

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item number: IIIA1
	Title:	Motion to Approve an Amendment to City Ordinance Title 5 “Business Licenses and Regulations” by adding Chapter 5.56 “Ice Cream Vending Vehicles” to the St. Charles Municipal Code	
	Presenter:	Police Chief Keegan	
Meeting: City Council		Date: May 20, 2024	
Proposed Cost: \$		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
TIF District: Choose an item.			
Executive Summary (if not budgeted, please explain):			
<p>At the request of several residents, City officials have researched ordinances regarding ice cream truck vending from multiple surrounding communities and have drafted an ordinance to regulate these vehicles and businesses for the City of St. Charles.</p>			
Attachments (please list):			
Ordinance; draft of Ice Cream Truck Registration Application			
Recommendation/Suggested Action (briefly explain):			
The Police Department recommends amending City Ordinance Title 5 “Business Licenses and Regulations” by adding Chapter 5.56 “Ice Cream Vending Vehicles” to the St. Charles Municipal Code.			

5.56.20: LICENSE REQUIRED:

A. It shall be unlawful for any person to sell, give away, offer for sale or expose for sale any ice cream or similar confection or beverage of any kind from a truck or other self-propelled motor vehicle, whether or not the same remains in one place in the City, without first having obtained a license for such purpose.

B. The City shall issue a photo identification card, suitable for identifying each ice cream vendor covered by this license program. Such card shall be displayed in a prominent place on ~~each ice cream vehicle or~~ each driver while ice cream vending is being conducted within the City. it is in use.

C. Each ice cream vending vehicle doing business within the City shall also display a vehicle sticker. Such sticker shall be displayed on front passenger side window.

City of St. Charles, Illinois
Ordinance No. 2024-M- _____

**An Ordinance Adding Title 5 “Business Licenses and Regulations”,
Chapter 5.56 “Ice Cream Vending Vehicles” to the St. Charles Municipal
Code**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,
KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

SECTION ONE: That Title 5 “Business Licenses and Regulations”, be and is hereby amended by adding the following new chapter and sections:

Chapter 5.56 - ICE CREAM VENDING VEHICLES

SECTION:

5.56.10: Definitions

5.56.20: License Required

5. 56.30: Application Process

5.56.40: Application Fee

5.56.50: Background Check

5.56.60: Inspection of Vehicles

5.56.70: Required Vehicle Equipment

5.56.80: Prohibitions on Conducting Business

5.56.90: Operators’ Restrictions

5-56.100: Penalty

5.56.10: DEFINITIONS:

ICE CREAM VENDING VEHICLE: A vehicle from which the retail sale by ice cream or similar confections of beverages for human consumption is conducted from a roadway.

OWNER: The title holder of an ice cream or similar confections or beverage vending vehicle.

RETAIL SALE: The sale of ice cream or similar confections or beverage to the consumer thereof.

ROADWAY: Any public or private street, highway or road used by vehicles.

VEHICLE: Every motor vehicle which is mechanically propelled and designed to transport one or more persons.

VENDING: The act of selling, or offering to sell, any ice cream or similar confections or beverage for human consumption from an ice cream vending vehicle on a roadway.

VENDOR: Any person who physically operates an ice cream vending vehicle or any person who physically conducts vending from such a vehicle.

5.56.20: LICENSE REQUIRED:

A. It shall be unlawful for any person to sell, give away, offer for sale or expose for sale any ice cream or similar confection or beverage of any kind from a truck or other self-propelled motor vehicle, whether or not the same remains in one place in the City, without first having obtained a license for such purpose.

B. The City shall issue a photo identification card, suitable for identifying each ice cream vendor covered by this license program. Such card shall be displayed in a prominent place on each driver while ice cream vending is being conducted within the City.

C. Each ice cream vending vehicle doing business within the City shall also display a vehicle sticker. Such sticker shall be displayed on front passenger side window.

5.56.30: APPLICATION PROCESS

Applications for such licenses shall be made available on line and at the police department. The application shall state as follows:

A. The name, address, and statement of legal age of the applicant.

B. The citizenship of, place of birth, and proof of a valid driver's license for the applicant.

C. The location and description of the premises or place of business which is to be operated under such license.

D. A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this article, laws of this state, or the ordinances of this City.

E. The number of trucks intended to be operated under the proposed license, as well as the license plate number and vehicle identification number of each truck.

F. A waiver signed by each employee authorizing the City to conduct a background check on drivers who will operate the trucks. No driver shall operate any trucks within the City until the

City completes a background check satisfactory to the City. Each company shall furnish a list of the drivers who will be operating the trucks.

G. A copy of a current Health Department permit at the time of application.

5.56.40: APPLICATION FEE:

A. The annual fee for such licenses shall be \$50 for each vehicle. Such fee shall be paid to the police department at the time application is made.

B. The year for which a fee shall be valid shall commence on May 1 and end on April 30 of the succeeding year.

5.56.50: BACKGROUND CHECK

No such license shall be issued to or held by any person or driver who is not a person of good character or who has been convicted of a felony within the past five years, or must register as a sex offender as required by the Sex Offender Registration Act, 730 ILCS 150; nor shall such license be issued to or held by any corporation if any officer thereof would be ineligible for a license under the foregoing conditions. A criminal background fingerprint check will be performed by the Chief of Police, or his/her designee, through the Illinois State Police, Bureau of Identification, and the Federal Bureau of Investigation's database systems. A fee of \$50 shall be paid by the company or the individual for each individual for whom a background investigation must be conducted.

5.56.60: INSPECTION OF VEHICLE:

Prior to the issuance of said license, the licensee shall present to the police department each truck or other self-propelled motor vehicle for inspection as to the cleanliness and sanitation.

5. 56.70: REQUIRED VEHICLE EQUIPMENT:

In addition to having a current State registration, complying with the provisions of this Article and other applicable provisions of this Code, vehicles used for the vending of ice cream or similar confections or beverages shall be equipped with the following, which shall be in good working order:

A. A sign on the front and back of the vehicle which shall consist of reflective letters no less than three inches (3") in height and shall state "Caution - Children Crossing".

B. A foldout, diamond-shaped sign on the left side of the vehicle which shall consist of black on yellow reflective letters no less than five inches (5") in height and shall state "Slow". This sign shall be located at a height of between five feet (5') and eight feet (8') above ground level and shall be displayed at a ninety-degree (90°) angle to the left side of the vehicle whenever it is stopped for the purpose of vending.

C. Two (2) amber lights, each five inches (5") in diameter, mounted on the left and right front, and two (2) amber lights each five inches (5") in diameter, mounted on the left and right rear of the vehicle, all at the top of the vehicle.

Each left light shall flash alternately from the opposing right light, and have sufficient lumens so that the flashing will be visible at a distance of five hundred feet (500') whenever the vehicle is stopped for the purpose of vending.

D. A litter or trash container visible and available to customers of the vending vehicle.

E. Equipment which will keep all perishable ice cream or similar confections at a temperature of zero degrees (0°) to minus ten degrees Fahrenheit (-10°F). Beverages or other type confections on the vehicle shall be maintained at a temperature of below fifty degrees Fahrenheit (50°F).

5.56.80: PROHIBITIONS ON CONDUCTING BUSINESS:

The following shall not be performed from a vending vehicle:

A. Vending from the left, or driver's side, of the vehicle.

B. The emission of any amplified or electronic noise intended to advertise the presence of the vehicle. Manually operated bells may be utilized while the vehicle is in motion. The emission of any noise to advertise the presence of the vehicle while the vehicle is stopped is prohibited.

C. Vending if the vehicle is not parked with the right side thereof to the curb or right side of the roadway.

D. Vending within a distance of one hundred feet (100') from the nearest intersecting roadway.

E. Vending before ten o'clock (10:00) A.M. any day, or after eight o'clock (8:00) P.M. any day.

F. Vending on any of the following roadways:

Randall Road

Lincoln Highway (Route 38)

Bircher Road

Campton Hills Road

Peck Road

Main Street (Route 64)

Geneva Road, 2nd Street (Route 31)

5th Avenue (Route 25)

Illinois Street Bridge

Prairie Street Bridge

Red Gate Road

Tyler Road

Country Club Road

Dunham Road

Kirk Road

Kautz/Smith Road

G. Conducting a sale to any customer who is standing on a roadway.

H. Vending in such a manner as to cause a traffic and/or pedestrian nuisance.

5.56.90: OPERATORS' RESTRICTIONS:

A. It shall be unlawful for any driver of a vehicle while on duty to drink any intoxicating liquor or alcoholic beverage, to use any profane or obscene language, to shout or call to prospective customers, or to disturb the peace in any manner.

B. It shall be unlawful for any person who is afflicted with or is the carrier of any infectious or contagious disease to conduct vending.

C. A valid and current Health Department permit is required at all times while operating (these are issued annually).

D. No vehicle shall be operated unless it is covered by a bond or public liability policy as required by the Illinois Compiled Statutes. The owner shall furnish a copy of such bond or insurance policy prior to the issuance of a license.

E. It shall be the duty of every driver of a vehicle to obey all traffic rules established by ordinances of the City or the statutes of the State of Illinois.

5.56.100: PENALTY:

Any person violating any of the provisions of this article shall be fined one hundred dollars (\$100.00) for the first offense thereof, and subject to a fine of not more than five hundred dollars (\$500.00) for each subsequent offense.

SECTION TWO: That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

SECTION THREE: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this ____ day of _____, 2024.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2024.

APPROVED by the Mayor of the City of St. Charles, Illinois, this ____ day of _____, 2024.

Lora Vitek, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes : _____

Nays : _____

Absent : _____