



CITY OF CARBONDALE, ILLINOIS

APPLICATION FOR PUSHCART VENDOR LICENSE

TYPE OF LICENSE: (Check One)

___ **Annual** (May 1 thru April 30) \$100.00

___ **Semi-Annual** (6) Months (May - Oct.) (Nov. - April) \$ 75.00

Payment of fee shall be made in the form of **CASH, CERTIFIED CHECK OR MONEY ORDER** at the time of the application. There shall be no refund for any fee paid pursuant to Article XIII of the Carbondale Revised Code.

When a license is issued at some time other than May 1st, the fee shall be reduced in proportion to the full calendar months which have expired in the license period prior to the issuance of the license.

NAME: _____ PHONE NO. _____

MAILING ADDRESS: _____
(Mailing address including City - State - Zip Code)

E-MAIL ADDRESS: _____

AUTHORIZED AGENT/MANAGER/OPERATOR

NAME: _____ PHONE NO. _____

ADDRESS: _____
(Mailing address including City - State - Zip Code)

E-MAIL ADDRESS _____

NAME OF BUSINESS: _____

CORPORATE NAME (if applicable) _____

LOCATION OF PUSHCART: _____

PARCEL NUMBER: _____

**APPLICATION FOR PUSH CART VENDORS LICENSE
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REQUIREMENTS:

1. A signed, notarized agreement between the owner of the pushcart and the owner and the lessee, if any, of the parcel at which the pushcart is to be located, permitting the pushcart to be operated upon the parcel. This agreement must be in effect for the duration of the license period.

2. A statement as to the types of foodstuff to be sold from the pushcart.

3. Evidence of liability insurance in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the State of Illinois. The Certificate shall insure the applicant and the owner and lessee, if any, of the parcel at a minimum amount of \$300,000 Single Limit Coverage.

The insurance coverage shall be kept current at all times during the license year. Upon request by the City Clerk, a licensee shall provide evidence of coverage at times other than the initial application and renewal of license.

4. A copy of a valid permit issued by the Health Department.

5. A copy of the State of Illinois Retailer's Occupation Tax Certificate.

6. A plan, diagram, and description of the pushcart detailing at a minimum, the size, construction, method of food preparation, and manner of disposing of trash and other waste material originating at or from the pushcart.

7. A letter of approval for the plan and diagram of the pushcart from the Building & Neighborhood Services Division.

8. A colored photograph, not less than three (3) inches by three (3) inches in size, of the pushcart.



DISCLOSURE AND RELEASE FORM

In connection with my application for employment (including contract for services or volunteer services) or tenancy with City of Carbondale, at 200 S. Illinois Avenue, Carbondale, IL, consumer reports will be requested. These consumer reports (investigative consumer reports in California) may include the following types of information: names and dates of previous employers, salary, work experience, education, accidents, licensure, credit (except California), etc. I further understand that such reports may contain public record information such as, but not limited to: my driving record, workers’ compensation claims, judgments, bankruptcy proceedings, criminal records, etc., from federal, state and other agencies which maintain such records.

In addition, investigative consumer reports as defined by the federal Fair Credit Reporting Act, gathered from personal interviews with former employers and other past or current associates of mine to gather information regarding my work performance, character, general reputation and personal characteristics, may be obtained.

I AUTHORIZE, WITHOUT RESERVATION, ANY PARTY OR AGENCY CONTACTED BY THE CONSUMER REPORTING AGENCY TO FURNISH THE ABOVE-MENTIONED INFORMATION.

I have the right to make a request to the consumer reporting agency: **Background Screeners of America**, 18344 Oxnard Street, Suite 101, Tarzana, CA 91356; telephone (866) 570-4949 (“Agency”), upon proper identification, to request the nature and substance of all information in its files on me at the time of my request, including the sources of information and the agency, on our behalf, will provide a complete and accurate disclosure of the nature and scope of the investigation covered by the investigative consumer report(s); and the recipients of any reports on me which the agency has previously furnished within the two year period for employment requests, and one year for other purposes preceding my request (California three years). I hereby consent to your obtaining the above information from the agency. You may view their privacy policy at their website: www.backgroundscreenersofamerica.com.

I hereby authorize procurement of consumer report(s) and investigative consumer report(s). If hired (or contracted), this authorization shall remain on file and shall serve as ongoing authorization for you to procure consumer reports at any time during my employment (or contract) period.

California, Minnesota and Oklahoma Applicants only: Check box if you request a copy of any consumer report ordered on you.

Notice to California Applicants:

You have the right under Section 1786.22 of the California Civil Code to contact the Agency during reasonable hours (9:00 a.m. to 5:00 p.m. (PTZ) Monday through Friday) to obtain all information in your file for your review. You may obtain such information as follows: 1) In person at the Agency’s offices, which address is listed above. You can have someone accompany you to the Agency’s offices. Agency may require this third party to present reasonable identification. You may be required at the time of such visit to sign an authorization for Agency to disclose to or discuss your information with this third party; 2) By certified mail, if you have previously provided identification in a written request that your file be sent to you or to a third party identified by you; 3) By telephone, if you have previously provided proper identification in writing to Agency; and 4) Agency has trained personnel to explain any information in your file to you and if the file contains any information that is coded, such will be explained to you.

Notice to New York Applicants:

For consumers applying for work in New York: I acknowledge receiving a copy of Article 23-A of the New York Correction Law _____. (Initials)

Search Requestor Copy

I acknowledge I have been provided a copy of consumer's rights under the Fair Credit Reporting Act.

NAME: First _____		Middle _____	Last _____
Social Security # _____		Date of Birth _____	
Email _____			
Current Address:		Previous Address:	
Street 1 Apt or Unit # City ST Zip		Street 1 Apt or Unit # City ST Zip	
Drivers Lic. #		State Issuing	
Alias Names Used:			

X _____ DATE: _____
APPLICANT SIGNATURE

Search Requestor Copy

Para informacion en espanol, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA.

For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.
- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt-out with the nationwide credit bureaus at 1-888-567-8688.
- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

Applicant Copy

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
<p>1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates. b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the Bureau:</p>	<p>a. Bureau of Consumer Financial Protection 1700 G Street NW Washington, DC 20006 b. Federal Trade Commission: Consumer Response Center –FCRA Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050 b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480 c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106 d. National Credit Union Administration Office of Consumer Protection (OCP) Division of Consumer Compliance and Outreach (DCCO) 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement & Proceedings Department of Transportation 400 Seventh Street SW Washington, DC 20590</p>
<p>4. Creditors Subject to Surface Transportation Board</p>	<p>Office of Proceedings, Surface Transportation Board Department of Transportation 1925 K Street NW Washington, DC 20423</p>
<p>5. Creditors Subject to Packers and Stockyards Act</p>	<p>Nearest Packers and Stockyards Administration area supervisor</p>
<p>6. Small Business Investment Companies</p>	<p>Associate Deputy Administrator for Capital Access United States Small Business Administration 406 Third Street, SW, 8th Floor Washington, DC 20416</p>
<p>7. Brokers and Dealers</p>	<p>Securities and Exchange Commission 100 F St NE Washington, DC 20549</p>
<p>8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations</p>	<p>Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090</p>
<p>9. Retailers, Finance Companies, and All Other Creditors Not Listed Above</p>	<p>FTC Regional Office for region in which the creditor operates or Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 (877) 382-4357</p>

Applicant Copy



PUSHCART VENDORS

RULES AND REGULATIONS

Section 5-8-1. Construction.

This Chapter shall be liberally construed, to the end that the health, safety, and welfare of the residents of the City of Carbondale shall be protected.

Section 5-8-2. Definitions.

In the interpretation and construction of this Chapter, the following definitions shall be observed, unless they are inconsistent with the intent of the Council or the context clearly requires otherwise:

- A. **Building and Neighborhood Services Division.** The phrase "Building and Neighborhood Services Division" shall mean that division of the City government created by Section 1-10-3.A of this Code.
- B. **City.** The words "City" or "the City" shall mean the City of Carbondale, the County of Jackson, in the State of Illinois.
- C. **Fire Department.** The phrase "Fire Department" shall mean that division of the City government created by Section 1-13-1 of this Code.
- D. **Food Service Ordinance.** The phrase "Food Service Ordinance" shall mean that Ordinance first adopted on June 12, 1961, by the County Board of Jackson County, Illinois, with all revisions and amendments made subsequent thereto.
- E. **Food Service Sanitation Code.** The phrase "Food Service Sanitation Code" shall mean the regulations promulgated by the Illinois Department of Public Health and found at Part 750 of Title 77 of the Illinois Administrative Code, with all revisions and amendments made thereto.
- F. **Health Department.** The phrase "Health Department" shall mean the Jackson County Health Department.
- G. **Person.** The word "person" shall mean any individual, partnership, corporation, trust, joint stock association, or firm, and includes any trustee, receiver, assignee or personal representative thereof.
- H. **Police Department.** The phrase "Police Department" shall mean that division of City government created by Section 1-12-1 of this Code.
- I. **Pushcart.** The phrase "pushcart" shall mean a non-self-propelled vehicle selling and/or serving food products for use or consumption of the purchaser and not for sale.
- J. **Pushcart Operation.** The phrase "pushcart operation" shall mean the business of selling and/or serving food products from a pushcart.

Section 5-8-3. License Required.

No person shall operate a pushcart within the corporate limits of the City without first obtaining a license from the City Clerk.

Section 5-8-4. Application.

- A. All applications for licenses under this Chapter shall be in writing on a form provided by the City Clerk under oath, and filed with the City Clerk.
- B. Each application shall be signed by the applicant. If the applicant is a partnership, all partners shall sign the application. If the applicant is a corporation, the application shall be signed by all officers of the corporation and shall be verified by the president and secretary. If the applicant is a trust, the trustee shall sign the application and name all beneficiaries of the trust. The information recited in the application shall be under oath or affirmation as to each individual signing the application.
- C. Each application shall include the following information and statements:
 1. Name, address, telephone number, birth date, and social security number of the applicant in the case of an individual.
 2. Name, address, telephone number, birth date, and social security number of any person, other than the applicant, who is authorized to operate the pushcart for which the license is sought.
 3. In the case of a partnership, the names, addresses, telephone numbers, birth dates, and social security numbers of all partners.
 4. In the case of a corporation, the names, addresses, telephone numbers, birth dates, and social security numbers of all officers, directors, managers, and all persons who own or have an interest in greater than five percent (5%) of the stock.
 5. In the case of a trust, the name, address, telephone number, birth date, and social security number of the trustee, and the declaration of trust if the trustee is an individual. If the trustee is a partnership, the names, addresses, telephone numbers, birth dates, and social security numbers of each partner and the declaration of trust. If the trustee is a corporation, the names, addresses, birth dates, and social security numbers of all officers, directors, managers, and all persons who own or have an interest in greater than five percent (5%) of the stock and a declaration of trust.
 6. The location of the pushcart indicated by both the common street address and the permanent parcel number.
 7. A signed, notarized agreement between the owner of the pushcart and the owner and the lessee, if any, of the parcel at which the pushcart is to be located, permitting the pushcart to be operated upon the parcel for the duration of the license period.
 8. A statement as the types of foodstuff to be sold from the pushcart.

9. Evidence of liability insurance in the form of a Certificate of Insurance issued by an insurance company licensed to do business in the State of Illinois. The Certificate shall insure the applicant and the owner and lessee, if any, at a minimum amount of \$300,000 Single Limit Coverage.

The insurance coverage shall be kept current at all times during the license year. Upon request by the City Clerk, a licensee shall provide evidence of coverage at times other than the initial application and renewal of license. (Ord. No. 90-115)

10. A copy of a valid permit issued by the Health Department.
11. A copy of the State of Illinois Retailer's Occupation Tax Certificate.
12. A plan, diagram, and description of the pushcart detailing at a minimum, the size, construction, method of food preparation, and manner of disposing of trash and other waste material originating at or from the pushcart.
13. A letter of approval for the plan and diagram of the pushcart from the Building and Neighborhood Services Division.
14. A colored photograph, not less than three (3) inches by three (3) inches in size, of the pushcart.
15. The license fee as designed in Section 5-13-6 herein.

Section 5-8-5. Duration of License.

Two types of licenses shall be available and shall have the following durations:

- A. An Annual License which shall commence on May 1st and extend to April 30th of the next calendar year; and
- B. A Six Month License which shall commence on May 1st and extend to October 31st of the calendar year in which it is issued.

Section 5-8-6. Fee Schedule.

- A. The fee for licenses issued under this Chapter shall be as follows:
 1. A licensee holding an Annual License shall pay a fee of \$100.00.
 2. A licensee holding a Six Month License shall pay a fee of \$75.00.
- B. All fees payable pursuant to this Chapter shall be paid in full by the applicant at the time of the Application. Payment shall be in the form of cash, certified check or money order. There shall be no refund for any fee paid pursuant to this Chapter.
- C. When a license is issued at some time other than May 1st, the fee shall be reduced in proportion to the full calendar months which have expired in the license period prior to the issuance of the license.

Section 5-8-7. Nontransferable.

A Pushcart Vendors License issued pursuant to Title 5, Chapter 8 of the Carbondale Revised Code is a purely personal privilege granted solely to the Applicant and shall not constitute property. Nothing in this Article shall be construed to grant a right to transfer or to accept the transfer of a license.

Section 5-8-8. Regulations of Operation.

A. Hours of Operation: It shall be unlawful to operate any pushcart except during the following hours:

1. From 8:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday until 3:00 a.m. of the subsequent day; and
2. From 1:00 p.m. on Sunday until 3:00 a.m. on Monday.
3. From the regular opening hour (8:00 a.m. Monday thru Saturday, 1:00 p.m. on Sunday) on New Year's Eve until 4:00 a.m. on New Year's Day.

B. Location of Operation:

1. It shall be unlawful to operate any pushcart in any agricultural, residential, or mobile home district as defined in Title 15, Chapter 2, Article D of this Code.
2. It shall be unlawful to operate a pushcart at any location other than the parcel which is designated on the application.

C. Manner of Operation:

1. It shall be unlawful to operate any pushcart on public property, sidewalk, or street. All pushcarts must be operated on private property. No part of any pushcart may project upon, encroach upon, or break the vertical plane of any public property, sidewalk, or street which abuts the private property upon which the pushcart is operated.
2. No individual other than the applicant and those individuals designated pursuant to Section 5-13-4.C.2 shall operate any pushcart.
3. No more than one pushcart shall be allowed upon any one parcel of private property provided however, that any pushcart operation which consisted of two separate pushcarts on October 16, 1990, shall be allowed to continue to operate in such manner until such pushcart operation ceases to exist or until the licensee fails to renew the license authorizing such operation, whichever occurs first.
4. No more than one pushcart operation shall be allowed upon any one parcel of private property provided however, that any pushcart operation which existed on a parcel of private property with another pushcart operation as of October 16, 1990, shall be allowed to continue to operate in such manner until such pushcart operation ceases to exist or until the licensee fails to renew the license authorizing such operation, whichever occurs first.

5. No licensee under the Article, nor anyone on his, her, or its behalf shall shout, make an outcry, blow any horn, ring any bell, or use any other sound device including, but not limited to, any loud speaker or sound amplifying device within the corporate limits of the City during the hours of operation permitted by this Article.
 6. Any licensee under this Article shall comply with all provisions of the Food Service Ordinance.
 7. Any licensee under this Article shall comply with all provisions of the Food Service Sanitation Code.
 8. All pushcarts must be equipped with a garbage or refuse container, having a minimum size of twenty (20) gallons, which shall be durable, easily cleanable, and possess a tight-fitting lid. The garbage or refuse container must be made available for use by the customers of the pushcart.
 9. All licensees pursuant to this Article must comply with all regulations set forth by the Building and Neighborhood Services Division and Fire Department. These regulations will be provided to all applicants for a license at the time when an application is made.
- D. Size of Operation. No pushcart operation shall have a total area exceeding thirty (30) square feet as calculated by multiplying the length by width of the pushcart.
- E. Insurance Required. All licensees shall possess liability insurance in the amounts specified on the application form. It shall be unlawful for anyone to operate a pushcart without possessing the insurance coverage specified in this Chapter.
- F. Compliance with Law. All licensees shall obey, abide by, and comply with all Federal and State statutes and with all other provisions of the Revised Code of Carbondale together with any and all regulations promulgated pursuant to said statutes and ordinances.

Section 5-8-9. Enforcement Duties.

- A. Protect Health, Safety And Welfare: Building and Neighborhood Services Division and Fire Department: It shall be the duty of the Building and Neighborhood Services Division and the Fire Department to promulgate such rules and regulations regarding pushcarts and their operation as to protect the health, safety and welfare of the City.
- B. Serve Summonses And Processes: Building and Neighborhood Services Division And Police Department: It shall be the duty of the Police Department to enforce the provisions of this Chapter and to serve summonses and other processes for violations of this Chapter

Section 5-8-10. Penalty.

Any person found to have violated any provision of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00).

CITY OF CARBONDALE
PUSHCART CONSTRUCTION REQUIREMENTS

1. Applicant should submit plans and drawings to the Building and Neighborhood Services Division, indicating construction materials and method of attachment.
2. The pushcart must be constructed of 2" x 4" woodframe construction or equal.
3. Framing enclosure shall be on all sides of concession area and shall not exceed 30 sq. ft. total surface area. All framing material shall be securely fastened and attached (in a good workmanship manner) to reasonably withstand the loads imposed.
4. When electrical conductors are required for operation of the unit, the conductor shall be sized according to electrical load demand and approved for exterior installation. All conductors and fixtures shall be securely fastened to framing material to preclude damage to conductor.
5. The finished surface of the pushcart shall be corrosion resistant, nonabsorbent, smooth, easily cleanable and durable under exterior weather conditions of normal use.
6. A minimum 20-gallon garbage/refuse container that is durable and easily cleanable with a tightfitting lid shall be provided on site.
7. The applicant is to submit written approval from the property owner, allowing accumulation of refuse to be deposited in the owner's trash receptacle.
8. No pushcart shall be placed at a location that would impede pedestrian ingress or egress from a structure.
9. All L-P gas tanks utilized by a pushcart shall be securely fastened to the unit.
10. A minimum of one 5 lb. ABC fire extinguisher shall be securely fastened to the pushcart.