

CHAPTER 35
SOLICITATION

35.01	Definitions
35.02	Permit Required
35.03	Permit Exemption for Minors
35.04	Solicitation Permit
35.05	Regulations Applicable to all Solicitation
35.06	Charitable Solicitation on Public Rights-of-Way
35.07	Violations Declared to be Nuisances
35.08	Effective Period
35.09	Revocation
35.10	Appeal of Denial or Revocation
35.11	Change in Information
35.12	Administrative Record
35.13	Mobile Food Vendors
35.14	Law Enforcement Solicitation
35.15	Charitable Highway Solicitation by Law Enforcement Personnel, Fire Fighters or Other Public Safety Employees
35.16	Penalty

35.01 DEFINITIONS

For the purposes of this Chapter 35, the following words and phrases shall have the meanings herein ascribed to them unless defined more specifically in this Chapter.

Applicant: Any person that files an application for a solicitation permit as provided for in this Chapter.

Charitable Purpose: Any charitable, benevolent, philanthropic, patriotic, or eleemosynary purpose.

Charitable Solicitation: Solicitation engaged in for a charitable purpose.

Chief of Police: The Chief of Police or any of his or her authorized representatives.

Person: Any individual, organization, group, association, partnership, joint venture, corporation, trust, or any combination of the foregoing.

Premises: Any occupied building or structure, or any separate dwelling unit contained within any occupied building or structure, of any type within the Village.

Solicit or Soliciting: The act of engaging in solicitation.

Solicitation: Seeking to sell (or peddle), to offer for sale, to deliver, to barter, to exchange, or to obtain a gift, a contribution, a subscription, or any other goods or services, whether for a charitable, political, commercial, or noncommercial organization or purpose, except when such activity is conducted within a building zoned to permit such activity and under the ownership or control of the solicitor.

Solicitor: A person engaged in solicitation.

Terms used in this Chapter not defined in this Chapter shall have the meanings ascribed to them in Appendix A to this Code and in the Illinois Compiled Statutes.

35.02 PERMIT REQUIRED

Except only as provided in Section 35.03 of this Chapter 35, it shall be unlawful for any person to engage in solicitation in the Village without having first applied for and obtained a valid solicitation permit therefore.

35.03 PERMIT EXEMPTION FOR MINORS

A. Persons under the age of 17 years engaged in charitable solicitation within the Village shall not be required to obtain a solicitation permit. However, any such person shall comply with all other applicable provisions of this Chapter 35.

B. A permit is not required for persons engaged in door-to-door charitable, not-for-profit, solicitations involving the advocacy of religious or political causes which may include the distribution of handbills, circulars or other printed materials or the appeal for funds, pledges or donations. Such persons shall comply with all other applicable provisions of this Chapter 35.

35.04 SOLICITATION PERMIT

A. APPLICATION PROCEDURE AND CONTENTS: Each applicant for a solicitation permit shall file with the Chief of Police a properly completed application therefore on a form provided for such purpose by the Chief of Police. Each applicant shall verify under oath all statements made on or in connection with the application. A new application shall be required to solicit after the expiration of any permit issued hereunder. Each application shall contain, at a minimum, the following information and materials:

1. Two copies of a 2" by 2" photograph showing the full facial features of the applicant. Such photograph shall have been taken within 30 days immediately prior to the date of filing of the application.
2. The applicant's name and current residence address, and the length of time the applicant has resided at such address.
3. The applicant's local address, whether temporary or permanent, if different from the applicant's current residence address.
4. The applicant's business address, if different from the applicant's residence address.
5. The name and address of a principal officer, director, or chief executive officer of the applicant's business or organization with the authority to determine matters related to the application, and the businesses or organization's registered agent for service in Illinois, if any.
6. The applicant's social security number and driver's license number, or, if the applicant has neither, then some other official form of identification.
7. The applicant's physical description, including sex, height, weight, hair color, and eye color.
8. The name and address of the applicant's current employer, and the length of the applicant's employment with such employer.
9. The name and address of the business or other person or entity that the applicant represents for purposes of the solicitation for which the permit is sought, if different from the applicant's current employer.
10. A description of the subject matter and purpose of the applicant's solicitation.
11. The date(s) for which the applicant seeks a solicitation permit.
12. The solicitation methods that the applicant and the applicant's business or organization will employ

within the Village.

13. If more than one solicitor will be soliciting on behalf of a business or organization, then the names(s), address(es), and telephone number(s) of the person(s) who will be in direct charge of the solicitors on behalf of such business or organization.
14. The date of the most recent previous application for a solicitation permit filed with the Village by the applicant or the business or organization the applicant represents, if any.
15. Information regarding the applicant's violation, within the previous five years, of any of the provisions of this Chapter 35, or of any local, state, or federal solicitation regulation.
16. Information regarding whether the applicant has been convicted, within the previous five years, of a felony under the laws of the State of Illinois, any other state, or the United States, and the nature of any such conviction.
17. If the applicant seeks a permit to conduct charitable solicitation on a public right-of-way within the Village, then a written statement by the Illinois Attorney General, made within six months immediately prior to the date of filing of the application, that the business or organization represented by the applicant is in full compliance with all applicable provisions of the Illinois Solicitation For Charity Act, 225 ILCS 460/0.01 et seq.
18. Payment of a permit fee of \$50.00 for the solicitation permit.

B. ISSUANCE: The Chief of Police shall issue a solicitation permit to an applicant within thirty (30) days after the Chief of Police receives the application, if but only if the Chief of Police finds and determines all of the following:

1. The applicant has properly provided all information required by the Chief of Police and the application and the material statements made in the application are true.

2. The applicant has not been convicted of a felony under the laws of the State of Illinois, any other state, or the United States within five years immediately prior to the date of filing of the application.
3. The applicant has not had a Village solicitation permit revoked or suspended within five years immediately prior to the date of filing of the application.
4. The applicant has not been convicted of violating any provision of this Chapter 35, or of any provision of any previous Village solicitation regulation, within five years immediately prior to the date of filing of the application.

C. DENIAL: If the Chief of Police determines that the applicant has not met one or more of the conditions set forth in Subsection B of this Section 35.4, then the Chief of Police shall deny issuance of the solicitation permit and shall give the applicant a written notification and explanation of such denial. The Chief of Police's notice of denial shall be delivered in person or by first class U.S. mail addressed to the applicant's current residence address as set forth in the application. The solicitation permit shall be deemed denied on the day that the notice of denial is delivered or is placed in the U.S. Mail as provided in this Subsection C. If the Chief of Police does not issue or deny the solicitation permit within thirty (30) days after the Chief of Police receives the application, then the permit applied for shall be deemed to have been issued. The applicant may appeal the denial of a solicitation permit pursuant to the provisions of Section 35.10 of this Chapter 35.

D. FORM AND DISPLAY OF PERMIT: A solicitation permit shall be issued by the Chief of Police and shall consist of a plastic-enclosed pin-on or clip-on card, approximately 2" by 4" in size, containing the full facial photograph of the solicitor that was submitted with the application. The name of the solicitor and the business or organization the solicitor represents, if any, the date(s) solicitation shall occur under the permit, and the effective dates of the permit shall be printed on the solicitation permit in easily readable form. Solicitation permits also shall bear the name of the Village, the signature of the Chief of Police or his/her duly authorized designee, and the relevant permit application number. Each solicitor shall prominently display the solicitation permit issued to the solicitor pursuant to this Chapter 35 on the front of his or her person at all times while soliciting within the Village.

35.05 REGULATIONS APPLICABLE TO ALL SOLICITATION

All solicitors shall comply with the following regulations:

A. "NO SOLICITATION" NOTICES: No person shall solicit at or in any premises that has posted on or near its principal entrance a sign bearing the words "No Trespassing," "No Peddlers," "No Solicitors," or any other similar notice indicating in any manner that the occupants of such premises desire not to be solicited or to have their right to privacy disturbed, unless the occupants have specifically requested such solicitation. The Chief of Police or his/her duly authorized designee may make available weatherproof cards bearing a notice of the type herein described for posting on or near the principal entrance to any premises.

B. NO SOLICITATION FROM VEHICLES: No person shall solicit from a motorized vehicle at any time in any location within the Village except where authorized in Section 35.13.

C. NO ADVERTISING OR USE OF SOUND: No person shall advertise any solicitation at any time within the Village by use of signs, sound, or any other method except where authorized in Section 35.13. Nor shall any person use music or any other sound when soliciting except where authorized in Section 35.13.

D. PRINCIPAL APPROACH AND ENTRANCE ONLY: Every solicitor shall approach a premises only by using the principal approach route thereto, and every solicitor shall attempt to make contact with the occupants thereof only at the principal entrance to such premises.

E. DISCONTINUANCE ON REQUEST: No solicitor shall solicit any person or premises at any time after any such person or the occupant of such premises requests that the solicitor leave the premises or otherwise cease soliciting.

F. HOURS WHEN SOLICITATION PROHIBITED: Except only as provided in Subsection C of Section 35.06 of this Chapter 35, no person shall solicit anywhere in the Village at any time between the hours of 9:00p.m. and 9:00a.m.

G. IMMEDIATE IDENTIFICATION: Every solicitor shall immediately identify himself or herself and the purpose of the solicitation to each person being solicited.

H. PROMINENT DISPLAY OF PERMIT: Every solicitor shall prominently display on the outside of his or her clothing the solicitation permit issued to the solicitor pursuant to this

Chapter 35 on the front of his or her person at all times while soliciting within the Village.

I. IMPENDING TRAFFIC PROHIBITED: No person shall solicit anywhere in the Village in a manner that completely or substantially impedes the flow of pedestrian or vehicular traffic in, on, or around any sidewalk or public property, way, or place. No person engaged in solicitation shall have the exclusive right to any sidewalk or other public property, way, or place, nor the right to establish a permanent stationary location for such solicitation.

J. SOLICITING RIDES OR BUSINESS ON PUBLIC RIGHTS-OF-WAY: No person shall stand in a public right-of-way within the Village for the purpose of soliciting a ride from the driver of any vehicle, or for the purpose of soliciting employment or business from the occupant of any vehicle.

K. FRAUD OR MISREPRESENTATION: No person shall perpetrate a fraud or misrepresentation of any kind while engaged in solicitation within the Village.

L. PUBLIC HEALTH AND SAFETY: No person shall engage in solicitation within the Village in such a manner that creates a danger or threat of any kind to the public health, safety, and welfare.

35.06 CHARITABLE SOLICITATION ON PUBLIC RIGHTS-OF-WAY

Except as provided in Section 35.15 of this Code governing charitable highway solicitation by public safety employees, charitable solicitation on public rights-of-way within the Village shall be allowed only if such charitable solicitation is conducted in strict compliance with all applicable provisions of this Chapter 35, including without limitation Section 35.05, and only if such charitable solicitation also complies with the following regulations:

A. PERMIT REQUIRED; APPLICATION REQUIREMENTS: No person shall engage in charitable solicitation on any public right-of-way within the Village without first having applied for and obtained a valid solicitation permit therefor pursuant to this Chapter 35. Because solicitation on a public right-of-way does not involve door-to-door activities, such solicitation does not involve the same considerations related to public health, safety, and welfare as are raised by door-to-door solicitation. Accordingly, the application for a permit to solicit on a public right-of-way shall be made only by the charitable organization on behalf of all of the individuals who shall be soliciting. Such application shall include the names and addresses of all such individuals and shall

conform to the requirements of Subparagraphs 35.4A2, 4, 5, 10, 11, 13, and 17 of this Chapter.

B. NUMBER OF PERMITS LIMITED: No more than one group shall engage in charitable solicitation on public rights-of-way within the Village on any day.

C. HOURS WHEN PERMITTED: No person shall engage in charitable solicitation on any public right-of-way within the Village at any time between the hours of 7:30p.m. or dusk, whichever is earlier, and 6:30a.m. or dawn, whichever is later.

D. LOCATIONS: Charitable solicitation on public rights-of-way within the Village shall be engaged in only at intersections at which all traffic is required to come to a full and complete stop.

E. ANNUAL AND CONSECUTIVE DAYS LIMITATIONS: No solicitor, nor the business or organization represented by the solicitor, shall engage in charitable solicitation on public rights-of-way within the Village on more than two days within any one calendar year.

F. MINIMUM AGE: No person younger than 16 years of age shall engage in charitable solicitation on any public right-of-way within the Village.

G. PROTECTIVE CLOTHING: Every person engaged in charitable solicitation on any public right-of-way within the Village shall wear a high-visibility vest at all times while engaged in such solicitation.

H. STATE REGISTRATION: Every business or organization represented by a solicitor engaged in charitable solicitation on any public right-of-way within the Village shall be registered with the Illinois Attorney General as a charitable organization pursuant to the Illinois Solicitation for Charity Act, 225 ILCS 460/0.01 et seq.

I. STATEWIDE ACTIVITY: Every business or organization represented by a solicitor engaged in charitable solicitation on any public right-of-way within the Village shall be engaged in statewide fund raising activity.

J. LIABILITY: Every solicitor engaged in charitable solicitation on any public right-of-way within the Village, and the business or organization represented by the solicitor, shall be liable for all injuries to any person or property that occurs during or as a result of the solicitation and that is causally

related to an act of ordinary negligence of the solicitor or the business or organization the solicitor represents.

K. **INSURANCE:** Before engaging in any charitable solicitation pursuant to this Section 35.06, the solicitor shall provide to the Chief of Police a certificate of insurance issued by an insurance company licensed to do business in Illinois indicating that the insurance company will insure the solicitor and the business or organization represented by the solicitor against any injury to any person or property during the solicitation that is causally related to an act of ordinary negligence of the solicitor or of the business or organization represented by the solicitor. Such certificate of insurance shall name the Village as an additional insured, shall state that the insurance policy shall not be amended or cancelled during the period of the permitted solicitation, and shall reflect that at least the following coverage has been provided:

1. Personal injury coverage of at least \$1,000,000 per occurrence and \$500,000 per person.
2. Property damage coverage of at least \$100,000.

35.07 VIOLATIONS DECLARED TO BE NUISANCES

Every violation of any term, provision, condition, restriction, or duty stated in this Chapter 35 or in any solicitation permit issued pursuant thereto is hereby declared to be a public nuisance.

35.08 EFFECTIVE PERIOD

Each solicitation permit issued pursuant to this Chapter 35 shall be valid for a period of time set by the Chief of Police but not to exceed 60 consecutive calendar days. An expiration date shall be printed on the face of each solicitation permit.

35.09 REVOCATION

The Chief of Police shall revoke immediately any solicitation permit issued pursuant to this Chapter 35 if the Chief of Police determines that the solicitor is in violation of any of the provisions or requirements of this Chapter 35 or of the solicitation permit issued pursuant hereto, or if the solicitor made a false material statement in the application or otherwise becomes disqualified for the issuance of a solicitation permit under the terms of this Chapter 35. Immediately after such revocation, the Chief of Police shall take custody of the solicitation permit. The Chief of Police shall give written notice of the revocation to the solicitor as soon as practicable thereafter, in the form of a

citation that states the reason for the permit revocation or such other form approved by the Chief of Police that clearly states the reason for such revocation. The Chief of Police shall serve the citation or other form of notice on the solicitor in person or by certified U.S. mail return receipt requested, addressed to the residence address set forth in the solicitor's application. The permit shall become null and void immediately on service of the notice of revocation as provided in this Section 35.09.

35.10 APPEAL OF DENIAL OR REVOCATION

Any person aggrieved by the Chief of Police's denial or revocation of a solicitation permit shall have a right to appeal such decision to the Village Administrator as provided in this Section 35.10. Within 10 days after receipt of the Chief of Police's notice of denial or revocation, the applicant or permit holder may make a written request for a hearing regarding the denial or revocation. The Village Administrator after receipt of the written request for a hearing, shall set a time and date certain for such hearing within 10 days after such receipt. The Village Administrator shall give written notice of such hearing to the applicant or permit holder at least five days in advance of the hearing date. At the hearing, the applicant or permit holder may present and submit evidence and witnesses to rebut the reasons cited by the Chief of Police for revoking or denying the permit. Within five days after the close of the hearing, the Village Administrator shall render a decision in writing. The Village Administrator may reinstate a revoked permit, grant the requested permit or a renewal thereof, or affirm the Chief of Police's decision. The action taken by the Village Administrator shall be final.

35.11 CHANGE IN INFORMATION

During the pendency of an application for, or during the term of, any solicitation permit, the applicant or permit holder shall promptly notify the Chief of Police in writing of any change in any material information given by the applicant or permit holder in the application for such permit.

35.12 ADMINISTRATIVE RECORD

The Chief of Police shall cause to be kept in the Chief of Police's office an accurate record of every solicitation permit application received and acted on, together with all other information and material pertaining thereto, and copies of all solicitation permits issued and revoked pursuant to this Chapter 35. Permit applications shall be numbered in consecutive order as filed, and every permit issued pursuant to this Chapter 35 and any renewal thereof

shall be identified with the number of the application upon which it was issued.

35.13 MOBILE FOOD VENDORS

A. Definitions: In addition to the terms defined in Appendix A of this Code, the terms used in this Section 35.13 are defined as follows:

Food Truck: A motorized vehicle or a nonmotorized self-contained enclosed trailer that is used for the sale of food products at retail.

Food Vendor: A person, sole proprietorship, partnership, corporation, limited liability company, club, or other legal entity which sells food for human consumption from a food truck.

Cooking/Open Food Truck: A food truck that is equipped with facilities for the cooking and preparing of food, and that is used to sell food that is cooked and prepared on the truck to the public for immediate consumption.

Pre-Packaged Food Truck: A food truck that is not equipped with facilities for the cooking and preparing of food, and that is only used to sell pre-packaged food to the public. Such trucks include, but are not limited to, those used solely to sell ice cream products or other frozen dessert products. Simple assembly of frozen dessert products, such as serving ice cream into a bowl or adding flavored syrups onto cones of crushed ice, shall not be considered the cooking or preparing of food and shall be allowed on pre-packaged food trucks.

B. Food Vendor License Required: It shall be unlawful to operate or permit the operation of a food truck within the Village without having first obtained a license to do so, or to otherwise operate or permit the operation of a food truck in violation of the provisions of this Section. However, no food vendor license need be obtained hereunder for vehicles to be used to deliver food products from a food establishment with a permanent location wherein the vehicle is used solely for the delivery of food products ordered through the permanent food establishment location.

C. Application Requirements: Any person desiring to operate a food truck shall make application for a food vendor license to the Village Administrator, or designee, on a form supplied by the Village. The application shall include, but not be limited to, the following items:

1. For an individual, the application shall be signed by the applicant or by a duly authorized agent and contain

the name and address of the applicant; the character of the applicant's business; and the length of time the applicant has been in business. For a partnership, the application shall be signed by each partner (including silent partners if any) and contain the name of each partner and silent partner; and state the type of partnership, the character of the business and the date the partnership was formed. For a club or corporation, the application shall be signed by the president and secretary; list the names and addresses of the officers and directors; if a majority interest of the stock of such corporation is owned by one person or his or her nominee, the name and address of such person shall be listed; and list the date the Articles of Incorporation were issued; and list the objects for which the club or corporation was organized. For a limited liability company ("LLC"), the application shall be signed by each member, managing member and manager; list the names and addresses of the members, managing member(s) and manager(s); and list the date the Articles of Organization were issued and the purpose or purposes for which the LLC was organized;

2. The character of business of the applicant;
3. The length of time that said applicant has been in business of that character;
4. A statement whether the applicant has made any applications for a similar license from another local unit of government, and the disposition of such application;
5. A statement that the 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 Section, laws of this State, or the ordinances of this Village;
6. The applicant shall furnish a list of all people who will be operating the food trucks including their names and addresses and a statement that each person 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 Section, laws of this State, or the ordinances of this Village;
7. Whether a previous license by any state or subdivision thereof, or by the Federal government has been revoked,

and the reasons therefore;

8. The number of food trucks intended to be operated under the proposed food vendor license and the vehicle identification number of each food truck;
9. The applicant and each person who will operate a food truck shall sign a waiver authorizing the Village to conduct a background check. There shall be a \$50 non-refundable fee for each background check required to be completed. No person shall operate any food truck within the Village until the Village completes a background check satisfactory to the Village;
10. An acknowledgement by the applicant that the food vendor license to be issued upon the application is and will be subject to revocation by the Village Administrator;
11. The applicant shall furnish the Village with a copy of a valid McHenry County Health Department food establishment license for each food truck intended to be operated under the proposed food vendor license;
12. The applicant shall furnish the Village with a copy of a current certificate of insurance with the Village added as an additional insured party, in the amounts set forth in this Section;
13. The applicant shall provide the food vendor's Illinois business tax number; and,
14. The applicant shall agree that the point of sale shall be noted as the Village of Lake in the Hills for sales tax.

D. Annual Inspections for Cooking/Open Food Trucks: Prior to issuance of a food vendor license, the applicant shall provide the Building Commissioner, or designee, with a reasonable opportunity to inspect all cooking/open food trucks intended to be operated under the proposed license for the purpose of determining compliance with the following standards:

1. A Type 1 listed commercial kitchen exhaust hood shall be installed at or above all cooking appliances within a cooking/open food truck that produce grease-laden vapors.
2. Cooking/open food trucks equipped with a deep fryer shall have an approved automatic fire suppression

system (commonly known as an Ansul system) with a current tag or decal attached indicating that the system has been tested by a qualified professional and deemed to be in compliance with NFPA and UL300 requirements. An audible alarm or visual indicator shall be provided on the cooking/open food truck to show when the system has actuated.

3. All cooking/open food trucks shall have a Class ABC rated dry chemical fire extinguisher with a minimum size of 10 lb. and with a current inspection tag attached.
4. All cooking/open food trucks equipped with a deep fryer shall have a class K rated wet chemical fire extinguisher with a current inspection tag attached.
5. All cooking/open food trucks must be equipped with a working carbon monoxide detector.
6. Liquid propane requirements: All cooking appliances shall be listed for use with propane, and propane shall only be used in compliance with the following standards:
 - a. Liquid propane gas containers shall be stored within a suitable enclosure and protected against tampering.
 - b. The propane storage compartment shall be properly ventilated with at least two (2) vents (one (1) top of compartment and one (1) bottom of compartment).
 - c. The relief valve discharge from the propane cylinder shall be not located less than three (3) feet, measured horizontally along the surface of the vehicle, to openings in the vehicle, propane burning appliance intake or exhaust vents, and, all internal combustion exhaust terminations.
 - d. Manual shutoff valves on gas lines are required at the point of use (the appliance) and the supply, and must be readily accessible.
 - e. Portable propane gas containers must be kept in the upright position and secured to prevent tipping over.

- f. On gas system piping, a flexible connector must be installed between the regulator outlet and the fixed piping system.
 - g. Metal flex hose must not penetrate through walls, floor or ceiling to the interior of the vehicle. Rigid pipe must be used to penetrate solid assemblies.
7. Electrical requirements: All cooking/open food trucks utilizing electricity must comply with the requirements in Article 545 of the 2020 edition of the National Electrical Code, as adopted by the Village in Chapter 24 of this Code.

E. Grounds for Denial of a Food Vendor License: Under any of the following circumstances, the Village Administrator or designee shall promptly notify the applicant that the application is disapproved and that no food vendor license shall be issued. Circumstances include, but are not limited to:

- 1. Character of Applicant: No food vendor license shall be issued to or held by any person who is not a person of good character or who has been convicted of a felony; nor shall such license be issued to or held by any entity if any officer or operator of a food truck thereof would be ineligible for a food vendor license under the foregoing condition.
- 2. The applicant has failed to provide any information requested on the application form or required by this Section.
- 3. The applicant has failed to allow any representative of the Village access to a cooking/open food truck to perform the annual inspection required by this Section.
- 4. The applicant's food vendor license previously issued under this Section has been revoked for cause.

F. General Operating Requirements: The following requirements apply to the operation of all food trucks.

- 1. Drivers/Operators: It shall be unlawful for any driver or operator of a food truck while on duty to drink any intoxicating liquor or alcoholic beverage, to shout or call to prospective customers, or to disturb the peace in any manner.
- 2. Vehicles: No food truck shall be operated unless it

bears a state license duly issued and no such food truck shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror and windshield wipers in good condition. No food truck shall be operated unless it bears a current decal or sticker indicating that a certificate of safety has been issued as required by the Illinois Vehicle Code (625 ILCS 5/13-101) indicating that the vehicle has no mechanical defects.

3. Traffic Rules: It shall be the duty of every driver of a food truck to obey all traffic rules established by ordinances of the Village or the statutes of the State of Illinois.
4. Identification of Food Trucks: Each food truck, while operated, shall have on each side, in letters readable from a distance of fifty (50) feet, the name of the licensed food vendor operating it.
5. Hours of Operation: A food vendor shall be permitted to sell food products from a licensed food truck between the hours of 7:30 a.m. and 8:00 p.m. or sunset, whichever is earlier, Monday through Saturday, and between the hours of 10:30 a.m. and 8:00 p.m. or sunset, whichever is earlier, on Sundays, during the license period, except as otherwise allowed for food trucks operated as part of a special event approved in accordance with Chapter 20 of this Code.
6. Prohibited Streets: Food trucks shall be prohibited upon the following streets within the Village: Algonquin Road, Randall Road, Miller Road, Ackman Road, Pyott Road, Rakow Road, Route 31, Frank Road, Lakewood Road, Virginia Road, Reed Road, Haligus Road, and Route 47.
7. Operation in Parks and Beaches: Food trucks operated in parks and beaches must comply with the regulations in Chapter 8 of this Code, and may only be operated as part of a special event approved in accordance with Chapter 20 of this Code, as part of a facility use permit issued in accordance with Chapter 8 of the Code, or in accordance with an Affiliate Organization Agreement approved by the Board of Trustees.
8. Refuse Receptacles: All food vendors must provide receptacles for refuse on each food truck and must properly dispose of all waste.

9. Other Prohibited Areas: Food vendors shall not be allowed to operate a food truck within fire lanes, handicap parking spaces, or in any other location that will impede traffic flow or create unsafe conditions for pedestrians.
10. Sound Equipment: Use of sound equipment utilized to draw attention to a food truck's operations is prohibited unless the food truck is operating on public and private streets and rights-of-way in the Village. Use of sound equipment utilized to draw attention to a food truck prior to 10:30 a.m. is prohibited.

G. Types of Licenses, Limitations, and Specific Operating Requirements:

1. Cooking/Open Food Truck Licenses:
 - a. The allowed number of food vendor licenses in the Village for cooking/open food trucks may be limited by ordinance.
 - b. All food items offered for sale, and the price of each food item must be posted on the exterior of the cooking/open food truck.
 - c. On private property, cooking/open food trucks may only be operated with written permission from the property owner, which written permission must be posted on the cooking/open food truck in a location that is visible to customers.
 - d. Cooking/open food trucks may not be operated on any one individual private property or lot for more than 30 days in any calendar year.
 - e. The cooking/preparation of food and the sale of food from cooking/open food trucks shall be prohibited on public and private streets and rights-of-way in the Village, except in residential zoning districts, where the owner or occupant of a dwelling unit has contracted with the food vendor to cater an event, the cooking/open food truck may be operated at the curb line of the street directly in front of said dwelling unit for a maximum of 90 minutes.
 - f. If a cooking/open food truck utilizes an electrical generator, the generator exhaust must comply with the following: be at least 10 feet in

all directions from openings and air intakes on the food truck; be at least 10 feet from every means of egress on the cooking/open food truck; be directed away from all buildings; and be directed away from all other food trucks.

- g. Food vendors may not provide seating or tables for their customers, with the exception of food trucks operated as part of a special event approved in accordance with Chapter 20 of this Code.
- h. Food vendors are allowed to display signage that is painted or permanently affixed to the cooking/open food truck, but food vendors are not allowed to display any additional signs, such as freestanding sandwich boards.
- i. While cooking/preparing food and selling/serving food to the public, cooking/open food trucks must be parked on an approved hard surface as defined in the Zoning Code, except as otherwise allowed for food trucks operated as part of a special event approved in accordance with Chapter 20 of this Code, as part of a facility use permit issued in accordance with Chapter 8 of the Code, or in accordance with an Affiliate Organization Agreement approved by the Board of Trustees.

2. Pre-Packaged Food Truck Licenses:

- a. There shall be no more than six (6) food vendor licenses in the Village for pre-packaged food trucks, each with no more than two (2) vehicles. Of the six (6) licenses for pre-packaged food trucks, three (3) shall only be issued to businesses that solely sell ice cream products or other frozen dessert products.
- b. Each pre-packaged food truck shall have a driver's identification card, including a picture of the driver, prominently displayed so that it is clearly visible to the customers. If more than one (1) pre-packaged food truck is operated by a licensed food vendor, each pre-packaged food truck shall be designated by a different number, and such number shall so appear on each side of such pre-packaged food truck.
- c. All sales from pre-packaged food trucks must be conducted only after the pre-packaged food truck

has come to a full stop with sound equipment turned off at the curb line of the street upon which the sales are being made.

H. Duration and Transfer of License: A food vendor license shall be purely a personal privilege, good for not to exceed one (1) year after the issuance. The one-year period shall be from the first (1st) day of January of each year to the thirty-first (31st) day of December of each year unless sooner revoked or suspended as herein provided. Food vendor licenses issued after the first (1st) day of January of any year shall pay the full license fees as provided. A food vendor license shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to be encumbered or hypothecated. Such food vendor license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee may continue the business under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license.

I. License Fee: All food vendor license fees shall be paid to the Village at the time application is made. In the event the food vendor license applied for has been denied, the fee shall be returned to the applicant. The Village Administrator or designee shall issue suitable food vendor license certificates for the number of food trucks covered by each license. Such food vendor license certificates shall be displayed in a prominent place on each food truck while it is in use. If a food truck is withdrawn from service and another food truck replaces the one withdrawn, the licensee shall notify the Village Administrator's Office which shall issue a food vendor license certificate for such replacement food truck, provided that it meets all of the requirements of this Section, without additional charge to the licensee. The licensee shall notify the Village Administrator's Office of the VIN number and of the State license number of each food truck operated and of the corresponding Village license certificate number.

The annual food vendor license fee, payable in advance, shall be as follows:

1. One hundred and no/100 dollars (\$100.00) for each food vendor;
2. One hundred and no/100 dollars (\$100.00) for each

cooking/open food truck operated;

3. Fifty and no/100 dollars (\$50.00) for each pre-packaged food truck operated.

J. Insurance: Whenever any licensee under this Section shall make use of one or more food trucks in the licensed activity, such licensee shall maintain at least the following insurance coverages: 1) commercial general insurance with coverage for bodily injury and property damage, personal and advertising injury, and products completed/operations with a per occurrence liability limit of at least \$1,000,000.00; and 2) automobile liability insurance for each vehicle with a combined single limit of \$500,000.00. The Village shall be named as an insured under the policy using an additional insured endorsement acceptable to the Village. This insurance shall apply as primary insurance with respect to any other insurance or self-insurance programs afforded to the Village.

K. Penalty: Any person, club, organization or entity violating the provisions of this Section may, in addition to any penalty imposed under Section 35.16 of this Code, suffer the penalty of having their license revoked for any such violation. Revocation shall be in writing signed by the Village Administrator.

35.14 LAW ENFORCEMENT SOLICITATION

A. Except as provided in Section 35.15, it shall be unlawful and a public nuisance for any person to solicit property of any kind from the general public when the property, or any part of that property, in any way tangibly benefits any law enforcement officer, agency, or association.

B. For purposes of this Section 35.14, "tangibly benefits a law enforcement officer, agency, or association" means the use, the intention to use, or the stated representation of use, of property of any kind (i) to support a law enforcement program or activity or (ii) for any purpose or use that otherwise would have to be funded or provided by the officer, agency, or association through its own means or budgeting mechanism.

C. This Section shall not apply to solicitations:

1. By or on behalf of law enforcement officers campaigning for election to public office; or
2. Solicitations for charitable purposes unrelated to law enforcement program or activity; or

3. Solicitations for a program that benefits the general welfare of the community, but only when that program is sanctioned by the Chief of Police and only when 100 percent of the property collected through such solicitation is devoted to that program.

D. Any person who violates, neglects, or refuses to comply with, or assists in the violation of, any of the provisions of this Section 35.14 shall be deemed to have committed a public nuisance and a misdemeanor and shall be fined not more than \$500.00 for each such violation. Each day such violation continues shall constitute a separate offense. Within 7 days after the date of a citation, any person served with such citation pursuant to this Section 35.14 may avoid prosecution for the violation(s) identified in such citation by surrendering such citation to the Chief of Police and by paying at the same time to the Chief of Police a sum of \$25.00. Payment made after the 7-day period but before legal action is brought against the violator shall be equal to a sum of \$50.00. The Chief of Police shall issue a receipt to any person making payment pursuant to the provisions of this Subsection D.

35.15 CHARITABLE HIGHWAY SOLICITATION BY LAW ENFORCEMENT PERSONNEL, FIRE FIGHTERS OR OTHER PUBLIC SAFETY EMPLOYEES

A. Notwithstanding the provisions of Section 35.06 of this Code, (i) when the persons to be engaged in the charitable solicitation are law enforcement personnel, firefighters or other persons employed to protect the public safety of a local agency, (ii) who are soliciting for charitable organization (as defined in Section 2 of the Illinois Charitable Games Act, 230 ILCS 30/1, et. seq. as an organization or institution organized and operated to benefit an indefinite number of the public) (iii) and they are soliciting solely in an area that is within the service area of that local agency, then the rules of this Section 35.15 shall apply instead. For purposes of this Section 35.15, the term "local agency" shall mean the Village of Lake in the Hills, any special district, fire district, joint powers of authority, or other political subdivision of the State of Illinois.

B. The charitable organization must file an application with the Chief of Police or designee. The application shall be filed not later than 10 business days before the date the solicitation is to begin and shall include the following:

1. The date or dates and times of day when the solicitation is to occur.

2. The location or locations where the solicitation is to occur along with a list of three alternate locations listed in order of preference.
3. The manner and conditions under which the solicitation is to occur.
4. Proof of a valid liability insurance policy in the amount of at least \$1,000,000 insuring the charity or local agency against bodily injury and property damage arising out of or in connection with the solicitation.

C. Within five business days after the filing date of the application, the Chief of Police or designee shall approve the application but may impose reasonable conditions in writing that are consistent with the intent of 65 ILCS 5/11-80-9 and are based on articulated public safety concerns. These shall include, but are not limited to, the provisions of Section 35.06A, Permit Required; Application Requirements; Section 35.06- C, Hours when Permitted; Section 35.06-F, Minimum Age; Section 35.06-G, Protective Clothing; and Section 35.06-H, State Registration.

D. If the Chief of Police or designee determines that the applicant's location cannot be permitted due to significant safety concerns, such as high traffic volumes, poor geometrics, construction, maintenance operations or past accident history, then the Chief of Police or designee may deny the application for that location and must approve one of the three alternate locations following the order of preference submitted by the applicant on the alternate location list.

E. By acting under this Section, a local agency does not waive or limit any immunity from liability provided by any other provision of law.

35.16 PENALTY

A. PENALTY FOR NONCOMPLIANCE: Any person who violates, neglects or refuses to comply, or assists in the violation of, any of the provisions of this Chapter 35, or of any order, solicitation permit, or notice issued pursuant hereto, shall be deemed to have committed a misdemeanor and shall be fined not more than \$500.00 for each such violation. Each day such violation continues shall constitute a separate offense. The Chief of Police shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified U.S. mail return receipt requested.

B. PAYMENT WITHOUT PROSECUTION: Within 7 days after the date of the citation, any person served with a citation issued by the Chief of Police pursuant to Subsection A of this Section 35.13 may avoid prosecution for the violation(s) identified in the citation by surrendering the citation to the Chief of Police and by paying at the same time to the Chief of Police a sum of \$25.00. Payment made after the 7-day period but before legal action is brought against the violator shall be equal to a sum of \$50.00. The Chief of Police shall issue a receipt to any person making payment pursuant to the provisions of this Subsection B.

Amended March 27, 2003

Amended August 28, 2003

Amended August 14, 2008

Amended May 13, 2010

Amended December 12, 2013

Amended April 24, 2014

Amended September 25, 2025