



Naperville

Yearly Fee: \$225.00 (SSA 21/22) _____ Application/ID Badge Fee: \$ 50.00 _____
Commercial Liability Insurance Certificate: _____ Drivers License: _____ 2-Passport Photos: _____
DuPage Co. Health Department Permit: _____

Downtown Food Vendor Permit

Incomplete Applications will **NOT** be processed
Please Print Clearly

Date Received at City Clerk's Office:

Applicants Information:

Name: _____
Last First Middle

Current Address: _____
Street City State Zip

Home Phone: _____ Cell Phone: _____

Work Phone: _____ Date Of Birth: _____

Drivers License/State ID Number: _____ State Issued: _____

Email Address: _____

Physical Description:

Gender: _____ Height: _____ Weight: _____ Eye Color: _____ Hair Color: _____

Residential Address for the past 3 Years:

Firm, Person or Corporation the Applicant Represents or is Employed by:

Employers Name/DBA: _____

Address: _____
Street City State Zip

Phone Number: _____ Contact Person: _____

Length of Employment: _____

Describe the Food Items you will be selling:

Length of time for which permit is being applied: _____

Date of last application with the City of Naperville: _____

Has your Naperville Permit ever been revoked or denied: YES NO If yes, explain:



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Have you ever been convicted of a felony under the laws of the State of Illinois, any other State, or under Federal Law?
YES NO If yes, explain:

Are you a registered sex offender? YES NO If yes, explain:

Have you ever been convicted of a violation of any law as a result of your vending activity? YES NO If yes, explain:

The undersigned hereby makes application for a Vending Permit in the City of Naperville, Illinois, pursuant to Section 3, Chapter 7, Municipal Code of Naperville.

I, _____, do solemnly swear that the forgoing information is true and complete to the best of my knowledge. I have read and agree to abide by the Downtown Food Vendor Ordinance of the City of Naperville.

(Print applicants name)

Applicants Signature/Date

Attach a Copy of Your Driver's License or State ID, Liability Insurance, 2 Passport Photos, and DuPage County Health Department Permit to this application and return to:

Naperville City Clerk Attn: Lynn R. Zilinsky 400 S. Eagle Street Naperville, IL 60540

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**CITY CLERK'S OFFICE USE ONLY**

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Registered Sex Offender: Yes No

Permit # Issued \_\_\_\_\_

Permit Dates: \_\_\_\_\_ to \_\_\_\_\_



**CHAPTER 7 - PEDDLERS AND SOLICITORS**

SECTION:

3-7-1: - PURPOSE:

3-7-2: - DEFINITIONS:

3-7-3: - LICENSE REQUIRED, APPLICATION:

3-7-4: - LICENSE FEES:

3-7-5: - VIOLATION, PENALTIES:

3-7-11: - DOWNTOWN FOOD VENDOR:

3-7-12: - ISSUANCE OF CERTIFICATE:

3-7-17: - APPLICATION FOR LICENSE:

**3-7-1: - PURPOSE:**

This Chapter is narrowly tailored to the City of Naperville's legitimate interest in preventing fraud, the privacy of its residents, the prevention of crime, and conserving the Police Department's resources. This Chapter is intended to apply only to commercial activities and the solicitation of funds. This Chapter is expressly not intended to interfere with the exercise of free speech and free exercise rights protected by the first amendment (e.g., religious proselytizing, anonymous political speech, and the distribution of handbills).

**3-7-2: - DEFINITIONS:**

For the purpose of this Chapter, the following words as used herein shall be construed to have the following meanings:

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LICENSED PEDDLER/ SOLICITOR:</b>  | <b>Includes any person who has obtained a valid license as provided, and which license is in possession of the peddler/solicitor on his or her person while engaged in peddling/soliciting.</b>                                                                                                                                                                                                                                                                                            |
| <b>NONPROFIT PEDDLER/ SOLICITOR:</b> | <b>Anyone engaging in peddling or soliciting on behalf of an entity that operates without a commercial objective or for the financial benefit of its shareholders or trustees and has been formed for charitable or educational reasons to benefit: 1) the public, 2) a specific group of individuals or 3) the membership of the nonprofit. Examples of nonprofit entities include: religious organizations, charitable organizations, political organizations, and membership clubs.</b> |
| <b>PEDDLER:</b>                      | <b>Any person who travels within the City of Naperville, by foot, vehicle or by other conveyance, selling or offering for sale any commodity, article, service or foodstuff, and rendering immediate delivery. Nonprofit peddlers/solicitors, as defined in this Section, are excluded.</b>                                                                                                                                                                                                |
| <b>RESIDENCE:</b>                    | <b>Includes every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.</b>                                                                                                                                                                                                                                                                                                                                   |
| <b>SOLICITOR:</b>                    | <b>Any person who takes orders or subscriptions, while traveling house to house or</b>                                                                                                                                                                                                                                                                                                                                                                                                     |



# Naperville

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                              | from place to place or along the streets, alleys, sidewalks within the City of Naperville, for future delivery of tangible personal property or services by a seller, regardless of whether or not such person collects payment for such property or services at the time of such transaction, but who does not make delivery of such property or perform such service at that time. Nonprofit peddlers/solicitors, as defined in this Section, are excluded. |
| <b>TAG DAYS:</b>             | A day on which nonprofit peddlers/solicitors act as collectors for a charitable fund soliciting contributions, in public places, or at permitted intersections of the City of Naperville, giving each contributor a tag or other item as an evidence of having contributed. (Ord. 09-041, 4-8-2009)                                                                                                                                                           |
| <b>DOWNTOWN FOOD VENDOR:</b> | A person stationed at a food vending cart located at one of four eligible vending sites located within the downtown, selling for profit or offering for sale food items, and rendering immediate delivery. The vending cart shall not be a motorized vehicle and shall be prohibited from vending on a public street. Downtown Food Vendors shall serve as a separate and distinct vending operation from Food Vendors.                                       |
| <b>FOOD VENDOR:</b>          | Any person who travels within the City, excluding the downtown as defined by the City’s Comprehensive Plans and not including Downtown Food Vendors, by motorized vehicle, selling for profit or offering for sale any food items, and rendering immediate delivery.                                                                                                                                                                                          |

### 3-7-3: - LICENSE REQUIRED, APPLICATION:

It shall be unlawful for any person to engage in the business of peddler/solicitor in the City of Naperville without having first obtained a license therefore as provided herein. Applications for licenses shall be made to the City Clerk, and shall state the number and kind of vehicles, if any, intended to be operated, the kind of article or merchandise to be peddled or solicited, the location of where they will solicit/peddle, a permanent address of the peddler/solicitor, and any other information requested on said application form. No license shall be issued without the approval of the Naperville Police Department and the City Clerk and the payment of the fee provided herein. Said license shall be carried by the licensee while engaged in peddling/soliciting and shall be displayed for inspection upon request. A photo ID badge and safety vest issued by the City Clerk's office shall be worn as the outer most layer of clothing at all times of the peddling/soliciting.

### 3-7-4: - LICENSE FEES:

The fee for a Downtown Food Vendor shall be:

- \$275 permit fee per year per company of which \$225 shall be payable towards SSA 21/22 and \$50 towards administrative costs, including the issuance of one ID badge (photo supplied by applicant)
- \$20 for any additional ID badges requested (photo supplied by applicant)

### 3-7-5: - VIOLATION, PENALTIES:

1.

It shall be unlawful for any peddler/solicitor engaging in peddling/soliciting to:



- 1.1. Act without a valid license.
- 1.2. Make an intentional misrepresentation.
- 1.3. Peddle/solicit beyond the scope specified in the application.
- 1.4. Otherwise violate the provisions of this Chapter.

2.

Any person who commits an offense under this Chapter shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense. The City Clerk may revoke the license of any peddler/solicitor for any offense.

### **3-7-6: - LIMITATIONS ON PEDDLING/SOLICITING:**

No person shall peddle/solicit on any street or sidewalk within the City of Naperville to the occupant of any vehicle or from a vehicle unless special permission is granted by the City Clerk for a tag day or food vendor license.

### **3-7-11: - DOWNTOWN FOOD VENDOR REGULATIONS:**

No person shall operate a food vending cart within the downtown or act as a downtown food vendor without first having complied with the provisions of this Section.

1.

Bid Process: Downtown food vendors shall be subject to selection through a bidding process conducted every two (2) years; details regarding the bidding process, including eligibility, shall be published by the City. At minimum, qualified bidders must meet the following criteria:

- 1.1. Vendor must not be a registered sex offender as defined in the Sex Offender License Act.
- 1.2. Vendor must be at least eighteen (18) years of age.
- 1.3. Vendor must possess a valid DuPage County Health Department Permit.
- 1.4. Vendor must pass a criminal background check.
- 1.5.



Vendor must enhance, not detract from, the pedestrian and family friendly atmosphere and ambiance of the downtown and should introduce a food element not currently found within the downtown.

2.

License Requirements: No corporation, partnership, sole proprietor or other business entity shall:

2.1.

Operate a downtown food vending cart without first having obtained a downtown food vending license.

2.2.

Employ a person as a food vendor within the downtown without having first obtained a downtown food vending license.

2.3.

Rent, lease or otherwise provide a food vending cart to a downtown food vendor without having first obtained a downtown food vending license.

3.

Downtown Food Vending License:

3.1.

Up to two (2) downtown food vending licenses may be granted per calendar year, subject to the bidding process noted in Subsection 3-7-11 1.

3.2.

No cart shall be operated as a downtown food vendor without first having obtained a downtown food vending license. The license shall be affixed to the cart.

3.3.

Prior to the issuance of a downtown food vending license, the applicant shall submit a copy of their annual permit issued by the DuPage and Will County health departments, as applicable.

3.4.

Downtown food vendor permit applicant shall provide proof of valid commercial liability insurance coverage, covering all claims arising out of operations of the applicant in the following limits: General Aggregate = one million dollars (\$1,000,000.00); Per Occurrence = one million dollars (\$1,000,000.00); and Personal Injury = one million dollars (\$1,000,000.00). Coverage may be written on a "claim made" or "occurrence" basis. The City of Naperville and its officers, directors, employees, and agents must be named as additional insured's on all insurance policies, except workers' compensation. Evidence of coverage for the duration of the downtown food vendor permit and a copy of the additional insured endorsement form must be submitted prior to issuance of a downtown food vendor permit.



3.5.

The photograph identification card shall be worn on the outer clothing of all vendors at times when vending.

4.

Payment of Applicable Taxes:

4.1.

Operator shall file and pay one percent (1%) food and beverage taxes as required in Section 3-1-9 of the Naperville Municipal Code.

4.2.

Operator shall file and pay one and one-half percent (1.5%) downtown food and beverage taxes as required by Section 3-1-9 of the Naperville Municipal Code.

4.3.

Operator shall file and pay the taxes required by the State of Illinois, including sales tax.

5.

Downtown Food Vending Carts: Downtown food vending carts shall be equipped with the following equipment which shall be maintained in good working order at all times:

5.1.

The downtown food vending cart shall be pre-approved by the City.

5.2.

Operator shall maintain a clean operation, free of debris and shall provide a litter or trash container available to customers of the vending cart. The trash container shall be emptied and/or removed from the vending location at the end of each business day.

5.3.

A sign on the side of the vending cart which shall consist of letters no less than three (3) inches in height and shall state the name and telephone number of the owner of the cart.

6.

Requirements for Conducting Business: The following shall be required of downtown food vendors:

6.1.

Downtown food vending carts shall be restricted to the sales of food only and shall not include other general retail merchandise. Specific food limitations may be provided in conjunction with the license issued.

6.2.

The downtown food vending cart shall be limited to two (2) specific geographic areas within the downtown, as determined by the City of Naperville.

6.3.



The vending area, including the cart, set-up area, and customer pick-up/waiting areas, shall not exceed seventy-five (75) square feet in size.

6.4.

All motorized vehicles required to transport the downtown vending cart to its designated vending location shall be parked in compliance with the regulations provided in the Naperville Municipal Code. The downtown vending cart shall not be a motorized vehicle and shall be prohibited from vending on a public street.

6.5.

Any loading or unloading operations affiliated with the downtown vending cart shall occur in compliance with the regulations provided in the Naperville Municipal Code.

6.6.

All food prices must be clearly posted.

6.7.

The downtown food vendor shall display signage only on the downtown vending cart itself. No freestanding signage related to the downtown vending operation shall be allowed.

6.8.

Downtown food vending shall be limited to the following hours of operation: Every day: 11:00 a.m. to 3:00 p.m.; Sunday through Thursday 10:00 p.m. to 1:30 a.m.; and Friday and Saturday 10:00 p.m. to 2:30 a.m.

6.9.

A minimum clearance of five (5) feet shall be maintained around the downtown food vending cart at all times to allow for appropriate pedestrian circulation. The downtown food vending cart shall not block or obstruct any public sidewalks.

6.10.

The emission of any amplified music from the downtown food vending cart shall be prohibited.

6.11.

The downtown food vendor shall be subject to any other rules and regulations as established through the bid selection process identified in Section 3-7-1.

7.

Operator's Restrictions: It shall be unlawful for any person who is afflicted with, or is the carrier of any infectious or contagious disease of being transmitted by contact with food products, to conduct downtown food vending.

8.

Revocation: Any breach or violation of the terms and conditions contained herein, as well as any disruption to traffic and pedestrian movement, may result in the revocation of the downtown food vending license, at the sole discretion of the City of Naperville.



### **3-7-12: - ISSUANCE OF CERTIFICATE:**

1.  
The City Clerk, after consideration of the application and all information obtained relative, shall deny the application if the applicant does not possess the qualifications for such certificate, as required, and the issuance of a certificate of license to the applicant would not be in accord with the intent and purpose of this Chapter. If the applicant(s) is found to be fully qualified, the certificate of license shall be issued.
2.  
The license shall be carried at all times while peddling/soliciting and presented when requested by any person.

### **3-7-17: - APPLICATION FOR LICENSE:**

1.  
Application for a license shall be made upon a form provided by and filed with the City Clerk. The applicant shall state, under oath, and in full the information requested on the application:
  - 1.1.  
Name and address of present place of residence of applicant, home, cell and work phone numbers, date of birth and driver's license number (suspended/revoked drivers' licenses will only affect food vendors).
  - 1.2.  
Physical description of the applicant.
  - 1.3.  
Address of residence of applicant during the past three (3) years if other than present address.
  - 1.4.  
Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation.
  - 1.5.  
Vehicle information of applicant.
  - 1.6.  
Health Department permit numbers from both DuPage and Will Counties (for food vendors only).
  - 1.7.  
Whether applicant is peddling/soliciting for a profitable or charitable organization.
  - 1.8.  
Description sufficient for identification of the subject matter which the peddler/solicitor will engage in.
  - 1.9.



- Requested period of time for which the license is applied for.
- 1.10. The date, or approximate date, of the latest previous application for license under this Chapter, if any.
  - 1.11. Whether a license issued to the applicant under this Chapter has ever been revoked or denied.
  - 1.12. Whether the applicant has ever been convicted of a violation of any of the provisions of this Chapter or the ordinance of any other Illinois municipality regulating peddling/soliciting.
  - 1.13. Whether the applicant has ever been convicted of the commission of a felony under the laws of the State of Illinois or any other state or federal law of the United States.
  - 1.14. Whether the applicant is a registered sex offender under the laws of the State of Illinois or any other state or federal law of the United States.
  - 1.15. Such additional information as the City Clerk may deem necessary to process the application.
2. The City Clerk may require applicants to submit to a background check by the Naperville Police Department.
  3. The City Clerk shall keep on file a record of applications received.