

ORDINANCE NO. _____

AN ORDINANCE OF THE ALAMO, TENNESSEE BOARD OF MAYOR AND ALDERMEN ESTABLISHING REGULATIONS FOR MOBILE VENDORS.

Be it ordained by the Board of Mayor and Aldermen of the Town of Alamo, Tennessee, as follows:

1. Purpose. The purpose of this ordinance is to provide for the regulation of street and sidewalk vending activities in downtown Alamo, and in certain other commercially zoned districts of the Town, in order to more fully promote the public interest by contributing to an active and attractive pedestrian environment. In recognition thereof, reasonable regulation of street and sidewalk vending is necessary to protect the public health, safety, and welfare and the interests of the Town in the primary use of public streets and sidewalks for use by vehicular and pedestrian traffic.

2. Permit required. It is unlawful for any person, firm, corporation, or association to engage in or carry on the business of vending upon the public ways of the Town of Alamo without first having secured a permit or permits as required by this ordinance.

3. Definitions. For the purpose of implementing and interpreting this ordinance, the following definitions shall apply:

- a. “Vending” means the sale of food, flowers, and/or non-alcoholic beverages only from a mobile vending unit upon public ways of the Town of Alamo.
- b. “Mobile vending unit” means a movable cart, trailer, or vehicle that is operated from a fixed location, from which food, flowers, and/or non-alcoholic beverages are provided to the public with or without charge; except, however, that the provisions of this ordinance shall not apply to mobile caterers, generally defined as follows: a person engaged in the business of transporting, in motor vehicles, food and beverages to residential, business, and industrial establishments pursuant to prearranged schedules, and dispensing from the vehicles the item, at retail, for convenience of the personnel of such establishments.
- c. “Public ways” means and includes all portions of streets, alleys, sidewalks, trails and parking lots of the Town of Alamo and, in addition, shall include privately owned streets, roads, alleys, sidewalks, trails, and parking lots that are provided for public use or access.
- d. “Commercial zone” means any property which is presently or hereafter zoned B-1, B-2, or M, or any commercial zones subsequently adopted by the Town of Alamo.

4. Application Requirements. Applications for a permit shall be filed at the Office of the

City Recorder on forms to be developed by the City Recorder. Such application shall contain all the information required below, along with the current fee, to qualify for the permit. All applications for permits shall be investigated by such departments or officers of the Town as the City Recorder may direct. A decision to issue a permit is based on this information, other applicable ordinances, and other requirements as may be set forth herein.

The applicant must satisfy the following requirements before a vending permit can be issued:

- a. Submit the name and home and business address of the applicant, and the name and address of the owner, if other than the applicant, of the vending or mobile vending unit to be used in the operation of the vending business.
- b. Submit a copy of the owner of the abutting property owner's and tenant's approval for the vending site. If the mobile vending site is located on private property, the applicant shall submit a copy of the property owner's and tenant's approval for said vending site.
- c. Submit an accurate drawing (plot plan). The drawing shall show the area to be used, along with plans detailing the design and size of the vending unit to be used.
- d. For vendors proposing to locate on property owned or controlled by the Town of Alamo, the applicant shall present a certified copy of general liability insurance in the amount of \$1,000,000, naming the Town of Alamo as an additional insured.

5. Permit fee. Each application for a street vending permit shall be accompanied by a \$25.00 application fee. The application fee shall be non-refundable and additional to the permit fee. The permit fee of \$ _____ shall be collected prior to issuance of the permit.

6. Issuance. After the filing of a completed application for a vendor's permit, the applicant shall be notified by the City Recorder of the decision on the issuance or denial of the permit. If the applicant is not so notified by the City Recorder within sixty (60) days of the application, the permit shall be deemed denied.

The Board of Mayor and Aldermen shall consider all applications for a vendor's permit at regularly scheduled meetings of the Board. The applicant shall be permitted to make a brief presentation of his application and may be questioned by the Board.

In determining whether to issue a permit, the Board shall consider the standards and requirements set forth in this ordinance and input from the applicant and officers of the Town, . In addition, the Board may impose such special conditions to the permit as it may deem necessary to assure compliance with this ordinance. In the event two or more applications are received for the same location, the earliest application, if approved, shall be awarded the location. Upon approval of the application, the permit shall not become effective until the permit fee is paid and the permit is signed by the applicant.

7. Term of Permit. All permits issued pursuant to this ordinance, except as to those permits for which a shorter term is herein specified, shall be effective as of the first day of the month of issuance, regardless of the actual date of issue, and shall expire one year from the effective date thereof, unless sooner revoked in the manner provided in this ordinance.

8. Permit renewal. All permits issued pursuant to this ordinance may be renewed, unless the permittee is officially notified by the Town of Alamo. A vendor applying for the renewal of a permit for a business that remains unchanged since the last application or renewal is required to pay the permit renewal fee only.

9. Location review. Upon receipt of an application for a permit, the Town shall review the location to determine if it is suitable for vending. In making this determination, the Town shall consider the following criteria:

- a. A mobile vending unit is limited to one assigned location.
- b. No permit shall be issued for a location within 25 feet of a location for which a street vending permit has already been granted.
- c. The permit operating area must be located entirely within a commercial zone.
- d. The use of the vending devices must be compatible with the public interest in use of the public ways as public rights-of-way. In making such determination, the Board shall consider the type and intensity of use, the width of the sidewalk, the proximity and location of existing street furniture, including but not limited to traffic control devices, signposts, lampposts, parking meters, benches, phone booths, mailbox, fire hydrant, trees, and refuse containers, as well as the presence of truck loading zones. The Board shall also consider established and emerging pedestrian and vehicular traffic patterns, as well as other factors it deems relevant in determining whether or not the proposed use would result in congestion of the public way or the creation of a safety hazard.
- e. A minimum of five-foot sidewalk width must be maintained for pedestrian travel at all times.
- f. A mobile vending unit shall not be placed within 200 feet of any public or private school, park, or playground.

10. Restrictions and regulations. Any person with a valid permit issued pursuant to this ordinance shall be subject to the following restrictions and regulations:

- a. All vendors must display, in a prominent and visible manner, the permit issued by the Town under the provisions of this ordinance.
- b. A mobile vending unit shall not occupy more than _____ square feet of space,

which shall include the mobile unit, the operator, and a trash receptacle.

- c. The size of a mobile vending unit shall not exceed _____ feet wide by _____ feet long. It must have a minimum of two functional, fully inflated wheels, and have positive wheel-locking devices.
- d. The height of a mobile vending unit, including canopies, umbrellas, or transparent enclosures, shall not exceed _____ feet.
- e. The vending site must be clean and orderly at all times, and the vendor must provide a refuse container for use by his patrons.
- f. Soliciting or conducting business with persons in motor vehicles is prohibited.
- g. No merchandise shall be displayed using street structures (planters, trees, trash containers, signposts, etc.) or placed upon the sidewalk.
- h. Vendors shall not hinder or impede the use of any phone booth, mailbox, parking meter, fire alarm, fire hydrant, or traffic control device.
- i. Vendors shall obey any lawful order from a police or fire department official during an emergency or to avoid congestion or obstruction of the sidewalk.
- j. No permittee shall make loud noises or use mechanical audio or noise-making devices to advertise his or her product.
- k. No permitted mobile vending unit shall be left unattended on any property owned or controlled by the Town of Alamo.
- l. No permitted mobile vending unit shall remain on any property owned or controlled by the Town of Alamo between the hours of _____ and _____.
- m. Vendors selling from a mobile vending unit on a sidewalk shall not:
 - 1. Vend at any location where the sidewalk is less than 10 feet wide.
 - 2. Vend within 10 feet of an entranceway to any building, driveway, stop sign, or cross walk of any intersection.
 - 3. Obstruct the view of any traffic control sign or device, nor any directional signs.
- n. Utility service connections are not permitted, except electrical, when provided by the owner of the adjacent property. Electrical lines are not allowed overhead or lying in the pedestrian portion of a sidewalk.

- o. Vendors of food or beverages shall comply with all applicable State and local health laws regulating the preparation, handling, and presentation of food. Food and beverage vendors shall also comply with the following:
 1. Deep fat, oil or grease cooking processes employing more than one quart of heated liquid shall be protected by an automatic fire extinguishing system.
 2. Cooking processes involving heated fat, oil, grease, or liquids other than water shall be shielded from the public on three sides of the mobile vending unit or cooking equipment to a height of 18 inches above the cooking surface level and 4 feet above the level upon which the cart assembly rests.
 3. Vessels containing heated liquids or oils shall be thermostatically controlled so heat sources will automatically shut off when liquid reaches a temperature of 475 degree F.
 4. Processes requiring flammable gases, liquid, or solid fuels shall not be permitted, unless approved by the Alamo Fire Department. LPG containers shall be limited to no more than 5 gallons capacity and no more than one such container per cart or vending display.
 5. Storage of extra fuel is prohibited in the vending area except as permitted by the Fire Department.
 6. Vendors using open-flame cooking where steaks, hamburgers, sausages, hot dogs, or other products containing fat or grease are cooked, shall not be stationed beneath an awning or canopy of a building.

11. Permit revocation or denial. The Board of Mayor and Aldermen shall have the power and authority to revoke or deny either the issuance or renewal of any permit applied for or issued under the provisions of this ordinance. The City Recorder shall notify such applicant or permittee in writing by certified mail of the denial of a permit application, or the suspension or revocation of an existing permit and the ground thereof. Any permit issued under this ordinance may be suspended or revoked based on one or more of the following grounds:

- a. Cancellation of the vendor's State or local Health Department authorization or permit.
- b. Any other permit has been suspended, revoked or canceled.
- c. The vendor has violated or failed to meet the provisions of this ordinance.

- d. The permittee does not have currently effective an insurance policy in the minimum amount specified in this ordinance.
- e. The permit was procured by fraud or false representation of fact.
- f. The abutting property owner or tenant withdraws consent in writing for the mobile vending unit.

The Alamo Fire Chief or the Alamo Police Chief may, on his own initiative and without waiting for Board approval, temporarily suspend the permit of any street vendor or mobile vending unit for a period of up to 30 days, for violations of this or any other ordinance, the Town's municipal code, or when conditions exist that present a threat to the health, safety, or welfare of the public.

PASSED AND APPROVED THIS _____ DAY OF _____, 2003 BY A ROLL CALL VOTE OF THE ALAMO BOARD OF MAYOR AND ALDERMEN.

TOMMY GREEN, MAYOR OF ALAMO

ATTEST: _____
Sharon Kail, City Recorder