

TITLE 4

MISCELLANEOUS ORDINANCES

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CHAPTER 1

HIRING POLICE OFFICERS

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4-1-1: NUMBER OF HOURS WORKED:

Part-time police officers hired pursuant to this ordinance may not work in excess of the number of hours allowed per statute for each calendar year.

4-1-2: EMPLOYMENT REQUIREMENTS:

All part-time police officers hired by the Village of Tiskilwa shall be at least 21 years of age, possess a high school diploma, possess a valid Illinois driver’s license, be a resident of the State of Illinois and have no prior felony convictions.

4-1-3: TRAINING REQUIREMENTS:

All part-time police officers must be trained in accordance with Illinois Law Enforcement Training and Standards Board requirements and shall comply with the provisions of 65 ILCS 5/3.1-30-21.

4-1-4: AT WILL EMPLOYEE STATUS:

All part-time police officers shall be deemed to be at-will employees of the Village and as such may be terminated at any time or their hours may be diminished at any time. (Ord. #0-7-11-12-13, Effective December 13, 2011)

CHAPTER 2

MOBILE FOOD AND BEVERAGE VENDORS

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4-2-1: Definitions: The following terms are for the purpose of this ordinance defined as follows:

BEVERAGE: Any non-alcoholic liquid. Hot or cold, intended for use in whole or in part for human consumption. Alcohol beverage sales by mobile food vendor units are not allowed.

BRICK and MORTAR BUSINESS: Business lawfully operating at a fixed location within a building in the Village limits.

PUBLIC PROPERTY: All outdoor areas that are owned, or leased as lessee, by the Village or one of the Village's departments, or upon which the city or one of its departments has an easement or right of way including, but not limited to, streets, alleyways, sidewalks, plazas, parking lots or other areas adjacent to buildings owned by the Village or one of its departments.

A mobile ice cream truck, whose route is residential only, and that does not park or locate in any one place for longer than ten minutes, is not considered a mobile food vendor unit for purposes of this chapter, but only as it pertains to Section Fourteen: Locations Allowed.

PRIVATE PROPERTY: All outdoor areas that are not owned or leased by any governmental agency or entity, including, but not limited to, streets, alleyways, sidewalks, plazas, parking lots, or other adjacent to buildings not owned by a governmental agency or entity.

SPECIAL EVENT: Any event so designated by the Village of Tiskilwa.

RESTAURANT: A place where people pay to sit and eat food that is cooked or baked and served on premises.

4-2-2 OPERATIONS GENERALLY: It is unlawful to locate a mobile food vendor unit in the Village except in accordance with the provisions of this chapter.

4-2-3 PERMIT TO OPERATE:

- (A) It is unlawful to locate a mobile food vendor unit in the Village without first having secured a Village of Tiskilwa permit to do so as provided by this chapter.
- (B) A separate permit shall be required for each mobile food vendor unit.
- (C) The permit period within the Village limits is annual, from January 1 through December 31.

4-2-4 MOBILE FOOD VENDOR PERMIT APPLICATION: Any person desiring to permit under this chapter shall submit a fully completed application to the Village Clerk seven (7) days prior to the proposed date of utilizing the mobile food vendor unit in the Village. Applications may be owners of mobile food vendor units, or private entities. The application must set forth or have attached the following information as specified:

- (A) The applicant's name, current physical address, phone number, email address and date of birth;
- (B) The name, current physical address, and phone number of the person or entity the applicant is employed by or represents, and the length of time of such employment or representation. The name, if any, of the person or entity that owns or operates the vehicle and/or trailer, if different from the name of the mobile food vendor unit;
- (C) The license plate number of the mobile food vendor unit vehicle to be used to serve customers;
- (D) The type of products to be sold;
- (E) The place or places where the mobile food vendor unit will operate and a written statement, if applicable, from the owner or any private business property authorizing the applicant to use the property.
- (F) The mobile food vendor unit may enter into a lease agreement with a business property owner to have their mobile food vendor unit located long-term on the business owner's property at the location of the business. At the time of the application, the owner of the business property and the mobile food vendor unit must notify the Village of the arrangement, and the mobile food vendor must follow all conditions and terms of this Ordinance.
- (G) The duration of the permit being sought;

4-2-5 MOBILE FOOD VENDOR PERMIT PREREQUISITES: An application for a permit under this chapter shall not be considered unless proof of the following is provided with the application.

- (A) A copy of a valid driver's license of the individual that will be operating the mobile food vendor unit;
- (B) A copy of the Illinois registration for the mobile food vendor unit.
- (C) Proof of registration as a business with the Illinois Secretary of State;
- (D) Proof of an employer tax identification number;
- (E) Proof of insurance in the amount required by this chapter;
- (F) A liability insurance policy covering the subject vehicle and/or trailer.
- (G) A copy of the Food Handlers Certificate for each employee as required by the Illinois Department of Public Health; and
- (H) A copy of the proper mobile food vendor unit license from the Illinois and/or Bureau County Health Department.

4-2-6 BUSINESS INSURANCE AND INDEMNITY: Each applicant for a permit shall provide a certificate of insurance to the Village of Tiskilwa Clerk, insuring the applicant, and explicitly naming the Village of Tiskilwa as co-insured, against liabilities and in the amounts relative to such activity:

- (1) Commercial general liability of not less than \$500,000;
- (2) The Insurance shall provide for 30 days prior written notice to the Village of Tiskilwa if coverage is changed, canceled or non-renewed.
- (A) The Village of Tiskilwa shall be named as an additional insured on the permittee's liability policy on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a Mobile Food Vendor Unit, and the permittee shall indemnify, defend and hold the Village harmless from any loss that results directly or indirectly from the permit issuance.

4-2-7 PERMIT ISSUANCE:

- (A) The clerk shall within 14 days of receipt of the completed application issue the business permit to the applicant if the clerk finds the following:
 - (a) Compliance with all provisions of this Chapter;
 - (b) The applicant has not had a prior permit issued under this chapter, or any other similar permit or license authorized by a different governmental entity, suspended or revoked; and
- (B) The clerk may, upon a finding of appropriateness, issue a permit to an applicant who has been found to meet the terms of the above subsections.
- (C) Failure of the clerk to issue a permit within fourteen days of completion of the application constitutes denial of the application.

4-2-8 PERMIT TRANSFERABILITY: A permit issued pursuant to this chapter shall not be transferable.

4-2-9 PERMIT IDENTIFICATION:

- (A) All permits issued by the clerk under this chapter shall be prominently displayed on the mobile food vendor unit and shall be shown to any person who requests to view the permit.
- (B) Failure to display or exhibit a permit in accordance with this section may be grounds for suspension or revocation of the permit.

4-2-10 SAFETY AND ORDINANCE INSPECTIONS: If at any time, the Village of Tiskilwa, or State or County officials believe that a Mobile food vendor unit operating within the Village of Tiskilwa is not in compliance with the mobile food vendor unit ordinance or state or local health regulations, the mobile food vendor unit must allow inspections as pertains to the following:

- (A) Village Ordinances and Police and Fire Department Regulations. All health, safety, and parking regulations applicable to Vendors, must be complied with at all times, as well as Police and Fire department guidelines. Village representatives, police and fire personnel will be permitted to inspect Vendors to ensure all Ordinances and Regulations are being complied with while operating within the Village limits, whether on public or private property. Failure to permit an inspection by a Village representative, Police Officer or Fire Department personnel may result in suspension or revocation of the vendor permit.
- (B) State. Vendors must ensure that they are following the Illinois Department of Public Health FDA Food Code and all other State Health, safety or sanitation requirements applicable to Mobile Food, Beverage and Ice Cream Vendors.
- (C) County. Vendors must ensure they are following the Bureau County Health Department regulations and all other County health, safety or sanitation code applicable to Mobile Food, Beverage and Ice Cream Vendors.

4-2-11 LOCATION RESTRICTIONS:

- (1) Mobile Food Vendor Units:
 - (a) No mobile food vendor unit shall be located in any Village owned parking lot or parking space unless approved beforehand by the Village President or Board.
 - (b) No mobile food vendor unit shall be located in an alleyway.
 - (c) No mobile food vendor unit shall be located on the private property of a business unless the private property business owner has provided the mobile food vendor unit permission to operate on said property.
 - (d) No mobile vendor unit shall operate within one block radius of a Special Event unless prior approval has been granted by either the operator of the special event or by the Village of Tiskilwa.
 - (e) No mobile food vendor shall be located in a manner that would impede or prevent use of any Village of Tiskilwa owned property, or which would endanger the safety or property of the public.
 - (f) No mobile food vendor unit shall be located within fifteen feet of any fire hydrant.
 - (g) No mobile food vendor shall operate in residential neighborhoods or on residential lots.
 - (h) No mobile food vendor operating on private business property shall displace required parking, displace landscaping, block any drives, parking access aisles, fire lanes, sidewalks, or accessible routes required for private parking.
 - (i) No mobile food vendor shall be located more than one foot away from the curb of the street where it is parked.
 - (j) No mobile food vendor shall park near an intersection and in a manner that blocks the line-of-sight of drivers using adjacent roadways.

4-2-12 DAYS AND HOURS OF OPERATION:

Mobile food vendor units are allowed to operate in the Village of Tiskilwa seven days a week, from 7am until 9pm, whether on public or on the property of a private business however;

4-2-13 SPECIAL EVENTS: Special Event, as defined, are designated by the Village of Tiskilwa:

- (a) From time to time, there may be a business, or a community service–related organization, that wants to hold a special event on public property that is not sponsored by the Village of Tiskilwa, Tiskilwa Community Association, or Tiskilwa Historical Society, where mobile food vendor unit(s) are preferred. Special events, as such, will be held specifically at Lions West Memorial Park, and must first be applied for via a Village of Tiskilwa Special Event Application no later than 1 week prior to the special event, on which the request for a mobile food vendor unit(s) shall be documented. It is the special event organizer and the mobile food vendor's responsibility to ensure approval by the Village of the special event before advertising and holding any such special event.
- (b) Mobile food vendor unit limitations regarding locations, alcohol sales and hours of operation do not apply to special events on public property that are sponsored by the Village of Tiskilwa or Tiskilwa Community Association. Mobile food vendor units must comply with all other terms and conditions provided for in this chapter.

4-2-14 STANDARDS OF CONDUCT: All mobile food vendors shall conform to the following standards of conduct:

- (a) Mobile food vendors shall conduct themselves at all times in an orderly and lawful manner, and shall not make, or cause to be made, any unreasonable noise of such volume as to be in violation of the Village of Tiskilwa Noise Ordinance;
- (b) A device may not be used that amplifies sounds or draws attention to a mobile food vendor unit by an aural means or a light producing device such as bulls horns or strobe lights;
- (c) No mobile food vendor unit shall generate power by use of a generator while operating on public property, unless the generator is manufactured as silent;
- (d) No mobile food vendor unit may be permanently or temporarily affixed to any object, including but not limited to buildings, trees, telephone poles, streetlight poles, traffic signal poles or fire hydrants;
- (e) No mobile food vendor unit may be used to advertise any product which is not authorized to be sold from the unit;
- (f) Each mobile food vendor unit shall protect against littering and shall have both an adequate trash receptacle and a separate receptacle for recyclable materials:
 - (i) The trash and recyclable receptacles shall be emptied sufficiently often to allow disposal of litter and trash by the public at any time;
 - (ii) The trash and recyclable receptacles on the mobile food vendor unit shall not be emptied into trash or recyclable receptacles owned by the Village of Tiskilwa;
 - (iii) Liquid from the mobile food vendor unit shall not be discharged on or on a city sewer or drain or elsewhere on Village property, nor on private property;

- (g) Before leaving any location, each mobile food vendor unit shall first pick up, remove and dispose of all trash, refuse and/or recyclable material, including products spilt on the ground within twenty feet of the mobile food vendor unit;
- (h) No mobile food vendor unit shall expose any pedestrian to any undue safety or health hazards nor shall it be maintained so as to create a public nuisance;
- (i) No mobile food vendor unit shall ever be left unattended while on public property;
- (j) Mobile food vendor units shall not be stored, parked or left overnight on any Village property;
- (k) All mobile food vendor units shall install an industry approved grease trap or interceptor. Foods, oils and greases shall never be discharged into the Village's sewer or storm drains, or Village owned trash receptacles, nor on any public or private property;
- (l) No mobile food vendor shall provide seating for customers while operating on public property;
- (m) No mobile food vendor unit shall have a drive-thru; and
- (n) No mobile food vendor unit shall sell alcohol.

4-2-15 RESTRICTION ON USE AND PERMITS: The Village of Tiskilwa has exclusive authority to restrict the use of mobile food vendor units and the issuance of permits for mobile food vendor units under the following conditions:

- (a) The Village may restrict the use of mobile food vendor units in certain designated areas of the Village at any time in the event of an emergency declared by the mayor, the chief of police, the fire chief and/or and duly appointed designee; and
- (b) Absent an emergency, the Village may restrict the use of mobile food vendor units in areas that would typically allow operation after providing affected mobile food vendor unit permit holders written notice of the restriction at least twenty-four hours in advance of the restriction going into effect.

4-2-16 SUSPENSION OR REVOCATION OF PERMIT:

1. Any mobile food vendor unit permit issued under this ordinance may be suspended or revoked by the Mayor if the Mayor finds any of the following to be true:
 - a. The Vendor failed to permit an inspection by a Village representative, and/or Police Officer or Fire Department personnel or by the county or state health department;
 - b. An inspection reveals that the Vendor is not operating in a manner that is safe to the health, safety and welfare of the public;
 - c. The mobile food vendor unit is operating or has operated in a location within the Village that is not permitted;
 - d. The mobile food vendor unit failed to abide by a Village official's or Police Officer's request to relocate due to the vendor blocking, obstructing or interfering with vehicular, bicycle or pedestrian flow;
 - e. An operator of the mobile food vendor unit vehicle is convicted of moving violations while operating under a mobile food vendor unit permit while in the Village of Tiskilwa;
 - f. The mobile food vendor unit has failed to maintain all the certificates, licenses and permits required by state, county or local Ordinances, or is not in compliance with the state, County or Village's laws and regulations, including but not limited to the Illinois

- g.** If a mobile food vendor unit fails to report to the Illinois Department of Revenue, for the purpose of sales tax, that Tiskilwa is the Point of Sale on all transactions that occur while operating in the Village of Tiskilwa, which would result in the Village of Tiskilwa not receiving due sales tax revenue.
- h.** The Mobile Food Unit has otherwise violated or failed to comply with this Chapter.

- 4-2-17 VIOLATIONS AND PENALTIES:** In addition to suspension or revocation of a permit, any person, partnership, limited liability company or corporation that violates any provision of this chapter, shall also be subject to the following penalties:

- If a mobile food vendor is fined a monetary amount under either subsection, the mobile food vendor unit's permit will be suspended until such time that the fine is paid in full, or the Villages of Adjudication Court issues a final ruling on the citation should the food vendor choose to contest the citation. Should the Adjudication Court rule in favor of the mobile food vendor, their permit will be reinstated without further consideration.

- (a)** The Village of Tiskilwa reserves the right to change, modify, clarify any section and subsection of this chapter at any time deemed necessary;
- (b)** If an unforeseen issue presents itself that is not addressed in this chapter, the Village of Tiskilwa reserves its sole right to resolve at its sole discretion;
- (c)** Any change or modification or clarification to any section and subsection of this chapter that is deemed to be restrictive to mobile food vendor units, will go into effect the following January upon passage of an amendment to this Ordinance;

- (d) Any change or modification or clarification to any section and subsection of this chapter that is deemed to be beneficial to mobile food vendor units will go into effect immediately, upon passage of an amendment to the chapter;
- (e) The foregoing notwithstanding, any change or modification that arises out of a health or safety concern, regardless whether it benefits restricts mobile food vendor units, shall be immediate.

4-2-19 EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval and publication starting on May 1st, 2024 as required by law.

**Village of Tiskilwa
223 West Main Street
Tiskilwa, IL 61368**

Transient Vendor/Solicitor Registration

NAME OF COMPANY _____

ADDRESS _____

CONTACT PERSON _____

PHONE NO. _____

LIST ALL PERSONS WHO WILL BE INVOLVED IN VENDING/SOLICITING:

VEHICLE DESCRIPTION(S): _____

REGISTRATION PLATES(S): (STATE & ID) _____

LIST PRODUCTS TO BE SOLD OR REPRESENTED: _____

DATES OF VENDING/SOLICITATION: _____

COMMENTS: _____

**** ANYONE ENGAGED IN TRANSIENT VENDING OR SOLICITING MUST PROVIDE PHOTO ID, AT TIME OF APPLICATION BEFORE BEGINNING VENDING. SOLICITATION AND EACH BE ABLE TO PASS A BACKGROUND CHECK*****

BY SIGNING BELOW YOU HAVE AGREED TO FOLLOW ALL VILLAGE ORDINANCES SET FORTH AND UNDERSTAND CLEARLY THE REPERCUSSIONS IF THEY ARE NOT FOLLOWED.

SIGNATURE OF
APPLICANT: _____ DATE _____

REGISTERED BY: _____ DATE _____