

ORDINANCE NO. 2024-25-32

An Ordinance Amending Chapter 7, Licenses and Permits, adding Section 7.12 Mobile Food Truck and/or Mobile Vendors registration for permitting, and revising the numbering of the provisions thereafter of the Johnsburg Municipal Code

BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: Chapter 7, Licenses and Permits, adding Section 7.12 Mobile Food Truck and/or Mobile Vendors registration for permitting, and revising the numbering of the provisions thereafter as follows:

7.12 MOBILE FOOD TRUCK AND/OR MOBILE VENDORS.

MOBILE FOOD TRUCK AND/OR MOBILE VENDORS: The operator or proprietor of a vehicle (or other temporary or portable equipment) intended or designed for the cooking or preparation of hot and cold ready-to-eat food, prepackaged foods and drink for sale or distribution on a temporary basis at locations that may change from time to time. The term "Mobile Food Truck Vendor" shall include, but not be limited to, vehicles and tents, tables, food carts and other material used for such temporary food and drink service.

A. Permitting and Exemptions.

1. No person shall do business as a Mobile Food Truck Vendor on either a.) Public Property, or b.) Private Property unless they have obtained a permit from the Village. This restriction shall not apply to special events otherwise approved by the Village for Special Event and/or Village lead Community Events.
2. Possession of a Mobile Food Truck and/or Mobile Vendors permit is a privilege, not a right; and the Village reserves the right at the sole discretion of the Village Administrator, or his or her designee, to determine the number of Mobile Food Truck Vendor permit for registration to be issued and to refuse issuance of or to rescind said permit.
3. Any Mobile Food Truck Vendor who violates the terms or conditions of the registration is subject to revocation of the permit by the Village.
4. A Mobile Food Truck and/or Mobile Vendors permit is valid for one (1) vehicle only and shall not be transferable from person to person, business to business or from place to place without the approval of the Village Administrator or his or her designee.

B. General Provisions.

1. A mobile food truck shall not be located on any parcel zoned residential, unless approved by

the Village Administrator, or his or her designee, as part of a approved special event and/or block party.

2. A mobile food truck shall be situated on a suitable surface, as determined by the Village Administrator, or his or her designee.

3. A mobile food truck shall not be located between an existing parking lot and the street and shall not interfere with fire lanes or with vehicular or pedestrian circulation. Any means of emergency ingress/egress to an existing principal use on a parcel shall not be blocked. The Village, at the Village Administrator's, or his or her designee's sole discretion, may require that permit applications be reviewed by the Police Chief, Public Works designee and the McHenry Township Fire Protection District (Fire Prevention Bureau) for public safety issues.

4. No mobile food truck shall use external signage, bollards, seating, or any other equipment not contained within the vehicle except for one, a-frame style sign, with a sign area no greater than 6 square feet, which must be located within 10 feet of the mobile food truck.

5. Portable lights, lights which flash, and similar attention-getting devices are not permitted. Outside amplifying equipment or noisemakers shall not be used, nor permitted.

6. Any power required for a mobile food truck located on public property shall be self-contained and shall not use utilities drawn from public property, unless otherwise approved by the Village.

7. Mobile food trucks must provide receptacles for refuse or use waste receptacles unless otherwise authorized by the Village Administrator, or his or her designee, and must properly dispose of all waste on a daily basis.

8. Mobile food trucks shall not provide seating or tables for their customers.

9. Overnight storage of Mobile Food Trucks shall be prohibited unless issued a permit in connection with a Village-Sponsored or Village-Approved Special Event.

10. Hours of operation for a Mobile Food Truck Vendor shall be limited to between 7:00 a.m. and 11:00 p.m.

11. No mobile food truck shall offer drive-through or drive-by service.

12. Unless the Mobile Food Truck is issued a permit in connection with a Village-Sponsored or Village-Approved Special Event permitting a longer duration, the operation of each Mobile Food Truck on a property shall be limited to three days in any seven-day period.

13. Mobile Food Trucks shall be prohibited from operating on public property unless issued a permit in connection with a Village-Sponsored or Village-Approved Special Event.

C. Applications.

1. Applications for a Mobile Food Truck and/or Mobile Vendors permit shall be made to the Village staff designee upon forms supplied by the Village, not less than fourteen (14) calendar days in advance of the date for which the permit is requested. No permit shall be issued unless the application is completed in full.

2. In addition to the completed application, applicant must supply the following.

- a. Mobile Food Truck and/or Mobile Vendors locating on private property shall provide written permission from the property owner and notarized.
- b. A site plan or map showing the location of the mobile food truck, with property lines, physical improvements, existing buildings and structures, parking areas and spaces, and similar features along with information regarding provisions for power, potable water, and sanitary disposal.
- c. Depiction of the appearance and design of the mobile food truck, including exterior dimensions, signage, and exterior lighting features.
- d. Proof of liability insurance for the activity to be permitted, naming the Village of Johnsburg, its officers, agents, and employees as additional insured, in an amount not less than one million dollars (\$1,000,000.00) combined single limit. Which shall be primary, noncontributory and shall not be cancelled without written notice to the Village.
- e. A valid copy of all necessary permits or permits required by the State, McHenry County Health Department (Food Protection), and McHenry Township Fire Protection District authorities for the operation of a mobile food truck.
- f. A valid copy of the driver's permits for all individuals operating from the mobile food truck.
- g. Execute an indemnification and hold harmless agreement with the Village of Johnsburg for any and all claims related to the activity to be permitted.
- h. The fee for a Mobile Food Truck and/or Mobile Vendors permit are twenty-five dollars (\$25.00) for each day or an annual calendar year permit for three hundred dollars (\$300.00). Provided, however, that this fee and permit requirement shall be waived for any applicant having a brick-and-mortar restaurant or other permitted food service establishment operating in the Village.
- i. Any and all Mobile Food Truck and/or Mobile Vendors permits shall be subject to any restrictions or conditions deemed necessary for the public health, safety and welfare by the Village Administrator, or his or her designee, and the permit may be revoked for good cause shown by the Village, including failure to comply with any provisions of the Village Code or any risk to public health, safety and welfare.

- j. For sales tax reporting purposes, the Village of Johnsburg shall be the point of sale for all sales from a mobile food truck occurring within the corporate limits.

7.12 **7.13 SETTLEMENT OF OFFENSES.** Any offense arising under this Chapter 7, for which a specific penalty is not stated may be settled and compromised by the offender by payment to the Village the sum of money stated for a Class C violation in Chapter 1.07-E.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. The Village Board shall review fees associated with Mobile Food Truck and/or Mobile Vendors registration for permitting prior to following fiscal year to determine cost analysis.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustees Foreman, Fouke, Hagen, Klemstein, Letzter and Morris

Voting Nay: None

Abstain: None

Absent: None



(SEAL)

APPROVED:

Village President Edwin P. Hettermann

ATTEST:
Village Clerk Claudett Sofiakis

Passed: April 3, 2025

Approved: April 3, 2025

Published: April 3, 2025

CERTIFICATION

I, CLAUDETT E. SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.


I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 3rd day of April, 2025, the foregoing Ordinance entitled *An Ordinance Amending Chapter 7, Licenses and Permits, adding Section 7.12 Mobile Food Truck and/or Mobile Vendors registration for permitting, and revising the numbering of the provisions thereafter of the Johnsburg Municipal Code*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2024-25-32 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 3rd day of April, 2025, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 3rd day of April, 2025.




Claudett E. Sofiakis, Village Clerk
Village of Johnsburg,
McHenry County, Illinois