

73-O-21

AN ORDINANCE

**Amending the City Code to Change Restrictions on Food
and Drink Vendors at City Parks and Beaches**

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

SECTION 1: City Code Section 7-11-6 "Regulations on City Beaches" of
the Evanston City Code of 2012, as amended, is hereby amended as follows:

7-11-6. - REGULATIONS ON CITY BEACHES.

(A) Bonfires. No bonfires or beach fires will be permitted within the enclosures of any of the beaches.

(B) Games. Ball playing and other games are permitted only at designated locations on City beaches.

(C) Bottles On Beaches. No person shall carry onto any public beach any bottles or anything that is breakable and dangerous to the bathers, and no person shall sell on the beach, or on any public street or ground within one hundred feet (100') of any such beach, any bottled goods or anything to be carried away in bottles or glassware.

(D) Food And Drink. Food and drink will be permitted on City beaches only in those areas so designated.

(E) Changing Of Clothing. It shall be unlawful for any person to change clothing on any of the bathing beaches.

(F) Peddling Food, Merchandise. It shall be unlawful for any peddler licensed under the provisions Title 3, Chapter 43 11 of this Code, except the City and its duly authorized agents, to sell or offer for sale any food, beverages, or any other merchandise whatsoever in or within one hundred feet (100') of the public parks enumerated in Section 7-10-1 of this Title and or beaches enumerated in Section 7-11-1 of this Chapter. It shall be unlawful for any peddler licensed under the provisions of this Code, except the City, its duly authorized agents, and licensed pushcart peddlers under

Section 3-11-1 of this Code, to sell or offer for sale any food or beverages whatsoever in or within one hundred feet (100') of the public parks enumerated in Section 7-10-1 of this Title or beaches enumerated in Section 7-11-1 of this Chapter.

(G) Inflatable Objects. Launching of inflatable objects, surfboard type/flotation devices and kite board devices is not permitted from City beaches or rights-of-way, or within three hundred (300) yards of shore except when authorized.

(H) Steel Groins. People are not permitted on steel groins that serve as breakwaters at beaches enumerated in Section 7-11-1 of this Chapter.

(I) Boating Or Waterskiing. Boating or waterskiing is not permitted within the designated boundary of swimming beaches.

(J) Boat Storage. Boats cannot be stored on beaches overnight except in storage racks or other areas that may be designated by the lakefront Director.

(K) Swimming Restrictions. Swimming may be restricted or prohibited due to safety conditions by the Director of Parks/Forestry and Recreation or his/her designee. No swimming is permitted off boats in public swimming areas or within two hundred (200) yards east of the designated swimming areas.

(L) Scuba Diving. Scuba diving is permitted only in those areas so posted.

(M) Authority Of Staff. The Director of Parks/Forestry and Recreation or his/her designee shall have the authority to identify specific areas and facilities for the exclusive use of certain programs sponsored by the parks/forestry and recreation department.

Any person violating the terms of this Section shall be fined not more than five hundred dollars (\$500.00).

SECTION 2: City Code Section 8-23-5 "Sanitation and Inspections" of

the Evanston City Code of 2012, as amended, is hereby amended as follows:

8-23-5. - SANITATION AND INSPECTIONS.

(A) All mobile food vehicles shall be kept in a clean and sanitary condition. It shall be the duty of the City Manager or his/her designee to make or cause to be made such inspections as may be necessary to ensure all mobile food vehicles are kept in a clean and sanitary condition. The City Manager or his/her designee, bearing proper identification, shall be permitted to enter any mobile food vehicle at any reasonable time for the purpose of inspecting to determine whether the vendor has complied with the terms of this title. Additionally, the vendor shall, on request, provide the City Manager or his/her designee with the records of the mobile food vehicle to obtain information pertaining to food and supplies purchased, received, or used. Denial of access to the

mobile food vehicle or to said records shall be deemed an interference with the City Manager or his/her designee in the performance of his/her duties.

(B) All food storage, preparation and distribution of food, and vehicle equipment must meet applicable Illinois Department of Public Health standards and requirements, as well as standards to be determined by the City Manager or his/her designee.

(C) All food, beverages, ice and other materials sold or used in preparation of goods to be sold must be obtained from an approved commercial source.

(D) All off-site food preparation and food storage must be done either: at a City of Evanston licensed food establishment; or if the mobile food vehicle vendor is outside the jurisdiction of the Health and Human Services Department, it must comply with the applicable requirements of this Code; and (i) the mobile food vehicle vendor applicant does dispense foods which are prepared and wrapped in a commissary which conducts its operations under the supervision of a State or local health authority; or (ii) the mobile food vehicle vendor prepares food in compliance with any and all rules and regulations of the Health and Human Services Department and conducts its operations under the supervision of a State or local health authority, provided that the regulations are substantially similar to this Chapter. The mobile food vehicle vendor shall, in addition to the application, if requested, provide reports including inspection reports and laboratory results from the State and local health authority in the jurisdiction where the food source or commissary is located, indicating compliance with such approval. Food cannot be prepared in a home.

(E) All waste liquids, garbage, litter and refuse shall be kept in leak-proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of either at an affiliated licensed restaurant or alternative location(s) as disclosed and agreed to with the Health and Human Services Department Director or his/her designee. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, City-owned trash receptacles, other than the agreed locations with City staff. A Adequately-sized garbage receptacle provided by the Vendor shall be easily accessible for customer use. Vendor shall be responsible for all litter and garbage left by customers.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given

effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: June 15, 2021
Adopted: July 26, 2021

Approved:
7/27, 2021

Daniel Biss
Daniel Biss, Mayor

Attest:
Stephanie Mendoza
Stephanie Mendoza, City Clerk

Approved as to form:
Nicholas E. Cummings
Nicholas E. Cummings, Corporation
Counsel