

ORDINANCE NO #439

AN ORDINANCE

ADOPTING THE VENDOR'S LICENSE ORDINANCE

**ADOPTED BY THE CITY COUNCIL
OF THE CITY OF CASEY
THIS 16TH DAY OF JULY, 2018.**

**Published in pamphlet for by authority of the City council of the City of Casey,
Clark County, Illinois, this 16TH day of July, 2018.**

CITY OF CASEY
CLARK COUNTY, STATE OF ILLINOIS

ORDINANCE NO. 439

AN ORDINANCE ADOPTING THE VENDOR'S LICENSE ORDINANCE IN THE
CITY OF CASEY, STATE OF ILLINOIS

WHEREAS, Title Five of the Municipal Code of the City of Casey, a Municipal Corporation, addresses Business License and Regulation, and the Council has determined that it is in the best interests of its citizenry that the vendors engaging in the sale of goods, foods and beverage, within the municipality or the Casey Park, by foot, vehicle, or by other movable or temporary structure situated upon the right of way or real property owned or managed by the municipality, be regulated in order to assure good business practices, prevent fraud, prevent crime and to conserve resources of the municipality, and in the best interests for the protection of the public health, safety, morals and welfare of the City of Casey,

WHEREAS, this Chapter is narrowly tailored to the City of Casey's legitimate interest in preventing fraud, and the prevention of crime and protection of its citizenry against unsafe business practices, and as such, is intended to apply only to commercial activities and the solicitation of funds. This Chapter is not intended to interfere with the exercise of free speech and free exercise of rights protected by the first amendment such as political speech and distribution of handbills or religious proselytizing,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CASEY, CLARK COUNTY, STATE OF ILLINOIS, in the exercise of the powers conferred upon them, as follows:

SECTION 1: Chapter 5.45, entitled "Vendor's License," shall read as follows:

5.45.010 "Vendors," shall be expressly defined as a person, or persons, group, corporation, limited liability company, organization, or entity who sells goods, merchandise or wares, beverage or food items whether for immediate or later delivery, for commercial profit, upon property owned, managed or controlled by the City of Casey, provided however, that this section shall not apply to vendors at an annual or periodic festival, city sponsored event, or farmer's market nor to those marketing goods, merchandise, wares, beverages or food items for a group or entity that is a nonprofit or otherwise recognized by the Internal Revenue Service as tax exempt for charitable, religious or educational purposes.

5.45.020 License Required, Application:

It shall be unlawful for any person to engage in the business of Vendor without

first having obtained a license. Applications shall be made to the City Clerk, and shall state the type of structure to be operated, the kind of merchandise, ware, goods, food or beverage to be peddled, solicited, marketed or sold, the location of where the applicant intends to engage in its activities, a permanent address, phone and email of the Vendor, and any other information which might be requested by the City Clerk upon such application form. No license shall be issued without the approval of the City Clerk and without the payment of the fee provided for herein. Said license shall be displayed visibly while the Vendor engages in business. The license shall expire on April 30th following the date of issuance and must be renewed by way of new application. A license is non-transferrable and may not be operated by the estate of any deceased license holder. A license application must be submitted at least two (2) weeks prior to the date of any vending activity permitted herein. All dates and locations of operation shall be approved by the City in advance of operation.

5.45.030 License Fees and Electrical Service:

The fee for a Vendor shall be Fifty Dollars (\$50.00) per year.

In the event the Vendor should require electrical connection for its operation from the City, the Vendor shall pay an amount sufficient to cover the cost of such utility, as determined by the Superintendent of Utilities, for each day it should require service, in advance of the date of service. Service shall only be made available as is within the existing resources of the municipality, and to the extent that there are insufficient resources, Vendors shall be supplied on a first-come, first-served, basis. All hookups and electrical service shall be subject to the approval of the Superintendent of utilities, and to the extent that he or she deems said electrical systems of the vendor insufficient or unsafe, he or she may decline to provide service. In the event that service is declined, the vendor shall not be entitled to any reimbursements.

5.45.040 Insurance Requirements

A Vendor shall be required to carry liability insurance in an amount no less than one million dollars general aggregate, one million dollars per occurrence, and one million dollars personal injury, naming the City of Casey and its officers, directors, employees, and agents as additional insureds on all such policies. The Vendor shall supply a certificate of insurance prior to the commencement of business and shall provide proof of insurance thereafter immediately upon request by a municipal officer.

5.45.050 Violation, Penalties:

It shall be unlawful for any Vendor to operate without a valid license, make an intentional misrepresentation, act beyond the scope specified herein, or to otherwise violate this Chapter. Any person who commits an offense under this Chapter shall be fined not less than \$50.00 nor more than \$500.00 for each offense. The City Clerk may revoke the license of any license holder for any offense.

SECTION 2: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 3: That the City Clerk of the City of Casey is hereby instructed to publish in pamphlet form and placed on public display on the City of Casey Community Board within the City Hall in Casey, Illinois, a copy of the within Ordinance immediately after the passage of same.

SECTION 4: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

ADOPTED this 16 day of July, 2018, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

Approved this 16 day of July, 2018.

ATTEST:

Mayor

City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF CLARK)

CERTIFICATE

I, Jeremy Mumford, Clerk of the City of Casey, County of Clark, State of Illinois, do hereby certify that I am the keeper of the records, files and seal of the said City.

I further certify that on July 16th, 2018, the Mayor and City Council of such municipality passed and approved Ordinance No. 439, which provided by its terms that should be published in pamphlet form.

The pamphlet form of Ordinance No. 439 was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on July 16th, 2018.

I further certify that the within and foregoing is a true, perfect and complete copy of the Vendor's License Ordinance of the City of Casey, County of Clark, and State of Illinois being Ordinance No. #439 of the City of Casey, Illinois, and on file and of record in my office.

Dated at Casey, Illinois, this 16th day of July, 2018.

Jeremy Mumford, City Clerk
City of Casey, County of Clark
and State of Illinois

(SEAL)