTIONS ON USE:**

The following standards shall apply to all Mobile Food Service Operators and Mobile Food Vendors:.

- A. Mobile Food Service Operators and Mobile Food Vendors may operate between the hours of 7:00 a.m. and 9:00 p.m., Sunday through Saturday, including holidays.
- B. Mobile Food Service Operators and Mobile Food Vendors shall have all of the necessary health department permits.
- C. No alcohol may be sold from a Mobile Food Vehicles/Trucks or a Pushcart.
- D. No Mobile Food Vehicles/Trucks or Pushcart shall be left unattended on a public way.
- E. No Mobile Food Vehicles/Trucks or Pushcart shall be parked on a right-of-way or in a private residential parking space unless it has stopped to sell food in accordance with the regulations of this Chapter. For example, overnight parking on a street or in a residential driveway is prohibited.
- F. No Mobile Food Service Operator nor Mobile Food Vendor shall drink any alcoholic beverages, shout or call to prospective customers, or to disturb the peace in any manner while on duty.
- G. No Mobile Food Service Operator nor Mobile Food Vendor shall install any signs other than those which are contained within or attached to the vehicle, except with the written permission of the Village and the property owner.
- H. All food items available for sale, and the price of each food item must be posted on the exterior of the Mobile Food Vehicles/Trucks or Pushcarts.
- I. Each Mobile Food Vehicle/Truck or Pushcart shall have on each side, in letters readable from a distance of 50 feet, the name of the licensee operating it. If more than one Mobile Food Vehicle/Truck or Pushcart is operated by a licensee, each Mobile Food Vehicle/Truck or Pushcart shall be designated by a different number, and such number shall appear on each side of the Mobile Food Vehicle/Truck or Pushcart. The licensee shall be responsible for numbering.
- J. Each Mobile Food Vehicle/Truck or Pushcart operator shall have an operator's identification card, including a photo of the operator, prominently displayed upon the operator so that it is clearly visible to the customers at the point of sale. The licensee will be responsible for providing identification cards to the operators.



- K. No Mobile Food Vehicle/Truck shall be operated unless it is equipped with required brakes, lights, tires, horn, muffler, rear vision mirror, and windshield wipers in good condition.
- L. The owner/applicant shall furnish the Village, on an annual basis, an inspection and certificate of safety of each Mobile Food Vehicle/Truck or Pushcart indicating the Mobile Food Vehicle/Truck or Pushcart is in a safe mechanical condition.
- M. No Mobile Food Service Operator nor Mobile Food Vendor shall install any tables, chairs, or other equipment, except with the written permission of the Village and the property owner.
- N. No lighting shall be mounted to the Mobile Food Vehicles/Trucks that may spill onto adjacent residential property as measured from the property line.
- O. No Mobile Food Service Operator nor Mobile Food Vendor shall use utilities drawn from or across the public right-of-way, except with the written permission of the Village Public Works Supervisor.
- P. No Mobile Food Vehicles/Trucks nor a Pushcart shall operate a drive-through.
- Q. Mobile Food Service Operators and Mobile Food Vendors shall prominently display the County Health Department permits and the Village Mobile Food Service License.
- R. Mobile Food Vendors shall be responsible for paying all applicable Illinois Retailers taxes.
- S. Mobile Food Service Operators and Mobile Food Vendors with Type A Licenses may not operate for more than 5 consecutive days on any property.
- T. Mobile Food Service Operators and Mobile Food Vendors with Type A Licenses may operate for a maximum of 52 total days during any calendar year.
- U. Certain provisions of this Chapter may be waived for Mobile Food Service Operators and Mobile Food Vendors operating under the terms of a special event agreement with the Village.
- V. Sale of food from Mobile Food Vehicles/Trucks or Pushcarts shall be prohibited as follows:
  - 1. Upon the following roadways within the Village:
    - (a) Division Street (IL 113), Will Road, Spring Road, and Berta Road.
  - 2. In any park within the Village unless the Mobile Food Service Operator or Mobile Food Vendor possesses written permission from the Village that contains a date and time range that they are authorized to operate as a Mobile Food Service Operator or Mobile Food Vendor on Village park property.
  - 3. In any area where the operation impedes vehicular or pedestrian travel as determined by the Mayor, Grundy or Will County Sheriff, or his or her designees.
  - 4. Mobile Food Service Operators and Mobile Food Vendors are not licensed to conduct business door to door.
  - 5. Type B Mobile Food Service Operators and Mobile Food Vendors shall not conduct business from a stationary public location for more than 30 minutes. Mobile Food Service Operators and Mobile Food Vendors must move a minimum of ¼ mile in order to be deemed at a new location.

6. The Mobile Food Vehicle/Truck or Pushcart cannot obstruct a public way or intersection, impair the movement of pedestrians or vehicles, pose a hazard to public safety or violate any parking regulations.
7. The Mobile Food Vehicle/Truck or Pushcart cannot block a fire hydrant or other public safety equipment.
8. The weight of the Mobile Food Vehicle/Truck or Pushcart must be able to be supported by the pavement or street surface.
9. The Village shall have the ability to restrict the location of Mobile Food Service Operators and Mobile Food Vendors should it be determined that the location creates a parking shortage, parking issue, or unsafe parking conditions.
10. Mobile Food Service Operators and Mobile Food Vendors shall obey any lawful order of a County Sheriff's Deputy to move to a different location to avoid congestion or obstruction of a public way or remove the vehicle entirely from the public way if necessary to avoid such congestion or obstruction.
11. Prohibitions listed may be waived if a special event permit is issued by the Village.

#### **118.08 SANITATION AND INSPECTIONS:**

A. All Mobile Food Vehicles/Trucks and Pushcarts shall be kept in a clean and sanitary condition. The Village Mayor or their designee, the County Health Department personnel, and County Sheriff's Department personnel, bearing proper identification, shall be permitted to enter any Mobile Food Vehicles/Trucks at any reasonable time for the purpose of inspecting to determine whether the vendor has complied with the terms of this Chapter. Additionally, the vendor shall, upon request, provide them with the records of the Mobile Food Vehicles/Trucks to obtain information pertaining to food and supplies purchased, received, or used.

B. All food storage, preparation and distribution of food, and vehicle equipment must meet applicable Illinois Department of Public Health and County Health Department standards and requirements.

C. All waste liquids, garbage, litter and refuse shall be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the end of each day. No waste liquids, garbage, litter or refuse shall be dumped or drained onto/into sidewalks, streets, gutters, drains, or trash receptacles. A garbage receptacle shall be easily accessible for customer use. Vendor shall be responsible for all litter and garbage left by customers.

#### **118.09 INSURANCE REQUIRED:**

Prior to the issuance of any license or permit under this Chapter, the applicant shall deposit with the Village sufficient evidence that the Mobile Food Service Operator or Mobile Food Vendor has insurance that meets the following standards:

- A. Commercial General Liability: \$1,000,000 combined single limit per occurrence for bodily injury, and property damage and aggregate shall be twice the required occurrence limit. Minimum General Aggregate shall be no less than \$2,000,000.

- B. Business Automobile Liability: \$1,000,000 combined single limit per accident for bodily injury and property damage.
- C. An Umbrella Insurance Policy in an amount not less than \$1,000,000 per occurrence.
- D. The Village including its officers, employees and agents shall be named as additionally insured on the insurance policy.
- E. The insurance policy shall be occurrence-based.
- F. A license issued pursuant to the provisions of this Chapter shall be invalid at any time the insurance required herein is not maintained and evidence of continuing coverage is not filed with the Village.

**118.10 GRANTING AND ISSUANCE OF MOBILE FOOD SERVICE LICENSE:**

In all cases where Mobile Food Service license or permit are to be obtained and ordinance compliance is met, a Mobile Food Service license or permit shall be granted by the Village Mayor.

**118.11 REVOCATION OR SUSPENSION OF LICENSE:**

If the Mayor of the Village or any official of the Village shall have cause to believe that a violation of any of the provisions of this Chapter has occurred which would be grounds for revocation, suspension or refusal to renew a license, a written notice shall be sent to the last known place of business of the licensee informing of the alleged violation(s), what action will be taken if the licensee does not respond within ten (10) days of the date of the letter and giving an opportunity to have a meeting with the Mayor. In the event a situation that is dangerous to the health, safety and welfare of the citizenry, the said official shall apply to the Village Mayor for an immediate order suspending the license. A letter shall be sent advising of the action taken, why it was taken and that it will be a permanent action unless within ten (10) days the licensee should apply for a meeting with the Village Mayor, seeking reinstatement of the privileges.

**118.12 ENFORCEMENT:**

It shall be the duty of the Mayor of the Village or official of the Village charged with the enforcement of any regulatory provision in this Chapter, to take such action to the extent permitted by law as shall be necessary to compel compliance with said regulatory provision. The Mayor or official shall have authority to call upon the County Sheriff's Department for aid in the enforcement of said regulatory provision, and it shall be the duty of the County Sheriff's Department, when called upon, to perform such duties as may be required of them in order to enforce or put into effect said regulatory provision.

**118.13 VIOLATION AND PENALTY:**

Any person found liable/guilty by a preponderance of the evidence of a violation of this Chapter shall be fined not less than \$100 or more than \$750. Each day a violation occurs is considered a separate offense.