

ORDINANCE NO. 2022-25

AN ORDINANCE AMENDING CHAPTER 26, BUSINESSES, ARTICLE II, LICENSES
AND PERMITS, OF THE CODE OF ORDINANCES
FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS
BY CREATING SECTION 26-47, TEMPORARY OUTDOOR VEHICLE SALES

WHEREAS, the Village of Cherry Valley, Illinois (“Village”) has adopted a Code of Ordinances (“Code”) for the Village; and

WHEREAS, the Village wishes to amend its Code by establishing regulations for temporary outdoor vehicle sales conducted within the Village; and

WHEREAS, the Village has determined that adopting such an ordinance is in the best interest of the Village and its citizens.

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

1. Chapter 26, Article II, of the Code of Ordinances is hereby amended by the creation of Section 26-47, Temporary Outdoor Vehicle Sales which shall read as follows (additions shown as **bold and underlined**) (all other sections not amended shall remain as written):

Sec. 26-47. Temporary Outdoor Vehicle Sales.

(a) Application. Every applicant for a permit to conduct a temporary outdoor vehicle sale shall file a written, sworn statement in duplicate under oath with the Village Treasurer at least ten (10) days prior to the commencement of the sale. The application shall contain the following information:

- 1) The name, address, and phone number of the applicant. If the applicant is a corporation, partnership, or firm doing business under an assumed name, the name and address of its principal officers, local agents, or owners who will be responsible for the activity conducted under the permit to be issued;**
- 2) The dates on which the sales of vehicles are proposed to be conducted;**
- 3) The address of the premises on which the sale is proposed to be conducted;**
- 4) The zoning of the premises on which the sale is proposed to be conducted;**
- 5) The number of permits issued under this section during the current calendar year for sales at the address listed in subsection (a)(3) above;**

6) The number of permits under this Section that have been issued for sales on the premises at which the sale of the applicant is proposed to be conducted within the current calendar year;

7) A letter or written statement from the owner or authorized agent of the owner giving permission for the temporary outdoor vehicle sale;

8) The name and address of the repair facility that the applicant has provided, either by itself or by contract, to perform warranty repair work, as indicated on the applicant's application for a dealer's license and filed with the office of the Secretary of State; and

9) A certification from the applicant attesting that they are a franchisee of a new vehicle manufacturer and that their proposed off-site premises where sales are to be conducted is within the applicant's relevant market area authorized by the manufacturer.

10) A certification that the applicant has a permanent business location within the Village at the time of the application.

(b) Fee. Payment in full of \$150 for such permit shall be made upon application.

(c) Restrictions.

1) No person shall be issued more than four (4) permits under this Section in any calendar year.

2) No more than four (4) temporary sales for which permits are required under this Section shall be conducted on any premises in any calendar year.

3) Sales of vehicles pursuant to a permit issued under this Section shall be conducted no more than seven (7) consecutive business days on a premises, and multiple permits shall not be issued if the effect of issuance would create an extension of this period. Vehicles may be stored on the premises one (1) day prior to and one (1) day after this period to allow for the preparation for the sale and the removal of vehicles after the sale.

4) Sales shall be conducted only on a public parking area.

5) Sales shall only be conducted on premises zoned CG or IL under Village Zoning Ordinance or on premises used for schools or institutional purposes within other zoning classifications.

6) The sale of vehicles is limited to new vehicles or combined new and used sales only, unless the applicant has maintained a business within the Village within the previous five (5) consecutive years.

7) A permit shall not be issued to an applicant that is a franchisee of a new vehicle manufacturer unless the applicant certifies that the off-site premises where sales are proposed to be conducted is within the applicant's relevant market area authorized by the manufacturer.

2. Except as amended in this Ordinance, all other provisions and terms of Village Code of Ordinances shall remain in full force and effect as previously enacted except that those ordinances, or parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

3. This ordinance shall be in full force and effect after its approval, passage, and publication in pamphlet form as required by law.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: MIKE NEVILLE

BY ROLL CALL VOTE THIS 5TH DAY OF JULY, 2022

AS FOLLOWS:

VOTING "AYE": NANCY BELT, JEFF FUSTIN, SALLY HOLLEMBEAK,
MIKE NEVILLE, BRANDI PEARSE, CARL WEDIG

VOTING "NAY": NONE

ABSENT, ABSTAIN, OTHER: NONE

APPROVED: JULY 5, 2022

ATTEST:



DAVID SCHROEDER, VILLAGE PRESIDENT



KATHY TRIMBLE, VILLAGE CLERK