

ORDINANCE NO. 23-010

AN ORDINANCE AMENDING CHAPTER 126 OF TITLE IX, TO BE ENTITLED "FOOD VENDORS", OF THE CITY ORDINANCES OF THE CITY OF MONMOUTH, ILLINOIS

BE IT ORDAINED by the City Council of the City of Monmouth, Warren County, Illinois, as follows:

Section 1:

Chapter 126 of the Monmouth Code of Ordinances, entitled "Food Vendors", is hereby added to the City Ordinances of the City of Monmouth, Illinois, and shall including the following:

SECTION 124.01 FINDINGS AND PURPOSE.

It is found and declared that:

1. Food vending on city-owned and private property promotes a public interest by contributing to an active and attractive pedestrian environment.
2. Reasonable regulation of food vending on city-owned and private property is necessary to protect the public health, safety and welfare.

SECTION 126.02 DEFINITIONS.

The following words, terms and phrases when used in this article shall have the meanings described to them in this section except where the context clearly indicates a different meaning:

*Food vendor* means any person engaged in selling or offering for sale of food or beverages on city-owned or private property, from a stand or pushcart or from his person.

SECTION 126.03 EXEMPTIONS.

- a) This article does not apply to any person selling goods, wares or merchandise which are raised by him, to any person selling vegetables, fruit or perishable farm products at an established city or village market.
- b) This article does not apply to any city festival as designated by the City Administrator, including, but not limited to the prime beef festival, cruise night and market alley days.

SECTION 126.04 CERTIFICATE REQUIRED.

It is unlawful for any person, either as a principal or agent, to conduct business as a food vendor in the city without first complying with the requirements of Section 2(a) of the Retailers' Occupation Tax Act (35 ILCS 120/2a) by obtaining a certificate of registration and certificate for food preparation issued by the Warren County Health Department.

#### SECTION 126.05 LICENSE REQUIRED.

It is unlawful for any person, either as principal or agent, to conduct business as a food vendor in this city without having obtained a license therefor, which license shall be displayed in a conspicuous place on the stand or pushcart while so engaged in business.

#### SECTION 126.06 APPLICATION; CONTENTS.

- a) Any person who wishes to obtain a license as a food vendor shall file a written license application in the City Clerk's office. The applicant shall truthfully state in full the information requested on the application.
- b) The license application shall include the applicant's name, business name, permanent business address (which must include a street address), residence address of the principal, and, if the applicant is a corporation, the residence address of its officers, a description of the type of food or beverage to be sold, a description of the proposed location of the vending business, and the applicant's registration number under the Retailer's Occupation Tax Act.
- c) The approving authority shall be the City Administrator.

#### SECTION 126.07 INSURANCE.

A signed statement that the applicant shall hold harmless the city, its officers and employees and shall indemnify the city, its officers and employees for any claims for damage to the property or injury to persons which may be occasioned by an activity carried on under the terms of the license is required. The applicant shall furnish and maintain public liability, property damage, and product liability insurance to protect the applicant and the city from all claims for damage to property or bodily injury, including death, which may arise from operations under the license or in connection therewith, in the amount of Five Hundred Thousand Dollars (\$500,000.00) for each occurrence and Five Hundred Thousand Dollars (\$500,000.00) aggregate. The insurance shall be without prejudice to coverage otherwise existing and shall have as additional insured the city, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the expiration of the license without thirty (30) days written notice to the City Clerk.

#### SECTION 126.08 FEE.

The city shall collect a license application fee of Fifty Dollars (\$50.00) for the issuance of the license.

#### SECTION 126.09 TERM OF LICENSE

A license issued under this article shall be from May 1<sup>st</sup> of the year it was issued to April 30<sup>th</sup> of the following year.

#### SECTION 126.10 LOCATION.

Food vending is permitted on any City owned property approved by the City Council and any properly zoned privately owned property with the written permission of the property owner which will be on file in the office of the City Clerk.

#### SECTION 126.11 PROHIBITED CONDUCT.

No food vendor shall:

1. Leave any stand or pushcart unattended.
2. Store, park or leave any stand or pushcart overnight on any city owned property or private owned property.
3. Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by him.
4. Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the stand or pushcart.
5. Dispose of trash or refuse in the public or private receptacles.
6. Vend between the hours of 10:00 p.m. and 10:00 a.m. of the following day.
7. Vend without the insurance coverage specified.
8. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loud-speaker, public address system, radio, sound amplifier or similar device to attract the attention of the public.

#### SECTION 126.12 ADVERTISING.

No advertising, except the posting of prices, shall be permitted on any stand or pushcart, except to identify the name of the product or the name of the vendor.

#### SECTION 126.13 REVOCATION AND SUSPENSION OF LICENSE.

Any food vendor's license may be revoked or suspended. If the license is to be suspended, it shall be for the period not to exceed thirty (30) days. The revocation or suspension may occur if the City Administrator shall find after a hearing:

1. That the licensee has violated any of the provisions of this article, the laws of the State or the ordinances of the city while engaged in business of a food vendor.
2. That the licensee has knowingly furnished false or misleading information or withheld relevant information on any application for a license or in an investigation into any such license.

Prior to holding a hearing concerning the question of whether a license issued pursuant to this article shall be revoked or suspended, the City Administrator shall give at least ten (10) days written notices to the licensee setting forth the alleged violations specifically. The licensee may present evidence at such hearing and cross-examine witnesses.

Section 2:

This ordinance shall be in full force and effect ten (10) days after this due publication in pamphlet form, passage and approval thereof.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2023.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2023.

\_\_\_\_\_  
MAYOR

ATTESTED:

\_\_\_\_\_  
CITY CLERK

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent or not voting: \_\_\_\_\_