

**CHAPTER 2**  
**ICE CREAM VENDORS**

**Section**

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**§3-2-1: DEFINITIONS:**

For the purpose of this Chapter, “vehicle” shall mean motor vehicles or devices moved by human power operated and used by an ice cream vendor. (Ord. 01-485, 10-15-2001)

**§3-2-2: LICENSE REQUIRED:**

It shall be unlawful to use or permit the use of a vehicle for the storage or carrying of ice cream or related products for sale at retail upon the streets of the Village of Tower Lakes without first complying with the provisions of this Chapter and obtaining a license thereunder to do so. (Ord. 01-485, 10-15-2001)

**§3-2-3: APPLICATIONS:**

Applications for such license shall be made in writing to the Village President or his designee, and shall be subject to the approval of the Village President and the Village Board. The application shall be under oath and shall include, but not be limited to, the following information:

- (A) The name, address and statements of legal age of the applicant, in the case of co-partnership, the persons entitled to share profits thereof, and in the case of corporation for profit, or a club, the date of incorporation, the objects for which it was organized, the names and addresses of the officers and directors, owned by one person or nominees, the name and address of such person;
- (B) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of naturalization;
- (C) The character of business of the applicant; and in the case of corporation, the object for which it was formed;

- (D) The length of time that the said applicant has been in the business of that character, or in case of a corporation, the date on which its character was issued;
- (E) The location and description of the premises or place of business which is to be operated under such license;
- (F) A statement whether the applicant has made a similar application for a similar other license on premises other than that described in this application, and the disposition of such application;
- (G) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this Chapter, laws of this state, or ordinances of this Village;
- (H) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor;
- (I) The number of vehicles intended to be operated under the proposed license and the vehicle identification number on each vehicle;
- (J) The licensee and the driver shall sign a waiver authorizing the Village to conduct a background check on each driver including any replacement drivers who will operate the vehicles. No driver shall operate any vehicles within the Village until the Village completes a background check satisfactory to the Village. The licensee shall furnish a list of the drivers who will be operating including their names and addresses and a statement that each driver has never been convicted of a felony and is not disqualified to receive a license by reason of anything contained in this Chapter, laws of this state, or other ordinances of this Village;
- (K) That any license issued pursuant to this Chapter is and will be subject to revocation for cause by the Village President and the Board of Trustees after notice to the licensee and an opportunity to be heard before the President and Board of Trustees;
- (L) A copy of all required health department permits issued to the applicant.

(Ord. 01-485, 10-15-2001)

**§3-2-4: CHARACTER OF APPLICANT:**

No license shall be issued pursuant to this Chapter to any person or held by any person who is not of good character or who has been convicted of a felony, nor shall any such license be issued to or held by any partnership or corporation if any officer thereof or any driver of a vehicle owned or leased by said partnership or corporation has been convicted of a felony. (Ord. 01-485, 10-15-2001)

**§3-2-5: DRIVERS:**

It shall be unlawful for any driver of any vehicle while on duty to drink any intoxicating liquor or alcoholic beverage, to use any profane or obscene language, to shout or call to prospective customers, or to disturb the peace in any manner. The licensee shall submit a list of drivers to the Village President or his designated representative upon application for a license and at such other time as the Village President or his designated representative shall request. (Ord. 01-485, 10-15-2001)

**§3-2-6: VEHICLES:**

No ice cream vehicle shall be operated unless it bears a state license duly issued and no such ice cream vehicle shall be operated unless it is equipped with proper brakes, lights, tires, horn, muffler, rear vision mirror, and windshield wipers, all in good condition. It shall be the duty of the licensee to furnish to the Village an inspection of each ice cream vehicle at least on an annual basis, and said licensee shall submit a certificate of safety indicating that the ice cream vehicle is in a safe mechanical condition. No ice cream vehicle shall be operated upon the streets of the Village if the inspection indicates that the ice cream vehicle is not in a safe mechanical condition and until it has been repaired, submitted to retesting, and a certificate issued indicating that it has no mechanical defects.

Each ice cream vehicle, while operated, shall have on each side, in letters readable from a distance of fifty feet (50'), the name of the licensee operating it. Each ice cream vehicle shall also have a driver's identification card, including a picture of the driver, prominently displayed so that it is clearly visible to the customers. If more than one ice cream vehicle is operated by a licensee, each ice cream vehicle shall be designated by a different number, and such number also shall appear on each side of such ice cream vehicle.

(Ord. 01-485, 10-15-2001)

**§3-2-7: DURATION AND TRANSFER OF LICENSES:**

A license shall be purely a personal privilege, good for not to exceed one year after issuance. The one year period shall be from April 1 of each year to October 15 of each year, unless sooner revoked or suspended as herein provided. Licenses issued after April 1 of any year shall pay the full license fees as provided. A license shall not constitute property, nor shall it be subject to garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, subject to being encumbered or hypothecated. Such license shall not descend by laws of testate or intestate devolution, but shall cease upon the death of the licensee, provided that the executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee may continue the business under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license. In no event shall there be any refund of any portion of any licensee fee paid. (Ord. 01-485, 10-15-2001)

**§3-2-8: HOURS AND MANNER OF OPERATION:**

The licensee shall be permitted to sell ice cream products from the licensed vehicles between the hours of twelve o'clock (12:00) noon and eight o'clock (8:00) P.M. or dusk, whichever is earlier, during the license period. All sales must be conducted from licensed vehicles that have come to a full stop with sound equipment turned off at the curb line or at the edge of the pavement of the street upon sales being made. (Ord. 01-485, 10-15-2001)

**§3-2-9: PROHIBITED LOCATIONS:**

Ice cream sales shall be prohibited upon the following streets within the Village: Route 59, Kelsey Road, Roberts Road, and Indian Trail Road. (Ord. 01-485, 10-15-2001)

**§3-2-10: LICENSE FEE:**

The annual fee payable in advance for such license shall be one hundred dollars (\$100.00) for each licensee, plus fifty dollars (\$50.00) for each ice cream vehicle operated. All such fees shall be paid to the Village President or his designee at the time application is made. If the license is granted, then the fee shall be deposited in the general corporate fund or such other fund as the Village Board shall designate. Such fee shall be in lieu of any other vehicle fee required by ordinance and the Village President or his designee shall issue suitable tags or stickers for the number of ice cream vehicles covered by each license. Such tag or sticker shall be displayed in a prominent place on each ice cream vehicle while in use. If an ice cream vehicle is withdrawn from service and another ice cream vehicle replaces the one withdrawn, the licensee shall notify the Village President who shall issue a tag or sticker for such replacement ice cream vehicle provided that it meets all the requirements of this Chapter without additional charge to the licensee. The licensee shall notify the Village President of the vehicle identification number and license number of each ice cream vehicle operated and of the corresponding Village tag or sticker number assigned thereto. (Ord. 01-485, 10-15-2001)

**§3-2-11: INSURANCE:**

No vehicle shall be operated unless it is covered by a public liability insurance policy with not less than two million dollars (\$2,000,000.00) coverage per person and five million dollars (\$5,000,000.00) per occurrence with the Village, its officers, employees, and agents named as additional insured parties. The licensee shall furnish a certificate of insurance evidencing the required coverage prior to the issuance of a license. (Ord. 01-485, 10-15-2001)

**§3-2-12: TRAFFIC RULES:**

It shall be the duty of every driver of a vehicle to obey all traffic rules established by ordinances of the Village of Tower Lakes and by the statutes of the State of Illinois. (Ord. 01-485, 10-15-2001)

**§3-2-13: EQUIPMENT:**

It shall be unlawful for any vehicle to be equipped with or to utilize any electronic or mechanical sound equipment, except equipment operated in such fashion that emits an intermittent and non-continuous sound. In no event shall any sound emitted exceed the level provided in the noise pollution regulations of the Village of Tower Lakes and of the State of Illinois. (Ord. 01-485, 10-15-2001)

**§3-2-14: REVOCATION:**

Any person, firm, partnership, or corporation violating the provisions of this Chapter may, in addition to any penalty imposed under any violation of this Code, suffer the penalty of having his, her or its license revoked for such violation. Revocation shall be accomplished by a writing signed by the Village President of the Village of Tower Lakes, Illinois, after notice to the licensee and an opportunity to be heard by the Village President and Village Board. (Ord. 01-485, 10-15-2001)