



## **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.