

- **DIVISION 3. - TEMPORARY AND MOBILE FOOD SERVICE VENDOR—PERMIT TO OPERATE ON CITY RIGHTS-OF-WAY; PERMIT TO OPERATE ON PRIVATE PROPERTY; EVENT⁴¹**

- **§ 110.355.01. - Permit required—Vending on city property; rights-of way; or private property.**

(a)

No person shall operate a temporary or mobile food service establishment on a city right-of-way or other property owned or controlled by the city or on private property without first having obtained a temporary or mobile food service vendor permit.

(b)

No temporary or mobile food service vendor permit shall be issued until a certificate to operate and a temporary or mobile food service establishment license has been issued. The approving authority for the permit shall be the director of the office of public works or his designee.

(c)

No person shall operate a temporary or mobile food service establishment on private property unless the applicant provides proof that he or she is the owner of the private property or provides a notarized statement from the owner or manager of the private property that the applicant has the consent of the owner or manager to operate a temporary or mobile food service establishment on the private property. The consent must include a starting and ending date.

(d)

Permits for private property locations must be reviewed by building and zoning to ensure all applicable permits are pulled, parking plans are reviewed, and code requirements are met.

(e)

Division 3 and division 4 of this chapter shall not apply to food sales from structures which are permanently anchored to the ground or a permanent foundation properly permitted pursuant to City Code.

(Ord. No. 217-4-01, § 2(Exh. B), 4-17-01; Ord. No. 126-04-15, § 1(Exh. A), 4-8-15)

- **§ 110.355.02. - Permit fees.**

(a)

The fee for an annual mobile food service vendor permit shall be \$250. The annual permit shall expire on December 31 of the year for which the permit was issued. Applications for annual permits shall be submitted on or before November 1 for the following year. At the time of application, the applicant must list all the locations for which the vendor seeks to operate. Notwithstanding the forgoing mobile food service vendors holding an annual permit may apply for a permit renewal with preference for the permitted location during the month of October.

(b)

The fee for a temporary food service vendor permit shall be \$50 for each location. Temporary permits shall expire on the fourteenth day following the date of issue. The application for a temporary permit shall be submitted at least ten working days prior to the date on which the permit will be required.

(c)

Except as provided for renewal of annual permits, locations shall be assigned on a first come, first assigned basis. When more than one application for the same location is received on the same day, a lottery shall be held pursuant to procedures adopted by the city clerk.

(d)

In addition to information required in the general licensing provisions of this chapter, the application for a permit to vend or sell on city property or rights-of-way shall include:

(1)

A signed statement that the applicant shall hold harmless the city, its officers and employees and shall indemnify the city, its officers and employees for any claims for damage to property to injury to persons

which may be occasioned by any activity carried on under the terms of the permit. Applicant shall furnish and maintain public liability and property damage insurance as will protect applicant, property owner, the city from all claims from damage to property or bodily injury, including death which may arise from operations under the permit or in connection therewith. The insurance shall provide coverage of not less than \$100,000 for bodily injury for each person, \$300,000 for each occurrence and not less than \$50,000 for property damage per occurrence. The insurance shall be without prejudice to coverage otherwise existing, and shall have as additional insured the city, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the expiration of the permit without 30 days' written notice to the city clerk. In the event the temporary or mobile food service vendor is required to obtain a permit for an obstruction of any street, alley, sidewalk, or other public ground or a portion thereof pursuant to [Chapter 99](#) of this Code, the insurance requirements of [section 99.12](#) of this Code shall satisfy the insurance requirements of this section.

(2)

A certificate of insurance as provided in this section and proof of registration with the sales tax division of the office of the city comptroller and the tax ID number of the applicant.

(Ord. No. 217-4-01, § 2(Exh. B), 4-17-01; Ord. No. 381-06-05, § 2, 6-7-05; Ord. No. 126-04-15, § 1(Exh. A), 4-8-15)

- **DIVISION 4. - GENERAL CONDITIONS AND RESTRICTIONS**

- **§ 110.356.01. - Conditions and restrictions.**

Temporary and mobile food service vendors desiring a permit to operate on a city right-of-way, on other city property or on private property as well as Old State Capitol Mall vendors, Old State Capitol Mall farmers market vendors shall be subject to the following general conditions and restrictions in addition to those enumerated in divisions 1, 2 and 3 of the article:

(1)

Vendors shall be assigned specific locations by the director of public works or his designee. No temporary or mobile food service permit shall be issued a vendor to operate on city right-of-way, other city property, or private property which is within 300 feet of the lot line of an existing restaurant building. The 300 feet prohibition shall not apply to Old State Capitol Mall vendors, Old State Capitol Mall farmers market vendors, or temporary or mobile food service vendors on Capitol Avenue between 2nd and 11th Streets. For other locations in the downtown area (defined as the area within 2nd Street on the west, 11th Street on the east, Lawrence Street on the south, and Carpenter Street on the north), no temporary or mobile food service permit shall be issued for any location within 50 feet of the frontage of an existing restaurant building.

(2)

Push carts, vendor stands, etc. shall conform to design specifications provided by the director of public works or his designee and shall not exceed ten feet in length, ten feet in width and 11 feet in height. Temporary and mobile food service vendor sales will not be permitted from pickup trucks, pickup truck toppers, camper shells attached to pickup trucks or box trucks (defined as a single-framed truck with an attached cubed cargo area).

(3)

Push carts, vendor stands, mobile food vendor vehicles, etc., shall be portable, may not be set up or put in place before 6:30 a.m. each day and must be removed by 11:30 p.m. each day.

(4)

No canopy, awning, tent tops or other vertical extension of the cart, stand, etc., shall be allowed unless it is a fixture of the cart, stand, etc., which does not require attachment to any other object.

(5)

Vendors may sell or vend only between the hours of 8:00 a.m. and 10:00 p.m. Extended hours for this subsection (5) and subsection (3) may be approved by the director of public works or his designee for special occasions.

(6)

Vendors shall provide adequate waste disposal receptacles on or within their pushcart, vendor stand, etc.

- (7) Vendors shall pick up, remove and dispose of all trash or refuse within 25 feet of their vendor's assigned location.
- (8) No vendor shall dispose of trash or refuse in the public receptacles.
- (9) No advertising, except the posting of prices, shall be permitted on any cart, stand, etc., except to identify the vendor or product.
- (10) No vendor shall sell to any person who is standing in a street, highway or roadway.
- (11) No vendor shall sell at a location other than that designated on the permit.
- (12) No vending shall be conducted while loading or unloading any vehicle used for storage, while transporting food or produce between the assigned location and the vehicle or from the vehicle while parked.
- (13) No vendor shall leave his pushcart, vendor stand, etc., unattended.
- (14) No vendor shall utilize extension cords outside of the cart, stand, etc., in areas used as pedestrian walkways.
- (15) No vendor shall park a vehicle on the curb, parkway or sidewalk at any time; provided, however, vendors who have been issued permits by the director of public works or his designee may drive vehicles on the curb, parkway or sidewalk under the following conditions:
 - a. While loading or unloading.
 - b. Attaching or detaching carts, stands, etc., to the vehicle.
- (16) No vendor may assemble or disassemble his cart, stand, etc., or pack, unpack, arrange, display, vend or sell items while his vehicle is on the curb, parkway or sidewalk.
- (17) Vendors authorized to drive vehicles upon the curb, parkway or sidewalk shall be subject to such other conditions as the director of public works or his designee deems necessary to protect the curb, parkway or sidewalk and persons using it.
- (18) Vending otherwise permitted hereunder shall be discontinued during the following:
 - a. Construction or maintenance necessitating use of the location occupied by the vendor when notified by the superintendent of motor vehicle parking or his designee.
 - b. Special event as defined in this chapter when notified by the superintendent of motor vehicle parking.
- (19) No vendor shall park, locate, or operate on private property without following the applicable parking plan.
- (20) A temporary or mobile food service vendor may sell only food or beverages as defined in this chapter.
- (21) A mobile food service vendor who fails to operate for ten consecutive days or seven consecutive days twice in a calendar year may be subject to loss of the permit.
- (22) No heat generating devices shall be located under a tree or within five feet horizontally of any tree limbs.

(Ord. No. 217-4-01, § 2(Exh. B), 4-17-01; Ord. No. 126-04-15, § 1(Exh. A), 4-8-15)

- **§ 110.356.02. - Newspaper vending machines.**

Newspaper vending machines shall not be permitted on the Old State Capitol Mall except at designated locations in the mall kiosk.

(Ord. No. 217-4-01, § 2(Exh. B), 4-17-01)

- **DIVISION 5. - ICE CREAM TRUCK VENDORS**

- **§ 110.357.01. - License required.**

No person shall vend from an ice cream truck without first obtaining an ice cream truck vendor license. Ice cream truck means any vehicle from which ice cream, frozen milk, frozen dairy or ice confection products are sold or offered for sale.

(Ord. No. 126-04-15, § 1(Exh. A), 4-8-15)

- **§ 110.357.02. - License fees.**

The fee to operate as an ice cream vendor shall be \$250 annually. The annual license shall expire on December 31 of the year for which the license was issued. In addition to information required in the general licensing provisions of this chapter, the application for a license to operate as an ice cream truck vendor shall include proof of registration with the sales tax division of the office of the city comptroller, the tax ID number of the applicant and the proper health department certificates.

(Ord. No. 126-04-15, § 1(Exh. A), 4-8-15)

- **§ 110.357.03. - Proof of registration required.**

It is unlawful for any person to offer for sale ice cream, frozen milk, frozen dairy or ice confection products on the streets, alleys or other public places in the city except as authorized by this chapter without proof of City of Springfield registration to vend from an ice cream truck. The required registration shall be prominently displayed on the customer window of the truck.

(Ord. No. 126-04-15, § 1(Exh. A), 4-8-15)

- **§ 110.357.04. - Conditions and restrictions.**

(a)

Ice cream trucks shall not:

(1)

Stop within 20 feet of an intersection or double park when attempting a sale or when making a sale;

(2)

Sell or attempt to sell any item from an ice cream truck on any arterial street, collector street or laned highway;

(3)

Sell or offer to sell between sunset and 8:00 a.m.

(b)

No sale or offer for sale of ice cream, frozen milk, frozen dairy or ice confection products shall be made from a mobile unit unless each side of the vehicle is marked, in letters and numbers at least three inches in height, with the name and address of the registered ice cream vendor or his or her principal.

(Ord. No. 126-04-15, § 1(Exh. A), 4-8-15)