



# CITY OF ITHACA

## MOBILE VENDING INFORMATION PACKET

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A limited number of mobile vending locations on the Ithaca Commons are available for use. Applications are available at the following link:

<http://www.cityofithaca.org/174/Commons#Vending>

### **MOBILE VENDING PERMIT**

Mobile Vending Permits are issued by the City Planning Department and may be granted for any of the approved vending sites shown on the [“Ithaca Commons Amenities Map.”](#) The issuance of a mobile vending permit may be denied for any of the following reasons:

- Approved vending sites are already reserved.
- Applicant fails to satisfy the application requirements.
- Applicant violated the terms of a mobile vending agreement in any prior vending season.

### **Exceptions**

Persons holding a license issued by the Tompkins County Clerk to vend under the status of a United States Armed Forces Veteran pursuant to §32 of the General Business Law, to the extent legally permitted, shall be required to abide by all regulations except those concerning fees.

### **LOCATION**

The [“Ithaca Commons Amenities Map”](#) identifies the vending sites available for food and retail sales. Vendor location requests will be filled on a first come basis and preference will be given to returning vendors. Locations are assigned for the full agreement period. The City may relocate a vendor at any point, if the City determines that the assigned location is no longer appropriate for any reason.

### **FEES**

#### **Security Deposit**

A \$100 security deposit is required of all vendors. The deposit is refundable upon satisfactory site inspection at the end of the contract term. If the site fails inspection, the security deposit is forfeited to pay for the cost of site cleanup/remediation. If cleanup costs exceed the amount of the security deposit, the vendor will be billed accordingly.

#### **Application Fee**

- New Vendors — \$100
- Returning Vendors — \$50

#### **Permit Fees**

##### Food Vendor

- Annual Permit Charge — \$1,229
- Seasonal Permit Charge — \$1,025

##### Non-Food Vendor

- Annual Permit Charge — \$615

Document updated 2/15/2021-Contact the City Planning Department for additional information

- Seasonal Permit Charge — \$514

### **HOURS OF OPERATION**

Operating hours for mobile vending carts are between 10:00 a.m. and 10:00 p.m. Carts must be removed from the Commons between the hours of 10:00 p.m. and 6:00 a.m. Driving on the Commons is allowed from 6:00 a.m. to 9:00 a.m. with a Pay and Display Parking Ticket. All vehicles must be removed from the Commons by 9:00 a.m. Vendors who wish to operate outside regular hours must obtain permission from the City.

### **BLACKOUT DATES**

Vending permits are not valid during special events. Vendors may apply directly to the event coordinator if they want to vend during the special event, additional fees may be required. Vendors may be relocated from their assigned spot during the event, at the discretion of the event coordinator. A **partial listing** of these events and dates is below, however, events may be added:

- Downtown Chili Cook-Off
- Ithaca Festival
- Harvest Festival
- Chowder Cook-Off

### **MOBILE VENDING PERMIT APPLICATION**

In order to obtain a mobile vending permit, vendors should complete a completed [application](#), fees, and the following required documentation:

- (1) A description of the type of merchandise, service, food or beverage menu to be offered for sale.
- (2) Price list of each item being sold.
- (3) A description and photograph of the cart to be used.
- (4) Proof that the applicant has complied with the established regulations of the Tompkins County Health Department, Ithaca Fire Department and other appropriate state, federal and local laws, and regulations applicable to the vending business.
- (5) A certificate of liability insurance in an amount to be determined but in no case shall it be less than \$1,000,000.00. It must also name the City of Ithaca as an “Additional Insured”.
- (6) Proof of New York State Worker's Compensation and Disability insurance; or New York State Workers' Compensation exemption certificate complete. The ACCORD insurance certificate is no longer acceptable proof of workers' compensation coverage. Please contact the New York State Workers' Compensation Board at 1-866-802-3604 or visit their website at [www.wcb.state.ny.us](http://www.wcb.state.ny.us) with questions.
- (7) Applicant shall demonstrate that they have a New York State Sales Tax Certificate at all times while they are vending. Contact New York State Taxation and Finance Office at 1-800-225-5829 or visit [www.tax.ny.us](http://www.tax.ny.us).

- (8) A written description of waste disposal plans for trash, water, grease, and other materials.
- (9) Proof of 501(C)(3) designation, if applicable.
- (10) The Superintendent of Public Works may require additional information from the applicant if deemed necessary.

## **MOBILE VENDING REGULATIONS**

- 1) **Cart Requirements.** Vending carts must be constructed in a professional manner and using methods and techniques associated with good craftsmanship. Any hinges, clasps, or other hardware must be good quality and must be secured firmly to the cart. Carts must be easily movable without the use of a vehicle or power source. Carts must be battery-operated and completely self-contained as the City does not provide water or electric to the vendors. Only one structure is permitted per vendor location.
- 2) **Transparency.** All carts must be transparent or open on at least two sides of the cart at all times.
- 3) **Wheels.** Wheels must have a minimum diameter of inches. Carts may have two large wheels and one small wheel. Mobile carts must be stationary in their locations. Locking wheels are preferred, however, wheel chocks may also be used.
- 4) **Maximum Cart Size.** Carts must be a maximum of eight feet in height measured from the pavement to the highest point of the cart and no larger than 32 square feet in size.
- 5) **Awnings, Canopies, or Umbrellas.** Canopies and awnings must be fastened to all corners. Umbrellas must be “windproof” using a standard metal umbrella holder with a locking devise permanently attached to the cart. The lowest edge must be at least six and one-half feet from the ground; flame resistant or fire retardant canvas or simulated canvas with a peaked roof that may extend 18 inches beyond the side of the cart.
- 6) **Coolers.** A maximum of two coolers per cart per vendor. Both coolers are required to be stored on the same dolly. Each food vendor is required to have one dolly. Coolers must be pressed up against cart or no more than 6” away from cart. All coolers must be kept in a clean and sanitary condition free of dirt, grime, grease.
- 7) **Display Cases.** Must be sturdy, in good repair, and attached to the cart (preferred). If not attached, they must be heavy enough to withstand winds or other natural elements.
- 8) **Lighting.** Lighting can be used for preparing and serving food and illuminating a menu. Decorative lighting is not permitted without prior City approval.
- 9) **Signage:** Product brand names, related to products being sold, are permitted on umbrellas. All other signs are subject to rules as outlined in City of Ithaca Municipal Code Chapter 272 entitled “Signs”.
- 10) **Mats.** Food/beverage vendors are required to have clean solid fire retardant tarps or rubber backed mats that extend a minimum of 12 square feet, in front of each food cart to capture spilled food/beverage and waste. Staff may require additional mats as

needed. Mats should be rolled up, removed from the Commons, and cleaned before reuse. Each vendor is responsible for the removal of any drippings or stains that occur at their location. Vendors must use the guidelines for stain removal established by the Department of Public Works.

- 11) **Tables.** Free-standing tables are prohibited. Built in, fold-down tables attached to the actual vendor cart are acceptable with prior City approval.
- 12) **Generators Prohibited.** The use of generators is prohibited.
- 13) **Box Carts Prohibited.** Carts that are shaped like a square or rectangular box, having a permanent roof, four permanent sides and limited see-through ability, are not permitted.
- 14) **Shopping Carts Prohibited.** Shopping carts are not allowed as part of the mobile vending space.
- 15) **Trash/Recycling receptacles.** Each vendor must have a trash container with a lid and trash bags must always be used. Vendor must also have a recycling container. The vendor must follow the strict “carry in/carry out” policy of the City of Ithaca. Vendors may not use Commons trash receptacles. Vendor may use the secure trash facility used by Commons businesses through the purchase of an access key and authorized trash bags. This can be done through the City Chamberlain’s Office, City Hall, 108 East Green Street, 607-274-6580.

## **RULES OF OPERATION**

Mobile vending sites are assigned by the City on an annual basis, however, the City reserves the right to reassign sites if necessary. The City does not provide water or electric. Any vending sites that remain vacant for three consecutive weeks without notifying the City will be considered abandoned and may be re-assigned to a new vendor with no refunds issued. Vendors on the Commons need to work cooperatively with City and DIA and need to adhere to the following mobile vending rules of operation:

- 1) **Vendor Area Size Limit.** Vending sites are 10 feet by 10 feet in size, and vendors are required to keep all of their equipment within their assigned site.
- 2) **Pedestrian Walkway.** Vendors shall not block or inhibit pedestrian traffic or allow emergency vehicular traffic to be impeded because of vending operations.
- 3) **Vending Hours.** All vendors are restricted to operating within the approved hours.
- 4) **Trash/Waste.** Vendors are responsible for trash and waste disposal. Vendors must provide a container for trash and litter, and be responsible for the appropriate removal and disposal thereof. No dumping is allowed in City trash cans, grates, storm sewers, or other areas.
- 5) **Sale Items.** Vendors are only permitted to sell items that are listed on their approved application. Changing prices or sale items requires permission from the City.
- 6) **Smoke/Odors.** Smoke and/or odors produced by the cooking of foods on a mobile vending cart must be vented, filtered or disposed of in a comparable manner so as to

reasonably prevent the release of odor or particulate matter into the surrounding environment.

- 7) **Noise.** No music, amplified sound, or repetitive noise that can be heard outside of the vending site may be played by the vendor.
- 8) **Site Maintenance.** Vendors are responsible maintaining the space within a ten-foot radius of their cart clean and free from paper, peelings, oil and grease spills and refuse of any kind generated from the operation of their cart. If spills do occur, the vendor is responsible for using the guidelines for proper removal of stains established by the Department of Public Works.
- 9) **Site Monitoring.** Vendor carts need to be attended at all times. All carts and equipment must be removed from the vending site at the close of business each day.
- 10) **Propane Usage.** Propane usage requires a permit for the use of LPG under Chapter 181 of the City of Ithaca Municipal Code entitled "Fire Prevention Code." The permit is available through the City of Ithaca Fire Department, 310 West Green Street, (607) 272-1234. Any usage of propane tanks is subject to the requirements listed below.

### **REQUIREMENTS FOR PROPANE USAGE**

- Vendors that are using propane tanks must first obtain a permit and must adhere to all of the following requirements:
- All propane piping and fittings shall be maintained in accordance with the New York State Mechanical & Fuel Gas Code.
- Liquefied Petroleum Gas(LPG) tanks must be located outside of any vending cart. Propane tanks must be secured from tampering, damage or upset and hoses and plumbing between the tank and appliance must be protected from being damaged or disrupted and cannot be located in the public way.
- Cooking and heating equipment shall not be located within 5 feet of LPG Tanks.
- Outdoor cooking that produces sparks or grease-laden vapors shall not be performed within 5 feet from the mobile vending cart.
- Minimum 1 fire extinguisher 10-B rated, K extinguisher for cooking with vegetable oil.
- Vendors must be have a Fire Treatment Certification or Label required (NFPA 701, ASTM E84, or CPAI 84) for all tents, canopies, and membrane structures used for cooking with LPG.
- All ground covers under cooking equipment must be fire resistant, or treated with a fire retardant.
- Any vending carts using LPG tanks must be located at least 20 feet from any buildings and at least feet from any other structures.

- Mobile vending carts can be only grouped with maximum aggregate size of 400 square feet, with like uses, non-cooking with non-cooking carts and cooking with cooking carts.
- A 6-foot fire breaks between every 400 square feet of grouped carts must be maintained at all times.
- The 16-foot fire lane shall be maintained at all times as shown on the “Ithaca Commons Amenities Map”.