

ORDINANCE NUMBER: 2026-14

AN ORDINANCE AMENDING TITLE II BUSINESS AND LICENSE REGULATIONS, CHAPTER 11 ITINERANT MERCHANTS AND MOBILE COMMERCE VENDORS, SECTION 2-11-1; SECTION 2-11-2; SECTION 2-11-3; SECTION 2-11-9; SECTION 2-11-10; AND SECTION 2-11-11 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF POPLAR GROVE

WHEREAS, the Village of Poplar Grove (“Village”) had adopted a Code of Ordinances (“Code”); and

WHEREAS, the Village wishes to amend Title II “Business and License Regulations,” Chapter 6 “Itinerant Merchants and Mobile Commerce Vendors” and more specifically Section 2-11-1 “Definitions”; Section 2-11-2 “License Requirements”; Section 2-11-3 “Application”; Section 2-11-9 “Record of Sales”; Section 2-11-10 “Failure to Obtain License; Holding of Goods”; and Section 2-11-11 “Penalty” of the Code; and

WHEREAS, the Village has determined that it is in the best interest of the Village and its citizens to approve amendments to the Chapter of the Village Code of Ordinances regarding Itinerant Merchants and Mobile Commerce Vendors.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Poplar Grove, Illinois as follows:

1. The above recitals are incorporated herein and made a part hereof.
2. Section 2-11-1 “Definitions” of the Code of Ordinances for the Village of Poplar Grove, shall and hereby is amended, in relevant part, as follows (deletions shown as ~~striketroughs~~ and new language as **bold** and underlined):

2-11-1. - DEFINITIONS.

The following words and phrases as used in this chapter shall have the following meanings, unless a different meaning is required by the context:

Business. The business carried on by any person who is an itinerant merchant or mobile commerce vendor as defined in this section.

Foodstuffs. Any meat, poultry, fish, seafood, vegetables, milk, dairy products (including ice cream, popsicles, gelato, etc.) and other food items and non-alcoholic beverages that are pre-packaged for sale, whether fresh, frozen or sold in cans, bottles, boxes, cartons or other containers, but excluding prepared food as defined herein.

Goods. Merchandise of any description whatsoever, and includes but is not restricted to tangible personal property, wares and prepared food, but excluding foodstuffs as defined herein.

Itinerant merchant. Any person, whether as owner, agent or consignee, who engages in the business of selling goods or foodstuffs as defined herein within the Village and who, in the furtherance of that business, uses any immobilized building, structure or other fixed location within the Village for a temporary period of time of less than six months in any calendar year. Any person who is unable to produce written documentation of the right to occupy the fixed location for 30 days or longer to the Village Clerk within five days of a request by the Village Clerk shall be presumed to be an itinerant merchant. This definition shall not include a mobile commerce vendor, peddler or solicitor as defined in this Title 2.

Mobile Commerce Vendors. A person/entity, including a corporation or partnership, selling goods from a vehicle or non-permanently affixed structure.

Prepared food. Any food or non-alcoholic beverage sold or offered for sale that is cooked or otherwise prepared for immediate consumption, but excluding foodstuffs as defined herein.

3. Section 2-11-2 “License Requirements” of the Code of Ordinances for the Village of Poplar Grove, shall and hereby is amended, in relevant part, as follows (deletions shown as ~~striketroughs~~ and new language as **bold** and **underlined**):

2-11-2. - LICENSE REQUIREMENTS.

A. No person shall engage in or attempt to engage in the business of an itinerant merchant or mobile commerce vendor **for events open to the public** within the Village without first obtaining a license therefore. **Private events held on private property shall not require a license.**

B. The following conditions shall apply to each license issued under this chapter:

1. An itinerant merchant shall only sell goods and foodstuffs consistent with the regulations contained in this chapter, and no license shall be issued to an itinerant merchant where the location or premises indicated on the application for the activity is not zoned to permit selling activity. The location of the sale shall be on private property, and shall, in all respects, comply with all zoning regulations for the district and all building safety regulations applicable to the property, including but not limited to a seasonal commercial occupancy permit.

2. A mobile commerce vendor shall only sell goods consistent with the regulations contained in this chapter and from a location within the Village upon private property, which complies with all zoning and building safety requirements of this Code, subject to the following restrictions:

- a. Mobile commerce vendors may only operate daily between 6:00 a.m. and 1:00 a.m.;

- b. Noise from mobile commerce vendors, including but not limited to generators and music, shall **be in compliance with Section 5-5-9 Miscellaneous Noise Sources** ~~not exceed 75 decibels as measured from ten feet away;~~

- c. Mobile commerce vendors shall not utilize water, electric or other Village utilities;
- d. Mobile commerce vendors shall collect all trash and debris resulting from their operations within 100 feet of the vending area; and
- e. Mobile commerce vendors selling prepared food shall dispose properly of any fat, oil or grease generated during its operation in accordance with applicable law.

Notwithstanding the foregoing, mobile commerce vendors may operate on public property within the Village only as part of a Village-approved event.

3. An itinerant merchant or mobile commerce vendor licensed under this chapter shall possess a certificate of registration when required by the State of Illinois Retailers Occupation Tax Act and shall pay timely all required sales tax.

4. No person licensed as an itinerant merchant or mobile commerce vendor shall violate the conditions, terms or limitations of such license.

C. No license issued under this chapter shall be transferrable.

D. The fee for the license issued under this chapter shall be \$50.00 per year for itinerant merchants and \$50.00 per vehicle for mobile commerce vendors. **A non-profit event or Village sponsored event shall qualify for a fee waiver.**

E. All licenses issued under this chapter shall **be renewed on or will otherwise** expire each year on **January 1.** ~~April 30 after the date of issuance thereof.~~

4. Section 2-11-3 “Application” of the Code of Ordinances for the Village of Poplar Grove, shall and hereby is amended, in relevant part, as follows (deletions shown as ~~strikethroughs~~ and new language as **bold** and **underlined**):

2-11-3. - APPLICATION.

A. Before a license may be issued under this chapter, a written, sworn application signed by the applicant shall be submitted to the Village Clerk. The application shall contain at a minimum the following information:

1. The name of the applicant. If the applicant is a business entity, the following information must be provided: if a corporation, name(s) of the shareholder(s); if a limited liability company, name(s) of the member(s) and/or manager(s); if a limited partnership or limited liability partnership, name(s) of the general partner(s); if a partnership, name(s) of the partner(s);

2. The name, title, address (including the street address), telephone number, fax number and email address, if any, of the person have immediate supervisory or management responsibility over the applicant's business that is proposed to be carried on in the Village;
3. The names, ages, permanent address, telephone number, FAX number, email address, social security number and criminal history for the past ~~four~~three years of each person selling goods or foodstuffs under the license. The applicant shall submit a criminal history check for each person paid for at the applicant's expense or shall pay a fee as determined by the Village from time to time and outlined in the Village Fee Schedule ~~of \$25.00 per person~~ for the Village to obtain said criminal history check;
4. The permanent address, telephone number, FAX number and email address of the applicant and the mobile commerce vendor, if they are different;
- ~~5. The local street address and telephone number of the applicant while the applicant is conducting business within the Village;~~
- ~~6. The name and address of the person(s) having custody of the applicant's financial records;~~
- ~~7. The names of municipalities or governmental units to which the applicants has applied for a license of similar character with the 24 months prior to the date of application;~~
- ~~8~~5. A copy of the applicant's certificate of registration under the State of Illinois Retailer's Occupation Tax Act, or such information as the State of Illinois requires to sell goods in the State of Illinois;
- ~~9~~6. The applicant's federal employer identification number, if any, for reporting to the Internal Revenue Service;
- ~~10~~7. If a motor vehicle is utilized for the sale of prepared food or foodstuffs, a copy of the permit issued by the Boone County Health Department;
- ~~11~~8. A valid driver's license of all person(s) who will be operating a motor vehicle;
- ~~12~~9. Valid vehicle registration for the motor vehicle to be used for mobile commerce vending or sale of prepared food or foodstuffs;
- ~~13. A photograph of the mobile commerce vehicle selling goods, prepared food or foodstuffs;~~
- ~~14~~10. In the case of an itinerant merchant, written evidence of the right to occupy a specific location at which the sales activity is proposed;
- ~~15~~11. The dates upon which the business is proposed to be conducted in the Village; and
- ~~16. A listing of all other state or local permits already applied for or issued; and~~
- ~~17~~12. Appropriate surety, other bond or insurance certificate.

5. Section 2-11-9 “Record of Sales” of the Code of Ordinances for the Village of Poplar Grove, shall and hereby is deleted in its entirety:

~~2-11-9. RECORD OF SALES.~~

~~Each itinerant merchant and mobile commerce vendor shall, if requested by the Village Clerk, certify under oath to the Village Clerk the total amount of sales in the city and send a copy of the merchant's report of sales to the state under the Retailers Occupation Tax Act. Such information shall be delivered to the Village Clerk within 28 days after any request. The Village Clerk shall be entitled to examine the records of such merchant in order to verify the proper collection of such taxes.~~

6. Section 2-11-10 “Failure to Obtain License; Holding of Goods” of the Code of Ordinances for the Village of Poplar Grove, shall and hereby is amended, in relevant part, as follows (deletions shown as ~~strike throughs~~ and new language as **bold** and **underlined**):

2-11-~~9~~**10**. - FAILURE TO OBTAIN LICENSE; HOLDING OF GOODS.

A. Any person who makes sales as an itinerant merchant or mobile commerce vendor without having first obtained a license therefor under this chapter or sells in violation of the terms of the license shall apply or reapply for a license under this chapter and in addition to penalties provided in Section 2-11-~~4~~**10** for violation of this chapter, pay an additional fee in an amount of twice the fee listed in Section 2-11-2.

B. Any Code Enforcement Officer or law enforcement officer who finds any person selling goods as an itinerant merchant or mobile commerce vendor without possessing a license therefor or in violation of the terms of such a license may take into possession the goods being sold and the inventory of such person. Such goods shall be held in the custody of the city until such person selling without a license or in violation of the terms of such license obtains a license or a license, as the case may be.

C. If the goods being held pursuant to division (B) above are not claimed within 60 days after they are taken into possession by the city, the Village Attorney may proceed to seek an order for the sale of property pursuant to the Transient Merchant Act of 1987 of the State of Illinois (225 ILCS 465/1 et seq.).

D. The provisions of this section are in addition to, and not in lieu of, the penalties set forth in Section 2-11-~~4~~**10**.

7. Section 2-11-11 “Penalty” of the Code of Ordinances for the Village of Poplar Grove, shall and hereby is amended, in relevant part, as follows (deletions shown as ~~strikethroughs~~ and new language as **bold** and underlined):

2-11-~~1044~~. - PENALTY.

Whoever violates any provision of this chapter shall be fined **in an amount in accordance with Section 1-4-1 General Penalty**~~.not a minimum of \$100.00 and not more than \$250.00 for a first offense. Whoever violates any provision of this chapter for a second offense shall be fined a minimum of \$250.00 and not more than \$500.00. Whoever violates any provision of this chapter as a third offense shall be fined a minimum of \$500.00 and not more than \$750.00. Whoever violates any provision of this chapter for a fourth offense shall be fined \$750.00. Each day's violation shall constitute a separate offense.~~

8. Except as amended by this Ordinance, all other provisions and terms of the Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.
9. This Ordinance shall be in full force and effect after its approval, passage and publication in pamphlet form as required by law.

PASSED UPON MOTION BY _____

SECONDED BY _____

BY ROLL CALL VOTE THIS _____ DAY OF _____, 2026

AS FOLLOWS:

VOTING “AYE”: _____

VOTING “NAY”: _____

ABSENT, ABSTAIN, OTHER _____

APPROVED _____, 2026

PRESIDENT

ATTEST:

VILLAGE CLERK