

Street Food Vending Policy

City of Ithaca Board of Public Works

I. Purpose

The purpose of this policy is to establish a uniform City policy for the utilization of City streets for the purpose of vending fresh, prepared and pre-packaged food products to the general public. Retail- or service-based vending will not be covered under this policy. The Farmer's Market at DeWitt Park has a separate License Agreement and does not fall under this policy.

II. Definitions

CITY PARKS – All city-owned or managed land that constitutes parks, playgrounds, parking, outdoor passive and active recreation areas (whether paved or unpaved), natural areas adjacent to public waterways and bike paths. This term does not include the Ithaca Commons.

FOOD CART (PUSHCART) - A wheeled device, not required to be licensed as a vehicle that is equipped and approved for use as a mobile food vending unit. Food Cart/Pushcart shall not mean a stand, booth, truck or trailer.

FOOD TRUCK – A registered motor vehicle designed to be mobile, portable and not permanently attached to the ground from which food (either pre-packaged or prepared on site) is sold or given away.

HERITAGE PERMIT – A permit only available to a vendor who has operated in the same location under previous City permits issued prior to *October 1, 2003*. The heritage permit shall only apply to that previously permitted location. A heritage permit may be transferred with written permission from the Superintendent of Department of Public Works.

PERMIT – Written proof of permission to use city-owned real property or parking space for a short period of time, in no case exceeding one year.

PREMIUM LOCATION – Approved vending locations within the Collegetown and college-oriented areas.

PRIVATE SITE – Any privately owned or leased property where use of the property for commercial purposes, including mobile food vending, is restricted to persons who have the written permission of the owner or lessee of the property and is in accord with current zoning restrictions.

PUBLIC STREET – Includes the entire publicly-owned right-of-way for a street and any public parking, sidewalks and curb lawns associated with the street.

SPECIAL EVENT – Events requiring three or more of the following permits shall require a permit from the City's Special Events Team: Noise, Assembly and Parade, Street Closures, Vending, Alcohol, or Use of Parks or City Property.

STANDARD LOCATION – Approved vending locations in all other areas of the City of Ithaca not mentioned in "Premium Location" above. These include Downtown, Commercial and Parkland areas and are listed as "Downtown Commercial" locations in Chapter 170 of the City Municipal Code.

STREET VENDING – The use of city streets for maintaining a temporarily stationary condition for a portable vehicle from which food items for purchase by members of the public are dispensed.

TEMPORARY PERMIT – Typically more than transitory, but, unless otherwise specified herein, not exceeding five consecutive days in duration, and not recurring more than four times in a year. These events do not fall under the requirements for a Special Event Permit.

VENDOR – Any person or business offering for sale any food or beverages from a truck or cart.

III. Application

A. Procedure

1. A Vendor must submit a Street Vending Permit Application to the Superintendent of Public Works along with the administrative fee and all required documentation as listed on the Application Instructions. Incomplete applications will not be accepted.
2. All applications must be reviewed by the Superintendent of Public Works or a designee prior to approval or denial.
3. Once an application is approved, the applicant may choose vending location(s) from the list of currently available locations.
4. Vending may not begin until the first day of the month following approval as long as approval is issued by the 20th of the month. If the application is approved after the 20th day of the month, vending may begin the first day of the second month (i.e. if application is approved June 15th, vending may begin July 1st; if application is approved June 23rd, vendor must wait until August 1st).

B. Application Selection Criteria

Street Vending Permits will be awarded on a first come first served basis, per VII.E. Designated Vending Locations.

C. Grounds for Denial of Application

Failure to provide any required documentation as listed in the Application Instructions or for such other grounds as provided for in this policy.

IV. Vending Permits

A. Types Available

1. Annual vending permits are from April 1 through March 31. Seasonal vending permits are from April 1 through October 31. Renewal applications must be submitted each year. There is no guarantee a vendor will be granted the same location(s) from year to year. Vendors may change locations on a quarterly basis.
2. Temporary permits may be issued for small events (i.e. food truck roundups, sports tournaments) that do not last more than five (5) consecutive days and which would not otherwise be considered Special Events (events requiring three or more permits as listed above in II. Definitions “SPECIAL EVENT”).
3. Special Event permits are applied for through the City’s Special Events Team. Vendors that wish to participate in special events must contact the event coordinator to make arrangements. The City’s Annual or Seasonal Street Vending Permit does not include vending at special events.

4. A Heritage Permit is available only to a Vendor who has operated under a previous City permit issued prior to **October 1, 2003** in the same permitted location. The Heritage Permit shall apply only to that previously permitted location. Vendors must complete the Permit application process and pay a one-time fee of \$100. Heritage Permit holders are subject to all parts of this Street Vending Policy, except that Heritage Permit holders will be allowed to occupy and operate in the permitted location at all times.
5. Route-Based Vendors (Ice Cream Trucks/Tricycles) follow a continuous route through city streets or parks, stopping for short periods of time to dispense/sell pre-packaged food items.

B. Placement of Permit Certificate

Permits must be conspicuously displayed.

C. Vending Permit Forfeiture

Should a food vendor wish to forfeit his/her Street Vending Permit in order to voluntarily discontinue vending food on City streets, the permit fee will be refunded on a pro-rated basis. If a vendor is not satisfied with the location s/he chooses, the City will work with the vendor in order to relocate to a more suitable site (not currently occupied).

V. Fees

A. Administrative Fee

Application packets must be accompanied by a \$100 administrative fee, including annual renewals, upon submittal to the Superintendent of Public Works. Failure to submit this fee will be grounds for denial of the application. The administrative fee is non-refundable and is not credited to the permit fees (NB: the administrative fee will cover administrative costs such as advertising, background checks, and sign installation.)

B. Permit Fees

1. Base permit Fees have been established in accordance with Chapter 170 of the City of Ithaca Municipal Code entitled “Use of Real City Property” Additional fees for Premium or Standard Locations shall be added to the base fees according to Chapter 170-10 of the City of Ithaca Municipal Code for the Collegetown or Downtown areas of the city (See Attachment A).
2. Temporary Event Permit - \$60 per event (see [IV.A. Vending Permits](#) above for definitions of each permit).
3. Heritage permit annual fees will be determined in accordance with Chapter 170-10 of the City of Ithaca Municipal Code.
4. Route-Based Permit – Fees will be based on the Seasonal Permit Fee for a Standard Location.

C. Payment Schedule

Permit fees must be paid annually. All fees are nonrefundable, unless otherwise specified in this policy.

VI. Requirements

A. Required Documentation to be Submitted with Application

1. A copy of a New York Sales Tax Certificate (NYS Taxation & Finance Office (800) 225-5829) www.tax.ny.us.
2. Insurance Certificate of Liability in the amount of \$1,000,000 naming the City of Ithaca as an Additional Insured (Contact your local insurance company for more information).
3. Proof of Workers' Compensation and Disability Coverage required by New York State. Please note the "ACORD" form is no longer acceptable proof of workers' compensation coverage. Contact New York State Workers' Compensation at 1-866-802-3604 or visit their website at www.wcb.state.ny.us with questions; or
Completed NYS Workers' Compensation and/or Disability Insurance exemption certificate, if the applicant is not required to provide such coverage. Contact New York State Workers' Compensation at 1-866-802-3604 or visit their website at www.wcb.state.ny.us with questions.
4. Tompkins County Department of Health Department Certificate [(607) 274-6688]. Please note: any Vendor who will be selling or distributing food must go through Tompkins County Health Department. We cannot, and will not, allow food vending without a Health Department Certificate.
5. Description of food items offered for sale, for informational purposes only.
6. Description of the mobile vending unit, including the unit's dimensions (length and width), and a copy of the vehicle registration. A copy of the NYSDMV required automobile insurance for the mobile vending unit is also required. A photographic image of the unit is optional.
7. A written waste disposal plan for all trash, water, grease, and other materials. City Staff will review the description, and modifications may be required before a permit will be issued.
8. Proof of 501(C)(3) designation, if applicable.
9. Copy of the Fire Department permit for solid, liquid, or gas fired cooking/heating appliances, if applicable (see Section B Propane Usage, below).
10. Vendors wishing to operate in or near city parks must participate in a background check, performed by the City. The authorization form to conduct a background check must be signed and submitted with the application packet. The background check will be completed within a reasonable timeframe. City staff and Ithaca Police Department will review the results and determine eligibility for vending. Convicted sexual offenders will automatically be disqualified from vending in/near parks and playgrounds.
11. Ice cream trucks/tricycles must submit a map showing the planned route.

B. Propane Usage

Propane usage requires a permit for the use of LPG under City Code [Chapter 181: Fire Prevention Code](#). The permit is available through the City of Ithaca Fire Department.

1. All propane piping and fittings shall be maintained in accordance with the Mechanical & Fuel Gas Code of New York State.
2. All propane tanks are required to be secured from tampering, damage or upset. All hoses and plumbing between the tank and appliance is required to be protected from being damaged or disrupted and not located in the public way.
3. Cooking and heating equipment shall not be located within five (5) feet of LPG Tanks.
4. Outdoor cooking that produces sparks or grease-laden vapors shall not be performed within five (5) feet of a canopy used for cooking.
5. Minimum one (1) fire extinguisher 10-B rated, K extinguisher for cooking with vegetable oil.
6. 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.
7. Eight (8) feet shall separate cooking trucks using LPG from other buildings
8. Twenty (20) feet shall separate cooking trucks using LPG from other non-cooking trucks or membrane structures.
9. Food trucks can be only grouped with maximum aggregate size of 400 square feet, with like uses. (Non-cooking with non-cooking or cooking with cooking.) Six (6) foot fire breaks between every 400 square feet of grouped trucks.
10. Fourteen (14)-foot fire lane shall be maintained at all times.

VII. Operations

A. Vendor Responsibilities

Vendors receiving permits shall:

1. Comply with all applicable laws, ordinances, and regulations ;
2. Properly remove or dispose of all litter and trash created by the vendor's activities and within the vendor's location;
3. Refrain from operating their food truck after the permit expires and when the permit is suspended or revoked;
4. Surrender their permit promptly upon its revocation, suspension, or other termination;
5. Display a copy of their New York State Sales Tax Certificate on their food truck;
6. Defend, indemnify, save and hold harmless the City of Ithaca from any and all claims arising from the vendor's use of Ithaca City streets and property and shall be so duly insured in the minimum amount of \$1,000,000 naming the City as additional insured; and
7. The Vendor will not discriminate against any employee, applicant for employment, subcontractor, supplier of materials or services, or program participant because of actual or perceived: age, creed, color, disability, domestic violence victim status, ethnicity, familial status, gender, gender identity or expression, height, weight, immigration or citizenship status, marital status, military status, national origin, predisposing genetic characteristics, race, religion, sexual orientation, or socioeconomic status.

8. All vendors/permit holders shall cooperate with City of Ithaca and Tompkins County Department of Health employees.

B. Rules of Operation

1. Street Vending Permits are for Food Trucks or Trailers only in parking spaces designated by the Board of Public Works. Tents and separate grills are not allowed to be used for vending on City streets.
2. Vending sites are 30 foot long (25 feet long parking lane plus 5 foot buffer) by 10 feet wide (8 feet wide parking lane plus 2 feet of tree lawn or right of way) and vendors are required to keep all of their equipment within their assigned site.
3. Vendors shall not block or inhibit pedestrian traffic flow nor allow emergency vehicular traffic to be impeded because of vending operations.
4. Food trucks must be attended at all times.
5. Vendors set up in locations other than an approved vending site will be subject to two warnings with fines, and then revocation of their street vending permit without refund of fees.
6. No overnight parking (2:00 – 6:00 a.m.) allowed unless otherwise noted on permit.
7. Smoke and/or odors must be vented, filtered or disposed of in a manner so as to reasonably prevent the release of offensive smoke and/or odor into the surrounding environment.
8. Vendors are responsible for trash and waste disposal. No dumping is allowed in City trash cans, grates, storm sewers, grass or other areas.
9. Vendors shall keep public spaces within a 25 foot radius of their truck clean and free of refuse generated from the operation of their food truck.
10. Vendors shall keep repetitive noise, music or amplified sound within the 25 foot radius of their food truck within the noise limits established by City rules, laws or guidelines.
11. The City reserves the right to move vendors without advance notice for necessary maintenance and repairs on City streets.
12. The City does not provide water, sewer, or electric service to street vendors.
13. Applicant shall indemnify the City of Ithaca and hold it harmless with regard to any and all claims arising from the operation of the site by the food vendor as herein contemplated and permitted.
14. Transfer or sale of any current vending permit is prohibited without written authorization from the Superintendent of Public Works.

C. Hours of Operation

1. Breakfast – 6:30 a.m. to 10:00 a.m.
2. Lunch – 10:00 a.m. to 4:00 p.m.
3. Dinner – 4:00 p.m. to 9:00 p.m.
4. Late Night – 10:00 p.m. to 2:00 a.m.

5. Setup may begin no more than 30 minutes prior to operating; take down/cleanup may extend no more than 30 minutes after closing.

D. Vending Zones

1. Residential sites are for Lunch and Dinner times only. Vending hours are generally 10:00 a.m. to 10:00 p.m. daily. No vending may occur after 10:00 p.m.
2. Business/Commercial sites may be utilized for Breakfast, Lunch, Dinner and Late Night times. No vending may occur after 2:00 a.m. Parking in vending zones is prohibited from 2:00 - 6:00 a.m.

E. Designated Vending Locations

1. Vending locations shall be authorized by the Board of Public Works. The Board may consider comments from the Parks Commission, city staff and the public.
2. Vending locations shall be posted with appropriate parking regulation signs that indicate the days, times and limitations for parking. Vending locations will be posted as tow away zones in order to assure permittee's use of the site.
3. On-street vending locations will be multiples of 25 linear feet of curblane parking. Vending locations will include an additional 5 foot space located between each vending space.
4. Each vending location will be evaluated annually. In the event that a restaurant moves into a building within 200 feet of an existing vending location, that location may be moved in accordance with this policy as soon as the next month and at the discretion of the Board of Public Works.

F. Guidelines for New Vending Locations

1. New vending locations may be submitted to the Superintendent of Public Works for consideration by the Board of Public Works. Proposals for additional vending sites must be submitted in writing with a specific description of the site, a drawing showing the nearest intersecting streets and neighboring occupancies (businesses, parks or residences). If approved by Board resolution, a new vending site will be included in the list of authorized vending locations.
2. Vendors may not set up any closer than 200 linear feet from the nearest brick-and-mortar restaurant, or 100 linear feet from any public or private school (measured from nearest entrance point), unless authorized by the Board of Public Works.
3. Food trucks may not be located any closer to the intersection than the "No Standing Here to Corner" sign. This may be modified according to line of sight, traffic patterns, and evaluation by the City Traffic Engineer.

VIII. Permitting

A. Location Assignments

1. Vending locations will be available for up to twelve months. Vending will begin on the first of the month following application approval, in accordance with III.A.4. above.
2. Vending locations will be assigned on a first come, first served basis.

3. The City retains the right to return to the following lottery system, should the Superintendent of Public Works find it to be necessary:
 - a. Lotteries shall be conducted quarterly according to the school year calendar, approximately ten (10) days in advance of the next vending quarter. The mobile vending site lottery shall be advertised no less than five calendar days in advance of the lottery date. Participants in the vending site lottery will be randomly assigned the first, second, third, etc. choice for selecting a site. In the event that a participant wishes to select more than one site, that participant may make a second selection after all other participants have made a first choice. Subsequent rounds will follow, if needed.
 - b. Participation in the vending site lottery requires prior approval of a street vending permit application as described in III. Application. The street vending permit application must be submitted at least 30 days prior to the vending site lottery date. (NB: Street vending permit applications and permit application fees for the first vending site lottery must be submitted by February 14, 2014. All conditions and requirements of the permit must be satisfied by February 21, 2014. The quarterly permit fee must be paid by February 28, 2014.)
4. In the event that a permittee wishes to discontinue use of a vending location, the permittee must advise the Office of the Superintendent of Public Works in writing. The permittee may re-submit an approved application for street vending permit; no administrative fee will be charged if the permit is resubmitted within twelve months of its initial approval. Permit fees are non-refundable unless otherwise specified in this policy.

B. Route-Based Vendors (Ice Cream Trucks)

1. Ice cream trucks may be allowed in residential neighborhoods, as approved by the Superintendent of Public Works or designee.
2. Ice Cream Truck Applicants must submit a map with the application showing the route(s) that will be followed.
3. Trucks may not stop for more than 15 minutes at a time. All traffic and parking laws must be followed.
4. Trucks must abide by existing City Noise Ordinance regulations.

IX. Signage – City Code Chapter 272

1. All signage must follow the rules and regulations specified in City Code Chapter 272.
2. Each vendor may place a maximum of 2 small signs (no larger than 2 ft. by 2 ft.) in any area between the curb and sidewalk (curb lawn) that is within a 25 foot radius from the food truck.
3. One “Sandwich Board” may be placed outside of each food truck, per specifications listed in City Code Chapter 272.

X. Litter Control & Waste Removal

1. Vendors are responsible for trash and waste disposal. Vendors shall provide a container for trash and litter attached to or within five (5) feet from their trucks. Vendors shall be

responsible for the removal of all litter or trash placed in their containers. No dumping is allowed in City trash cans, grates, storm sewers, or other areas.

2. Vendors shall keep public spaces within a 25 foot radius of their truck clean and free from paper, peelings, oil and grease spills and refuse of any kind generated from the operation of their food trucks.

XI. Enforcement

A. Violations

The City may fine a vendor, or terminate/revoke a street vending permit for cause, including the following:

1. Violations of the Rules of Operation;
2. Dumping in City trash cans, grates, storm sewers, or other areas;
3. Fraud, misrepresentation or false statements in the permit application;
4. Fraud, misrepresentation or false statements made in connection with the selling of food;
5. Violation of any ordinances, regulations or laws applicable to the holder of such a permit;
or
6. Conduct of the business permitted in an unlawful manner or in such a way as to constitute a menace to the health and safety of the public.

B. Revocation/Termination of Permits

1. If the permit is revoked or terminated for cause, the permit period shall end immediately, and no refund will be issued. Notice of proposed suspension or revocation of a permit for street vending shall be given in writing, setting forth specifically the grounds of the complaint.
2. Any applicant whose permit is revoked under this regulation may not reapply for another permit until the expiration of one year from the date of revocation.

C. Appeals

1. The Superintendent of Public Works shall have the right to suspend, terminate or reinstate a Street Vending permit. Such decisions shall become effective immediately.
2. The vendor shall have a right to an appeal hearing on the proposed revocation or suspension before the Board of Public Works or its designee no later than ten (10) days after requesting such a hearing in writing.

Approved: 01/23/2014;
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