

ORDINANCE NO. 2024- ____

AN ORDINANCE AMENDING ORDINANCE NO. 2015-11 (ITINERANT MERCHANTS) AND ORDINANCE NO. 2002-07 (PUBLIC SAFETY) REGARDING THE REGISTRATION OF COMMERCIAL BUSINESSES AND FOOD TRUCKS IN THE VILLAGE OF WINNEBAGO

WHEREAS, the President and Board of Trustees of the Village of Winnebago seek to ensure proper collection of sales tax, food safety compliance, and accurate business records for all establishments operating within the Village; and

WHEREAS, the Village of Winnebago recognizes the need to distinguish food trucks from itinerant merchants, as food trucks are mobile food service businesses with specific health and safety regulations regulated by the State of Illinois and County of Winnebago respective health departments, while itinerant merchants are temporary vendors selling various goods or services without the operational structure and health permits required of food establishments; and

WHEREAS, food trucks have become increasingly prevalent in the Village, and the Board of Trustees desires to encourage entrepreneurial opportunities by creating a clear classification for such businesses and an updated registration process; and

WHEREAS, the reclassification of food trucks from itinerant merchants to a registered business category is intended to reflect their growing role in the local economy and facilitate compliance with state sales tax and health regulations.

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

SECTION I: AMENDMENT TO ORDINANCE NO. 2002-07 AS AMMENDED PUBLIC SAFETY ORDINANCE

All businesses, including but not limited to retail, service, and food establishments, operating within the Village of Winnebago must complete and submit a Business Registration Form. The Village Administrator, Deputy Clerk, or their designee may, at their discretion, add additional administrative details to the registration form as necessary without Village Board Approval, such as further contact information or other relevant data to ensure the Village has complete and accurate records.

The following information is required for registration:

- A. Business Name
- B. Business Address and Phone Number
- C. Business Owner's Name and Contact Information
- D. Illinois Business Authorization/Account ID Number (Sales Tax Registration Number)

- E. Health Department Permit (for all food-related businesses)
- F. Building Owner's Name and Contact Information (if applicable)
- G. Emergency Contacts (minimum of three)
- H. Type of Business and Nature of Services Provided
- I. Hours of Operation
- J. Total Employees
- K. State Sales Tax and Health Department Compliance:

All businesses subject to state sales tax must provide their Illinois Business Authorization Number for proper tax collection and register with the State of Illinois the Village of Winnebago as a site location for proper sales tax allocation.

Food establishments must include a copy of their Winnebago County Health Department Permit at the time of registration to ensure compliance with all health and safety standards.

Food establishments, including mobile vendors, must comply with the Winnebago County Health Department's permit renewal process and food safety inspections. Permits are required annually, and fees are based on risk levels set by the Health Department.

Registration Certificate:

Upon submission of all required information, businesses will receive a Certificate of Registration, which must be prominently displayed at the business location.

Businesses must renew their registration annually by January 31st of each year.

SECTION II: RECLASSIFICATION OF FOOD TRUCKS

Definition: A Food Truck is defined as any mobile vehicle or trailer that prepares and sells food or beverages to the public at various locations within the Village of Winnebago.

Registration Requirement for Food Trucks:

- A. Food trucks are hereby reclassified as businesses and must complete the Business Registration Form as detailed in Section I of this ordinance.
- B. Food trucks are no longer subject to the Itinerant Merchant or Solicitor's Permit under Ordinance No. 2015-11, as amended.
- C. All food trucks must provide proof of:
 - 1) Illinois Sales Tax Registration with the Village of Winnebago as a site location for proper sales tax allocation.
 - 2) Winnebago County Health Department Permit, including any required commissary agreements.
 - 3) General Liability Insurance covering at least \$1,000,000 per individual, and \$3,000,000 per occurrence.

SECTION III: AMENDMENT TO ORDINANCE NO. 2015-11 AS AMENDED REGULATING ITINERANT MERCHANTS AND SOLICITORS

Food Trucks Exempt from Itinerant Merchant Classification:

Food Trucks shall no longer be classified as Itinerant Merchants or subject to the Itinerant Merchant, Peddler, and Solicitor Permit requirements.

Food trucks must follow the new business registration process outlined in Sections I and II.

SECTION IV: ENFORCEMENT AND PENALTIES

Any person, business owner, or entity that violates the provisions of this ordinance or fails to comply with any part of it shall be subject to a fine of not less than \$100 and not more than \$750 for each offense. Each day that such a violation continues shall be deemed a separate offense.

SECTION V: REPEAL OF CONFLICTING ORDINANCES

Any ordinance or part of any ordinance in conflict with this ordinance is hereby repealed to the extent of such conflict. All other provisions of any such ordinance shall remain in full force and effect.

SECTION VI: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage and approval in accordance with law.

APPROVED this _____ day of _____, 2024

Franklin J. Eubank, Jr.,
Village President

ATTEST:

Sally Jo Huggins, Village Clerk

PASSED:

APPROVED:

**PUBLISHED IN
PAMPHLET FORM:**