

**REGULAR CITY COUNCIL MEETING  
105 S MAIN ST  
FARMER CITY, ILLINOIS  
MONDAY, AUGUST 1, 2022  
6:00 P.M.  
AGENDA**

**PRELIMINARY MATTERS**

1. Call to order
2. Roll call
3. Pledge of allegiance to the flag
4. Proclamations/presentations/recognitions - Presentation of final sidewalk and water/wastewater capital plans.
5. Public Comment

**CONSENT AGENDA**

The following items will be adopted on a single motion without discussion unless a council member requests separate consideration:

- A. Approval of the minutes of the July 5, 2022 council minutes
- B. Fund Warrant List

**UNFINISHED BUSINESS--Ordinances or resolutions previously tabled.**

**NEW BUSINESS--Ordinances and resolutions for initial consideration**

- A. Resolution 2022-72 2022 Heritage Days donation of \$\_\_\_\_\_ from the Hotel/Motel account.
- B. Discussion of Ordinance XXXX An Ordinance Amending Chapter 91, Section 17 (H) "Loud, Disturbing and Unnecessary Noises"
- C. Discussion of food vendor ordinance.

**EXECUTIVE SESSION**

**OTHER ITEMS**

1. City manager report
2. Non-agenda items and other business

**ADJOURNMENT**

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the city clerk's office at (309) 928-2842, 48 hours before the meeting. Staff will be pleased to make the necessary arrangements.

## MINUTES OF THE FARMER CITY, ILLINOIS

### CITY COUNCIL REGULAR MEETING

JULY 5, 2022 6pm

**Roll call** Present: Councilmembers Shelley Friedrich, David Walsh, Willard McKinley, Jason Strough and Mayor Scott Testory.

Also, in attendance: City Manager Sue McLaughlin, City Clerk Angie Wanserski and City Attorney Joe Chamley.

#### **Pledge of allegiance to the flag**

#### **Proclamations/presentations:**

**Public comment:** Marylee Perring submitted a request to talk to council about pool volume and bass levels.

#### **CONSENT AGENDA**

- A. Approval of the minutes of the June 6, 2022 council meeting.
- B. Fund Warrant List  
**MOTION** by McKinley to approve consent agenda. Seconded by Friedrich. Voted unanimously. Motion carried.

#### **UNFINISHED BUSINESS**

#### **NEW BUSINESS**

- A. Approval to reject all bids for the construction of the street garage.  
Only 1 bid to build the street garage was received; it was from Blunier Builders, Inc. The price was significantly more than what was anticipated. Council would like to reject this bid and rebid the project.  
**MOTION** by McKinley to reject all bids for the construction of the street garage. Seconded by Friedrich. Voted unanimously. Motion carried.
- B. Approval of bid from Rowe Construction for Main and Water St project in the amount of \$71701.03.  
2 bids were received for this project with Rowe Construction being the lowest. This project is for the improvement of Main St from Richardson to Allen and E Water St from route 54 to the fork in the road. Monies from both Forward TIF and the Business District will be used.  
**MOTION** by McKinley to approval bid from Rowe Construction for Main and Water St project in the amount of \$71701.03. Seconded by Friedrich. Voted unanimously. Motion carried.
- C. Approval of Retail Strategies contract.  
This item was discussed in the June meeting. There have been no changes. This is a 3-year commitment for a total of \$54,000. There are 3 stages to the agreement and it can be voided at each stage of the contract.  
**MOTION** by McKinley to approve Retail Strategies contract. Seconded by Friedrich. Voted unanimously. Motion carried.
- D. Approval of payout to Popejoy Roofing, Inc in the amount of \$74,281.00.  
This is for the power plant roof replacement. The final amount came in just under the proposed amount.

**MOTION** by McKinley to approve payout to Popejoy Roofing, Inc in the amount of \$74,281.00. Seconded by Friedrich. Voted unanimously. Motion carried.

- E. Resolution 2022-71 Resolution confirming appointment of members of the Farmer City Public Library Board.

The new board members proposed are Patricia Munsell, Janis Maxwell, Kelly Buchanan Ford. This appointment is for a 3-year term and expires June 14, 2025.

**MOTION** by McKinley to approve Resolution 2022-71 Resolution confirming appointment of members of the Farmer City Public Library Board. Seconded by Friedrich. Voted unanimously. Motion carried.

- F. Discussion regarding use of South Park by Farmer City Haunted Forest.

The Haunted Forest committee would like to use South Park for 2 weekends this year. They would like Fridays, from 6-11 to be for walkthroughs only. Saturdays would be as follows: 3-6 matinee, 6:30-8:00 hayrack rides and 8:30-11:30 walkthroughs. The clean up deadline would be November 5<sup>th</sup>.

**MOTION** by McKinley to approve the use of South Park by the Farmer City Haunted Forest. Seconded by Friedrich. Voted unanimously. Motion carried.

## **EXECUTIVE SESSION**

5 ILCS 120/2(c)(1) Personnel to discuss appointment, employment, compensation, discipline and/or performance of specific employee (s) pursuant to Section 2 (c)(1) of the Open Meetings Act.

**MOTION** by McKinley to close open session and go into executive session. Seconded by Friedrich. Voted unanimously. Motion carried.

**MOTION** by McKinley to close executive session and return to open session. Seconded by Friedrich. Voted unanimously. Motion carried.

## **OTHER ITEMS**

### **City Manager report**

City manager McLaughlin informed council that strategic planning will be held next week. The Farmers Market starts tomorrow and runs from 4pm to 8pm. This Thursday from 4pm to 6pm will be the final public input on the masterplan.

### **Non-agenda items and other business**

## **ADJOURNMENT**

**MOTION** by McKinley to adjourn meeting. Seconded by Friedrich. Voted unanimously. Motion carried.

Vendor Name	Net Invoice Amount	
100		
Civic Systems LLC	4,519.00	SEMI ANNUAL SUPPORT FEES
PRESTO X PEST CONTROL	53.11	ADM - PEST CONTROL
MIDWEST MAILING AND SHIPPI	208.00	MAINT AGREE FOR DEGITAL MAILING SYS
QUADIENT FINANCE USA INC.	195.07	ADM
CAMO'S LAWN AND LANDSCAP	500.00	CITY HALL LANSCAPING
FRONTIER	107.16	ADM
FRONTIER	274.42	ADM
City of Farmer City	325.41	ADM
SIMPLIFIED COMPUTERS	1,020.00	ADM
SIMPLY SENNETT	137.50	WEB DEVELOPEMENT
T-MOBILE	30.56	ADM
WRIGHT, JERRY AND BETTY	665.26	ADM - REIMBURSE PROPERTY TAX
WRIGHT, JERRY AND BETTY	478.82	ADM - REIMBURSE PROPERTY TAX
EVANS FROELICH BETH AND	350.00	COUNCIL LEGAL
EVANS FROELICH BETH AND	350.00	COUNCIL LEGAL
EVANS FROELICH BETH AND	140.00	COUNCIL LEGAL
EVANS FROELICH BETH AND	227.50	COUNCIL LEGAL
CLASPILL AUTOMOTIVE	97.47	OIL CHANGE 2017 EXPLORER
TECHNOLOGY MANAGEMENT	132.81	IWIN MEMBERSHIP SERVICES
SPRINT	299.26	POL TELEPHONE
FRONTIER	343.01	POL PHONE
POLICE LAW INSTITUTE	570.00	INSTITUTE ANNUAL FEE
BROWN, TRAVIS	31.59	MILEAGE TO TRAINING
City of Farmer City	82.09	POLICE
Ray O Herron	231.01	NAVY UNIFORM PANTS
CORNGELIO AG	8.57	POLICE
RADAR MAN INC	60.00	RADAR REPAIR
Evergreen FS Inc	1,876.23	POLICE FUEL
McCUMSEY CONSTRUCTION	9,255.00	METAL ROOF ON SALT SHED
LEHIGH HANSON INC.	479.67	CA16
MITCHELL'S TRUCKING	301.19	CA16 CHIPS
Mug - ABug	1,800.00	STS - SPRAY MOSQUITO'S
CAMO'S LAWN AND LANDSCAP	1,050.00	CITY CEMETERY
FRONTIER	42.50	STREET
City of Farmer City	479.24	STREET
NAPA	73.66	TRACTOR FLUID
ALTORFER INC.	94.96	OIL 2.5 GALLONS
CORNGELIO AG	41.99	STREET SUPPLIES
CORNGELIO AG	36.45	STREET SUPPLIES - FIRE
Progressive Chemical	192.24	CAUTION SIGNS
Evergreen FS Inc	294.31	STREET FUEL
LEE FARMS EXCAVATING INC	17,450.00	DEMO CLEANUP REMOVE FIRE DAMAGE
CAMO'S LAWN AND LANDSCAP	420.00	WEEDMAN PARK
CAMO'S LAWN AND LANDSCAP	1,080.00	SOUTH PARK
CAMO'S LAWN AND LANDSCAP	300.00	SOCCER FIELD
CAMO'S LAWN AND LANDSCAP	300.00	STENSIL PARK
City of Farmer City	530.58	PARK
DIAMOND BUILDINGS	5,384.00	PARKS
PRESTO X PEST CONTROL	50.85	POOL PEST CONTROL
FRONTIER	186.70	POOL
Spear Corporation	1,304.00	TRAINING
City of Farmer City	455.37	POOL
Kiefer Aquatics	15.23	SUPPLIES
Kiefer Aquatics	23.00	SUPPLIES
CORNGELIO AG	53.97	POOL
CORNGELIO AG	2.29	POOL
CORNGELIO AG	130.05	POOL

Vendor Name	Net Invoice Amount	
Spear Corporation	5,568.19	CHEMICALS
MCCORMICK DISTRIBUTING	192.60	POOL COCESSION
MCCORMICK DISTRIBUTING	357.66	CONCESSION
MCCORMICK DISTRIBUTING	294.82	CONCESSION
PEPSI BEVERAGES COMPANY	558.20	CONCESSIONS
Spear Corporation	568.42	POOL YELLOW UMBRELLAS
Total 100:	62,680.99	
<b>170</b>		
Sunbelt Rentals	163.73	GUN RANGE
CORNGELIO AG	10.48	GUN RANGE BUIDLING SUPPLIES
Total 170:	174.21	
<b>250</b>		
WRIGHT, JERRY AND BETTY	54.09	LIBRARY
WRIGHT, JERRY AND BETTY	38.93	LIBRARY
Total 250:	93.02	
<b>270</b>		
CAMO'S LAWN AND LANDSCAP	390.00	RETENTION BASIN
Total 270:	390.00	
<b>280</b>		
RETAIL STRATEGIES, LLC	18,000.00	CONSULANT SERVICES
Total 280:	18,000.00	
<b>290</b>		
ILLINOIS PORTABLE TOILETS	145.00	DELIVERY, PICKUP, RENTAL BIKE RIDE
Total 290:	145.00	
<b>490</b>		
GFL ENVIRONMENTAL	12,122.60	MONTHLY TRASH SERVICE
Total 490:	12,122.60	
<b>510</b>		
EVANS FROELICH BETH AND	52.50	WATER LEGAL
City of Farmer City	879.60	WATER
Evergreen FS Inc	183.95	WATER FUEL
Total 510:	1,116.05	
<b>520</b>		
CAMO'S LAWN AND LANDSCAP	150.00	LIFT STATION
City of Farmer City	7,986.62	SEWER
Evergreen FS Inc	809.35	SEWER FUEL
Total 520:	8,945.97	
<b>530</b>		
INTERSTATE BILLING SERV. IN	1,370.10	RIGHT HANDED JOY STICK FOR BOBCAT
NAPA	93.94	TRUCK 9 AIR FILTER

Vendor Name	Net Invoice Amount	
INTERSTATE ALL BATTERY CEN	299.90	BATTERIES FOR TRUCK #9
FRONTIER	169.48	ELEC PHONE
City of Farmer City	1,511.84	ELECTRIC
CORNGELIO AG	63.03	SUPPLIES
ANIXTER INC	290.00	UGUARD FLANGE
Evergreen FS Inc	515.05	ELEC FUEL
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Total 530:	4,313.34	
	<hr/>	
Grand Totals:	107,981.18	
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Vendor Name	Net Invoice Amount	
<b>100</b>		
COOPER, BILLIE	300.00	CLEANING SERVICE
QUADIENT FINANCE USA INC.	1,005.08	POSTAGE
City of Farmer City	429.15	ADM
MEDIACOM	136.90	ADM IT
SIMPLIFIED COMPUTERS	90.00	COPIER ISSUE FIXED
Absopure Water Co	52.25	ADM - DRINKING WATER
Midland Paper Company	144.91	ADM - SUPPLIES
CORNGELIO AG	10.48	CITY HALL SUPPLIES
PARTY IN A PINCH	114.75	COUNCIL PROF SERVICES
Walker Tire Service	212.94	POL VEHICLE MAINT
SMITHAMUNDSEN	399.00	POLICE LEGAL
UNIVERSITY OF ILLINOIS	10.00	AUTISM SPECTRUM CLASS
City of Farmer City	88.22	POLICE
Ray O Herron	831.44	AMMO FOR RANGE TRAINING
Midland Paper Company	144.92	POLICE SUPPLIES
MAURER-STUTZ	1,131.25	JOHN STREET POOL NORTH PARKING LOT IMPROVEMENTS
MAURER-STUTZ	618.75	RESURFACING
FRONTIER	42.66	STREET
City of Farmer City	138.59	STREET
Midland Paper Company	144.91	STREET SUPPLIES
CORNGELIO AG	16.38	STREET SUPPLIES
CORNGELIO AG	.58	STREET SUPPLIES
NICHOLS, DAVE	162.15	VEHICLE REIMBURSEMENT
R.P. LUMBER COMPANY, INC.	97.97	LUMBER TO BUILD HYDRANT FLUSHING
City of Farmer City	659.83	PARK
City of Farmer City	1,565.87	POOL
McMaster-Carr	170.21	LIFE GAURD SIGN
McMaster-Carr	43.31	PLASTIC SIGNS
Midland Paper Company	144.92	POOL
MCCORMICK DISTRIBUTING	326.16	POOL COCESSION
GOLD MEDAL	313.82	POOL CONCESSIONS
Total 100:	9,547.40	
<b>150</b>		
MAURER-STUTZ	453.75	MFT PROGRAM
MCLEAN COUNTY ASPHALT IN	1,381.30	COLD MIX ASPHALT
FAMILY TREE SERVICE	1,100.00	217 E WATER TREE CUT DOWN
Total 150:	2,935.05	
<b>170</b>		
PRAIRIE ENGINEERS	10,601.35	SIDEWALK MASTER PLAN
Sunbelt Rentals	163.73	GUN RANGE
CORNGELIO AG	71.49	POLICE
Total 170:	10,836.57	
<b>270</b>		
MAURER-STUTZ	229.06	PARKING LOT EXPANSION
BOYLE EXCAVATING	2,000.00	SITE PREP FOR PLAYGROUND
Total 270:	2,229.06	
<b>280</b>		
McMaster-Carr	42.04	HANDICAP SIGN

Vendor Name	Net Invoice Amount	
Total 280:	42.04	
<b>510</b>		
CLASPILL AUTOMOTIVE	657.71	REPAIR UTILITY TRUCK OVERHEATING
USA BLUEBOOK	6,463.10	LAB SERVICES
MAURER-STUTZ	1,155.00	CHLORINE PERMIT AT WATER PLANT
FRONTIER	130.06	WATER PHONE
MEDIACOM	12.84	WATER INTERENET
IRWA	456.50	WATER DUES MEMBERSHIPS
City of Farmer City	891.03	WATER
WATER SOLUTIONS UNLIMITED	3,313.84	WATER TREATMENT CHEMICALS
Menards	53.76	WATER SUPPLIES
Midland Paper Company	144.91	WATER SUPPLIES
CORNGELIO AG	114.64	WATER - SUPPLIES
CONTRACTOR'S SUPPLY	28.63	BRILL BIT TO TAP WELL
MIDWEST METER INC.	2,204.00	WATER METERS
G.A. RICH & SONS	900.00	TAP 8" WATERMAIN
Water Products Co.	720.00	WATER MAIN REPAIR REPLACE
G.A. RICH & SONS	26,050.00	REPAIR LIFT STATION
PRAIRIE ENGINEERS	5,070.00	WATER MASTER PLAN
Total 510:	48,366.02	
<b>520</b>		
NAPA	103.71	EQUIPMENT MAINT
COE EQUIPMENT	221.04	EQUIPMENT MAINT - REPAIR HOSE ON VAC TRUCK
PDC Laboratories Inc.	367.44	LAB TESTING
MAURER-STUTZ	535.00	SLUDGE PERMIT RENEWAL
ILLINOIS EPA	3,500.00	ANNUAL NPDES FEE
City of Farmer City	6,577.86	SEWER
Midland Paper Company	144.91	SEWER PAPER SUPPL
CORNGELIO AG	51.62	SEWER - SUPPLIES
AQUA-AEROBIC SYSTEMS INC	71,653.78	TERTIARY FILTER
PRAIRIE ENGINEERS	5,070.00	SEWER MASTER PLAN
Total 520:	88,225.36	
<b>530</b>		
CHEMSEARCH	706.37	CHEMICALS
Walker Tire Service	165.00	BATTERIES
ALTORFER INC.	6,626.54	GENERATOR 6 AND 7
City of Farmer City	1,852.80	ELECTRIC
Midland Paper Company	144.91	ELE - SUPPLIES
Safety-Kleen Corporation	403.06	ELEC - SUPPLIES
ANIXTER INC	534.00	ALUM MAST ARMS
Total 530:	10,432.68	
Grand Totals:	172,614.18	



**RESOLUTION 2022-72**

**RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FROM  
HOTEL/MOTEL ACCOUNT**

**WHEREAS**, the purpose of expenditures from the municipal hotel/motel tax, levied and collected by the City of Farmer City under Ordinance 771, is “to promote tourism and conventions within the city, and otherwise attract nonresident, overnight visitors to the City and;

**WHEREAS**, the City of Farmer City had received a request from the Heritage Days committee for a grant to help defray the costs of the event; and

**WHEREAS**, the City of Farmer City recommends that the city council approves a grant of \$\_\_\_\_\_ for this purpose; and

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMER CITY FARMER CITY, DEWITT COUNTY, ILLINOIS THAT:

FIRST: that the City of Farmer City award a grant of \$\_\_\_\_\_ from the proceeds of the municipal hotel-motel tax to the Farmer City Heritage Days Committee to help defray the costs of putting on the annual Farmer City Heritage Days and

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMER CITY, COUNTY OF DEWITT, ILLINOIS THIS 1<sup>st</sup> DAY OF AUGUST 2022.

AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_ ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Scott Testory, Mayor

\_\_\_\_\_  
Angie Wanserski, City Clerk

Ordinance No. XXXX

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An Ordinance Amending Chapter 91, Section 17 (H)  
“Loud, Disturbing and Unnecessary Noises”

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**Whereas**, the Mayor and City Council previously enacted (H) in Chapter 91, Section 17 to state “All loud and discordant noises or vibrations of any kind” as a public nuisance affecting peace and safety; and

**Whereas**, the City Council for the City of Farmer City desires to make certain amendments to said section to clarify and define noises as loud, disturbing and unnecessary; and

**NOW, Therefore**, be it ordained by the Mayor and City Council of the City of Farmer City as follows, to-wit:

**Section 1. Subsection H. of Section 17 – Public Nuisances Affecting Peace and Safety**, as supplemented and amended, be and the same is hereby further supplemented and amended to read as follows:

H. The creating of any unreasonably loud, disturbing and unnecessary noise within the limits of the City is prohibited. The following acts are declared to be loud, disturbing, and unnecessary noises, in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- (1) Blowing Horns: Causing the sounding of any horn or signal device on any automobile, motorcycle, or other vehicle, so as to create an unreasonably loud or harsh sound, and/or the sounding of such device for an unnecessary and unreasonable period of time.
- (2) Commercial Business: The playing of any amplified sound or musical instruments with such volume inside of a restaurant or tavern, particularly between the hours of 12:00 midnight and 7:00 a.m., or outside of a restaurant or tavern between the hours of 11:00 p.m. and 7:00 a.m., as to unreasonably annoy or disturb the quiet, comfort or repose of the City or of any citizen of the City.
- (3) Yelling, Shouting, Hooting, Etc.: Yelling, shouting, hooting, whistling or singing, particularly on the public streets between the hours of 9:00 p.m. and 7:00 a.m., or at any other time or place so as to unreasonably annoy or disturb the quiet, comfort or repose of any person in the vicinity.
- (4) Pets: The keeping of any animal, bird, or fowl, which by causing frequent or long continued noises, shall disturb the comfort or repose of any person in the vicinity.
- (5) Blowing Whistles: The blowing of any steam whistle attached to any stationary boiler, other than to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper City authorities.
- (6) Exhaust Discharge: The discharge into the open air of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motorboat engine, except through a muffler or other device, which effectively prevents loud or explosive noises therefrom.
- (7) Building Operations: The erection (including excavation), demolition, alteration or repair of any building, or the excavation of streets or public places, in any residential area, other than between the

hours of 7:00 a.m. and 9:00 p.m., except in case of urgent necessity in the interest of public health and safety, and then only with a written permit from the City.

- (8) Noises Near Schools, Medical Facilities, Churches, Etc.: The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in session, or adjacent to any medical facility, which unreasonably interferes with the workings or sessions thereof.
- (9) Noises To Attract Attention: The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise which may unreasonably annoy or disturb the quiet, comfort or repose of the City or of any citizen of the City.
- (10) Loudspeakers Or Amplifiers: The unreasonable use of any amplifiers or loudspeakers in the course of any public address
- (11) Operation Of All-Terrain Vehicles, Off Highway Motorcycles, Snowmobiles, Lawn Mowers And Devices Using Internal Combustion Engines: Except as provided in this subsection, the operation of any all-terrain vehicle, off highway motorcycle, snowmobile, lawn mower or other devices using internal combustion engines from 9:00 p.m. to 7:00 a.m. For purposes of this section, the terms "all-terrain vehicle" and "off highway motorcycle" shall have the meaning ascribed to those terms by the Illinois vehicle code. It shall not be a violation of this subsection for any person to drive or operate any all-terrain vehicle, off highway motorcycle, snowmobile, lawn mower or other devices using internal combustion engines when:
  1. Loading or unloading such vehicle onto another vehicle or transporting the vehicle from one place of storage to another. When loading, unloading or transporting any such vehicle as authorized by this subsection, the motor shall be operated at the lowest rate which will allow movement of the vehicle at walking speed; or
  2. Such vehicles or engines are used by law enforcement officers for law enforcement purposes; or
  3. There is an emergency.
- (12) Exceptions to Regulations. The following are exempt from the above regulations:
  1. Sirens and bells on emergency vehicles
  2. Fire and burglar alarms
  3. Civil defense warning systems
  4. Train whistles and horns
  5. Authorized fireworks displays
  6. Authorized concerts and parades and other events
  7. The operation of lawn and garden maintenance equipment at a golf course within the city limits, so long as the operation of such equipment does not commence before 6 am or after 10 pm
  8. Exceptions to this noise ordinance may be granted by action of the City Council or City Manager on a case-by-case basis

**Section 2.** Should any section or provision of this Ordinance be declared to be invalid, that decision shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section 3. Effective Date.** The provisions of this Ordinance shall become effective 10 days after its passage, approval and publication as required by law.

**Section 4. Conflict.** All other ordinances or parts of ordinances which are in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby superseded.

**Section 5. Publication.** The City Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form immediately after passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMER CITY,  
COUNTY OF DEWITT, ILLINOIS THIS 1st DAY OF AUGUST 2022.

AYES: \_\_\_ NAYES: \_\_\_ ABSTAIN: \_\_\_ ABSENT: \_\_\_

ATTESTED:

\_\_\_\_\_  
Scott Testory, Mayor

\_\_\_\_\_  
Angie Wanserski, City Clerk

**Section One: Definitions**

*Beverage* means any non-alcoholic liquid, hot or cold, intended for use in whole or in part for human consumption. Alcohol beverage sales by mobile food vendor units is not allowed.

*Brick-and-Mortar Business* is a business lawfully operating at a fixed location within a building in the city limits.

*Public Property* means all outdoor areas that are owned, or leased as lessee, by the city or one of the city's departments, or upon which the city or one of its departments has an easement or right of way including, but not limited to, streets, alleyways sidewalks, plazas, parking lots or other areas adjacent to buildings owned by the city or one of its departments.

*Mobile Food Vendor and/or Unit* means a person who sells, serves, offers for sale, or gives away food or beverages from any self-contained mobile unit, independent with respect to water, sewer and power utilities, capable of moving or being moved, is meant to be portable and is not permanently attached to the ground, consisting of an enclosed truck, trailer, bus, or similar vehicle that contains equipment used for sale and/or preparation of food or beverage merchandise and is closed up when not in operation.

A mobile ice cream truck, whose route is residential only, and that does not park or locate in any one place for longer than ten minutes, is not considered a mobile food vendor unit for purposes of this chapter, but only as it pertains to Section Thirteen Restrictions.

*Private Property* means all outdoor areas that are not owned or leased by any governmental agency or entity, including, but not limited to, streets, alleyways, sidewalks, plazas, parking lots, or other areas adjacent to buildings not owned by a governmental agency or entity.

*Special Event* is any event so designated by the City of Farmer City.

*Restaurant* is a place where people pay to sit and eat food that is cooked or baked and served on premises.

**Section Two: Operations Generally**

It is unlawful to locate a mobile food vendor unit in the city except in accordance with the provisions of this chapter.

**Section Three: Permit to Operate**

- a. It is unlawful to locate a mobile food vendor unit in the city without first having secured a City of Farmer City permit to do so as provided by this chapter.
- b. A separate permit shall be required for each mobile food vendor unit.

**Section Four: Mobile Food Vendor Permit Application**

Any person desiring a permit under this chapter shall submit a fully completed application to the city clerk at least fourteen days prior to the proposed date of utilizing the mobile food vendor unit in the City. Applicants may be owners or operators of mobile food vendor units, or private entities. The application must set forth or have attached the following information as specified.:

- a. The applicant's name, current physical address, phone number, email address and date of birth;
- b. The name, current physical address, and phone number of the person or entity the applicant is employed by or represents, and the length of time of such employment or representation. The name, if any, of the person or entity that owns or operates the vehicle and/or trailer, if different from the name of the mobile food vendor unit;
- c. The license plate number of the mobile food vendor unit vehicle to be used to serve customers;
- d. The type of products to be sold;
- e. The place or places where the mobile food vendor unit will operate and a written statement, if applicable, from the owner of any private business property authorizing the applicant to use the property.
- f. The mobile food vendor unit may enter into a lease agreement with a business property owner to have their mobile food vendor unit located long-term on the business owner's property at the location of the business. At the time of the application, the owner of the business property and the mobile food vendor unit must notify the city of the arrangement, and the mobile food vendor unit must follow all conditions and terms of this Ordinance.
- g. The duration of the permit being sought;

**Section Five: Mobile Food Vendor Permit Prerequisites**

An application for a permit under this chapter shall not be considered unless proof of the following is provided with the application:

- a. A copy of a valid driver's license of the individual that will be operating the mobile food vendor unit;
- b. A copy of the Illinois registration for the mobile food vendor unit.
- c. Proof of registration as a business with the Illinois Secretary of State, if a corporation or limited liability company;
- d. Proof of a federal employer tax identification number;
- e. Proof of insurance in the amount required by this chapter;
- f. A liability insurance policy covering the subject vehicle and/or trailer.
- g. A copy of the vehicle and/or trailer's registration.
- h. A copy of the Food Handler's Certificate for each employee as required by the Illinois Department of Public Health; and
- i. A copy of the proper mobile food vendor unit license from the Illinois and/or Bureau County Health Department.

**Section Six: Permit Duration and Fee**

- a. Each applicant shall pay a permit fee in accordance with the schedule set forth below. The year-to-year permit period runs from January 1 through December 31.

The following fee schedule goes into effect January 1, 2023:

- (1) A One Day Permit: \$40 (7 AM to 10 PM)
- (2) A Consecutive Six-Month Permit: \$200
- (3) One Year Permit: \$300

- b. The following listed organizations and/or entities, while required to obtain a permit under this chapter, are exempt from having to pay fees, so long as the proceeds raised are used exclusively for religious, charitable or educational purposes:

- (1) Churches
- (2) Schools
- (3) Benevolent organizations
- (4) Fraternal organizations
- (5) Other similarly situated organizations. The City shall be the sole arbiter of whether an organization or entity is such an organization.

- c. Also exempt from paying fees, but otherwise required to obtain a permit, is any brick-and-mortar restaurant located within the city limits of Farmer City, who also operates a mobile food vendor unit.

**Section Seven: Cessation of Business**

No deductions or rebates shall be allowed from the fee for a permit issued pursuant to this chapter for any part of the term of which the permit holder does not engage in such business.

**Section Eight: Business Insurance and Indemnity**

- a. Each applicant for a permit shall provide a certificate of insurance to the City of Farmer City Clerk, insuring the applicant, and explicitly naming the City of Farmer City as co-insured, against liabilities and in the amounts relative to such activity:

- (1) Commercial general liability of not less than \$500,000;
- (2) The insurance shall provide for 30 days prior written notice to the City of Farmer City if coverage is changed, cancelled or non-renewed.

- b. The City of Farmer City shall be named as an additional insured on the permittee's liability policy on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a mobile food Vendor unit, and the permittee shall indemnify, defend and hold the city harmless from any loss that results directly or indirectly from the permit issuance.

**Section Nine: Permit Issuance**

- a. The clerk shall within 7 days of receipt of the completed application issue the business permit to the applicant if the clerk finds the following:
  - (1) Compliance with all provisions of this chapter;
  - (2) The applicant has not had a prior permit issued under this chapter, or any other similar permit or license authorized by a different governmental entity, suspended or revoked; and
- b. Failure of the clerk to issue a permit within seven days of completion of the application constitutes denial of the application.

**Section Ten: Permit Transferability**

A permit issued pursuant to this chapter shall not be transferable.

**Section Eleven: Permit Identification**

- a. All permits issued by the clerk under this chapter shall be prominently displayed on the mobile food vendor unit and shall be shown to any person who requests to view the permit.
- b. Failure to display or exhibit a permit in accordance with this section may be grounds for suspension or revocation of the permit.

**Section Twelve: Safety and Ordinance Inspections**

If, at any time, the City of Farmer City, or State or County officials believe that a mobile food vendor unit operating within the city limits of Farmer City is not in compliance with the mobile food vendor unit ordinance or state or local health regulations, the mobile food vendor unit must allow inspections as pertains to the following:

- a. *City Ordinances and Police and Fire Department Regulations.* All health, safety, and parking regulations applicable to mobile food Vendors, must be complied with at all times, as well as Police and Fire department guidelines. City representatives, police, and fire personnel will be permitted to inspect mobile food Vendors to ensure all Ordinances and Regulations are being complied with while operating within the city limits, whether on public or private property. Failure to permit an inspection by a City representative, Police Officer or Fire Department personnel may result in suspension or revocation of the vendor Permit.
- b. *State.* Mobile Food Vendors must ensure that they are following the Illinois Department of Public Health FDA Food Code and all other State Health, safety or sanitation requirements applicable to Mobile Food Vendors.
- c. *County.* Vendors must ensure they are following the Dewitt County Health Department regulations and all other County health, safety or sanitation code applicable to Mobile Food Vendors.

**Section Thirteen: Location Restrictions**

(1) Mobile Food Vendor Units:

- a. No Mobile Food Vendor nit shall locate in an alleyway.
- b. No Mobile Food Vendor Unit shall locate on the private property of a business



- unless the private property business owner has provided the mobile food vendor unit permission to operate on said property.
- c. No Mobile Vendor Unit shall operate within a one block radius of a Special Event unless prior approval has been granted by either the operator of the special event or by the City of Farmer City.
- d. No mobile food vendor unit shall be located in a manner that would impede or prevent use of any City of Farmer City owned property, or which would endanger the safety or property of the public.
- e. No mobile food vendor unit shall be located within fifteen feet of any fire hydrant.
- f. No mobile food vendor unit operating on private business property shall displace required parking, handicap parking or displace landscaping, nor block any drives, parking access aisles, fire lanes, sidewalks, or accessible routes required for private parking.
- g. No mobile food vendor shall park near an intersection and in a manner that blocks the line-of-sight of drivers using adjacent roadways.

**Section Fourteen: Days and Hours of Operation**

Mobile food vendor units are allowed to operate in the City of Farmer City seven days a week, from 7 AM until 9 PM, whether on public property or on the property of a private business however;

Mobile food vendor units that set up at a public property location must not do so earlier than 6:30 AM, and they must vacate the premises no later than 9:30 PM.

**Section Fifteen: Special Events**

Special events, as defined, are designated by the City of Farmer City:

- a. From time to time, there may be a business, or a community service-related organization, that wants to hold a special event on public property that is not sponsored by the City of Farmer City or the Farmer City Chamber of Commerce or other entity, where mobile food vendor unit(s) are preferred. Special events, as such, will first be applied for via a City of Farmer City Special Event Application no later than 2 weeks prior to the special event, on which the request for a mobile food vendor unit(s) shall be documented. It is the special event organizer and the mobile food vendor's responsibility to ensure approval by the city of the special event before advertising and holding any such special event;
- b. Mobile food vendor unit limitations regarding locations, alcohol sales and hours of operation do not apply to special events on public property that are sponsored by the City of Farmer City, City of Farmer City Tourism or the Farmer City Chamber of Commerce. Mobile food vendor units must comply with all other terms and conditions provided for in this chapter.

**Section Sixteen: Additional Taxing Districts Within The City**

Farmer City Fire Protection District, Blue Ridge School District, Santa Ana Township, DeWitt County:

- a. Mobile food vendor units are allowed to operate on properties owned and maintained by the aforementioned taxing bodies, irrespective of zoning, via invitation and permission of the taxing body, so long as the event occurs on the property of the

taxing body, within the City of Farmer City, and the event benefits the taxing body that is hosting the event. Mobile food vendor units must comply with all other terms and conditions provided for in this chapter.

### **Section Seventeen: Tax Revenue**

All sales by mobile food vendor units operating anywhere in the city that are subject to sales and use tax, and that occur while operating within the city limits of Farmer City, must be reported with required payment to the Illinois Department of Revenue, with the City of Farmer City identified as the point of sale.

### **Section Eighteen: Standards of Conduct**

All mobile food vendor units shall conform to the following standards of conduct:

- a. Mobile food vendors shall conduct themselves at all times in an orderly and lawful manner, and shall not make, or cause to be made, any unreasonable noise of such volume as to be in violation of the City of Farmer City Noise Ordinance;
- b. A device may not be used that amplifies sounds or draws attention to a mobile food vendor unit by an aural means or a light producing device such as bull horns or strobe lights;
- c. No mobile food vendor unit may be permanently or temporarily affixed to any object, including but not limited to buildings, trees, telephone poles, streetlight poles, traffic signal poles or fire hydrants;
- d. No mobile food vendor unit may be used to advertise any product which is not authorized to be sold from that unit;
- e. Each mobile food vendor unit shall protect against littering and shall have both an adequate trash receptacle and a separate receptacle for recyclable materials:
  - (1) The trash and recyclable receptacles shall be emptied sufficiently often to allow disposal of litter and trash by the public at any time;
  - (2) The trash and recyclable receptacles on the mobile food vendor unit shall not be emptied into trash or recyclable receptacles owned by the City of Farmer City;
  - (3) Liquid from the mobile food vendor unit shall not be discharged on or in a city sewer or drain or elsewhere on city property, nor on private property;
- f. Before leaving any location, each mobile food vendor unit shall first pick up, remove and dispose of all trash, refuse and/or recyclable material, including products spilt on the ground within twenty feet of the mobile food vendor unit;
- g. No mobile food vendor unit shall expose any pedestrian to any undue safety or health hazards nor shall it be maintained so as to create a public nuisance;
- h. Mobile food vendor units shall not be stored, parked or left overnight on any city property;
- i. Foods, oils and greases shall never be discharged into the city's sewer or storm drains, or city owned trash receptacles, nor on any public or private property;

### **Section Nineteen: Restriction on Use and Permits**

The City of Farmer City has exclusive authority to restrict the use of mobile food vendor units and the issuance of permits for mobile food vendor units under the following conditions:

- a. The city may restrict the use of mobile food vendor units in certain designated areas of the city at any time in the event of an emergency declared by the mayor, the chief

- of police, the fire chief and/or and duly appointed designee; and
- b. Absent an emergency, the city may restrict the use of mobile food vendor units in areas that would typically allow operation after providing affected mobile food vendor unit permit holders written notice of the restriction at least twenty-four hours in advance of the restriction going into effect.

**Section Twenty: Suspension or Revocation of Permit**

1. Any mobile food vendor unit permit issued under this Ordinance may be suspended or revoked by the Mayor if the Mayor finds any of the following to be true:
  - a. The Vendor failed to permit an inspection by a City representative, and/or Police Officer or Fire Department personnel or by the county or state health department;
  - b. An inspection reveals that the Vendor is not operating in a manner that is safe to the health, safety and welfare of the public;
  - c. The mobile food vendor unit is operating or has operated in a location within the city that is not permitted;
  - d. The mobile food vendor unit failed to abide by a city official's or Police Officer's request to relocate due to the vendor blocking, obstructing or interfering with vehicular, bicycle or pedestrian flow;
  - e. An operator of the mobile food vendor unit vehicle is convicted of moving violations while operating under a mobile food vendor unit permit while in the City of Farmer City;
  - f. The mobile food vendor unit has failed to maintain all the certificates, licenses and permits required by state, county or local Ordinances, or is not in compliance with the State, County or City's laws and regulations, including but not limited to the Illinois Department of Public Health Food Service Sanitation Code and any other State, County or City regulations that apply to mobile food vendor units; and
  - g. If a mobile food vendor unit fails to report to the Illinois Department of Revenue, for the purpose of sales tax, that Farmer City is the Point of Sale on all transactions that occur while operating in the City of Farmer City, which would result in the City of Farmer City not receiving due sales tax revenue.
  - h. The Mobile Food Unit or Unit has otherwise violated or failed to comply with this Chapter.

*Appeal.* If the Mayor suspends or revokes the mobile food vendor unit's permit, City of Farmer City staff will mail a notice of suspension or revocation to the address listed on the permit application and will state the reasons for the suspension or revocation. The mobile food vendor unit may appeal a decision of the Mayor to the City Council within fourteen (14) days of the mailing date. The City Council shall hear the appeal within 30 days, and the decision of the City Council will be final.

**Section Twenty-One: Violations and Penalties**

In addition to suspension or revocation of a permit, any person, partnership, limited liability company or corporation that violates any provision of this chapter, shall also be subject to the following penalties:

1. Operating a mobile food vendor unit without a valid City of Farmer City permit.

First Offense	\$400
Second Offense within any 12-month period	\$500
Third Offense, or each thereafter, within any 12-month period	\$750

2. Failure to comply with any other provision of this chapter:

First Offense	Written Warning
Second Offense within any 12-month period	\$200
Third Offense within any 12-month period	\$400
Fourth Offense, or each thereafter, within any 12-month period	\$750

If a mobile food vendor is fined a monetary amount under either sub-section, the mobile food vendor unit's permit will be suspended until such time that the fine is paid in full.

**Section Twenty-Two: Reservation of Rights**

- a. The City of Farmer City reserves the right to change, modify, clarify any section and sub-section of this chapter at any time deemed necessary;
- b. If an unforeseen issue presents itself that is not addressed in this chapter, the City of Farmer City reserves its sole right to resolve at its discretion;
- c. Any change or modification or clarification to any section and sub-section of this chapter that is deemed to be restrictive to mobile food vendor units, will go into effect the following January upon passage of an amendment to this Ordinance;
- d. Any change or modification or clarification to any section and sub-section of this chapter that is deemed to be beneficial to mobile food vendor units shall be effective immediately, upon passage of an amendment to the chapter;
- e. The foregoing notwithstanding, any change or modification that arises out of a health or safety concern, regardless whether it benefits or further restricts mobile food vendor units, shall be effective immediately, upon passage of an amendment to the chapter.

CITY	PERMIT	INSURANCE	LOCATIONS
Monticello	\$25/vehicle; \$10/addtl	Proof of liability	Private property only; special event only for public
Heyworth	\$100/ea up to \$500 max	\$1,000 individual bond; \$1,000/ee bond	Private property only; special event only for public
Gibson City	\$50/EA		
Mahomet	\$25 App fee; \$50 Permit f.	Proof of liability	Designated downtown public spaces; 5 parks
	\$75/year or \$30/month for peddlers; \$150/year or \$40/month for itinerant merchants		
Clinton			Private property only; special event only for public

HOURS RESTRICTIONS

MISC

8AM-9PM Daily except special events

No seating except with special event; no more than 8 hours except special event

8AM-1 hr after sunset; Commercial zones 6AM-3AM

Similar to our current ordinance; meant more for door to door solicitation

3 categories vendor fees (\$10/20, \$15/30, \$20/40); Requires health dept permit; Fire safety inspection

7AM-10PM

9AM-7PM weekdays; Sundays/holidays prohibited

Exemptions: farmers market, special events, garage sales;