

TITLE X: BUSINESS REGULATIONS - CONTINUED**CHAPTER 106: FOOD VENDORS****106-1: DEFINITIONS.**

(A) “**ADJACENT**” Being located on a parcel of real estate whose boundary at any point touches the boundary of the parcel of real estate immediately next to it at any point. Any right of way dividing parcels shall be disregarded in this determination.

(B) “**CITY SPECIAL EVENT**” Any outdoor or seasonal event including, but not limited to, a picnic, parade, carnival, craft fair, art fair, farmer’s market, bicycle/motorcycle/vehicle ride, walk/run, car show, wedding or other reception, or any other event held on public property which is open to attendance by the general public and/or requires special consideration from the City. Participation in a City special event by a food vendor requires approval of the City Council or by the Mayor if the event is to occur before the next City Council meeting.

(C) “**FOOD CART**” Any non-motorized, movable object from which prepared or packaged food is served.

(D) “**FOOD TRUCK**” Any self-contained motorized vehicle or self-contained enclosed trailer with a valid license plate and registration from which prepared or packaged food is served.

(E) “**FOOD VENDOR**” An individual natural person, corporation, partnership, trust, firm, association, organization, or any other entity engaged in the business of selling prepared or packaged food or beverages from a food truck, food cart, or by any other means except as a restaurant.

(F) “**NON-PROFIT ORGANIZATION**” An organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to any one as a result of the operation. This shall include, but not be limited to, charitable, educational, religious, fraternal, veterans, labor, or organizations recognized as not-for-profit by the state or federal government.

(G) “**PRIVATE EVENT**” Any event where attendance is restricted to invited guests only by the event organizer and attendance is not open to the general public regardless if it is held on public or private property.

(H) “**RESTAURANT**” A business establishment with a fixed location whose principal business (meaning 51% or more of sales) is the selling of food prepared and served in ready to eat form to the public for human consumption.

106-2: LICENSE REQUIRED. It shall be unlawful for a food vendor to operate in the City without first securing a license, unless Section 106-3 applies to them. Such license shall be renewed every year. If a food vendor operates in more than one location in the City simultaneously, then each such location require a separate license.

106-3: EXCLUSIONARY PROVISION. The requirements of this Chapter 106 to submit an application, conduct an investigation, obtain a license, or pay a fee shall not apply to 1) any person who is a resident of this City; or 2) persons employed by or representing an established merchant, business firm, or corporation located and regularly doing business in this City, 3) any non-profit organization located in this City, or (4) any food vendor who is fulfilling an agreement to provide

food to a private event, but the manner of operation requirements in Section 106-4 shall still apply to any food vendor.

106-4: MANNER OF OPERATION.

(A) Locations. Food vendors may not locate or operate at a location immediately adjacent to an existing restaurant unless they are part of a City Special Event or if permission is obtained from the restaurant. Food vendors may not operate in any “R” zoned residential district, on any public right-of-way, or in any non-exempt City park property (exempt parks listed below) except as part of a City Special Event, by special permission of the City Council granted in their sole discretion, or if fulfilling an agreement to provide food to a private event.

Food vendors may locate in the designated areas, as determined by the Mayor, of Ratz Memorial Park, Red Bud Sports Complex (if not being used by the Red Bud Athletic Association under their lease for their activities), or Lincoln Park (if not being used by the Red Bud Muskets under their lease for their activities) without special permission of the City Council if they obtain the license hereunder or Section 106-3 applies to them.

Food vendors may locate on the property of an existing restaurant if (1) the record owner of the established restaurant provides written consent, and (2) the food vendor is not immediately adjacent to an existing restaurant or all record owners of immediately adjacent existing restaurants provides written consent, or (3) the food vendor is part of a City Special Event. Said written consent or proof of special permission must be kept with the food vendor at all times while operating in a prohibited location and must be provided upon request of any enforcement officer.

(B) Hours of Operation. Food vendors shall only be operated between the hours of 7:00 A.M. and 10:00 P.M. local time during any day of the week unless approved by the City Council.

(C) Sale of Liquor. Selling or serving of liquor, including beer, wine, and all alcoholic beverages from food vendors shall only be in compliance with all liquor laws, rules, and regulations.

(D) Appearance and Maintenance. Food vendors shall keep their equipment and materials in good mechanical and structural condition. Vehicles and carts shall have a clean exterior and interior and shall be equipped with signs to alert traffic to proceed with caution past the truck or cart while it is serving customers. Each vendor shall have the business trade name affixed in a professional, workmanlike manner and in letters that are a minimum of six (6) inches in height visible to the public.

(E) Peripheral Setup. Signage is preferred to be affixed to the vehicle, cart, or vendor facility, but one additional sign may be placed outside of the food preparation area with a maximum size of 8 sq. ft. on each side. Food vendors are not permitted to connect directly to City water, electric, or other utility to conduct business without City permission. Food vendors must provide for the sanitary collection of all refuse, litter, and garbage generated by the vendor or patrons using the service and must remove all such waste materials from the location before the vendor departs.

(F) Public Health Standards. Food vendors shall obtain an display at all times all State of Illinois and/or Randolph County Health Department permits required to operate their facility. No food, food products, or beverages for public consumption shall be kept, offered for

sale, transported, or handled except in accordance with the rules and regulations of the State of Illinois and the Randolph County Health Department. If the State of Illinois or the Randolph County Health Department suspends or revokes their respective permits and/or licenses, then the City's license shall hereby be revoked until such time as the State of Illinois or the Randolph County Health Department permits and/or licenses are reinstated. No food or beverage may be sold or given away in a glass container or bottle.

106-5: APPLICATION. Application for a food vendor license shall be made in writing to the City Clerk on a form approved by the City Clerk containing the following truthful and accurate information which applies to the applicant:

(A) The applicant vendor's name (individual and business name), permanent business address (which must include a street address), name of the food vendor operator, address of the food vendor operator, food truck driver name, food truck driver address, the phone numbers for the applicant, each operator, and each driver, and dates of birth for the applicant, each operator, and each driver.

(B) The food truck vehicle make, model, year, license plate number and state, and vehicle length.

(C) If applicant will operate in a prohibited area at any time during the term of their license, then provide the address, name, and phone number of owner or tenant of property where the food vendor will operate.

(D) Copy of food truck vehicle registration.

(E) Copy of each food truck driver's valid state issued driver's license to operate the vehicle.

(F) Copy of food vendor applicant's certificate of liability insurance with City named as additional insured by endorsement with comprehensive general liability limits of not less than One Million Dollars (\$1,000,000.00) each occurrence/aggregate covering bodily injury, personal injury, and property damage.

(G) Copy of food truck applicant's certificate of liability insurance with City named as additional insured by endorsement with comprehensive vehicle insurance limits of not less than One Million Dollars (\$1,000,000.00) each occurrence/aggregate covering all owned, non-owned, and hired vehicles for bodily injury, personal injury, and property damage.

(H) Copy of Randolph County Health Department permit, as required.

(I) Copy of Illinois Retailer Occupation Tax Certificate.

106-6: INVESTIGATION OF APPLICANTS. Each applicant, operator, and driver, as applicable, for a food vendor shall agree to and submit all required personal information needed for a background check and/or investigation to be conducted by the Chief of Police of the City as to the individual's business and moral character. If the facts show that the applicant, operator, and/or driver for a food vendor is unfit to receive the license, then it shall be denied and such reasons for denial shall be stated in writing and shall be given to the applicant.

106-7: FEES. The license fees for a food vendor license shall be the following, due and payable at the time the application is submitted for approval:

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| (A) Daily License. | \$20.00 per day per license |
| (B) Annual License. | \$100.00 per year per license |

106-8: LICENSE ISSUANCE. Upon the submission of a complete application showing compliance with all terms of this Article and passage of the investigation, the food vendor license shall be signed by the Mayor and attested by the City Clerk under the corporate seal. No license shall be granted for longer than a one (1) year term and shall expire on the last day of April following its issuance. The food vendor license shall be in a form approved by the City Clerk. The vendor shall display the license at all times while operating.

106-9: LICENSE NON-TRANSFERABLE. Any food vendor license issued shall not be transferable to any other applicant or vendor.

106-10: SUSPENSION AND REVOCATION OF LICENSE. Revocation or suspension of a license for a food vendor for violating any part of this Section, or any other code section, shall be done in accordance with said Section 100-12.

106-11 to 106-12: RESERVED