
THE CITY OF ROCHELLE
Ogle County, Illinois

ORDINANCE
NO. _____

AN ORDINANCE AMENDING CHAPTER 70
ICE CREAM TRUCKS, PEDDLERS AND ITINERANT MERCHANTS

JOHN BEARROWS, Mayor
ROSE HUERAMO, City Clerk

TOM McDERMOTT
BIL HAYES
KATE SHAW-DICKEY
DAN McDERMOTT
ROSAELIA ARTEAGA
BEN VALDIVIESO
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
Ottosen DiNolfo Hasenbalg & Castaldo, Ltd.
2441 Warrenville Road, Suite 310, Lisle, Illinois 60532

ORDINANCE NO: _____

Date Passed:

**AN ORDINANCE AMENDING CHAPTER 70
ICE CREAM TRUCKS, PEDDLERS AND ITINERANT MERCHANTS**

WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit possesses only those powers granted to it by law; and

WHEREAS, the City of Rochelle, Ogle County, Illinois, is a non-home rule municipality pursuant to Section 7 of Article VII of the Illinois Constitution and may exercise only those powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

WHEREAS, Chapter 70 of the Rochelle Municipal Code governs ice cream trucks, peddlers, itinerant merchants, solicitors, canvassers, and food trucks to promote the public health, safety, and welfare of its residents; and

WHEREAS, certain provisions of Chapter 70 have become outdated, unnecessarily burdensome, or duplicative of regulations administered by other governmental agencies and would benefit from clarification and modernization; and

WHEREAS, consolidating and simplifying the regulations applicable to door-to-door peddlers will create a more efficient permitting process while maintaining appropriate safeguards to protect the public health, safety, and welfare and to safeguard residents from fraud, crime, and other unlawful activities; and

WHEREAS, the proposed amendments to Chapter 70, attached herein as Exhibit A, streamline the permit application process by allowing applicants to apply for and obtain peddler permits directly through the Police Department, thereby eliminating the need for applicants to visit multiple City departments; and

WHEREAS, the proposed amendments also replace the current short-term permitting structure with an annual permit and renewal process that includes a background check, thereby reducing administrative burdens on both applicants and City staff while ensuring continued review of applicants seeking to engage in peddling activities within the City; and

WHEREAS, the proposed amendments expressly exempt constitutionally protected activities, including religious, political, and other forms of protected speech, from permit requirements in recognition of the rights guaranteed by the United States Constitution and the Constitution of the State of Illinois; and

WHEREAS, the establishment of a graduated penalty structure for violations of the peddler regulations will encourage compliance and provide a fair and reasonable enforcement mechanism for repeat offenders; and

WHEREAS, amending Section 26-44, Schedule of License, Permit or Registration Fees, to establish a flat annual peddler permit fee of Fifty Dollars (\$50.00), together with a separate Fifty Dollar (\$50.00) fingerprint processing fee, will provide a clear and consistent fee structure to offset a portion of the administrative costs associated with permit issuance and background investigations; and

WHEREAS, food truck operations are regulated by the Ogle County Health Department, and the City Council has determined that local regulation of such operations is largely duplicative of existing county oversight; and

WHEREAS, removing local food truck licensing and operational requirements from Chapter 70 will reduce unnecessary regulatory burdens while continuing to require food truck operators to obtain permission from property owners before operating on private property and to comply with all applicable traffic laws and regulations; and

WHEREAS, the City Council has determined that the amendments to Chapter 70 set forth in the attached Exhibit A serve the best interests of the City and promote efficient administration of its regulatory programs while continuing to protect the health, safety, and welfare of its residents.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Rochelle as follows:

SECTION ONE: That the City hereby incorporates all of the recitals above into this Ordinance as if fully set forth herein.

SECTION TWO: That Chapter 70 – Ice Cream Trucks, Peddlers, Itinerant Merchants, Solicitors, Canvassers, and Mobile Food Vendors, Rochelle Municipal Code shall be

amended by adding the underlined language and striking the stricken language as reflected in the attached Exhibit A.

SECTION THREE: If any provision of this Ordinance, or the application thereof to any person or circumstance, is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and each provision and application of this Ordinance is severable.

SECTION FOUR: Where the conditions imposed by any provision of this Ordinance are more restrictive than comparable provisions imposed by any other local law, ordinance, resolution, rule, or regulation, the provisions of this Ordinance shall govern.

SECTION FIVE: The City Clerk shall publish this Ordinance in pamphlet form.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 14th day of September 2026.

ATTEST:

City Clerk

Mayor

Exhibit A

Chapter 70

~~ICE CREAM TRUCKS, PEDDLERS, ITINERANT MERCHANTS, SOLICITORS,~~ and CANVASSERS, AND MOBILE FOOD VENDORS¹

ARTICLE I. IN GENERAL

Secs. 70-1—70-30. Reserved.

ARTICLE II. ~~ICE CREAM TRUCKS,~~ PEDDLERS AND ITINERANT MERCHANTS²

DIVISION 1. GENERALLY

Sec. 70-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*Ice cream truck* means a single or double-axle vehicle that is completely mobile with no permanent, fixed location, the operator of which sells or distributes prepackaged or pre-prepared frozen confections, including but not limited to ice cream, frozen novelties, and similar products, in a form suitable for immediate ingestion or consumption. This definition also excludes trucks operated by any unit of local government, including school districts and park districts.~~

Industrial peddler means a peddler who sells exclusively to industries located in areas zoned for industry.

Peddler includes any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting any goods, wares or merchandise, offering and exposing the same for sale, barter or exchange, or making sales and delivering articles to purchasers, or who, without traveling from place to place, sells, offers for sale, barter or exchanges the same from a wagon, automotive vehicle or other vehicle or conveyance; provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this article shall be deemed a peddler subject to the provisions of this article. The word "peddler" shall include the words "hawker" and "huckster."

~~*Transient/itinerant merchant or vendor* means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in a temporary business of selling and delivering goods, wares~~

¹Editor's note(s)—Ord. No. 2025-55, § 2, adopted September 22, 2025, amended the Code by renaming the title of ch. 70.

²Editor's note(s)—Ord. No. 07-3538, adopted April 9, 2007, repealed art. II, §§ 70-31—70-37, and 70-61—70-70, in its entirety, and added a new art. II. Former art. II pertained to peddlers and itinerant merchants, and derived from the Code of 1996, §§ 5.40.010—5.40.160. Subsequently, Ord. No. 2025-55, § 2, adopted September 22, 2025, amended the title of art. II.

State law reference(s)—Authority to license peddlers, 65 ILCS 5/11-42-5.

~~and merchandise within the city and who, in the furtherance of such purpose, hires, leases, uses or occupies any building or other structure, public rooms in hotels, lodging houses, apartments or a shop or any street, alley or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction; provided that such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery. The person so engaged shall not be relieved from complying with the provisions of this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.~~

(Ord. No. 07-3538, 4-9-2007; Ord. No. 10-3905, § 1(Exh. A), 3-22-2010; Ord. No. 2025-55, § 2, 9-22-2025)

Sec. 70-32. Badge.

The ~~city clerk~~police department shall issue to each licensee under this article at the time of the delivery of his license a badge ~~bearing the words "licensed vendor."~~ Such badge shall be worn by the licensee on the front of his outer garment in such a way as to be conspicuous during the time such licensee is engaged in the conduct of the business so licensed.

(Ord. No. 07-3538, 4-9-2007)

~~Sec. 70-33. Bond.~~

~~Before any license as provided for in this article shall be issued, the applicant therefor shall file with the city clerk a bond running to the city in the sum of \$1,000.00, executed by a surety company, conditioned that the applicant shall comply with all the provisions of this Code, other city ordinances and the statutes of the state regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against such applicant for any violation of this Code or the ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with the applicant, whether such representation or deception was made or practiced by the owners or by their servants, agents or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares and merchandise sold or any part thereof. Action on the bond may be brought by any person.~~

~~(Ord. No. 07-3538, 4-9-2007)~~

Sec. 70-34. Prohibited acts; penalty.

If any person licensed under the provisions of this article is found guilty of any fraud, cheating, misrepresentation or imposition while engaged in peddling; or peddles any other kind of goods, wares, merchandise or articles or uses in peddling any other mode of conveyance than specified in the license; or employs more persons than are specified in the license to engage in such peddling enterprise; or, at any time, peddles with more than one vehicle of the kind specified in the license, such person shall, upon conviction, be subject to punishment as provided in section 1-15 of this Code.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-35. Reporting of complaints and violations to city clerk, police department.

The chief of police, or a designee, shall receive report ~~to the city clerk of~~ any complaints against any person licensed under the provisions of this article and any conviction for a violation of this article.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-36. Record of licenses, complaints and violations.

The ~~city clerk~~police department shall keep a record of all licenses issued under this article and of complaints and violations reported as provided in section 70-35.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-37. Days and hours of operation.

~~With the exception of outdoor sales, no~~No person licensed under the provisions of this article shall operate on Sundays or holidays. Licensees shall be prohibited from soliciting at residences before 9:00 a.m. or after 7:00 p.m., except at the prior invitation or request of the occupant. ~~Outdoor sales may be conducted between the hours of 9:00 a.m. and 9:00 p.m. Monday through Sunday.~~

(Ord. No. 07-3538, 4-9-2007; Ord. No. 2025-55, § 2, 9-22-2025)

Secs. 70-38—70-60. Reserved.

DIVISION 2. LICENSE

Sec. 70-61. Required.

It is unlawful for any person, peddler, industrial peddler, ~~transient/itinerant merchant or vendor or ice cream truck operator~~ whether for himself or as agent for another, to solicit or sell within the city limits as described in this article without first obtaining a permit and license therefor as provided in this article.

(Ord. No. 07-3538, 4-9-2007; Ord. No. 2025-55, § 2, 9-22-2025)

Sec. 70-62. Exemptions.

No license shall be required under this article from local merchants or dealers; nor itinerant merchants, in connection with sales of goods, wares or merchandise from their established places of business in the city; nor from commercial travelers employed by wholesale houses in selling merchandise to such local merchants; nor for the sale and delivery of milk or milk products.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-63. Application; fee.

Before any license shall be issued under this article, the fee therefor as fixed in the license schedule in section 26-44 shall be paid to the ~~city clerk~~police department and an application, in writing, ~~in duplicate~~, on a form to be furnished by the ~~city clerk~~police department shall be made for such license by the person desiring same. Such application shall give the following information:

- (1) Name and address of the applicant;
- (2) The name and address of the person having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the city; the name and address of the

person on whose account the business will be carried on, if any; and, if a corporation, under the laws of what state the same is incorporated;

- (3) The place in the city where it is proposed to carry on the applicant's business and the length of time during which it is proposed that such business shall be conducted;
- (4) ~~If a transient or itinerant merchant, the place, other than the permanent place of business of the applicant, where the applicant, within the six months next preceding the date of such application, conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;~~
- (5) A brief description of the nature, character and quality of the goods, wares or merchandise to be sold or offered for sale and where the goods or property to be sold are located at the time the application is filed;
- (6) ~~A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers; and, if required by the city clerk, copies of all such advertising, whether by handbill, circular, newspaper advertising or otherwise, shall be attached to such application as exhibits thereto;~~
- (7) ~~Credentials from the person for whom the applicant proposes to do business, authorizing the applicant to act as such representative, and the applicant's state sales tax number;~~
- (8) Whether or not the person having the management or supervision of the applicant's business, or the applicant, has been convicted of a crime, misdemeanor, or violation of any municipal ordinance within the prior 48 months, and the nature of such offense and the punishment assessed therefor;
- (9) Such other reasonable information as to the identity or character of the person having the management or supervision of the applicant's business or the method or plan of doing such business as the chief of police or the city clerk may deem proper to fulfill the purpose of this article in the protection of the public good.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-64. Photograph and fingerprints required.

At the time application is made for a permit or license under this article, the applicant shall furnish to the police department his ~~fingerprints and two photographs of himself, taken within 60 days immediately prior to the date of the filing of the application, which pictures shall be one inch by one and one half inches in size, showing the head and shoulders of the applicant in a clear and distinguishing manner.~~ Fingerprints for a background check.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-65. Investigation; issuance.

- (a) Upon receipt of the application, ~~photographs~~ and fingerprints as required by this article, the chief of police shall cause such investigation of the applicant's business and moral character to be made as he deems necessary for the protection of the public, and shall endorse on such application his approval or disapproval thereof.
- (b) If approved, the chief of police, after having so endorsed the application, shall execute a permit showing a photograph of the permittee, addressed to the applicant for the carrying on of the business applied for, and ~~return such permit along with the application to the city clerk who shall,~~ upon payment of the prescribed license ~~fee and the filing of the bond required by section 70-33,~~ deliver to the applicant his permit and issue a license.

(Ord. No. 07-3538, 4-9-2007)

~~Sec. 70-66. Contents.~~

~~A license issued under this article shall contain the signature and seal of the issuing officer, and shall show the name, address and the class of license issued; the kind of goods to be sold thereunder; the amount of fee paid; the date of issuance and the length of time the same shall be operative; the mode of conveyance, whether by vehicle or pack; and the number of persons who may be engaged in the enterprise.~~

~~(Ord. No. 07-3538, 4-9-2007)~~

Sec. 70-67. Revocation.

Any such license may be revoked by the mayor or the chief of police because of any violation of this article or of any ordinance of the city, or of any state or federal law, or whenever the licensee shall cease to possess the qualifications and character required in this article for the license.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-68. Duration.

All licenses issued under the provisions of this article shall not extend ~~beyond five days~~beyond the calendar year in which it is issued.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-69. Carrying and exhibition.

~~Licenses~~ Badges issued under the provisions of this article must be carried at all times by the licensee and exhibited, on demand, to any officer of the city.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-70. Transfer.

Licenses, permits and badges issued pursuant to this article shall not be assigned or transferred, nor shall they, or any of them, be used by any person other than the person to whom they were issued.

(Ord. No. 07-3538, 4-9-2007)

Secs. 70-71—70-90. Reserved.

ARTICLE III. SOLICITORS AND CANVASSERS³

³Editor's note(s)—Ord. No. 07-3538, adopted April 9, 2007, amended Art. III in its entirety to read as herein set out. Former Art. III, §§ 70-91—70-94, 70-121—70-124, pertained to similar subject matter, and derived from Code 1996, §§ 5.45.050—5.45.080, 5.45.010—5.45.040.

DIVISION 1. GENERALLY

Sec. 70-91. Entering posted premises.

It is unlawful to enter in and upon private residences or businesses in the city by solicitors and canvassers if a sign has been posted prohibiting such entry, for the purposes of soliciting the sale of goods, wares, food, and merchandise.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-92. Days and hours of operation.

No solicitor or canvasser shall operate under the registration issued under this article on Sundays or holidays. The solicitor or canvasser shall not call at residences before 9:00 a.m. or after 7:00 p.m., except at the prior invitation or request of the occupant.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-93. Exceptions.

The provisions of this article shall not apply to officers or employees of the city, county, state, or federal government, or to any subdivision thereof, when on official business, or to persons engaged in soliciting for charitable or religious organizations.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-94. Penalty.

Any person violating any provision of this article shall be subject to punishment by fine as provided in section 1-15 of this Code. For the first offense, a warning will be issued. For a second offense, a fine of \$250 and for a third offense a fine of \$500 will be issued.

(Ord. No. 07-3538, 4-9-2007)

Secs. 70-95—70-120. Reserved.

DIVISION 2. REGISTRATION

Sec. 70-121. Required.

It is unlawful for any person to engage in business as a canvasser or solicitor, calling at residences without the previous consent of the occupant for the purposes of soliciting orders, sales, subscriptions, or business of any kind, or seeking information or donations without first having registered in the ~~office of the city clerk~~police

department. The registrant shall give his complete identification, his signature, the name of his employer, the nature of the products or services in which he is interested, the names of the manufacturers of such products, or of the organization which he is representing, and the proposed method of operation in the city.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-122. Fee.

Before any person shall be registered under this article, the fee therefor as fixed in the license, permit or registration schedule in section 26-44 shall be paid to the city clerk and an application, in writing, in duplicate, on a form to be furnished by the city clerk, shall be made for such registration by the person desiring same. Such application shall give the following information:

- (1) Name and address of the applicant;
- (2) The name and address of the person having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the city; the name and address of the person on whose account the business will be carried on, if any; and, if a corporation, under the laws of what state the same is incorporated;
- (3) The place in the city where it is proposed to carry on the applicant's business and the length of time during which it is proposed that such business shall be conducted;
- (4) ~~The place, other than the permanent place of business of the applicant, where the applicant, within the six months next preceding the date of such application, conducted any soliciting or canvassing business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;~~
- (5) Such other reasonable information as to the identity or character of the person having the management or supervision of the applicant's business or the method or plan of doing such business as the chief of police or the city clerk may deem proper to fulfill the purpose of this article in the protection of the public good.

Door-to-door soliciting and canvassing shall only be conducted Monday through Saturday from 9:00 a.m. to 7:00 p.m. All door-to-door soliciting and canvassing is prohibited on Sunday.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-123. ~~Certificate~~Badge.

- (a) Each applicant who shows evidence of good character and who pays the fee provided for herein shall be furnished a certificate badge indicating that he has registered and showing the dates covered by such registration.
- (b) Each person shall at all times while soliciting or canvassing in the city carry upon his person the ~~registration~~ certificate badge, and the same shall be exhibited by such registrant whatever he is required to do so by any police officer or by any person solicited.

(Ord. No. 07-3538, 4-9-2007)

Sec. 70-124. Revocation.

Any such registration may be revoked by the mayor or the chief of police because of any violation by the registrant of this article or of any ordinance of the city, or of any state or federal law, or whenever the registrant shall cease to possess the qualifications and character required in this article for the original registration.

(Ord. No. 07-3538, 4-9-2007)

Secs. 70-125—70-149. Reserved.

~~ARTICLE IV. MOBILE FOOD VENDORS~~

~~Sec. 70-150. Definitions~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Food cart* means pushcart, wagon, stand, or similar conveyance that is not self-propelled but is designed to be readily movable and has no permanent, fixed location, the operator of which prepares, assembles, or serves food or beverages suitable for immediate ingestion or consumption. This definition excludes carts operated for the purpose of selling only fresh, uncooked, or unprepared produce, and ice cream. This definition also excludes carts operated by any unit of local government, including school districts and park districts.~~

~~*Ice cream truck.* See section 70-31.~~

~~*Mobile food truck* means a double-axle vehicle that is completely mobile with no permanent, fixed location, the operator of which prepares all or most food or beverages on board the vehicle to serve or distribute to customers in a form suitable for immediate ingestion or consumption. This definition excludes trucks operated for the purpose of selling only fresh, uncooked, or unprepared produce or ice cream. This definition also excludes trucks operated by any unit of local government, including school districts and park districts.~~

~~*Mobile food vending site* means a location on city right-of-way, on city property, or on privately owned property, where applicable, that is available for use by mobile food vendors.~~

~~*Mobile food vendor* means a person, or legal entity, that has obtained a valid franchise from the city to operate a mobile food truck, food cart or other similar mobile food unit for the purpose of preparing, selling or distributing food and beverages suitable for immediate consumption.~~

~~*Public right-of-way* means any city street, alley, road, sidewalk, or other passageway whereby pedestrians or vehicles traverse.~~

~~*Serve* means soliciting or offering food or beverages for sale.~~

~~{Ord. No. 2025-55, § 2, 9-22-2025}~~

~~Sec. 70-151. Exclusions.~~

~~The sale by an individual of produce or value-added products (oils, jams, jellies, etc.) produced by the same individual, shall be regulated and governed by the ordinances, rules, and regulations of Ogle County and the Ogle County Health Department.~~

~~Sec. 70-152. Franchise required.~~

~~No person shall operate a mobile food truck, mobile food cart or otherwise operate as a mobile food vendor, including operating a mobile food truck on privately owned property, without first obtaining a mobile food vending franchise from the city.~~

~~(Ord. No. 2025-55, § 2, 9-22-2025)~~

~~Sec. 70-153. Application for mobile food vending franchise.~~

~~(a) — An applicant for a mobile food vending franchise shall submit an application to the community development department of the city on forms provided by the city and in the format and number required by the form instructions.~~

~~(b) — An applicant must provide a background check from the city police department. In the event an applicant is a corporation, or other business entity, then all shareholders, officers, and principals in the entity must provide a background check from the city police department. An application shall not be deemed complete until all of the required background checks are submitted.~~

~~(c) — No mobile food vending franchise shall be issued until all requisite approvals by the state department of public health and the city fire department are finalized and received by the community development department. All mobile food vendors shall comply with all applicable laws and regulations of the state and the city.~~

~~(d) — Each application for a mobile food vending franchise shall provide a photo and the dimensions of the mobile food truck to be used at the location.~~

~~(e) — The community development director, in conjunction with other city staff, shall evaluate the mobile food vending franchise application.~~

~~(f) — Franchise applications will be reviewed and processed on a first come, first serve basis, from the date and time the application becomes a complete application with all supplemental documents included.~~

~~(g) — The public works department shall mark the street with lines to indicate the approved mobile food vending locations, and parking shall be prohibited in this location during the hours of operation for mobile food vendors. The mobile food vending franchise shall be conspicuously displayed and affixed to the front windshield, lower corner, passenger side and be clearly visible from outside the mobile food truck at all times of operation.~~

~~(h) — The community development director, or his/her designee, may prescribe such other policies and procedures as to the processing of franchise applications as may be required to carry out the full intent and purpose of this article.~~

~~(i) — Any franchise that is issued shall in each instance state the date upon which it will expire and shall be in addition to any other required tax or license. Franchises shall be issued on an annual basis and shall expire on December 31. Renewal applications shall be made by December 31. Nothing contained herein precludes the prorating of franchise fees.~~

~~(j) — Except as otherwise provided in this article, franchises issued under this article may only be issued for use in designated food vending locations.~~

~~(k) — No franchise issued pursuant to this article shall be transferable, either voluntarily or involuntarily.~~

~~(l) — An applicant must be a registered business under section 26-44 of the Rochelle Municipal Code.~~

~~Sec. 70-154. Franchise fees.~~

~~(a) — An initial, non-refundable application fee of \$250.00 shall be paid to the city at the time application is made for a franchise.~~

~~(b) — Upon annual renewal of a franchise, a renewal fee of \$250.00 shall be paid to the city.~~

~~(c) — Payments of all fees shall be made by certified check, cashier's check, or money order payable to the City of Rochelle.~~

~~Sec. 70-155. Rules and regulations for all mobile food vendors.~~

~~In addition to all other applicable laws and regulations pertaining to mobile food vendors, and franchises, and subject to any unique safety concerns of the location for which the franchise is issued, all mobile food vendors operating pursuant to this article shall also be subject to the following provisions:~~

~~(a) — All mobile food trucks shall be registered in the state. Any driver of a mobile food truck shall possess a valid state driver's license.~~

~~(b) — All mobile food vendors shall comply with all applicable parking, traffic, and vehicle safety laws, regulations, and restrictions.~~

~~(c) — No mobile food truck shall be more than 26 feet in length or eight feet in width.~~

~~(d) — No mobile food vendor shall sell alcoholic beverages. No mobile food vendor shall sell controlled substances, or any other item the possession or use of which is deemed illegal under a federal, state, or local law.~~

~~(e) — No mobile food vendor shall sell goods, wares, or other items of merchandise other than food and beverages.~~

~~(f) — No mobile food vendor shall place any chairs, stools, tables, or other fixtures, furniture, or other obstructions on any portion of the public street, sidewalk, or right of way, except as provided in subparagraph (g) of this section.~~

(g) ~~—— All mobile food vendors shall provide a trash receptacle within three feet of the front or back of the mobile food truck on the public street, which shall be large enough to contain all refuse generated by its operation. The location shall be kept clean and free of trash and debris. All mobile food vendors shall be responsible for cleaning all debris and refuse generated by such operation within a 50-foot radius of the mobile food truck upon ceasing operation. It shall be unlawful for any mobile food vendor to leave any location without first picking up, removing, and properly disposing of all trash or refuse remaining at the location. Any trash, garbage, refuse, or other debris generated by the mobile food vendor or relating to the operation of the mobile food vendor shall be disposed of at approved locations. Nothing contained herein shall permit the placement of a trash receptacle on any sidewalk.~~

(h) ~~—— It shall be unlawful for any mobile food vendor to operate a mobile food truck in any manner that impedes the flow of vehicular or pedestrian traffic on any public right-of-way.~~

(i) ~~—— No mobile food vendor shall operate a mobile food truck in any manner that impedes the ingress or egress of a building or structure during its operating hours.~~

(j) ~~—— It shall be unlawful for any mobile food vendor to operate a mobile food truck that is in a defective, unsafe, or unsanitary condition in violation of any applicable law or regulation.~~

(k) ~~—— No mobile food vendor shall operate any horn, sound amplification system, or other sound-producing device or music system which can be heard outside the mobile food truck when such mobile food truck is moving, stopped, standing, or parked, or is being operated as allowed under this article.~~

(l) ~~—— No advertising shall be permitted on any mobile food truck, except to post prices and to identify the name of the product or the name of the lawful mobile food vendor.~~

(m) ~~—— All mobile food vendors must comply with all other applicable conditions and requirements imposed upon mobile food vendors under the law, and must comply with all applicable city and state health laws and regulations, and shall make such sales tax returns and other reports as required by state law.~~

(n) ~~—— All mobile food vendors shall immediately notify the city if the state department of public health revokes a vendor's ability to operate.~~

~~{Ord. No. 2025-55, § 2, 9-22-2025}~~

~~Sec. 70-156. Mobile food vending sites.~~

~~(a) Mobile food vending sites shall include the following:~~

~~(1) Within I-1, I-2, and PUD-I zoning districts, any portion of the city's right-of-way designated as a mobile food vending site under paragraph (b) of this section, and any privately owned property with written permission of the property owner.~~

~~(2) Within B-1, B-2, and PUD-C zoning districts, any portion of the city's right-of-way or other city-owned property designated as a mobile food vending site under paragraph (b) of this section, and any privately owned property with written permission of the property owner.~~

~~(3) Within R-O, R-1, R-2, R-3, R-4, R-5, R-D, and PUD-R zoning districts, on any portion of property owned by the city, Flagg-Rochelle Community Park District, Rochelle Elementary School District, or Rochelle Township High School District, with written permission of the property owner.~~

~~(b) The community development director is hereby given authority to designate mobile food vending sites along the city's right-of-way or on the city's property, after consultation with the city engineer and superintendent of streets. In no event shall any mobile food vending site completely impede traffic along the right-of-way.~~

~~(c) Except where a mobile food vendor has provided the written consent of the owner of private property on which it intends to conduct business, a mobile food vendor may use any designated mobile food vending site on a first come, first serve basis.~~

~~(d) A mobile food vendor may use each mobile food vending site for a four-hour period once per day. In all residential zoning districts, all commercial zoning districts, and I-1 zoning districts, including on privately owned property, the operation of a mobile food truck is prohibited from 10:00 p.m. until 6:00 a.m.~~

~~Sec. 70-157. Insurance requirements.~~

~~(a) At the time of application, and prior to issuance of any franchise, an applicant shall provide written proof of commercial general liability insurance coverage. At the time of application, and during the entire period the franchise is valid, the policy or policies must be in full force and effect, and must be underwritten by a carrier licensed to do business in this state. Such insurance coverage shall provide liability coverage of not less than \$500,000.00 for any and all claims against the applicant and/or the city arising out of or in any way connected to or associated with the mobile food vendor, or any of its operations, including but not limited to bodily injuries, personal injuries, and injuries to property. The city shall be named as an additional insured on all such policies, and the policies shall provide for notice of cancellation to the city.~~

~~(b) At the time of application, and prior to issuance of any franchise, an applicant shall provide written proof of commercial vehicle insurance coverage in compliance with state law.~~

~~Sec. 70-158. Fines and forfeitures—Procedures.~~

~~(a) — A violation of any provision of this article may be grounds for revocation of a franchise issued under this article.~~

~~(b) — A violation of any provision of this article, or the failure to obtain a franchise prior to operating as a mobile food vendor, shall constitute a petty offense subject to the provisions, fines, and penalties contained in section 1-15 of this Code.~~

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, Rose Huéramo, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. _____, "AN ORDINANCE AMENDING CHAPTER 70 - ICE CREAM TRUCKS, PEDDLERS AND ITINERANT MERCHANTS," which was adopted by the Mayor and City Council of the City of Rochelle on September 14, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 14th day of September 2026.

CITY CLERK