

ITHACA COMMONS MOBILE VENDING INFORMATION PACKET 2019

A Mobile Vending agreement is required for all outdoor sales on the Ithaca Commons.

Mobile Vending applications are available at the Superintendent of Public Works office, City Hall, 108 E. Green Street, Ithaca, NY 14850, (607) 274-6527 or www.cityofithaca.org.

The “Ithaca Commons Amenities Map” which is available for review in the Superintendent of Public Works Office, identifies the vending sites available for food and retail sales. We suggest that you spend some time reviewing the vending sites before you select and commit to a site as the fees are non-refundable. Site preference will be given to returning vendors, then on a first come basis. If two returning vendors request the same site, the site will be awarded on a first come, first serve basis. We suggest that you spend some time reviewing the vending sites before you select and commit to a site. A mobile vendor is limited to one retail or food site per year.

Fees include the application fee (\$100 for new vendors/\$50 for returning vendors), security deposit (\$100), and a use fee.

Security deposit. A refundable security deposit is required for all vendors. All sites are subject to periodic review, and the deposit will be refunded upon final site inspection by the Department of Public Works at the end of the agreement period. Vendors must comply with guidelines for stain removal established by Superintendent of Public Works/Board of Public Works. If grease or other stains are found at the vending site, the Department of Public Works shall make arrangements with the vendor for clean up within a specified time period. If the site is not cleaned up within that time period, the Department of Public Works will clean the site and will subtract the fee from the security deposit. If additional costs are incurred, the vendor will be billed accordingly.

A mobile vendor is limited to one site per year (food or non-food).

Mobile vending agreements begin April 1 and end March 31.

Mobile Vending applications are processed on a first-come, first-serve basis; preference will be given to returning vendors.

Incomplete mobile vending applications will not be accepted. All fees for the mobile vending agreement must be paid in either cash or check payable to “City of Ithaca”.

Mobile Vending Cart Regulations:

A. Types of vendors on the Commons:

- (1) Food/beverage (non-alcohol only)/merchandise. Vendors selling food/beverages need to check with the Health Department regarding their regulations.
- (2) Non-food/merchandise for sale/services.
- (3) See §157-28. Exceptions

B. Definition of Mobile Vending: selling food/beverage/merchandise/services from a wheeled carrier that can move easily 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. The use of generators is prohibited.

- C. Cart Construction Requirements: Vending carts must be constructed in a professional manner and using methods and techniques associated with good craftsmanship.
- (1) Awnings, canopies, or umbrellas. Lowest edge 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. 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.
 - (2) Box carts: 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.
 - (3) Coolers (for food/beverage vendors only): 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.
 - (4) 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.
 - (5) Fixtures: Good quality hinges, clasps, and other hardware must be secured firmly to the cart.
 - (6) Height: Maximum of eight feet (from pavement to highest point of the cart).
 - (7) Lighting: Lighting can be used for preparing and serving food and illuminating a menu. Decorative lighting is not permitted unless approved by the Superintendent of Public Works. Lighting not approved must be removed immediately.
 - (8) Making carts stationary: Mobile carts must be stationary in their locations. Locking wheels are preferred. Wheel chocks may be used.
 - (9) Mats: Required for food/beverage vendors only. Clean solid fire retardant tarp, minimum 12 square feet, in front of each food cart to capture spilled food/beverage and waste. No exception. Staff may require additional mats as needed (under grill area for example). Mats should be rolled up, removed from the Commons, and cleaned before reuse. Vendor is responsible for 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.
 - (10) Maximum Cart Size: No larger than 32 square feet and of reasonable proportions.
 - (11) One structure only: Cannot use more than one structure per vendor location.
 - (12) See-through ability: Must be able to see through at least two sides of the cart at all times.
 - (13) 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".
 - (14) Tables: No free-standing tables. Built in, fold-down tables attached to the actual vendor cart are acceptable, provided they have been approved by the Superintendent of Public Works.
 - (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.

- (16) Wheels: Minimum six inch diameter. Two large wheels and one small wheel are acceptable.
- (17) Shopping carts are not allowed as part of the mobile vending space.

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 Superintendent of Public Works.

157-25. Agreements.

A. The Superintendent of Public Works may issue agreements for mobile vending on the Commons pursuant to the "Ithaca Commons Amenities Map." The Superintendent of Public Works may refuse to issue an agreement:

- If there are no eligible vending sites available.
- To any applicant who fails to satisfy the application requirements.
- To any applicant who violated the terms of a mobile vending agreement the previous vending season.

Application requirements.

Applications for vending agreements with required documentation and corresponding fees shall be received and considered by the Office of the Superintendent of Public Works. Fees include, but may not be limited to application fee, security deposit, and use fee. The fees have been established in accordance with Chapter 170 of the City of Ithaca Municipal Code entitled "Use of Real City Property."

Required documentation include:

- (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 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.
- (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.

Rules of operation.

The following are the mobile vending rules of operation:

- (1) 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) Vendors shall not block or inhibit pedestrian traffic or allow emergency vehicular traffic to be impeded because of vending operations.
- (3) Vending hours are from 10:00 a.m. to 10:00 p.m. unless special permission is granted by the Superintendent of Public Works.
- (4) Vending carts must be attended at all times.
- (5) All carts and equipment must be removed from the vending site at the close of business each day.
- (6) All vendors must maintain the submitted list of items for sale and prices throughout the agreement period unless special permission is granted by the Superintendent of Public Works to make changes.
- (7) 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.
- (8) Vendors are responsible for trash and waste disposal. Vendors shall 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.
- (9) Vendors shall keep public spaces 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.
- (10) No music, amplified sound, or repetitive noise that can be heard outside of the vending site may be played by the vendor.
- (11) If a vending site remains vacant for three consecutive weeks without notification to the Superintendent of Public Works' office, it will be considered abandoned and re-assigned, with no refunds issued.
- (12) The City reserves the right to move vendors for necessary maintenance and repairs on the Commons.
- (13) The City does not provide water or electric service to mobile vendors.

- (14) All vendors shall cooperate with staff members of City of Ithaca and the Downtown Ithaca Alliance.

Fire Code Requirements:

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.

Requirements for Propane Usage

All propane piping and fittings shall be maintained in accordance with the Mechanical & Fuel Gas Code of New York State.

LPG tanks shall be located outside any vending cart. All propane tanks are required to be secured from tampering, damage or upset. All hoses and plumbing between the tank and appliance are required to be protected from being damaged or disrupted and not 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.

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. Ground covers under cooking equipment shall be fire resistant, or treated with a fire retardant.

8 feet shall separate mobile vending carts using LPG from other buildings.

20 feet shall separate mobile vending carts using LPG from 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. 6-foot fire breaks between every 400 square feet of grouped carts must be maintained at all times.

16-foot fire lane shall be maintained at all times as shown on the “Ithaca Commons Amenities Map”.

Vehicles on the Commons.

Only service and business delivery vehicles are allowed on the Commons between the hours of 6:00 am and 9:00 a.m. each day of the week except on days when major festivals are planned. All vehicles shall enter the Commons on the West end (Cayuga Street) and exit on the East end (Aurora Street). All vehicles shall remain on the edge of the Fire Lane. Businesses with rear access should continue to use that space for deliveries and service work. Vehicles may not be left unattended for more than 5 minutes. No parking of vehicles is allowed. Any vehicles remaining on the Commons after 9:00 a.m. shall be subject to towing at the owner’s expense.

Ithaca Festival and other events.

Notwithstanding the above, permits to sell on the Commons or to operate mobile vending carts granted pursuant to this chapter shall include days on which it is expected that the Ithaca Festival or other events sponsored by the Downtown Ithaca Alliance will take place on the Commons. A **partial listing** of these events and dates is below:

THESE DATES MAY CHANGE AND ADDITIONAL EVENTS MAY BE SCHEDULED!

<u>Date(s)</u>	<u>Event</u>
2/9/19	Great Downtown Ithaca Chili Cook-off
5/31-6/2/19	Ithaca Festival
9/27-29/19	Annual Apple Harvest Festival
10/26-27/19	Wizarding Weekend
12/7/19	Annual Chowder Cook-off

The vendor will be required to make application to the event coordinator and pay any additional fees as required. Vendors may be relocated from their assigned spot during the event, at the discretion of the event coordinator. Vendors must follow the rules of each event. Vendors interested in vending during special events should contact the Downtown Ithaca Alliance, Ithaca Festival offices, or other event coordinator for information regarding vending requirements for those special events.

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.