

CHAPTER 14

FOOD DEALERS

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ARTICLE I. FOOD DEALERS

Sec. 14.1 Definition

The term *food dealer* as used in this Article shall be construed to mean and include every person, firm or corporation engaged in conducting or operating any of the following businesses:

- Fruit store or establishment for the retail sale of fresh fruits and berries
- Grocery store, or establishment for the retail sale of butter, cheese, vegetables, or other provisions
- Ice cream parlor
- Meat market or establishment for the retail sale of fresh meat, poultry or fish
- Retail beverage store
- Bakery
- Restaurant
- Convenient food store wherein food is sold in addition to gas and/or other products

Sec. 14.2 License Required

It shall be unlawful to engage in the sale or distribution of milk or cream in the Village without having first obtained a license therefor. The annual fee for such license shall be Five Dollars (\$5.00).

Sec. 14.3 Applications

Applications for such licenses shall comply with the general regulations governing such applications, and shall state, in addition, to the other information required, the source of supply of the milk to be sold.

Sec. 14.4 Unwholesome Food

No person, firm or corporation shall sell, offer for sale, or keep for the purpose of selling or offering for sale, any food of any kind which is spoiled or tainted or is unwholesome and unfit for human consumption, for any reason.

All tainted or unwholesome food intended for human consumption may be seized and destroyed by any police officer of the Village.

Sec. 14.5 Adulteration

It shall be unlawful to sell, offer for sale, or keep for such purpose, any food or drink intended for human consumption which has been adulterated by any material harmful in any way, or which does not comply with the State statutes governing the same.

Sec. 14.6 Sanitary Regulations

Premises used for the sale or storage of food intended for human consumption must be kept in a clean and sanitary condition. It shall be unlawful to permit any accumulation of refuse, or waste of any kind thereon except in adequately covered containers.

Sec. 14.7 Inspections

The Village or its designated representative may inspect or cause to be inspected, every place, building or establishment, used for storage, handling, sale or preparation of food or drink intended for human consumption. It shall be the duty of every food dealer to give the inspector such samples of each food or drink as may be necessary for the purpose of making an analysis of the same to determine whether it is clean and wholesome.

Sec. 14.8 Flies and Vermin

Premises used for the storage of food intended for human consumption shall be kept free from flies and vermin of all kinds.

Sec. 14.9 Employees

All persons engaged in handling or coming in contact with food or drink intended for human consumption shall keep themselves clean and shall keep their clothes clean. It shall be unlawful to permit any person afflicted with a contagious or venereal disease to handle any food intended for sale for human consumption, or for any such person to handle any such food.

Sec. 14.10 Construction of Terms

The term *food* as used in this Article shall be construed to mean any food or beverage intended for human consumption.

Sec. 14.11 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 14.12 Sidewalk Café/Patio - Definition

A “Sidewalk Café/Patio” is an area used by a licensee holding a Restaurant license to be used for the seating of restaurant patrons, the service of food and possibly alcoholic beverages to such patrons pursuant to applicable licenses, which Sidewalk Café/Patio is located adjacent to the current restaurant building/structure and in between such building/structure and a public right-of-way (sidewalk and/or street). (2009-5; 9/1/09)

Section 14.13 Sidewalk Café/Patio Requirements

It shall be unlawful for any Restaurant (as defined in Chapter 15, Article I, Sec. 15.1) to operate a sidewalk café area as part of the restaurant’s regular operation, and if applicable, to serve food or beverages (including Alcoholic Liquor as defined in Chapter 15, Article I, Sec. 15.1) without having obtained a license therefor pursuant to this Article and applicable provisions of Chapter 15. Any such license shall only be issued upon the following conditions:

- a. Such license shall be applicable for the time period beginning March 1st and ending November 30th unless extended on an annual basis by the President with approval of the Board;
- b. The applicant must have approved licenses for operation of an indoor restaurant and sale of alcoholic beverages issued by the Village and State of Illinois, if applicable;
- c. The sidewalk café/patio area must be adjacent to the restaurant building, be located between the restaurant building and the street right-of-way (but not in said right-of-way) in accordance with any applicable zoning requirement so as not to allow access to the sidewalk or street, and have access only through the restaurant building or a fenced gated entrance as provided in subsection h.;
- d. The applicant shall submit a drawing with the application showing the location of the proposed sidewalk café/patio area, the height, design and type of fencing to be used, the location of access to the sidewalk café/patio area, and such other information as may be required by the President and/or Zoning Officer;
- e. Alcoholic beverages may not be sold from the sidewalk café/patio area;
- f. The sidewalk café/patio shall be in use only during the normal business hours of the Restaurant;
- g. If Alcoholic Liquor is to be consumed on the sidewalk café/patio area, no such license shall be issued unless the operator has a valid Class A, B or F license for the sale of Alcoholic Liquor;
- h. There may be one gated access from the sidewalk café/patio to the sidewalk/street if the location is approved by the President and Board;
- i. The annual fee for such license shall be One Hundred Dollars (\$100.00) due at the time of filing the application. (2009-5; 9/1/09)

Section 14.14 – 14.49 Reserved

ARTICLE II. (RESERVED)

Sec. 14.50 – 14.99 Reserved

ARTICLE III. FOOD DELIVERY VEHICLES

Sec. 14.100 License Required

It shall be unlawful to use or permit the use of any vehicle, including wagons and motor vehicles and vehicles propelled by manpower, for the storage or carrying of any meat, poultry, fish, butter, cheese, lard, vegetables, bread or bakery goods or any other provisions intended for human consumption, including beverages and milk, in the Village for the purpose of delivering any such foodstuffs to any place in the Village for use and consumption, unless a license for such vehicle is first secured and the provisions of this Article are fully complied with.

The fee for such license shall be Thirty Dollars (\$30.00) per year.

Sec. 14.101 Application

Applications for such licenses shall be made to the Village Clerk, and shall recite the names of the persons from whom such deliveries are made and the nature of the goods carried. The Clerk shall issue such licenses, and shall give the President of the Village, a list of all such licenses issued.

Sec. 14.102 Regulations

All such vehicles shall be kept in a clean and sanitary condition and shall be thoroughly cleaned each day that they are so used. It shall be unlawful to permit stale food, decaying matter, or any other waste material or product to accumulate in or on any such vehicle while it is so used.

If unwrapped foodstuffs are transported in any such vehicle, such goods shall be carried in a portion or compartment of the vehicle which is screened and protected against dust and insects.

Sec. 14.103 Inspections

It shall be the duty of the Village President to make or cause to be made such inspections as may be necessary to insure compliance with the provisions of this Article.

Sec. 14.104 Penalty

Any person, firm, corporation or organization who violates, neglects, or refuses to comply with this Article, shall be fined not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for the first offense, not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for the second offense, and not less than Two Hundred and Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each subsequent offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed hereunder shall be in addition to, and not as a substitute for, any other remedy available to the Village for such violation (including, if applicable, revocation of any issued license). Any person desiring to plead guilty to an offense may do so by signing an appropriate form and by paying the minimum authorized fine directly to the Village Collector.

Sec. 14.105 – 14.119 Reserved

ARTICLE IV. REVOCATION OF LICENSE

Sec. 14.120 Revocation of License

Any license issued under the provisions of this Chapter may be revoked by the Village President for any violation of any Section or regulation hereof, and such revocation shall be in addition to any fine imposed by virtue of this Chapter.