

Mascoutah City Council

August 3, 2020

REGULAR MEETING AGENDA

7:00 pm – City Council Meeting

Virtual Public Participation – see below for instructions on attending

1. PRAYER & PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. ROLL CALL

4. AMEND AGENDA – consideration of items to be added/ deleted to /from the meeting agenda. *No action can be taken on added items, but may be discussed only. Exceptions – emergency items as authorized by law.*

5. MINUTES, July 20, 2020 City Council Meeting (Page 1 to Page 3)

6. PUBLIC COMMENTS (3 minutes) – opportunity for the public to comment.

7. REPORTS AND COMMUNICATIONS

- A. Mayor
- B. City Council
- C. City Manager
- D. City Attorney
- E. City Clerk

8. COUNCIL BUSINESS

A. Council Items for Action –

1. Code Change – Business Code – Establishing Rules and Regulations for Mobile Food and Beverage Vendors (second reading)

(Page 4 to Page 16)

Description: Council approval and adoption of an Ordinance thereby modifying Chapter 7 Business Code, Article IV, Food Establishments and Article V, Mobile Food and Beverage Vendors.

Recommendation: Council Approval and Adoption of Ordinance.

B. Council Miscellaneous Items

C. City Manager

9. PUBLIC COMMENTS (3 MINUTES)

10. ADJOURNMENT TO EXECUTIVE SESSION - NONE

11. MISCELLANEOUS OR FINAL ACTIONS

12. ADJOURNMENT

POSTED 7/30/20 at 5:00 PM

Gov. Pritzker's March 16th Executive Order waived the attendance requirements for public meetings to allow for virtual attendance. The City Council members will be meeting in person. However, in-person public attendance will not be allowed, but public attendance and comment will be available through the virtual zoom meeting.

Please join my meeting from your computer, tablet or smartphone.

<https://us02web.zoom.us/j/89836960729>

You can also dial in using your phone.

United States: +1 (312) 626-6799

Access Code: 898 3696 0729

CITY OF MASCOUTAH
CITY COUNCIL MINUTES
#3 WEST MAIN STREET
MASCOUTAH, IL 62258-2030

JULY 20, 2020

The minutes of the regular virtual meeting of the City Council of the City of Mascoutah.

PRAYER AND PLEDGE OF ALLEGIANCE

City prayer was delivered by City Clerk Melissa Schanz. The Council remained standing and recited the Pledge of Allegiance.

CALL TO ORDER

Mayor Gerald Daugherty called the meeting to order at 7:00 p.m.

ROLL CALL

Physically Present: Mayor Gerald Daugherty and Council members John Weyant, Pat McMahan and Walter Battas

Virtually Present: Council member Michael Baker.

Absent: None.

Other Staff Physically Present: City Manager Brad Myers, Assistant City Manager Kari Speir, City Clerk Melissa Schanz, City Engineer Tom Quirk, Police Chief Scott Waldrup.

Other Staff Virtually Present: City Attorney Al Paulson and Fire Chief Joe Zinck.

Establishment of a Quorum: A quorum of City Council members was present.

AMEND AGENDA

None.

MINUTES

The minutes of the June 15, 2020 regular City Council meeting were presented and approved as presented.

Motion passed. Passed by unanimous yes voice vote.

PUBLIC COMMENTS

None

DEPARTMENT REPORTS

Fire Chief Joe Zinck – July 2020 report was provided.

Police Chief Scott Waldrup – July 2020 report was provided.

Finance Coordinator Lynn Weidenbenner – absent – Monthly financials provided.

Public Works Director Jesse Carlton – absent – July 2020 building and status reports was provided.

City Engineer Tom Quirk – Status report on public projects was provided.

REPORTS AND COMMUNICATIONS

Mayor

Mayor stated that Gene Isbell has resigned from the Fire and Police Commission.

McMahan moved, seconded by Battas to appoint Jon Vernier to the Fire and Police Commission.

Motion passed. AYE's – Weyant, McMahan, Baker, Battas, Daugherty. NAY's – none.
ABSENT – none.

Mayor presented proclamation for the Noon Lions Club.

Attended the following meetings and functions: Conference calls - Covid 19, IML Executive Board Meeting via phone, SLM Meeting, Chamber Meeting, EDC Meeting, Military Affairs Meeting via phone.

City Council

Weyant – Nothing to report.

McMahan – Nothing to report.

Baker – Nothing to report.

Battas – Nothing to report.

City Manager

Attended the following meetings and functions: Conference calls - Covid 19, Staff Meeting, Great Streets Initiative Meeting, City Manager's Meeting, EDC Meeting, Main and Jefferson Meeting.

City Attorney – Nothing to Report.

City Clerk – Nothing to Report.

COUNCIL BUSINESS

CONSENT CALENDAR (OMNIBUS)

The June 2020 Fund Balance Report and Claims & Salaries Report were provided under the omnibus consideration.

Weyant moved, seconded by Battas, to accept all items under Omnibus consideration.

Motion passed. AYE's – Weyant, McMahan, Baker, Battas, Daugherty. NAY's – none.
ABSENT – none.

CODE CHANGE – BUSINESS CODE – ESTABLISHING RULES AND REGULATIONS FOR MOBILE FOOD AND BEVERAGE VENDORS (FIRST READING)

City Manager presented report for Council approval and adoption of an ordinance establishing rules and regulations for mobile food and beverage vendors.

There was no further discussion.

COUNCIL – MISCELLANEOUS ITEMS

Mayor - Belleville has cancelled their October Fest and Chili Cook-off; Mascoutah Steak House and the Leu Civic Center are Closed due to Covid-19; Covid-19 testing will occur at the Ag Building on July 29th from 8 a.m. to 4 p.m.

Battas – Shout out to the Public Works Departments during the severe storm.

CITY MANAGER – MISCELLANEOUS ITEMS

City Manager Brad Myers gave an update on the Tornado Siren located at City Hall that fell during the last severe storm we had.

PUBLIC COMMENTS

Joe Zinck – Shout out to the Public Works Departments during the severe storm; July 4th was wonderful it brought something normal to the community during these not so normal days.

ADJOURNMENT TO EXECUTIVE SESSION – NONE


MISCELLANEOUS OR FINAL ACTIONS

None.

ADJOURNMENT

McMahan moved, seconded by Battas, to adjourn at 7:35 p.m.

Motion passed. Motion passed by unanimous yes voice vote.


Melissa A Schanz, City Clerk

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council

FROM: Brad Myers – City Manager

SUBJECT: **Code Change – Business Code – Establishing Rules and Regulations for Mobile Food and Beverage Vendors (second reading)**

MEETING DATE: August 3, 2020

REQUESTED ACTION:

Code Changes to Chapter 7 – Business, removing Article IV – Food Establishments and amending Article V – Mobile Food and Beverage Vendors of the City Code by adoption of ordinance.

BACKGROUND & STAFF COMMENTS:

Attached is the draft ordinance after discussion with Council establishing rules and regulations for mobile food and beverage vendors.

RECOMMENDATION:

Council approval of Ordinance, as attached.

SUGGESTED MOTION:

I move that the City Council approve and adopt Ordinance 20-____, thereby modifying Chapter 7 – Business Code, Article IV, Food Establishments and Article V, Mobile Food and Beverage Vendors.

Prepared By: Melissa A. Schanz Approved By: _____
Melissa A. Schanz Brad Myers
City Clerk City Manager

Attachments: A – Ordinance

ORDINANCE NO. 20-_____

ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 7 – BUSINESS CODE, ESTABLISHING RULES AND REGULATIONS FOR MOBILE FOOD AND BEVERAGE VENDORS

WHEREAS, the City of Mascoutah, St. Clair County, Illinois (hereinafter “City”), is a non-home rule municipality duly established, existing and operating in accordance with the provisions of the Illinois Municipal Code (Section 5/1-1-1 et seq. of Chapter 65 of the Illinois Compiled Statutes); and

WHEREAS, City has determined it may regulate what mobile food and beverage vendors are permitted to operate in City, where they may operate, and how they may operate; and

WHEREAS, City has authority to define, regulate, issue, and collect fees and fines associated with mobile food and beverage vendors who operate in City; and

WHEREAS, City shall have the power by ordinance or resolution to determine the number, kind, and classification of mobile food and beverage vendor licenses to be issued; and

WHEREAS, City has determined it shall grant or deny licenses for mobile food and beverage vendors on a case-by-case basis based on the City Council’s consideration of a myriad of factors, including but not limited to: 1) food safety; 2) traffic congestion; 3) pedestrian safety; 4) parking logistics; 5) financial impact on brick-and-mortar restaurants that advance the long-term stability and economic growth of City neighborhoods; and 6) requested proximity to brick-and-mortar restaurants; and

WHEREAS, City has determined it to be in the best interests of public health, safety, general welfare and economic welfare to permit Mobile Food and Beverage Vendors to operate in City with a properly issued City license.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1: The foregoing recitals are incorporated herein as findings of the City Council of the City of Mascoutah, Illinois.

SECTION 2: Amending Chapter 7 – Business Code, removing Article IV – Food Establishments and amending Article V – Mobile Food and Beverage Vendors, of the Code of Ordinances, as attached.

SECTION 3: This ordinance shall be in full force and effect May 1st, 2020, after passage, approval and publication as required by law.

PASSED by the Mayor and the City Council of the City of Mascoutah, County of St. Clair, State of Illinois, upon motion by Councilman _____, seconded by Councilman _____, adopted on the following roll call vote on the 3rd day of August 2020, and deposited and filed in the Office of the City Clerk in said City on that date.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
John Weyant	_____	_____	_____
Pat McMahan	_____	_____	_____
Mike Baker	_____	_____	_____
Walter Battas	_____	_____	_____
Gerald Daugherty	_____	_____	_____

APPROVED AND SIGNED by the Mayor of the City of Mascoutah, Illinois, this 3rd day of August 2020.

ATTEST:

Mayor

City Clerk
(SEAL)

CHAPTER 7 –BUSINESS CODE
ARTICLE V – MOBILE FOOD AND BEVERAGE VENDORS

Sec. 7-5-1. DEFINITIONS. Unless the context otherwise requires, the words and phrases herein defined are used in this Chapter in the sense given them in the following definitions:

"ALCOHOL" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by human beings.

"APPLICANT" means any person, individual, partnership, LLC, corporation, or any recognized business entity that applies for a mobile food and beverage vendor license.

"CITY OF MASCOUTAH SPECIAL EVENT APPLICATION" means an application which must be submitted and approved by certain applicants for a City Special Event, as defined herein, for purposes of establishing public safety and coordinating needs between the licensee and City, as authorized by City Code.

"CITY SPECIAL EVENT" means any outdoor or seasonal event including, but not limited to: 1) picnic; 2) parade; 3) carnival; 4) craft fair; 5) art fair; 6) bicycle / motorcycle / vehicle ride; 7) walk / run; 8) car show; 9) wedding or other reception; 10) or other event held on public or private property which is open to attendance by the general public and/or may require special consideration from City.

"FOOD TRUCK" means any self-contained motorized vehicle, or self-contained enclosed trailer with a valid license plate, capable of being moved from place to place, from which prepared food and/or beverages for immediate consumption is served.

"FOOD TRUCK LICENSE ADMINISTRATOR" means the Mayor, City Manager, or their designee.

"FOOD TRUCK VENDOR" means a person, individual, partnership, LLC, corporation, or any recognized business entity, engaged in the business of selling food and/or beverages from a self-contained motorized vehicle, or a self-contained enclosed trailer with valid license plates and registration, capable of being moved from place to place.

"MANAGER" OR "AGENT" means any individual employed by any licensed Food Truck Vendor, provided said individual possess the same qualifications required of the licensee.

"RESTAURANT" means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, such space being provided with adequate and sanitary kitchen and

dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.

Sec. 7-5-2. LICENSE REQUIRED. No person, individual, partnership, LLC, corporation, or any recognized business entity, shall operate a food truck within the limits and territory of this municipality without having a license to do so, issued by the Food Truck License Administrator of this municipality in the manner hereinafter provided.

Sec. 7-5-3. APPLICATIONS. The Food Truck License Administrator is authorized to grant and issue food truck vendor licenses to persons, individuals, partnerships, LLCs, corporations, or any recognized business entity, to sell food and/or beverages from a self-contained motorized vehicle or a self-contained enclosed trailer with valid license plates and registration within the limits and territory of this municipality upon the conditions and in the manner provided by this Chapter.

Prior to issuance of a license, the applicant must submit to the Food Truck License Administrator an application in writing and under oath, stating the following:

(A) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof, and in the case of a corporation for profit or LLC, the date of incorporation or formation, the object for which it was organized, the names and addresses of the members, officers, directors and the name of the person who will be managing the food truck for which the license is sought, and if a majority in interest of the stock or shares of such corporation or LLC is owned by one person or his/her nominee, the address and name of such person.

(B) The character of business of the applicant, and in the case of a corporation or LLC, the objects for which it was formed.

(C) The length of time that the applicant has been engaged in the business of that character, or in the case of a corporation or LLC, the date on which its charter was issued.

(D) The location and description of the premises or place of business where the food truck will be operating.

(E) Whether applicant has made similar application for a similar other license on premises other than described in the application and the disposition of such application.

(F) Whether a previous license issued to the applicant by any City, state, or subdivision thereof, or by the federal government has been revoked and the reasons therefor.

(G) The names, addresses, phone numbers, and email addresses of three (3) references.

(H) Applicant shall submit to the Food Truck License Administrator documentation showing the Food Truck and Food Truck Vendor to be insured through a certificate of vehicle/liability insurance. Proof of liability insurance must be provided and City must be named as an additional insured with comprehensive general liability limits of not less than \$1,000,000 combined single limit, each occurrence / \$2,000,000 aggregate. Food Truck Vendor to provide copy of the additional insured endorsement.

(I) Documentation showing the Food Truck and Food Truck Vendor to be licensed by St. Clair County, Illinois, including possession of a St. Clair County, Illinois, health permit, inspection permit, and any other permits required for operation of a food truck in St. Clair County, Illinois.

(J) Registration for the food truck, and food truck vendor's valid driver's license, to be photocopied and saved with applicant's file.

In the case of a partnership, LLC, or corporation, the information and statements required by this Section shall be furnished as to each partner, and with respect to a corporation or LLC, the information and statements required by this Section shall be furnished as to the president of the corporation or LLC, the secretary of the corporation or LLC, the directors of the corporation or members of the LLC, and with respect to the person who is to manage the food truck for which a license is sought.

If the application is made on behalf of a partnership, LLC, or corporation, then the same shall be signed and sworn to by at least **one (1) member** of such partnership, or by the president and secretary of such corporation or LLC.

One (1) copy of the application shall be retained by the Food Truck License Administrator, **one (1) copy** given to the Chief of Police; the Chief of Police shall endorse on the copies his approval or disapproval of the application and may make further comments regarding that application. The copies shall be returned to the Food Truck License Administrator and the endorsement and comment of the Chief of Police shall be considered by him as an aid in deciding whether the license should be issued or refused.

Sec. 7-5-4. PROHIBITED LICENSEES. Food truck licenses may be denied for concerns affecting the public health, safety, general welfare and economic welfare of City, including but not limited to:

(A) An individual applicant, or any applicant who is a member of any partnership, LLC, or corporation who has been convicted of a felony under any federal or state law if the Food Truck License Administrator determines, after investigation, that such person has not been sufficiently rehabilitated to warrant the public trust;

(B) An individual applicant, or any applicant who is a member of any partnership, LLC, or corporation who is not of good character and reputation in the community in which he/she resides;

(C) Food safety;

(D) Traffic congestion;

(E) Pedestrian safety;

(F) Parking logistics;

(G) Financial impact on brick-and-mortar restaurants that advance the long-term stability and economic growth of City neighborhoods; and

(H) Distance of less than two hundred (200) feet between any food truck and any brick-and-mortar restaurant unless prearranged between the food truck owner and restaurant owner and approved by the City Manager. No Food Truck shall operate on any city owned land or premises without prior approval from the City Manager.

Sec. 7-5-5. FEE SUBMITTED IN ADVANCE. The license fee shall be payable in advance by the applicant for a license at the time the application for a license is submitted to the Food Truck License Administrator as hereinbefore provided. In the event the license is denied, the license fee shall be returned to the applicant. The fees shall be deposited in the Municipal General Fund. The application for a license shall be filed with the Municipal Clerk.

Sec. 7-5-6. CLASSIFICATION; FEE; LIMITATION. Every food truck and food truck vendor shall obtain a license and pay an annual license fee.

(A) Class "A" Annual Licenses: Class "A" licenses issued under this Chapter shall be valid for a **twelve (12) month period** upon the payment of the license fee and approval by the City Council and the Food Truck License Administrator, as hereinafter set forth, unless sooner revoked or suspended.

1. Fees: Annual fee for an annual food truck license shall be \$250.00.

2. Limitation on Number of Licenses Issued.

- (1) By separate ordinance, the City Council may set a limitation upon the number of food truck licenses to be issued for each classification of license.
- (2) As licenses are revoked, expire without renewal, or for any reason cease to exist, the total number of licenses for each classification shall automatically be reduced until the total number of licenses issued for each class shall not exceed the number authorized by the City Council.
- (3) The following limits are established on the number of class "A" annual City food truck licenses to be issued:

Class "A" - 1

(B) Class "B" City Special Event Licenses: Class "B" licenses issued under this Chapter shall be valid for the length of the City special event, and the number of licenses issued shall be determined by the Food Truck License Administrator and City Council. A class "B" City special event license may be issued upon the payment of the license fee and approval by the City Council and the Food Truck License Administrator, as hereinafter set forth, unless sooner revoked or suspended.

1. Fees: Fee for an event not sponsored by the City shall be \$100.00 or other.

2. Limitation on Number of Licenses Issued: The following limits are established on the number of class "B" City special event food truck licenses to be issued:

Class "B" - Unlimited; to be determined by the Food Truck License Administrator and City Council

Sec. 7-5-7. NOT-FOR-PROFIT ORGANIZATIONS EXEMPT

All not-for-profit organizations, including religious, charitable, labor, business, fraternal, educational, or veterans' organizations that operate without profit to their members and operate for the well-being of the community.

Sec. 7-5-8. NOT-FOR-PROFIT ORGANIZATIONS HOSTING CITY OF MASCOUTAH SPECIAL EVENT APPLICATION CITY SPECIAL EVENTS EXEMPT

All not-for-profit organizations, including religious, charitable, labor, business, fraternal, educational, or veterans' organizations shall be exempt from this

ordinance if: 1) not-for-profit organization has applied for a City of Mascoutah Special Event Application to host a City Special Event; and 2) City Council has approved the City of Mascoutah Special Event Application for the not-for-profit's City Special Event.

Sec. 7-5-9. NATURE OF LICENSE. A food truck license issued under this Chapter shall be purely a personal privilege and shall not constitute property, nor shall it be subject to attachment, garnishment or execution; nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered.

Sec. 7-5-10. LIMITATION OF LICENSES.

(A) **Destroyed or Damaged Food Truck.** No license shall be held in existence by the mere payment of fees by any person, LLC, or corporation for a period longer than **ninety (90) days** without the food truck being in complete and full operation. However, if a food truck has been destroyed or damaged by fire or act of God and cannot be rebuilt or repaired within the **ninety (90) day period**, then, in that event, the Food Truck License Administrator may, at his/her discretion, extend the period of time for which a food truck license may be held by the mere payment of fees without the food truck being in full and complete operation for an additional **ninety (90) days**.

If either of the above stated periods of time passes without the food truck returning to complete and full operation, the license for that food truck shall expire and not be subject to renewal, unless all other requirements of this Chapter shall have been met.

Sec. 7-5-11. DISPLAY OF LICENSE. Every licensee under this Chapter shall cause his/her license to be framed and hung in plain view in a conspicuous place on the licensed food truck.

Sec. 7-5-12. RECORD OF LICENSES. The Food Truck License Administrator shall keep a complete record of all licenses issued by him/her and shall supply the Clerk and Chief of Police a copy of the same. Upon issuance or revocation of a license, the Food Truck License Administrator shall give written notice to these same officers.

Sec. 7-5-13. HOURS AND DAYS OF OPERATION.

(a) All food trucks shall be limited to operating between the hours of 6:00 AM and 10:00 PM unless approved by the City Manager to operate for a special event.

Sec. 7-5-14. PROHIBITED LOCATIONS.

An applicant's food truck license application may be rejected for any proposed location that may affect the public health, safety, general welfare and economic welfare of City. City shall consider factors including, but not limited to:

(a) Traffic congestion;

(b) Pedestrian safety;

(c) Parking logistics;

(d) Financial impact on brick-and-mortar restaurants that advance the long-term stability and economic growth of City neighborhoods; and

(e) Distance of less than two hundred (200) feet between any food truck and any brick-and-mortar restaurant unless prearranged between the food truck owner and restaurant owner and approved by the City Manager. No Food Truck shall operate on any city owned land or premises without prior approval from the City Manager.

Sec. 7-5-15. CHANGE OF LOCATION. A food truck license shall permit the sale of food and/or beverages only at the location described in the application and license. Such location may be changed only upon the written permit to make such change issued by the Food Truck License Administrator. No change of location shall be permitted unless the proposed new location also complies with this Ordinance and approved by the City Manager. Ice cream trucks are exempt from this section due to the nature of their mobile operations.

Sec. 7-5-16. RESTRICTED RESIDENTIAL AREAS. It shall be unlawful to issue a food truck license within the municipality in violation of the restrictions of the Zoning Code. Ice cream trucks are exempt from this section due to the nature of their mobile operations.

Sec. 7-5-17. SANITARY CONDITIONS. All food trucks used for the retail sale of food and/ or beverages shall be kept in a clean and sanitary condition, and shall be kept in full compliance with the codes regulating the storage or sale of food and/or beverages for human consumption, as outlined by St. Clair County, Illinois, and the State of Illinois.

Sec. 7-5-18. DISEASED EMPLOYEES. It shall be unlawful to employ in any food truck used for the retail sale of food and/or beverages, any person who is afflicted with or who is a carrier of any contagious disease, infectious or venereal disease; and it shall be unlawful for any person who is afflicted with or a carrier of any such disease to work in or about any food truck, or to engage in any way in the handling, preparation or distribution of and food and/ or beverages.

Sec. 7-5-19. HEALTH PERMIT. Every licensee shall have, at all times, a valid operating permit from the St. Clair County, Illinois, Health Department which regulates health standards.

Sec. 7-5-20. SALE OF ALCOHOL PROHIBITED. Food trucks shall be prohibited from selling alcohol.

Sec. 7-5-21. INSPECTIONS. It shall be unlawful to refuse to grant admittance to the food truck for which a license has been issued at any time upon the verbal request of

the Food Truck License Administrator for the purpose of making an inspection of such food truck or any part thereof.

Sec. 7-5-22. PERIPHERAL SETUP. Small tents, awnings, tables, chairs, or other materials may be placed at the designated vending area to accommodate no more than 20 patrons. Signage shall be limited to signs permanently or magnetically affixed to the vehicle or cart. Food trucks shall only be permitted to connect to City water, electric, or other utility to conduct business with the written consent of the City. Food truck vendors must also provide for the sanitary collection of all refuse, litter, and garbage generated by patrons using the service, and remove all such waste materials from the location before the vehicle departs. Ice cream trucks shall not set up any peripheral equipment due to the nature of their mobile operations.

Sec. 7-5-23. VIOLATION; PENALTY. Any Food Truck Vendor and/or Food Truck Licensee violating any section of this Chapter shall be fined not less than \$100.00, or more than \$750.00 for each offense. The fine imposed shall not exceed Seven Hundred Fifty Dollars (\$750.00) for each violation; each day on which a violation continues shall constitute a separate violation.

Sec. 7-5-24. REVOCATION OF LICENSE AFTER CONVICTION. Whenever any licensee shall be found to have violated this Code, the license of said licensee may, at the discretion of the Food Truck License Administrator, be revoked and forfeited and all fees paid thereon shall be forfeited, and it shall thereafter be unlawful and shall constitute a further violation of this Code for said licensee to continue to operate under such license.

Sec. 7-5-25. REVOCATION OF LICENSE WHEN EMPLOYEE CONVICTED. Whenever any officer, director, manager, or other employee in a position of authority of any licensee under this Code shall be convicted of any violation of this Code while engaged in the course of his employment or while operating the food truck described by the license, the license shall be revoked and the fees paid thereon forfeited.

Sec. 7-5-26. REVOCATION OF LICENSES. The Food Truck License Administrator shall have the following powers, functions and duties with respect to licenses granted under this Code.

(A) In addition to and not limited by the specific penalties set out for violations of specific articles of this Code, the Food Truck License Administrator may suspend for **thirty (30) days** or revoke any license issued under this Code for any violation of City, County, or State law.

(B) To suspend or revoke any license if the licensee makes any false statement or misrepresentation on the application for a license.

(C) To enter or to authorize any law enforcing officer to enter at any time any food truck licensed hereunder to determine whether any of the provisions of this Code or any rules or regulations adopted have been or are being violated.

(D) To receive complaints from any citizen or any patron of any food truck that any of the provisions or any rules or regulations adopted pursuant hereto, have been or are being violated and to act upon such complaints in the manner hereinafter provided.

Sec. 7-5-27. REVOCATION OR SUSPENSION OF LICENSE; - NOTICE AND HEARING. The Food Truck License Administrator may revoke or suspend any license issued if determined the licensee has violated any provisions of City, County or State law.

(A) Revocation and Suspension: Notice. Upon request for a hearing by licensee within **three (3) days** of any license revocation or suspension, no food truck license shall be revoked or suspended except after a hearing by the Food Truck License Administrator with a minimum of a **three (3) day** written notice to the licensee affording the licensee an opportunity to appear and defend. If the Food Truck License Administrator has reason to believe that any continued operation of a particular licensed food truck will immediately threaten the welfare of the community he/she may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing, order the food truck closed for not more than **seven (7) days**, giving the licensee an opportunity to be heard during that period. If no hearing is requested by licensee within three (3) days of any food truck license revocation or suspension, the right to a hearing is waived, and the revocation and/or suspension is deemed final.

(B) Hearing. If a hearing is requested, the Food Truck License Administrator shall, within **three (3) days** after such hearing, if he/she determines the license should be revoked or suspended, state the reason or reasons for such determination in a written order of revocation or suspension and shall serve a copy of such order within **three (3) days** upon the licensee. The findings shall be predicted upon competent evidence. All decisions are final.

Sec. 7-5-28. INDEMNITY

Licensee shall indemnify and hold harmless City, its agents, officers and employees against all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses (including any liabilities, judgments, costs and expenses and reasonable attorney's fees) which may arise directly or indirectly from licensee's operation of a Food Truck within City. Licensee understands and agrees that in no way does a Food Truck license issued by City create any liability of any kind for City regarding licensee's operation of a Food Truck within City. Licensee shall, at its own cost and expense, appear, defend and pay all charges of attorneys, costs and other expenses arising

therefrom or incurred in connection therewith with licensee's operation of a Food Truck within City. If any judgment shall be rendered against City, its agents, officers, officials or employees in any such action, licensee shall, at its own expense, satisfy and discharge the same.