



VILLAGE OF NORTH AURORA  
KANE COUNTY, ILLINOIS

Ordinance No. 23-08-07-03

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**AN ORDINANCE AMENDING CHAPTER 5.35 OF THE NORTH AURORA  
MUNICIPAL CODE REGULATING MOBILE FOOD VENDORS IN THE VILLAGE  
OF NORTH AURORA**

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Adopted by the  
Board of Trustees and President  
of the Village of North Aurora  
this 7 day of August, 2023

Published in Pamphlet Form  
by authority of the Board of Trustees of the  
Village of North Aurora, Kane County, Illinois,  
this 7 day of Aug, 2023  
by [Signature].

Signed [Signature]

ORDINANCE No. 23-08-07-03

**AN ORDINANCE AMENDING CHAPTER 5.35 OF THE NORTH AURORA  
MUNICIPAL CODE REGULATING MOBILE FOOD VENDORS IN THE VILLAGE  
OF NORTH AURORA**

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of North Aurora, Kane County, Illinois, as follows:

1. Chapter 5.35 of Title 5 of the North Aurora Municipal Code is hereby amended in its entirety to read as follows:

**Chapter 5.35 MOBILE FOOD VENDORS**

**5.35.010 Definitions.**

The following definitions shall apply to this chapter:

"Mobile food apparatus" means any vehicle (including, but not limited to, motorized vehicles, non-motorized vehicles, carts, bicycles, trailers and other similar devices whether self-propelled, propelled by other vehicles or propelled by humans/animals) used for the purpose of preparing food and beverage items.

"Mobile food vendor" means any person that operates a mobile food apparatus for the purpose of selling food and beverage items.

"Person" means any individual, firm, co-partnership, partnership, corporation (for profit or not for profit), company, association, church, organization, trust or other entity.

**5.35.020 General regulations.**

A. No person shall engage in the activities of a mobile food vendor and offer food and/or beverages for sale in the Village of North Aurora without a valid mobile vending unit permit issued by the Kane County Health Department.

B. No mobile food apparatus shall be located on the same property in the village for more than two days in a calendar week.

C. No mobile food apparatus shall be located on the same property in the village for more than eight consecutive hours.

D. Mobile food apparatus storage shall be prohibited, unless stored on a property where a brick-and-mortar business owns and operates the mobile food apparatus.

E. No mobile food apparatus shall be the primary source of food preparation for a brick-and-mortar business.

F. Each mobile food vendor shall supply a trash receptacle for use by the customers. Prior to leaving each stop, the vendor shall remove any litter left at the stop by consumers.

G. Sales of items other than food and beverage items are prohibited.

H. No mobile food vendor shall stop at any time for the purpose of making sales on private property without the prior consent of the property owner.

I. Mobile food vendors shall observe all local, county and state traffic codes and parking regulations and observe all other relevant municipal ordinances.

J. No liquor can be sold without the appropriate liquor license(s).

K. No mobile food vendor shall stop and remain for the purpose of making sales on Airport Road, Alder Drive, Deerpath Road, Hart Road, Ice Cream Drive, Illinois Route 25, Illinois Route 31, Illinois Route 56, Mitchell Road, Mooseheart Road, Oak Street, Orchard Gateway Boulevard, Orchard Road, Sullivan Road, Tanner Road or Randall Road.

L. The mobile food vending unit permit issued by the Kane County Health Department shall be kept in the vehicle and be shown to all people who ask to see the permit at all times that the mobile food vendor is engaging in sales.

#### **5.35.030 Penalty and enforcement.**

A. Any person violating or aiding or abetting the violation of any provision of this chapter is guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00). Each day that a violation occurs shall be considered a separate violation. The police department and any code enforcement officers shall have concurrent authority to enforce the provisions of this chapter and may give written notice of any violation and the fine imposed for the violation by serving a citation in person or by certified U.S. mail return receipt requested on any violator. All complaints from citizens regarding violations of this chapter shall be directed to the village code enforcement officer(s).

B. The acts of any employee, partner other agent (hereinafter "agent") shall be attributed to and considered the acts of the employer, partnership, corporation, limited liability company or other principal on whose behalf, or at whose direction or by whose authority or consent (hereinafter "principal") the agent was engaging in mobile food vending, and any violation of this chapter by an agent shall be enforceable against the principal and/or the agent jointly or severally. The act of engaging in mobile food vending for another person shall be presumed to create an agency relationship for purposes of this chapter.

2. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

3. This Ordinance shall take immediate full force and effect from and after its passage, approval, publication and such other acts as required by law.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 7<sup>th</sup> day of August, 2023, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 7<sup>th</sup> day of August, 2023, A.D.

Jason Christiansen Yea

Laura Curtis Yea

Mark Guethle Yea

Michael Lowery Yea

Todd Niedzwiedz Yea

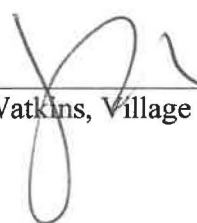
Carolyn Bird Salazar Yea

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 7<sup>th</sup> day of August, 2023, A.D.



Mark Gaffino, Village President

ATTEST:

  
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Jessi Watkins, Village Clerk