



City of Carbondale  
 City Clerk  
 200 S. Illinois Avenue  
 Carbondale, Illinois 62901  
 Phone (618) 457-3280  
 Fax (618) 457-3282  
 Explorecarbondale.com

**COMMUNITY-ORIENTED EVENT APPLICATION**

**Community-Oriented Event:** A special event organized by a bona fide not-for-profit organization designed for and open to all members of the community. The focus of the event is to celebrate a holiday, historical event, or to promote the community at large.

**Bona Fide Not-for-Profit Organization:** Any corporation organized under the General Not-for-Profit Corporation Act of 1986, 805 ILCS 105/101.01 or any association having attained Section 501(c)(3), (4), (5), (6), (7), (8), (19) or other charitable status under the Internal Revenue Code.

<b>APPLICANT INFORMATION</b>	
Name	
Residence Address	
Mailing Address	
Phone	Email
<b>ORGANIZATION SPONSORING THE EVENT</b>	
Name of Organization	
Address of Organization	
Phone	Email
<b>Provide the following information for each corporate officer, registered agent, partner or responsible party of the sponsoring organization:</b>	
Name	Phone
Residence (include mailing address if different)	
Name	Phone
Residence (include mailing address if different)	
Name	Phone
Residence (include mailing address if different)	
Name	Phone
Residence (include mailing address if different)	
Name	Phone
Residence (include mailing address if different)	



Attach the following to this application:

- Cash, certified check or money order in the amount of \$10 for the Permit Fee
- A plan or diagram of the location and set-up of the Community-Oriented Event, including the location of vending stands and waste disposal containers
- Documentation showing that the sponsoring organization (i) has been organized under the General Not-for-Profit Corporation Act of 1986, 805 ILCS 105/101.01 or (ii) has attained charitable status under Section 501(c)(3), (4), (5), (6), (7), (8), (19) or other Sections under the Internal Revenue Code
- 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/or the organization sponsoring the Community-Oriented Event in the amount of no less than \$1,000,000 single limit coverage. The Certificate shall also name the City as an additional insured.
- No less than 2 days prior to the Event, the applicant must provide the City Clerk with the names and addresses of any individuals or business enterprises expected to participate in supplying or selling the commodities under this application. If an individual, vendor or business enterprise is not shown on the list provided to the City Clerk's Office, then they shall not be allowed to vend or sell commodities, goods, wares or merchandise during the event. The Applicant/Organization holding the Permit for the Community-Oriented Event shall provide written authorization to each authorized vendor participating in the Event, which must be openly displayed at each vending stand.

<b>APPLICANT AUTHORIZATION AND CERTIFICATION</b>	
By my signature below, I hereby certify that the statements contained in this application are true and correct to the best of my knowledge and belief. I further authorize the City of Carbondale, its agents and employees, to seek information and conduct an investigation into the truth of the statements set forth in this application and accompanying documents. I also acknowledge receipt of the Carbondale City Ordinance governing Community-Oriented Events and understand that violation of any provision of this Ordinance shall constitute grounds for (i) immediate revocation of any individual vendor's right to vend at this Community-Oriented Event; and or (ii) terminating the use of City property during the Community-Oriented Event.	
Date	Applicant's Signature

Insert PDF of Title 5, Chapter 5 (saved in Q:CityClerk)

## Chapter 5

# TEMPORARY OR MOBILE SALES, VENDING, OR SOLICITATION

### 5-5-1: DEFINITIONS:

**BONA FIDE NOT FOR PROFIT ORGANIZATION:** Any corporation organized under the General Not for Profit Corporation Act of 1986, 805 Illinois Compiled Statutes 105/101.01 or any association having attained section 501(c)(3), (4), (5), (6), (7), (8), (19), or other charitable status under the Internal Revenue Code. Not for profit corporations include those organized for the following purposes:

- A. Charitable;
- B. Benevolent;
- C. Educational;
- D. Civic;
- E. Patriotic or veterans' organization;
- F. Political;
- G. Religious;
- H. Social;
- I. Literary;
- J. Athletic;
- K. Professional, commercial, industrial or trade association;
- L. Agricultural or horticultural association.

**BUILDING AND NEIGHBORHOOD SERVICES DIVISION (BNS):** That division of the City government, formerly known as the Code Enforcement Division, created by [title 1, chapter 7](#) of this Code.

**BUSINESS ORGANIZATION:** A voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

**CHARITABLE ORGANIZATION:** An organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

**CITY:** The City of Carbondale, in the County of Jackson, in the State of Illinois.

**CITY CLERK:** The City Clerk of the City of Carbondale.

**CITY COUNCIL:** The City Council of the City of Carbondale.

**CITY MANAGER:** The City Manager of the City of Carbondale.

**COMMUNITY ORIENTED EVENT:** A special event organized by a bona fide not for profit organization and designed for and open to all members of the community. The focus of the event is to celebrate a holiday, historical event, or to promote the community at large. Community oriented events may include, but are not limited to: Lights Fantastic, Noontime Concerts, Arts-in-Celebration, Founders' Day, Pancake Days, Farmers' Market, and other festivals or celebrations.

**EDUCATIONAL ORGANIZATION:** An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax supported schools.

**FIRE DEPARTMENT:** That department of the City government created by [title 1, chapter 10](#) of this Code.

**FOOD SERVICE ORDINANCE:** That ordinance first adopted on June 12, 1965, by the County Board of Jackson County, Illinois, with all revisions and amendments made subsequent thereto.

**FOOD SERVICE SANITATION CODE:** 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.

**FOOD TRUCK VENDOR:** A person engaged in the business of selling food or nonalcoholic beverages from a self-contained motorized vehicle or a self-contained enclosed trailer with valid license plates and registration. A food truck vendor does not include an ice cream truck operator.

**FRATERNAL ORGANIZATION:** An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

**GOODS, WARES OR MERCHANDISE:** Any tangible personal property which is normally used for

personal, family or household purposes.

**HEALTH DEPARTMENT:** The Jackson County Health Department.

**ICE CREAM TRUCK:** Every motor vehicle in which ice cream, popsicles, ice sherbets or frozen desserts of any kind are carried for purposes of retail sale from the motor vehicle on the City streets.

**LABOR ORGANIZATION:** An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

**LOTTERY:** Any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale or some other name.

**NET PROCEEDS:** The gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees, and other reasonable operating expenses incurred as a result of operating a raffle.

**NONPROFIT ORGANIZATION:** An organization or institution organized and conducted on a not for profit basis with no personal profit inuring to anyone as a result of the operation.

**PERSON:** Any individual, partnership, corporation, trust, joint stock association, or firm, and includes any trustee, receiver, assignee or personal representative thereof.

**POLICE DEPARTMENT:** That department of City government created by [title 1, chapter 9](#) of this Code.

**PRIVATE PROPERTY OPERATOR:** Any vendor, transient merchant, solicitor, or pushcart operation, who operates from an approved and properly zoned privately owned property with written permission from the owner.

**PUSHCART:** A nonself-propelled vehicle selling and/or serving food products for use or consumption of the purchaser and not for resale.

**PUSHCART OPERATION:** The business of selling and/or serving food products from a pushcart.

**RAFFLE:** A form of lottery conducted by an organization licensed under this chapter, in which:

- A. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance; and
- B. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

**RELIGIOUS ORGANIZATION:** Any church, congregation, society, or organization founded for the purpose of religious worship.

**SOLICITOR:** Any person who goes from one residential unit or business to another for the purpose of: a) seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, insurance, or services of any kind for any kind of consideration; b) seeking to obtain subscriptions to books, magazines, periodicals, newspapers, or other type of publication; or c) seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or nonprofit association, organization, corporation or project; or d) selling goods, products or merchandise.

**TRANSIENT MERCHANT:** Any person who is engaged temporarily in the retail sale of goods, wares or merchandise in this City and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, vacant lot, or parcel of property. However, this chapter does not apply to any person selling goods, wares or merchandise which are raised, produced or manufactured by him, to any person selling vegetables, fruit or perishable farm products at an established City market, to any person operating a stand or booth on or adjacent to property owned by him or upon which he resides, or to any person operating a stand or booth at a trade show, exposition, convention or similar event.

**VEND:** The act of selling goods, wares, merchandise or food items, including items that are to be delivered at a future date.

**VENDING STAND:** Any table, platform, deck, pushcart, or other structure used for the display and/or sale of food, beverages, goods, or merchandise of any kind.

**VENDOR:** Any person, group or organization who operates a vending stand during a community oriented event.

**VETERANS' ORGANIZATION:** An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit. (Ord. 2017-55)

### **5-5-2: LICENSE REQUIRED:**

It shall be unlawful for any person to engage in, or carry on any business, occupation or pursuit for which a license or permit is required by the provisions of this chapter within the jurisdiction of the City, without first obtaining a license or permit. (Ord. 2017-55)

### **5-5-3: INVESTIGATION:**

The applicant shall pay all fees associated with conducting a background investigation, the fees for which are nonrefundable. (Ord. 2017-55)

**5-5-4: FEES AND PRORATION:**

In the absence of a provision to the contrary, all fees for licenses or permits shall be paid at the time the license or permit application is filed and are nonrefundable. Licenses issued after July 1 will be prorated at fifty percent (50%) of the standard license fee.

Commercial/for-profit sales:			
	Private property operator	\$100 .00	Operate only from properly zoned private property with written permission of the owner
	Ice cream truck	\$100.00 for the first truck	\$50.00 for each additional truck
	Commercial solicitor	No annual permit	Daily fee \$10.00 per day, per solicitor (maximum of 30 days)
	Food truck/trailer	\$100 .00	Operate only from specially designated public property sites (maps available)
Non-profit sales/events:			
	Raffles	\$200.00 annually	\$20.00 per single raffle event
	Community oriented event	\$10 .00	Complete vendor listing must be provided to City Clerk's Office 2 days in advance

(Ord. 2017-55)

**5-5-5: TERM AND APPLICATION DUE DATE:**

All annual licenses and permits issued pursuant to this chapter shall be granted for a period of one calendar year, being January 1 to December 31; permits/licenses issued for raffles, solicitation, and community oriented events shall be issued for the specific dates identified in the application.

Renewal applications shall be due no less than fifteen (15) business days prior to the start of the license year. (Ord. 2017-55)

**5-5-6: APPLICATIONS FOR LICENSES AND PERMITS:**

Applications for all new licenses and permits governed by this chapter shall be submitted to the City Clerk's Office on the designated form with all required documentation and fees no less than ten



(10) business days in advance of the proposed activity. (Ord. 2017-55)

### **5-5-7: TRANSFERABILITY:**

All licenses and permits granted under this chapter shall be nontransferable. (Ord. 2017-55)

### **5-5-8: PENALTY:**

Any person who violates any provision of this chapter shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, unless specified otherwise within this title. A separate offense shall be deemed committed on each day that a violation continues. All violations of this title are hereby determined to be a nuisance which may be abated or enjoined by the City. Nothing in this title shall exempt the City or any person from seeking civil remedies against any person who is in violation of this title. (Ord. 2017-55)

### **5-5-9: USE OF SIDEWALKS, PUBLIC WAYS OR PUBLIC PLACES BY LICENSEE:**

No person shall sell or attempt to sell any commodity by means of vending such commodity upon any sidewalk, street, roadway, alley or private parking lot/area which is open to the public except under the following circumstances and upon obtaining a permit from the City of Carbondale:

- A. When the person, group or organization has obtained a permit to use the Town Square in accordance with [chapter 10](#), "Town Square Vendor Permits", of this title;
- B. When the person, group or organization has obtained a permit to use sidewalks or other public property in accordance with section [17-1-5](#) of this Code;
- C. When the person, group or organization sells commodities in connection with and/or during a "community oriented event" as defined in this chapter;
- D. When the person or business is duly licensed and is operating in accordance with the rules and regulations established for food trucks/trailer or ice cream trucks. (Ord. 2017-55)

## **5-5-10: GRANTING OF LICENSE OR PERMIT:**

A license or permit to conduct business under this chapter may be granted to a corporation, partnership, or firm. Such a corporation, partnership, or firm may use more than one agent or employee in conducting business within the City under the same license. If a corporation, partnership, or firm wishes to have more than one agent or employee conducting business simultaneously, multiple licenses may be required. Revocation of a license or permit issued to an agent or employee of a corporation, partnership, or firm, may result in the revocation of said business' ability to hold future licenses in the City for a minimum of five (5) years. (Ord. 2017-55)

## **5-5-11: DENIAL OR REVOCATION OF LICENSE OR PERMIT:**

If any of the following factors have been committed, the application for the license shall be denied or a currently issued license or permit shall be revoked by the City Clerk, or the City Clerk's authorized representative:

- A. Any of the material statements made in the application are false;
- B. The applicant/licensee/permittee has been charged with or received a disposition of guilt either through supervision, probation, or conviction for any offense involving theft, burglary, fraud, bribery, assault, or moral turpitude under the laws of the State of Illinois, of any other state, or of the United States within five (5) years of the date of application;
- C. The applicant/licensee/permittee or their employer has had a previously issued license under this or a similar chapter revoked by the City or by any other municipality or has been convicted of violating any provisions of this chapter within five (5) years of the date of the application;
- D. The applicant has not submitted all required documents at the time of application;
- E. The applicant has outstanding debt with the City;
- F. Applicant/licensee/permittee has engaged in fraud, misrepresentation or false statements in the course of carrying out his business;
- G. Applicant/licensee/permittee has conducted business in an unlawful manner or in such a

manner as to constitute a breach of the peace or as to constitute a menace to the health, safety, or general welfare of the public; or

- H. The City has received no less than three (3) verifiable complaints from citizens regarding misleading or deceptive tactics during a licensing period.

Notice: Immediately upon such denial or revocation, written notice shall be given by the City Clerk or the City Clerk's authorized representative to the applicant, licensee, or permittee, in person, or by first class mail addressed to the applicant's address set forth in the license application. Such notice shall state the action taken and the reasons supporting such action. Immediately upon the delivery or mailing of such notice, any currently issued permit or license shall become null and void. (Ord. 2017-55)

### **5-5-12: APPEAL OF LICENSE DENIAL OR REVOCATION:**

- A. Notice Of Appeal: Any person whose application has been denied or license revoked under this chapter may appeal to the City Manager by filing a written notice of appeal with the City Clerk's Office no later than seven (7) business days after the final action of denying or revoking the license has been initiated. Such appeal shall contain a written statement setting forth the grounds of the appeal. The appealing party shall submit whatever documentation it believes is relevant along with the written notice of appeal for the City Manager's consideration.
- B. Decision Of City Manager Final: The City Manager shall grant or deny the appeal, with or without an evidentiary hearing, no later than ten (10) business days from the date the City Clerk receives notice of the appeal. The decision of the City Manager is final and the person aggrieved shall comply with the provisions of the Illinois Administrative Review Act.
- C. Reapplication Waiting Period: If a license or permit is denied either by the City Clerk, or the City Manager if an appeal is filed, no application for a merchant or vendor license shall be considered by the City for at least six (6) months from the date the denial is effective. In the event that a license or permit is revoked, application from an individual, partnership, business, or corporation will be considered by the City for five (5) years from the date of revocation. (Ord. 2017-55)

### **5-5-13: LICENSE TO BE CARRIED ON PERSON AND EXHIBITED UPON REQUEST:**

Licenses or permits issued to a vendor conducting any type of mobile sale or soliciting orders for

future sales shall be on the vendor's person at all times while conducting business in this City. It shall also be the duty of every vendor to exhibit such permit and allow any information contained thereon to be documented when requested to do so by any law enforcement officer, any City official, or at the request of any citizen of this City. (Ord. 2017-55)

#### **5-5-14: ENFORCEMENT DUTIES:**

The Carbondale Police Department and Building and Neighborhood Services Division are authorized to enforce the provisions of this chapter and to serve summonses and other processes for violations of this chapter. (Ord. 2017-55)

#### **5-5-15: FOOD SALES AND SANITATION:**

- A. The Jackson County Health Department should be contacted about acquiring a health permit prior to conducting sales of food or beverages. A copy of the permit issued to the vendor should be attached to the application before being submitted to the City Clerk's Office. If the Jackson County Health Department suspends or revokes the food service establishment permit, then a license hereunder shall be suspended until the Jackson County Health Department reinstates the food service establishment permit.
  
- B. Vendors must provide for the sanitary collection of all refuse, litter, and garbage generated by their patrons who purchase items or use the service and remove all such waste materials from the location before departing. (Ord. 2017-55)

#### **5-5-16: ADDITIONAL REGULATIONS:**

The City Manager is hereby authorized to make such rules and regulations to implement the provisions of this chapter as are deemed necessary for the protection of the public health and safety. (Ord. 2017-55)

#### **5-5-17: REGULATIONS SPECIFIC TO SOLICITORS (COMMERCIAL AND NONCOMMERCIAL):**

- A. Soliciting: No person shall solicit on any premises if the premises is posted against solicitation by

means of a notice prominently displayed, on which is printed the following legend, or words of similar meaning: NO SOLICITORS, NO PEDDLERS, or NO TRESPASSING. It shall be the duty of each solicitor to first examine any premises for the above-referenced notice and, if present, to immediately and peaceably depart. Any peddler/solicitor who has gained entrance to or who is on any premises, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

- B. Hours: Soliciting shall not occur except between the hours of nine o'clock (9:00) A.M. and six o'clock (6:00) P.M. Monday through Saturday and between twelve o'clock (12:00) noon and six o'clock (6:00) P.M. on Sundays, and State or national holidays.
- C. False, Deceptive Or Misleading Statements: A solicitor shall not misrepresent or make false, deceptive, or misleading statements concerning the quality, quantity, or character of any merchandise offered for sale, his/her identity, or the identity of the organization which he or she represents.
- D. Complaints: If a verbal or written complaint is filed alleging that a solicitor has violated any provision of this chapter, the City Clerk shall promptly send a copy of the written complaint to the solicitor, together with a notice that an investigation will be made as to the truth of the complaint. The solicitor shall be invited to present exculpatory evidence to the City Clerk's Office. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified.
- E. Non-Commercial Solicitation Are Exempt From Licensing Requirements: Licensing requirements for door-to-door solicitation shall not apply to government employees when on official business, persons soliciting on behalf of a bona fide not-for-profit organization, persons soliciting on behalf of a candidate for political office or on behalf of a political party, and a person of the age sixteen (16) and under, who is participating in fundraising programs for, or sponsored by, a public or private elementary or high school or bona fide children's organization including, without limitation, Boy Scouts, Girl Scouts, or youth sports. (Ord. 2017-55)

## **5-5-18: REGULATIONS SPECIFIC TO THE OPERATION OF ICE CREAM TRUCKS:**

- A. A person shall vend only when the ice cream truck is lawfully stopped.
- B. A person shall vend only from the side of the truck away from moving traffic and as near as possible to the curb or side of street.
- C. A person shall not vend to a person standing in the roadway.
- D. An ice cream truck shall not stop on the left side of a one-way street to vend.
- E. The driver of the ice cream truck shall not place vehicle in reverse in order to make or attempt a sale.
- F. Music, chimes, or amplified sounds while vending are permitted between the hours of twelve o'clock (12:00) noon and eight o'clock (8:00) P.M. only.
- G. The operator of an ice cream truck may drive through the streets of the City for the purposes of vending only between the hours of twelve o'clock (12:00) noon and eight o'clock (8:00) P.M. Thereafter, vending may occur only from a single parked location through ten o'clock (10:00) P.M.
- H. Except for those streets identified below, licensed ice cream truck vendors may vend from public streets, in accordance with all other pertinent regulations. No sales shall be made from the roadway along the following streets:
  - 1. Walnut Street between Oakland Avenue and Giant City Road;
  - 2. Main Street;
  - 3. Mill Street;
  - 4. Grand Avenue;
  - 5. Illinois Avenue north of Saluki Boulevard;
  - 6. University Avenue; and
  - 7. Giant City Road. (Ord. 2017-55)

## 5-5-19: REGULATIONS SPECIFIC TO PRIVATE PROPERTY OPERATOR:

- A. **Surety Bond Required:** The applicant shall file with the City Clerk's Office the application, along with a surety bond issued by an insurance company having authority to do business in Illinois or a cash deposit. The amount of the bond or deposit shall be equal to fifty percent (50%) of the wholesale value of the merchandise that the applicant shall offer for sale; however, the amount of the bond or deposit shall not be less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00).
- B. **Fee And License Exemptions:** The following persons or groups shall not be required to obtain a license or are exempt from the license fee under this chapter:
1. **Exempt from fees:**
    - a. Any person selling goods, wares, or merchandise which are raised, produced, or manufactured by him, including farmers, artisans, or other persons wishing to peddle or to hawk farm products, orchard products, or articles of their own make or labor, including milk, butter, chickens, or other articles of their own make or ingenuity;
    - b. Any person selling vegetables, fruit, or perishable farm products which were grown, raised, or produced by him at an established City market;
    - c. Any person operating a stand or booth on or adjacent to property owned by him upon which he resides;
    - d. Any person conducting sales of natural trees, wreaths, or greenery during a holiday season;
    - e. All such persons or classes of persons exempted by State Statute.
  2. **Exempt from license requirements:**
    - a. **Youth Organizations:** Members of the Girl Scouts, the Boy Scouts, and other such youth organizations which are sponsored by the elementary and secondary schools in this City who sell merchandise on behalf of such organizations.
    - b. **Nonprofit Organizations:** Sales, consumer shows, or exhibitions of collectibles conducted or sponsored by governmental, civic, patriotic, fraternal, educational, religious, or benevolent organizations which have been in active and continuous existence for at least one year prior to the holding of the sale, or which are incorporated as a not-for-profit corporation by the State, unless done for the financial gain of the individual, corporation, or other business entity so engaged in such activity.
    - c. **Garage And Yard Sales:** Garage and yard sales.
    - d. **Concessions:** Sales incidental to sporting events, concerts, or performances of plays, circuses, or similar presentations where said sales are conducted by the person producing the event.

- e. Trade Shows: Individuals or business enterprises participating in a consumer show or exhibition of collectibles for which a sponsor's license has been issued, where they are listed on the sponsor's license application.
- f. Political Solicitations: Persons soliciting on behalf of a candidate for public office or on behalf of a political party.
- g. Delivery Carriers: Any person delivering newspapers, fuel, dairy products, or bakery products to regular customers on established routes. (Ord. 2017-55)

## **5-5-20: REGULATIONS SPECIFIC TO COMMUNITY ORIENTED EVENT VENDORS:**

A community oriented event is a special event organized by a bona fide not-for-profit organization and designed for and open to all members of the community where vending will occur. The focus of the event is to celebrate a holiday, historical event, or to promote the community at large. Community oriented events may include, but are not limited to: Lights Fantastic, Noontime Concerts, Founders' Day, Pancake Days, Farmers' Market, and other festivals or celebrations.

- A. Standards For Participation Of Individual Vendors During A Community Oriented Event: The City Manager may prohibit any individual, group, or organization, who is listed as a participating vendor on the community oriented event vending application from participating as a vendor during the event if such individual, group, or organization is determined to be unfit by the City Manager.
- B. Supplemental Documentation To Be Submitted With Application:
  - 1. A signed letter or notification from the organization's local chair or president which denotes the organization's approval of said event.
  - 2. The name of the community oriented event, along with a statement describing the event, including the extent and manner in which City property will be used for such event.
  - 3. A plan, diagram and/or design and description of the location and setup of the community oriented event, in addition to the location of vending stands and waste disposal containers.
  - 4. 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/or the organization sponsoring the community oriented event in the amount of no less than one million dollars (\$1,000,000.00) single limit coverage. The certificate shall also name the City as an additional insured.
  - 5. A list of the type of commodities, goods, wares, or merchandise to be sold or offered for sale by the vendors during the event.



6. The names and addresses of any individuals or business enterprises expected to participate in supplying or selling the commodities under this application, which shall be provided to the City Clerk no less than two (2) days prior to the event. If an individual, vendor, or business enterprise is not listed on the above application in the time period herein, then they shall not be allowed to vend or sell commodities, goods, wares, or merchandise during the event.
  7. The permit fee shall be paid at the time the application is submitted.
- C. Denial: An application shall be denied by the City Manager if the applicant fails to provide information required under this section in the submitted application; if any of the material statements made in the application are false; or if the use for which the application is being sought does not comply with all applicable laws, including, but not limited to, Building, Health, Fire, or Electrical Codes, or any local, State, or Federal law.
- D. Standards For Issuing Community Oriented Event Vending Permit: Within five (5) business days of receipt of a complete and accurate application and permit fee, the City Manager shall determine whether the application is in accordance with applicable provisions of this Code, and whether the applicant and/or sponsoring organization (and its officer(s)) is fit to hold a vending permit in the City.

The City Manager shall consider the following factors to determine the fitness of the applicant and/or sponsoring organization (and its officer(s)):

1. Whether any of the material statements made in the application are false or incomplete;
  2. Whether the applicant or sponsoring organization's officer(s) have previously held a community oriented event permit which event resulted in significant citizen complaints, litter, or required excessive City resources.
  3. Whether the applicant or sponsoring organization's officer(s) has been convicted of violating any provisions of this title within the last five (5) years from the date of application;
  4. Whether the applicant has failed to submit all of the requirements of the application process under this chapter;
  5. Whether the applicant or sponsoring organization's officer(s) has an outstanding debt with the City.
- E. Regulation Of Operations:
1. Permit Dates And Times: Upon approval by the City Manager, a vending permit issued in accordance with the requirements of this chapter shall remain and be in effect for a period of time not to exceed forty eight (48) hours and shall automatically expire thereafter. The City Manager may grant a one-time extension of time for no more than twenty four (24) hours upon request.
  2. Vending Tables: No vending table shall be placed on any street, sidewalk, or right-of-way,

other than at the locations authorized under the permit. Vending tables shall be placed to allow for handicapped access to sidewalks and walkways.

3. **Loudspeaker Or Sound Amplifying Device:** No holder of a vending permit, its representatives, or any person acting under the holder's permit, shall shout, make an outcry, blow any horn, ring any bell, or use any other sound device including, but not limited to, any loudspeaker or sound amplifying device during the authorized event, unless otherwise authorized by the City Manager.
4. **Food Safety:** Any holder of a vendor permit or any person acting under the holder's permit who displays, offers for sale, or sells a food product shall comply with all provisions of the Jackson County Health Department, food service ordinance, and the Food Service Sanitation Code.
5. **Advertising:** During an event, each authorized vendor listed under the application shall advertise the items being vended in a manner that does not cause any interference or unnecessary distraction to motorists.
6. **Refuse Container:** Any holder of a vending permit, and any person acting under the holder's permit, who sells food products shall have reasonable access to a garbage or refuse container (minimum size of 20 gallons) which shall be durable, easily cleanable, and possess a tightfitting lid. The garbage or refuse container must be made available for use by the customers of the vendors.
7. **Compliance With Regulations:** All holders of a vending permit and any person acting under the holder's permit shall comply with all applicable regulations set forth by the Carbondale Police Department, Building and Neighborhood Services Division and the Carbondale Fire Department.
8. **Discrimination:** No holder of a vending permit, nor person, group, or organization acting under the holder's permit, shall discriminate against any person or group during the community oriented event.
9. **Code Compliance:** All community oriented event vending permit holders, and any persons acting under their permit, shall obey, abide by, and comply with all local, State, and Federal laws, in addition to all provisions of this Code. (Ord. 2017-55)

## **5-5-21: REGULATIONS SPECIFIC TO THE OPERATION OF RAFFLES:**

A. **Raffle:** A form of lottery conducted by an organization licensed under this chapter, in which:

1. The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance; and
2. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the

outcome of a publicly exhibited sporting contest.

#### B. Criteria For Holding Raffles And Issuing A Permit:

1. Raffles licenses may only be issued to a bona fide nonprofit religious, charitable, labor, business, fraternal, educational, or veterans' organization which has been in existence continuously for a period of five (5) years immediately before making application for a license and which has had during that entire five (5) year period a bona fide membership engaged in carrying out their objective. No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle. No person may receive any remuneration or profit for participating in the management or operation of the raffle. No person under the age of eighteen (18) years may participate in the conducting of raffles or chances.
2. The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
3. The applicant must specify the areas within the City in which raffle chances will be sold or issued, the time period during which raffle chances will be sold or issued, the time of determination of winning chances and the location or locations at which winning chances will be determined.
4. The license application must contain a sworn statement of the presiding officer that the organization is qualified to hold a license under the provisions of this chapter.
5. A license shall be valid only for the specified number of raffles identified in the application or, in the event of an annual license, any number of raffles during a period not to exceed one year. The maximum period for which chances may be issued or sold for an individual raffle is three (3) months.
6. The aggregate retail value of all prizes and merchandise awarded by a licensee in a single raffle shall not exceed five hundred thousand dollars (\$500,000.00). The maximum retail value of each prize awarded in a single raffle shall not exceed two hundred fifty thousand dollars (\$250,000.00). The maximum price which may be charged for each raffle chance issued or sold shall not exceed five hundred dollars (\$500.00).

- #### C. Fidelity Bond For Raffles Manager:
- All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in a sum equal to the aggregate retail value of all prizes and merchandise to be awarded in the raffle with a solvent surety bond company licensed to do business in the State of Illinois, in favor of the sponsoring licensee, conditioned upon his honesty and performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the licensing authority not less than thirty (30) days prior to its cancellation. The City Manager may waive this bond requirement by including a waiver provision in the license issued to an organization provided that a unanimous vote of the members of the license organization has approved a waiver of the raffles manager's bond.

#### D. Records Of Raffles:

1. Each organization licensed to conduct raffles and chances shall keep the records of its gross receipts, expenses, and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount, and date of payment.
2. Gross receipts from the operation of a raffle program shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operations of raffles shall not be the same person who accounts for other revenues of the organization.
3. Records shall be preserved for three (3) years and the organization shall make available the records relating to the operation of raffles for public inspection at reasonable times and places. (Ord. 2017-55)

#### **5-5-22: REGULATIONS SPECIFIC TO THE OPERATION OF FOOD TRUCKS:**

A food truck vendor is a person engaged in the business of selling food or nonalcoholic beverages from a self-contained motorized vehicle or a self-contained enclosed trailer with valid license plates and registration. A food truck vendor does not include an ice cream truck operator.

- A. Display: No person shall operate as a food truck vendor without having first secured a valid annual license for each vehicle to be operated within the City, and to be displayed in or on each vehicle to be used in the operation of any such business.
- B. Amplified Sound And Utilities: Food truck vendors shall not be permitted to utilize amplified sound. Food truck vendors are not permitted to utilize City water, electric, or other utility to conduct business. When operating as a private property operator, electricity may be utilized with the permission of the property owner.
- C. Vending Stations: Sales occurring on public property by food truck vendors are permitted only from designated food truck vendor areas. Maps of these designated places of sales are available in the City Clerk's Office and on the City's website. The issuance of an annual food truck vendor license does not in any way reserve or designate space in the food truck vendor areas. Availability will be on a first come, first serve basis. Food truck vendors may operate from private property in the same manner as provided for private property operators. If food truck

vendors desire to sell on property owned by Southern Illinois University, they must first obtain written permission from the university. Sales may also be conducted from a Carbondale Park District park, but only when written authorization from the Carbondale Park District is submitted to the City Clerk's Office.

- D. **Vehicle Appearance And Maintenance:** Vehicles utilized for food truck vending shall be kept in good mechanical and structural condition. Vehicles shall have a clean exterior and interior and shall be equipped with signs to alert traffic to proceed with caution past the truck while it is serving customers. Each vehicle shall have the company name affixed to it in a professional, workmanlike manner and in letters that are a minimum of six inches (6") high. The company name shall be affixed to each side and rear of the vehicle. Building and Neighborhood Services and the Carbondale Fire Department will conduct annual inspections of food truck vendor vehicles to ensure compliance with health and safety issues.
- E. **Disposal Of Fats, Oil, And Grease:** Food truck operators must provide the addresses of the businesses or facilities at which any fat, oil or grease generated during the operation of the food truck or food trailer is disposed of, including the contact information for the individual or business responsible for the operation of each such business or facility. Any change in the businesses or facilities used for the disposal of such fat, oil and grease shall be reported to the City Clerk in writing by the food truck vendor within three (3) business days of the first use of the new business or facility. No oil may be disposed of on public property or in the sewer system.
- F. **Liability Insurance Requirements:** Any application for a food truck vendor license requiring a vehicle shall be accompanied by proof of liability insurance in a minimum sum of one million dollars (\$1,000,000.00) and issued by companies licensed to do business in the State of Illinois. Such insurance certificate shall contain an agreement signed by the insurance company that, prior to modification, cancellation or termination of the subject policy, written notice shall be sent to the City by said insurance company.
- G. **Health And Safety Standards:**
1. No tents, tables, chairs, or other displays shall be placed at the designated vending area. Signage shall be limited to signs permanently or magnetically affixed to the vehicle. One A-frame sign shall also be permitted. This sign must be within ten feet (10') of the vehicle and shall be limited to six (6) square feet per side (2 sides permitted). Food truck vendors are not permitted to utilize City water, electric, or other utility to conduct business.
  2. A motorized food truck shall not sit idle while serving food unless its operation is essential to producing the product sold.
  3. Food truck vendors shall only permit sales from the curb side of the vehicle when parked on a City street.
  4. No service area for the operation of a food truck or trailer shall block, obstruct, or interfere with vehicular, bicycle, or pedestrian traffic flow. Food truck vendors must maintain a

minimum four foot (4') wide clear walkway on all public sidewalks.

5. Food truck vendors may operate at one location for a minimum of thirty (30) minutes and a maximum of four (4) consecutive hours and may not return to that same location for a minimum of two (2) hours after leaving.

H. Safe Driver Requirement: The City of Carbondale may revoke any food truck vendor's license if the driver of said vehicle is convicted of a moving traffic law violation occurring while operating a food truck or trailer under a license issued hereunder in the City of Carbondale. (Ord. 2017-55)