

ORDINANCE NO. 25-22

**AN ORDINANCE AMENDING TITLE 3, BUSINESS REGULATIONS,
CHAPTER 7, ITINERANT MERCHANTS, OF THE VILLAGE OF
MANTENO MUNICIPAL CODE**

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AN ORDINANCE AMENDING TITLE 3, BUSINESS REGULATIONS, CHAPTER 7, ITINERANT MERCHANTS, OF THE VILLAGE OF MANTENO MUNICIPAL CODE

BE IT ORDAINED by the President and Board of Trustees of the Village of Manteno, as follows:

Section 1

That Title 3, Business Regulations, of the Village of Manteno Municipal Code, be amended by changing Chapter 7, Itinerant Merchants, to read as follows:

CHAPTER 7

TRANSIENT MERCHANTS, ITINERANT MERCHANTS, AND MOBILE FOOD TRUCK VENDORS

SECTION:

- 3-7-1: Definitions
- 3-7-2: License Required
- 3-7-3: License Application
- 3-7-4: Application Review and Issuance
- 3-7-5: License Fees
- 3-7-6: License Denial
- 3-7-7: Itinerant and Transient Merchant Operations
- 3-7-8: Mobile Food Truck Vendor Operations
- 3-7-9: Exceptions
- 3-7-10: Penalty
- 3-7-11: License Suspension or Revocation
- 3-7-12: Basis for Suspension or Revocation
- 3-7-13: Appeals

3-7-1: **DEFINITIONS:** The following words, terms, and phrases, and their derivations, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Corporate Authorities means the President and Board of Trustees of the Village of Manteno.

Itinerant Merchant means any person who transports tangible personal property for retail sale within the Village other than from a fixed location and who does not maintain in the Village an established store, office, distribution house, sale house, warehouse service

center, or home occupation residence from which such business is conducted. This definition includes without limitation persons who hawk personal property by public outcry, and persons who solicit orders for personal property by going from place to place in the Village. However, this Chapter does not apply to any solicitor, as that term is defined in §3-12-1, going door-to-door at private residences, or any person who delivers personal property in fulfilling an order which was solicited by mail or by electronic means.

Mobile Food Truck means a self-contained food service operation wholly located within a single readily movable, motorized, wheeled or towed vehicle, occupied by all operational personnel, and in and from which payment is accepted and all food and beverage sold are stored, cooked/prepared, and served, and intended for individual portion service and for consumption. A mobile food truck shall include an ice cream truck.

Mobile Food Truck Vendor means any person that operates a mobile food truck, as defined herein.

Person means any person, firm, corporation, association, club, society or other organization.

Transient Merchant means any person engaged temporarily in the retail sale of goods, wares, merchandise, products, food, trees, flowers, and/or plants within the Village and who, for the purpose of conducting such business, has the right to occupy a specific building, room, booth, stand, structure, or vacant lot for a period no greater than three (3) months.

Vacant lot means any a parcel of land having no principal building or structure or a lot with its principal building or structure being vacant. A principal building or structure will not be deemed vacant if occupied, in whole or part, for licensee's business.

Village means the Village of Manteno.

Village Clerk means the Village Clerk of the Village of Manteno or his/her assigns.

Village President means the Village President of the Village of Manteno or his/her assigns.

3-7-2: **LICENSE REQUIRED:** It shall be unlawful for any person, either as principal or agent, to engage in or conduct in this Village a business as an itinerant merchant, transient merchant, or mobile food truck vendor without first obtaining a license. Any license issued under this Chapter shall be specific to the type of merchant/vendor and shall only authorize the licensee to engage in those activities.

3-7-3: **LICENSE APPLICATION:**

(a) Any person who desires to engage in or conduct business as an itinerant merchant, transient merchant, or mobile food truck vendor shall:

(1) for itinerant merchants and transient merchants, file with the Village Clerk an application in writing, on a form to be furnished by the Village Clerk, which shall consist of the following information:

(A) the applicant's name, date of birth, phone number, and last four digits of his/her social security number;

(B) business name and permanent business address (which must include a street address);

(C) residence address of the principal (and, if the applicant is anything other than an individual person, the name and residence address of each of its officers, stockholders, owners, members, managers, and partners);

(D) the dates and locations on/at which the applicant intends to conduct business;

(E) whether the applicant seeks an itinerant merchant or transient merchant license;

(F) the nature of the business the applicant intends to conduct and a complete inventory of goods, wares, merchandise, products, food, and/or beverage the applicant intends to offer for sale;

(G) proof the applicant is authorized to do business in the State of Illinois and is in good standing;

(H) a copy of the applicant's certificate of registration under the Retailers' Occupation Tax Act;

(I) the name and residential address of each person employed by the applicant that is to or may engage in business on its behalf;

(J) proof of possession of any permit or license which, under federal, state or local law, the applicant is required to have in order to conduct the business, including a food license, as applicable; and,

(K) if authorized by this Chapter to conduct business from private property and that is the intention of the applicant, proof of the applicant's right to occupy the same from the owner of said property during operations.

(2) for mobile food truck vendors, file with the Village Clerk an application in writing, on a form to be furnished by the Village Clerk, which shall consist of the following information:

(A) all information and documentation required by subsections (a)(1)(A)-(K);

(B) a description, license plate number, proof registration, and proof of insurance of the mobile food truck and any other vehicles used to transport the mobile food truck if not self-propelled;

(C) unobstructed photographs of the front, side, and rear of the mobile food truck; and,

(D) the permanent address of the commercial kitchen, commissary, or shared kitchen where any food or foodstuff is cooked/prepared when not cooked/prepared in the mobile food truck.

(b) Any person who desires to engage in or conduct business as an itinerant merchant, transient merchant, or mobile food truck vendor shall have a criminal history check performed by the Manteno Police Department at a cost of \$50.00.

3-7-4: APPLICATION REVIEW AND ISSUANCE:

(a) Upon receipt of an application, the Village Clerk shall review the application to determine if all of the information required by this §3-7-3 is present/provided and complete, and there is no basis to reject the same. If the application has listed all of the information necessary, and there exists no reason to deny the license from the face of the application for the reasons set forth in §3-7-6, the Village Clerk shall order the applicant to be fingerprinted for a criminal history check.

(b) The Village Clerk shall deny the license before a criminal history check, and return the \$50.00 fee, if there exists a reason to deny the same from the face of the application for the reasons set forth in §3-7-6.

(c) Upon receipt of the criminal history report, and there otherwise being no basis to deny the license for the reasons set forth in §3-7-6, the Village Clerk shall issue the license upon receipt of the license fee from the applicant.

(d) Any license issued pursuant to this Chapter shall contain the name and address of the licensee, the name of any employer or principal, the type of license issued, the date of issuance and the date of expiration. The license shall also contain a license number (which shall be a number matching a number listed on the application).

(e) The Village Clerk shall make a good-faith effort to complete an application review and advise an applicant of his/her decision within fifteen (15) days. If, upon the

expiration of the fifteen (15) day review period, the Village Clerk has not advised an applicant of his/her decision to grant or deny a license, an applicant may request, and the Village Clerk shall be obligated to issue, a temporary license upon receipt of the applicable license fee from the applicant.

(f) If a temporary license is issued, and further review identifies a basis for which a license should be denied, an applicant shall be immediately notified by telephone that the temporary license is revoked and his/her application has been denied. In such instance, the license fee shall be returned to the applicant on a pro rata basis. In no event shall an application review take longer than thirty (30) days. At the expiration of thirty (30) days, and provided no oral decision has been made concerning the issuance of the license, the applicant may request, and the Village Clerk shall be obligated to issue a license to the applicant. Once issued, the license shall only be subject to suspension or revocation as provided by §3-7-11 and §3-7-12 of this Chapter.

(g) The Village Clerk shall notify the applicant of his/her decision to grant or deny a license by the telephone number listed on the application. The Village Clerk shall advise the applicant of the basis for the denial.

(h) If an application is incomplete, the Village Clerk shall allow the applicant an opportunity to provide the information necessary for his/her review and the time limitations specified above shall only begin once the application is complete.

(i) In the case of a denial, the Village Clerk shall issue a written decision advising the applicant why the license was denied. The written decision shall be mailed to the applicant via U.S. Mail at the address contained on the application. The written decision shall be postmarked no later than three (3) business days subsequent to the expiration of the fifteen (15) day review period or the oral advisement of a denial of a license, whichever is later.

(j) A denial of a license may be appealed in the manner provided in §3-7-13 of this Chapter.

(k) A record of all licenses issued and denied pursuant to this Chapter shall be maintained by the Village Clerk for a period of two (2) years.

(l) The Village Clerk shall reject any application that was denied within the immediate past year when the basis for the previous denial was substantive, affirmed by the corporate authorities on appeal. A rejection shall not be considered a denial, and the applicant shall have no appeal rights therefrom.

3-7-5: **LICENSE FEES:** The fee for an itinerant merchant, transient merchant, or mobile food truck vendor license shall be \$100 per week (*i.e.*, seven continuous days), which fee shall be non-refundable. The fee for an itinerant merchant, transient merchant, or mobile food truck vendor license shall be \$0 when an authorized participant in a special

event held or sponsored, in whole or part, by the Village or Manteno Chamber of Commerce.

3-7-6: LICENSE DENIAL:

(a) The Village Clerk may refuse to issue a license for any of the following reasons:

(1) the applicant failed to supply all the required information or documentation in or as a part of its application;

(2) the applicant falsified information on the application;

(3) The applicant, or any of its officers, stockholders, owners, members, managers, partners, or employees, has been convicted or pleaded guilty to a felony or misdemeanor involving a sex offense, trafficking in controlled substances, crimes of dishonesty (e.g. theft, fraud, deceit, misrepresentation, etc.), or any violent acts against persons or property, within the five (5) years preceding the date of application;

(4) The applicant's denial of a license issued under this Chapter within the immediate past year, unless the applicant can and does show that the basis for the previous denial no longer exists;

(5) The business operations of the applicant would or does violate any provision of this Code, including this Chapter, based upon the information or documents contained in the application; or

(6) The applicant, or any officer, stockholder, owner, member, manager, partner, or employee, indebted to the Village.

(b) The Village Clerk's denial and the reasons for such disapproval shall be noted on the application.

3-7-7: ITINERANT AND TRANSIENT MERCHANT OPERATIONS: No person who has been granted a license as an itinerant merchant or transient merchant shall:

(a) sell or deliver, or attempt to sell or deliver, any goods, wares, merchandise, product, or food by any fraudulent or deceptive means or practices;

(b) sell or deliver, or attempt to sell or deliver, any goods, wares, merchandise, product, or food which are not identified in the inventory provided to the Village, that are not owned by the licensee or by the licensee's principal or employer, or which have been stolen from another person;

(c) remain on private property after being asked to leave by a person with apparent authority thereover;

(d) insist upon showing, selling, or delivering any goods, wares, merchandise, product, or food to any person after being informed that such person does not want them or wish to purchase them;

(e) leave any trash or debris from business operations or customers within one (100') feet of such operations;

(f) excepting transient merchants, sell or deliver, or attempt to sell or deliver, any food or beverage;

(g) operate on any vacant lot except that a licensed transient merchant may operate on a vacant lot to display and sell whole and raw fruits, vegetables, beans, nuts, seeds, and/or plants, flowers, trees, and other forms of vegetation;

(h) sell or deliver, or attempt to sell or deliver, any food or beverage excepting whole and raw fruits, vegetables, beans, nuts, and/or seeds;

(i) tap into or use any utility or source of power without the written permission of the owner of thereof;

(j) use or maintain any sound amplifying equipment or noise making apparatus that exceeds seventy-five (75) decibels measured from ten (10') feet away;

(k) operate following the lapse or invalidity of any authority or documentation required to be provided and maintained as a part of the licensing process;

(l) fail to report and pay when due any tax owing to the Village or the state;

(m) operate within a residentially zoned area except in a public park or public square;

(n) operate on or upon any public street;

(o) operate in or from any movable, motorized, wheeled or towed vehicle;

(p) operate in such a manner so as to create a public nuisance, constitute a breach of the peace, or endanger the health, safety or welfare of others; or,

(q) violate any other federal, state, county or local law, statute, ordinance, rule, regulation, order and decree of any court or an administrative body or tribunal, order or determination of any governmental authority, while engaging in business.

3-7-8: MOBILE FOOD TRUCK VENDOR OPERATIONS: No person who has been granted a license as a mobile food truck vendor shall:

(a) operate within two (200') feet of a restaurant or other food service establishment.

(b) operate within two hundred (200') feet of another mobile food truck;

(c) operate at or within five (500') feet of such special event unless written consent or permission to do so is obtained from the event operator, and a copy provided to the Village Clerk;

(d) operate between the hours of 9:00 p.m. and 6:00 a.m.;

(e) tap into or use any utility or source of power external to the mobile food truck;

(f) use or maintain any sound amplifying equipment or noise making apparatus while moving;

(g) use or maintain any sound amplifying equipment or noise making apparatus that exceeds seventy-five (75) decibels measured from ten (10') feet away when stationary;

(h) place or use signage that is not permanently affixed to the mobile food truck;

(i) fail to provide at least one (1) trash collection receptacle at its operating location or fail to properly dispose of the trash in that receptacle as appropriate and at the end of daily operations. The licensee shall also be responsible for collecting and disposing of all trash and debris within one hundred (100') feet of the mobile food truck operating location prior to leaving such location;

(j) sell or serve food from a mobile food truck that has been cooked/prepared in a residential home. All operators must work in conjunction with a commercial kitchen, commissary, or shared kitchen to cook/prepare food that is not cooked/prepared in the mobile food truck;

(k) take orders, accept payment, sell, store, prepare/cook or serve food from any area outside of the mobile food truck. Operations from tables, booths, stands, or other areas outside of the mobile food truck shall be prohibited;

(l) operate within a residentially zoned area or a public street adjacent to a residentially zoned area unless on or from an improved off-street parking lot of a public park or public square;

(m) operate from a fixed location on a public street for less than thirty (30) minutes or more than four (4) hours. A licensee shall move not less than five hundred (500) feet from any fixed location that it has operated for more than thirty (30) minutes. No operator shall return to any prohibited zone for a period of two (2) hours after it has moved;

(n) operate on a public street with the service window or door being any further than two (2') feet from a curb opposite all lanes of traffic;

(o) take orders, accept payment, sell, or serve food or beverage on a public street from a service window or door that does not directly face a curb;

(p) operate or park on any public street so as to block, obstruct, or otherwise interfere with vehicular, bicycle, or pedestrian traffic flow;

(q) operate on a public street in an area where parking is unlawful or not permitted;

(r) leave unattended any mobile food truck on any public street;

(s) operate on any private property without the permission of the property owner;

(t) operate on any private property if the licensee, or any of its officers, stockholders, owners, members, managers, partners, or employees owns the property, or is or is related to an officer, stockholder, owner, member, manager, partner, or employee of, any person that has any legal, equitable, or proprietary interest in the property;

(u) operate on any private property that is a vacant lot;

(v) operate on any private property except from an improved surface meeting the requirements for off-street parking;

(w) operate on the same private property more than two (2) days per week;

(x) leave unattended or parked overnight any mobile food truck on private property that the licensee does not own;

(y) operate from a mobile food truck not identified as a part of the application process;

(z) operate following the lapse or invalidity of any authority or documentation required to be provided and maintained as a part of the licensing process;

(aa) fail to report and pay when due any tax owing to the Village or the state;

(bb) conduct business operations in such a manner so as to create a public nuisance, constitute a breach of the peace, or endanger the health, safety or welfare of others; or,

(cc) violate any other federal, state, county or local law, statute, ordinance, rule, regulation, order and decree of any court or an administrative body or tribunal, order or determination of any governmental authority, while engaging in business.

3-7-9: **EXCEPTIONS:** Itinerant merchants and mobile food trucks may operate under the following conditions, as applicable, notwithstanding any operational restrictions in this Chapter to contrary, provided they obtain a separate and distinct license for such operations:

(a) Licensed transient merchants and mobile food trucks vendors shall be authorized to operate and sell, store, prepare/cook or serve food when and in the manner and at such designated locations authorized for/at a special event held or sponsored by the Village or the Manteno Chamber of Commerce. Whenever food or beverage is to be sold, prepared, cooked, and/or delivered by a transient merchant under this exception, the merchant's application shall be in conformance with requirements of an application for mobile food trucks, as may be relevant, even if no mobile food truck will be used. Licensees shall abide by all rules, regulations, and standards established for the special event;

(b) Licensed mobile food truck vendors shall be permitted to operate at and during a private special event at a single-family residence in a residentially zoned area for a period of not to exceed one (1) day provided they have the written consent of the property owner, operate from an improved driveway on the property, restrict delivery of food and beverage to guests of the special event, and any remuneration for food and beverage is settled as a single tab prior to or after the special event. Payment shall not be demanded or accepted by a mobile food truck vendor from guests on a contemporaneous individual portion service basis; and,

(c) Licensed mobile food truck vendors shall be permitted to operate at and during a block party authorized by the Village on a public street in or adjacent to a residentially zoned area for a period of not exceeding one (1) day provided they have the written consent of the organizer and operate within the area closed to through vehicular traffic. Not more than two (2) mobile food trucks shall be permitted to operate at said block party.

3-7-10: **PENALTY:**

(a) Any person found in violation of any of the provisions of this Chapter shall be fined no less than \$100 and no more than \$750 for each offense. Each day that a violation occurs or is permitted to continue shall constitute a separate and distinct offense.

(b) Any licensee found in violation of the provisions of this Chapter shall, in addition to any fine that may be imposed, be subject to license suspension and/or revocation proceedings.

(c) Violations of this Chapter may be administered as a part of license proceedings or separately in accordance with the provisions of Title 1, Administrative, Chapter 17, Administrative Adjudication, of the Code.

3-7-11: LICENSE SUSPENSION OR REVOCATION:

(a) Any license issued under this Chapter may be suspended or revoked by the Village President after notice and a hearing for any basis identified in §3-7-12 of this Chapter. Notice and a hearing prior to a suspension or revocation shall not be given if Village President determines that an immediate suspension or revocation is necessary. In such cases, a post-deprivation hearing will be provided.

(b) The Village Clerk shall provide notice to the licensee via U.S. Mail setting forth the time and place of the hearing. The notice shall consist of the charges for which the license's suspension or revocation is being considered. The notice shall contain the date(s) on which any charge is alleged to have occurred along with the name(s) of any witness(es) that will testify at the hearing. Any written or tangible evidence of the occurrence shall be identified in the notice.

(c) A hearing pursuant to this Section shall occur no earlier than seven (7) days nor later than fourteen (14) days from the date the notice of hearing is postmarked.

(d) The licensee shall be responsible for obtaining a court reporter in order to preserve the record for appeal.

(e) After the hearing, the Village President shall orally advise the licensee of his/her decision to impose any fine and/or suspend or revoke a license under this Chapter. After the decision has been orally related to the licensee, the President shall issue a written decision setting forth his/her decision and the basis for the ruling. The written decision shall be mailed to the licensee via U.S. Mail at the address contained in the application. The written decision shall be postmarked no later than five (5) business days subsequent to the hearing.

3-7-12: BASIS FOR SUSPENSION OR REVOCATION: Any license may be suspended or revoked for or because:

(a) any reason the license could have been originally denied under §3-7-6;

(b) the licensee, or any of its officers, stockholders, owners, members, managers, partners, or employees, has been convicted or pleaded guilty to a felony or misdemeanor involving a sex offense, trafficking in controlled substances, crimes of dishonesty (e.g. theft, fraud, deceit, misrepresentation, etc.), or any violent acts against persons or property;

(c) a violation of any provision of this Code, including this Chapter; or

(d) The licensee, or any officer, stockholder, owner, member, manager, partner, or employee, becomes indebted to the Village on account of its business operations.

3-7-13: **APPEALS:**

(a) Any person aggrieved by the action or decision of the Village Clerk or Village President to deny, suspend or revoke a license shall have the right to appeal such action to the Corporate Authorities within fourteen (14) days from the date on which the decision has been mailed to the applicant/licensee. This date shall be determined by the date on which the written decision was postmarked. In the event the Village Clerk or Village President fails to issue a written decision, the appellant shall have seventeen days (17) from the date on which he/she was orally informed of the decision to deny, suspend or revoke a license to appeal that decision.

(b) An appeal shall be perfected by filing a written statement with the Village Clerk or Village President setting forth the grounds for the appeal. If a written decision was provided to the appellant from the Village Clerk or Village President, a copy of that decision shall be attached to the appellant's written statement. After the receipt of said appeal, the Village Clerk or Village President shall, unless otherwise agreed to by appellant and Village, schedule the hearing on appeal for a special meeting to precede a regularly scheduled meeting of the Corporate Authorities occurring no sooner than six (6) and no more than twenty-two (22) days following receipt of the appeal. Under no circumstances shall the hearing be set later than thirty (30) days from the date on which an appeal is received.

(c) Notice of the time and place of the appeal hearing shall be given to the appellant via U.S. Mail at the address provided on the person's application.

(d) An appellant shall be given notice of the hearing at least seventy-two (72) hours before the hearing.

(e) A decision to affirm or reverse the decision of the Village President concerning the suspension or revocation of a license shall be limited to the record generated at the hearing in front of the Village President.

(f) A decision to affirm or reverse a decision of the Village Clerk or Village President shall be made by a majority vote of the Corporate Authorities present at the meeting.

(g) The decision of the Corporate Authorities of the Village shall be final and binding on all parties concerned.

Section 2

If any section, paragraph, clause, or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

Section 3

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

Section 4

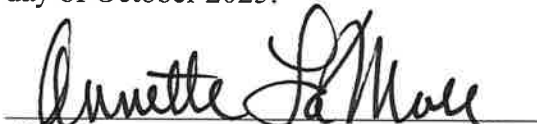
This ordinance shall be immediately in full force and effect after the passage, approval, and publication. This ordinance is authorized to be published in pamphlet form.

PASSED by the Board of Trustees of the Village of Manteno, Illinois and deposited in the office of the Village Clerk this 6th day of October, 2025.

DEPOSITED with the Village Clerk this
6th day of October, 2025.


KERRI ROLNIAK, Village Clerk

APPROVED by me this 6th
day of October 2025.


ANNETTE LAMORE, Village President

I DO HEREBY CERTIFY that this Ordinance was, after its passage and approval, published in pamphlet form by authority of the Village of Manteno, in accordance with law, this 6th day of October, 2025.


KERRI ROLNIAK, Village Clerk