

Fee:

Daily \$20.00
 Annual \$100.00

CITY OF RED BUD, ILLINOIS
FOOD VENDOR LICENSE APPLICATION
(SECTION 106-5 OF CITY CODE)

*Attach additional sheets if necessary to report all required information. Please fill out the applicable sections. *

Individual Name: _____ Applicant Date of Birth: _____

Business Name: _____

Business Address (must include street address):

Business / Cell Phone: _____ (this is how we will contact you during the day)

Name of Food Vendor Operator (s): _____

Address of Food Vendor Operator (s): _____

Operator(s) Cell Phone: _____ Operator(s) Date of Birth: _____

Driver(s) Name: _____

Driver(s) Address: _____

Driver(s) Cell Phone: _____ Driver(s) Date of Birth: _____

Vehicle Make: _____ Vehicle Model: _____

Vehicle Year: _____ License Plate # and State: _____ Vehicle Length: _____

Attach copies of the following documents:

1. Copy of food truck vehicle registration.
2. Copy of each food truck driver's valid license to operate the vehicle. A background check will be done on each driver.
3. 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 \$1,000,000 each occurrence/aggregate covering bodily injury, personal injury, and property damage.
4. 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 \$1,000,000 each occurrence/aggregate covering all owned, non-owned, and hired vehicles for bodily injury, personal injury, and property damage.
5. Copy of Randolph County Health Department permit, as required.
6. Copy of Illinois Retailer Occupation Tax Certificate (Sales Tax).

Date of Event: _____

Hours of Event: _____

Location of Event: _____

Complete this section only if food vendor requests to operate in a prohibited area.

Name / Address / Phone of record of owner or tenant, dates, and description of activity requested in prohibited area:

*Attach written consents of private owner as required by Ordinance.

I affirm that the statements made in this application are true and correct to the best of my understanding. I have also read the City of Red Bud's Ordinance (attached) regulating food vendors and I both understand and agree to operate in accordance with said regulations.

Signature of Applicant: _____ Date: _____

Printed Name: _____

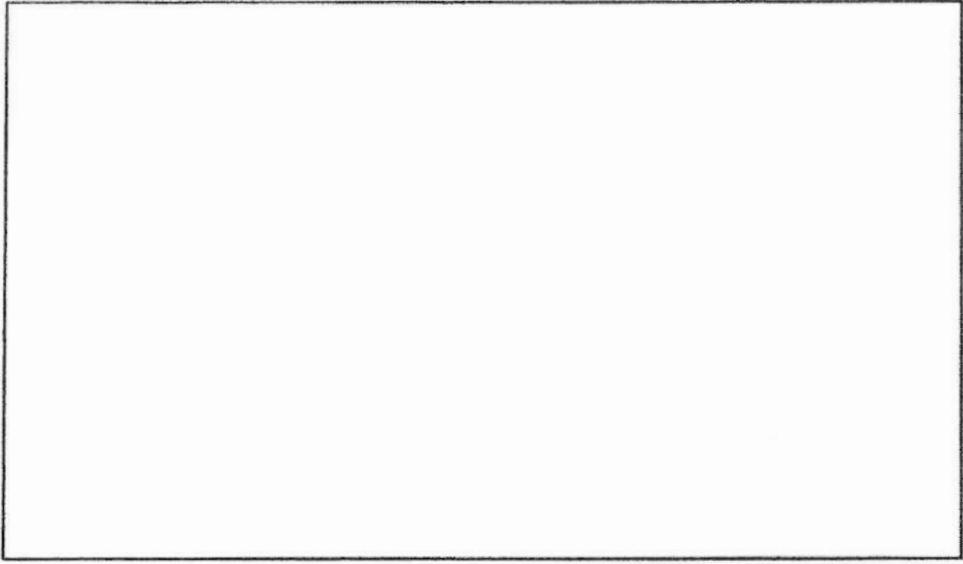
Submit completed form with fee to: City Clerk, 200 E. Market Street, Red Bud, IL 62278

Application will be processed upon its receipt. Food vending may not commence until license is displayed at the location of food vending.

- For Office Use Only -

Application Submitted: _____ Application Fee Paid: _____ Method of Payment: _____ Date of Payment: _____

Last Revision: 07/29/22



CITY OF RED BUD, RANDOLPH COUNTY, ILLINOIS

ORDINANCE NO. 1491

**AN ORDINANCE AMENDING TITLE III, CHAPTER 32, TITLE IX, CHAPTER
93, TITLE X, CHAPTERS 101, 102, 105 and 106,
OF THE CITY OF RED BUD CODE OF ORDINANCES 2021
PERTAINING TO TRANSIENT MERCHANTS AND FOOD VENDORS**

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF RED BUD, ILLINOIS,
THIS 2ND DAY OF MAY, 2022.**

*Published in pamphlet form by authority of the City Council of the City of Red Bud,
Randolph County, Illinois, this 3RD day of May, 2022.*

Posted: May 3, 2022
Removed:

By: PKP
By:

STATE OF ILLINOIS }
 } SS
COUNTY OF RANDOLPH }

CERTIFICATION

I, Joanne Cowell, certify that I am the duly appointed municipal clerk of the City of Red Bud, Randolph County, Illinois.

I further certify that on May 2, 2022 the Corporate Authorities of the above municipality passed and approved Ordinance No. 1491 entitled:

**AN ORDINANCE AMENDING TITLE III, CHAPTER 32, TITLE IX, CHAPTER 93,
TITLE X, CHAPTERS 101, 102, 105 and 106,
OF THE CITY OF RED BUD CODE OF ORDINANCES 2021
PERTAINING TO TRANSIENT MERCHANTS AND FOOD VENDORS**

Which, provided by its terms, that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1491 including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance posted at the Red Bud City Hall commencing on May 3, 2022 where it will remain for at least ten (10) days thereafter. Copies of the Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Red Bud, Illinois, this 2nd day of May, 2022.

Joanne G. Cowell
Joanne Cowell
City Clerk

ORDINANCE NO. 1491

**AN ORDINANCE AMENDING TITLE III, CHAPTER 32, TITLE IX, CHAPTER 93,
TITLE X, CHAPTERS 101, 102, 105 and 106,
OF THE CITY OF RED BUD CODE OF ORDINANCES 2021
PERTAINING TO TRANSIENT MERCHANTS AND FOOD VENDORS**

WHEREAS, the City of Red Bud Code of Ordinances 2021 includes Chapter 32 which involves the Mayor's authority to issue licenses; and

WHEREAS, the City of Red Bud Code of Ordinances 2021 includes Chapter 93 which involves regulations on selling items in the parks; and

WHEREAS, the City of Red Bud Code of Ordinances 2021 includes Chapter 101 which involves regulations on solicitors; and

WHEREAS, the City of Red Bud Code of Ordinances 2021 includes Chapter 102 which involves regulations on transient merchants and itinerant vendors; and

WHEREAS, the City of Red Bud Code of Ordinances 2021 includes Chapter 105 which involves regulations on farmers' markets; and

WHEREAS, the City of Red Bud Code of Ordinances 2021 includes Chapter 106 which involves regulations on food vendors; and

WHEREAS, the City of Red Bud desired to update regulations on transient merchants and food vendors to modify requirements to allow for greater business opportunities in the City; and

WHEREAS, the City of Red Bud, Illinois has determined that it is in the best interests of the City to update regulations on transient merchants and food vendors; and

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED BUD, ILLINOIS:

SECTION 1: That the above recitals are hereby made a part of this Ordinance as though written herein verbatim.

SECTION 2: That Section 32-27 of Title III, Chapter 32 of the City of Red Bud Code of Ordinances 2021 of the City of Red Bud, Illinois be repealed and replaced with the following:

32-27: LICENSE APPROVAL. The Mayor is hereby authorized to approve or deny raffle, food vendor, mobile home, garbage, and transient merchant exception licenses (as stated in Chapter 102) that comply or do not comply with the requirements for a license under Chapter 104, Chapter 106, Chapter 173, Chapter 92, and Chapter 102 respectively.

SECTION 3: That Section 93-8(J) of Title IX, Chapter 93 of the City of Red Bud Code of Ordinances 2021 of the City of Red Bud, Illinois be repealed and replaced with the following:

93-8: RULES AND REGULATIONS. The City parks shall be governed by the following rules and regulations:

(J) **Sales: Amusements for Gain.** Within the parks of this City, no person shall:

- (1) sell or offer for sale any goods or services unless such sale is allowed in another section of the City Ordinances or unless approved by the City Council; or
- (2) conduct any amusement for gain or for which a charge is made unless approved by the City Council.

SECTION 4: That Section 101-1 of Title X, Chapter 101 of the City of Red Bud Code of Ordinances 2021 of the City of Red Bud, Illinois be amended by adding the following in alphabetical order:

101-1: DEFINITIONS. For the purpose of this Chapter, the following words as used herein shall be construed to have the meanings herein ascribed thereto, to-wit:

“NON-PROFIT ORGANIZATION” shall mean 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.

SECTION 5: That Section 101-2 of Title X, Chapter 101 of the City of Red Bud Code of Ordinances 2021 of the City of Red Bud, Illinois be repealed and replaced with the following:

101-2: CERTIFICATE OF REGISTRATION. Every person desiring to engage in soliciting from persons within this City is hereby required to make written application for a Certificate of Registration as hereinafter provided. The provisions of Sections 101-3 and 101-4 of this Chapter shall not apply to 1) any person who is a resident of this City; or 2) persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in this City, or 3) any non-profit organization located in this City.

SECTION 6: That Section 101-3(O) of Title X, Chapter 101 of the City of Red Bud Code of Ordinances 2021 of the City of Red Bud, Illinois be repealed and replaced with the following:

101-3: APPLICATION FOR CERTIFICATE OF REGISTRATION. Applications for a Certificate of Registration shall be made upon a form provided by the Chief of Police of this City and filed with such Chief. The applicant shall truthfully state in full the information requested on the application, to-wit:

(O) A clear copy of the applicant, and their employees or agents acting under the license, state issued driver's license or i.d. card.

SECTION 7: That Section 102-2 of Title X, Chapter 102 of the City of Red Bud Code of Ordinances 2021 of the City of Red Bud, Illinois be amended by adding the definition of "Non-Profit Organization" in alphabetical order and amending the definition of "Transient Merchant" as follows:

102-2: DEFINITION.

"NON-PROFIT ORGANIZATION" shall mean 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.

"TRANSIENT MERCHANT" shall mean any person who is engaged temporarily in the retail sale, barter or exchange of goods, wares or merchandise within this City and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot. However, this term does not apply to the following:

(A) any person selling such items which are raised, produced, manufactured, or retailed by them to any person selling vegetables, fruit, perishable farm products, or any other products at any store in the City or at a Farmer's Market under Chapter 105; or

(B) any person selling such items which are raised, produced, manufactured, or retailed by them to any person operating a refreshment stand; or

(C) any person selling such items which are raised, produced, manufactured, or retailed by them to any person operating a stand or booth on or adjacent to property owned by them or upon which they reside; or

(D) any person selling such items which are raised, produced, manufactured, or retailed by them at a stand or booth at a City approved Farmers' Market under Chapter 105; or

(E) any person selling such items which are raised, produced, manufactured, or retailed by them as a food vendor under Chapter 106; or

(F) any person selling such items which are raised, produced, manufactured, or retailed by them at any other City approved event. If the request for approval is received and the event is to occur before the next City Council meeting, then the Mayor shall have sole authority to approve or deny a request.

SECTION 8: That Section 102-9 of Title X, Chapter 102 of the City of Red Bud Code of Ordinances 2021 of the City of Red Bud, Illinois be repealed and replaced with the following

102-9: PHOTOGRAPHS. A clear copy of the applicant, and their employees or agents acting under the license, state issued driver's license or i.d. card shall be provided with the application.

SECTION 9: That Section 102-13 of Title X, Chapter 102 of the City of Red Bud Code of Ordinances 2021 of the City of Red Bud, Illinois be repealed and replaced with the following:

102-13: EXCLUSIONARY PROVISION. The provisions of this Article shall not apply to 1) any person who is a resident of this City; or 2) persons employed or representing an established merchant, business firm, or corporation located and regularly doing business in this City, or 3) any non-profit organization located in this City.

SECTION 10: That Section 105-1(A) of Title X, Chapter 105 of the City of Red Bud Code of Ordinances 2021 of the City of Red Bud, Illinois be repealed and replaced with the following

105-1: DEFINITIONS.

(A) **Farmers' Market.** A common facility or area where the primary purpose is for farmers, artists, crafters, and other vendors to gather to sell a variety of fresh fruits, vegetables, food items, and other locally produced or sold products directly to consumers. Any food item that is sold by a food truck or food cart shall comply with the applicable parts of Chapter 106, as amended.

SECTION 11: That Title X, Chapter 106 of the City of Red Bud Code of Ordinances 2021 of the City of Red Bud, Illinois be amended by repealing sections and subsections listed in "Exhibit A" and replacing them with those sections and subsections listed in "Exhibit A."

SECTION 12: This Ordinance supersedes all Ordinances or parts of Ordinances adopted prior hereto that are in conflict herewith, to the extent of such conflict.

SECTION 13: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form, as provided by law.

PASSED BY THE CITY COUNCIL this 2nd day of May, 2022:

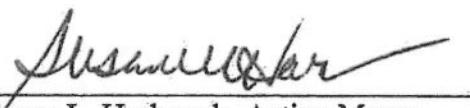
YEAS: A. Piel, K. Donjon, R. Nevois, J. DeMond, B. Hanebutt, M. Rheinecker, C. Guebert, B. Schwartzkopf

NAYS: N/A

ABSTAINED: N/A

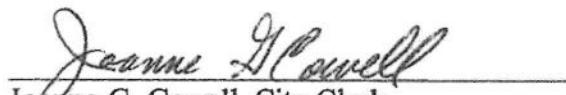
ABSENT: N/A

APPROVED BY THE ACTING MAYOR this 2nd day of May, 2022:



Susan L. Harbaugh, Acting Mayor

ATTEST:



Joanne G. Cowell, City Clerk

“EXHIBIT A”

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 and 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:

| | | |
|-----|------------------------|-------------------------------|
| (A) | <u>Daily License.</u> | \$20.00 per day per license |
| (B) | <u>Annual License.</u> | \$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.