

ORDINANCE NO.____
AMENDING CHAPTER 179, PEDDLERS, STREET VENDORS AND SOLICITORS
TO ADD ARTICLE IV, MOBILE STREET VENDORS

WHEREAS, the Mobile Food Vending Industry is growing and continuing to expand in Stamford and nationwide in response to citizens' desire for quick access to goods and produce; and

WHEREAS, Mobile Food Vendors also known as "Food Trucks" are operated by small business owners whose revenue provides entrepreneurial opportunities as well as job growth; and

WHEREAS, Mobile Food Vendors present unique public health, safety and welfare issues; and

WHEREAS, established restaurant businesses also known as "brick and mortars" also contribute, substantially, to the overall local Stamford economy, provide numerous food options as well as job growth; and

WHEREAS, this Ordinance seeks to allow both the Mobile Food Vendor, and the established restaurant industry to co-exist without negative financial impact to the other; and

WHEREAS, to equally promote both industries for mutual economic growth in Stamford and in the best interests of our citizens, the Board of Representatives seeks to regulate the Mobile Food Vendors in Stamford.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF STAMFORD THAT:
Chapter 179, Peddlers, Street Vendors and Solicitors, is amended to add the following Article IV, "Mobile Street Vendors":

ARTICLE IV. MOBILE STREET VENDORS

Sec. 179-31. Definitions

"Mobile Food Vendor" means any person, whether principal or agent, who operates a licensed, motorized vehicle, truck or trailer, which is temporarily parked on premises, to vend, sell, offer for sale, solicit orders, display or otherwise serve food for human consumption to the public as authorized or regulated in this Part.

Sec. 179-32. Permit required

No mobile food vendor shall vend on a public street within the City of Stamford, or any land abutting such streets, without first obtaining a permit from the City of Stamford Food Truck Committee ("FTC").

Sec. 179-33. Composition of the Food Truck Committee

- A. The City of Stamford Food Truck Committee shall be comprised of:
- (1) The Chief of Police, or his or her designee from the Stamford Police Department;
 - (2) The Customer Service Supervisor of the Stamford Cashiering and Permitting Department, or his or her designee from the Cashiering and Permitting Department;
 - (3) The Director of Health, or his or her designee from the Stamford Health Department;
 - (4) The Bureau Chief of the Stamford Transportation, Traffic and Parking Department, or his or her designee from the Transportation, Traffic and Parking Department.
 - (5) The President of the Board of Representatives or his or her designee from the Board of Representatives.
- B. The FTC is authorized to promulgate and adopt reasonable rules and regulations to implement and administer the provisions of the article.

Sec. 179-34. Application Procedure for Mobile Vending Permit

The procedure for obtaining a mobile vending permit from the Food Truck Committee shall be as follows:

- A. The mobile food vendor must obtain a permit from the Stamford Department of Health and a State of Connecticut sales and use tax permit, in accordance with Connecticut General Statutes Section 12-409 or a tax exemption permit, in lieu of the sales and use tax permit.
- B. The mobile food vendor shall thereafter submit an application for a permit to the Cashiering and Permitting Department for consideration by the FTC. All such applications shall be made on a form prescribed by the FTC and shall include, but not necessarily be limited to the following information:
- (1) The full name, permanent home address, local address (if applicable), home and business telephone number and valid motor vehicle operator's license number or other approved form of identification of the applicant.
 - (2) The location of the applicant's principal office or place of business, if applicable.

(3) The location where the mobile food vending vehicle will be primarily stored when not in operation.

(34) A description of the food to be vended.

(45) The make, year, model and registration number of any motor vehicle to be used for the vending of merchandise.

(56) A statement as to whether the applicant has ever had a vendor's or solicitor's permit revoked or has been convicted of any crime involving fraud.

C. In addition to, and along with, the application for a permit, the mobile food vendor shall submit to the FTC:

(1) A signature; and

(2) Two (2) copies of a recent photograph; and

(3) Conclusive proof of the required license from the Stamford Department of Health; and

(4) Conclusive proof of the State of Connecticut sales and use tax permit, in accordance with Connecticut General Statutes Section 12-409 or tax exemption permit; and

(5) A Certificate of Insurance in accordance and compliance with Section...of this Article; and

(6) A copy of the mobile food vendor's motor vehicle operator's license.

D. In addition, after the application for a permit is filed, the mobile food vendor shall be subject to a criminal background investigation.

E. Additional permit holders.

A mobile food vending permit may identify the mobile food vendor and up to three (3) supervisory employees of the mobile food vendor as permit holders. However, all such named individuals must provide, at the time of application, the information required herein and are subject to a criminal background investigation.

F. Before any permit as provided by this article shall be issued, the applicant shall file with the Division of Cashiering and Permitting for consideration by the FTC a certificate of insurance that complies with following terms and conditions:

(1) The certificate of insurance shall name the City of Stamford, its officers, employees, agents and assigns as the additional named insured. Said certificate of insurance shall be in a minimum amount of One Million Dollars (\$1,000,000.00) or such higher amount as may be required by the City of Stamford Risk Manager, and insure against any and all damage and injury to property or person by reason of, or related to, the permittee's use of public streets, sidewalks or places to vend merchandise. Said insurance shall be maintained throughout the duration of the permit period and failure to do so shall be a violation of this article.

(2) All certificates of insurance issued pursuant to this article shall contain a clause that 10 days' written notice of cancellation or change shall be given to the Risk

Manager of the City of Stamford. Revocation, expiration or cancellation of such insurance shall automatically render a permit granted under this article null and void.

(3) An applicant shall also submit an executed agreement to indemnify and hold harmless the City of Stamford and its officers, employees, agents and assigns from any and all claims, actions, injuries and damages of every kind and description which may accrue to or be suffered by any person by reason of or related to the vending of merchandise by said applicant or the granting of a permit to do so.

Sec. 179-35. Permit Fees; exemption and waiver.

- A. The fee for the issuance of a one-year mobile food vendor's permit shall be \$200 per calendar year. The fee for the issuance of a one-day mobile food vendor's permit shall be \$125.00 per each twenty-four-hour day.
- B. The fee for the issuance of a one-year mobile food vendor's permit to vend in a city park and for a one-day mobile food vendor's permit to vend in a city park shall be determined by the Parks and Recreation Commission and approved by the Board of Representatives, provided that the fees set shall not be less than the fees for a street vendor's permit.
- C. The fee provisions of this article shall not apply to any veteran entitled to an exemption pursuant to Section 21-30 of the Connecticut General Statutes.
- D. The fee provisions of this article may be waived by the Board of Representatives upon request of a local charitable organization.

Sec. 179-36. Issuance of permit.

- A. Upon completion of a permit application and payment of the appropriate permit fee, the FTC shall issue a mobile vendor's permit to the applicant. However, the FTC shall refuse to issue such permit or shall revoke said permit for any of the following reasons:
 - (1) If the mobile food vendor has given false or misleading information on the application.
 - (2) If the mobile food vendor fails to provide any information as required by this article.
 - (3) The mobile food vendor is a registered sex offender or has been charged with or convicted of any felony offense involving theft, burglary, fraud, bribery, kidnapping, or assault under the laws of the state of Connecticut, of any other state, or of the United States, within five (5) years of the date of application.
This section does not apply to persons who have been acquitted of any such charges.

- B. Such issuance or denial shall not be later than the requirements of a reasonable investigation may dictate.

Sec. 179-37. Duration of Permit; transferability.

A one-year permit issued in accordance with this article shall be valid for the calendar year in which it is issued and shall expire on the 31st day of December of that year. A one-day permit issued in accordance with this article shall be valid for the period of one twenty-four-hour day. Such permit shall not be transferable or give authority to vend goods in more than one place at the same time and shall be valid only for the person in whose name it is issued. No permit other than the one-day permit allowed by this article shall be issued for any fractional period of a year, nor shall any pro rata payment be permitted.

Sec. 179-38. Restrictions on mobile vending operations.

- A. No mobile food vendor shall vend on a public street within 10 feet of any driveway, bus stop or crosswalk, nor within 20 feet of any intersection.
- B. All food vended by a mobile food vendor shall be contained upon or within the vehicle used by the mobile food vendor or contained upon the person of said vendor. In no case shall any food be placed directly upon a street, sidewalk or public place.
- C. No food dispensing vehicle shall be so located or placed as to obstruct pedestrian or motor vehicle traffic or to be detrimental or injurious to public safety or to interfere with the use of any street, sidewalk or public place by the public at large.
- D. The mobile food vendor and the food dispensing vehicle shall obey all traffic and parking laws, rules and regulations. In no case shall a vehicle used for vending be placed so as to restrict the continued maintenance of a clear passageway for vehicular traffic.
- E. All business activity conducted by the mobile food vendor on a street shall be conducted from the curbside of the food dispensing vehicle at all times.
- F. The ~~mMobile Food-food Vendor-vendor~~ is responsible for the proper disposal of all waste and trash associated with the permitted operation. All mobile food vendors shall provide or have available in a conspicuous place in the immediate vicinity of the food dispensing vehicle at least two (2) leak-proof, approximately thirty (30) gallon containers for the deposit of refuse, one container designated for trash and the other for recyclables. Each such container must be clearly marked with a sign requesting its use by patrons. Vendors must maintain all areas within 15 feet of the food dispensing vehicle at all times. The mobile food vendor shall properly remove any waste or trash within 15 feet of the food dispensing vehicle prior to leaving a location or as needed to maintain the health and safety of the public whether or not caused by the vendor or any customer.

- G. The food dispensing vehicle shall not be located within a minimum of one hundred (100) feet off from the main entrance to any eating establishment or similar food service business that is open for business and serving food to the public.
- H. No mobile food vendor shall play amplified music between the hours of 9 p.m. and and 3-6 a.m.;
- I. No mobile food vendor shall vend in a RA-1 zone during the hours of 10 p.m. and 6 a.m.
- J. No mobile vending permit issued by the FTC shall be construed so as to permit vending in any public park in the city unless such permit is issued in accordance with Section 179-9.1 of this Article.

Sec. 179-39. Restrictions on vending in city parks; bond to be posted.

- A. In addition to the requirements of this Article, mobile vending in a city park shall conform to all regulations adopted by the Parks and Recreation Commission.
- B. When applying for a mobile vending permit, the mobile food vendor shall specify in the application the particular city park where the vendor desires to locate.
- C. Any permit to vend in a city park, issued pursuant to this article, shall be specific to a particular park.
- D. In addition to a permit issued by the FTC, vending in a city park located within the boundaries of the Downtown Special Services District shall require a permit from the Downtown Special Services District, pursuant to §§ 179-13.1 through 179-13.9 of the Code, and shall be subject to all rules, regulations and procedures contained therein.
- E. No permit for vending food in a city park shall be issued for a park where a food concession has a preexisting contractual agreement with the city.
- F. A one-day permit to vend food in a city park shall not be issued unless the vendor applying for such permit posts a bond of \$200 to be applied to the costs of removing all trash and litter within a radius of 25 feet, attributable to said vending and not deposited in trash receptacles. Said bond shall be returned to the mobile food vendor if said area is free of trash and litter at the conclusion of said vending.

Sec. 179-40. Limitations on vending in certain designated areas.

- A. The FTC, in its sole discretion, and in the interest of preserving public health, safety and welfare, including the avoidance of vehicle and pedestrian congestion, may from time to time, by rule, prohibit mobile food vendors from operating on a specific street, portion of a street, zone, district, or other public location ("Prohibited Location").
- B. In the event the FTC establishes a Prohibited Location, the FTC may designate and demarcate a public location in the general vicinity of the Prohibited Location where

mobile food vendors may operate. ("Designated Food Truck Area."). The FTC may amend or suspend any of the restrictions set forth in this Article within the Designated Food Truck Area. In addition, the FTC may set a limit on the number of mobile food vendors that may operate in the Designated Food Truck Area.

C. If the FTC determines that there are more mobile food vendors that desire to locate in the Designated Food Truck Area then the limit set by the FTC, the FTC shall conduct an evaluation of those mobile food vendors and, in its sole discretion, select which such mobile food vendors may operate in the Designated Food Truck Area. In conducting this evaluation, the FTC shall take into consideration the mobile food vendor's experience level, the mobile food vendor's prior compliance with the provisions of this article, the quality of the food the applicant proposes to vend, the diversity of food among mobile food vendors and such other issues concerning the public health, safety and welfare as the FTC may from time to time deem relevant. A majority vote by the FTC shall control.

D. After completion of the evaluation and selection, the FTC shall issue a supplemental permit to the selected mobile food vendors which shall allow said vendors to operate in the designated area.

E. The FTC shall inform the Stamford Police Department of the Prohibited Location, the Designated Food Truck Area, and the mobile food vendors that have been issued the supplemental permit.

F. Upon issuance of supplemental permits equal to the limit placed on the number of mobile food vendors that may operate in the designated area, only those selected mobile food vendors that hold the supplemental permit may operate in the designated area.

G. The supplemental permit shall be valid for the calendar year in which it is issued and shall expire on the 31st day of December of that year. Such permit shall not be transferable.

H. The FTC may revoke a Prohibited Location and a Designated Food Truck Area status at any time.

Sec. 179-41. Permits to be conspicuously displayed.

The mobile food vendor shall conspicuously display the mobile vending permit, any supplemental permit issued for a designated area, the Health Department permit, and the sales and use tax permit on the mobile vending vehicle such that it can be observed by the public outside the vehicle.

Sec. 179-42. Violations and penalties.

In addition to any other penalty provided by the Code of Ordinances or the Connecticut General Statutes, each act of vending in violation of any of the provisions of this article shall be deemed a separate offense and shall be subject to a fine not exceeding two hundred dollars (\$200.00).

Sec. 179-43. Enforcement

A. Violations and penalties. In addition to any other penalty provided by the Code of Ordinances or the Connecticut General Statutes, any mobile food vendor operating a mobile food vending vehicle in violation of any provision of this section or any rules and regulations promulgated by the FTC may be subject to a fine not exceeding two hundred dollars (\$200.00). Each day of violation shall constitute a separate and distinct offense.

B. Revocation, Suspension, Modification. Once a permit has been issued it may be revoked, suspended, modified or not renewed by the FTC for failure to comply with the provisions of this section or any rules and regulations promulgated by the FTC, subject to the following provisions:

(1) The Food Truck Committee may only revoke a permit issued under this Article without return of the permit fee for a period not exceed twelve (12) months for any of the following reasons:

(a) Fraud or material misrepresentation or omission in the application for the permit;

(b) Wrongful procurement of the permit;

(c) Fraud or misrepresentation in carrying on the business of vending;

(d) Conduct during the course of or relating to vending which constitutes a breach of the peace or a threat to the public health, safety or welfare; or

(e) Three (3) violations of this Article within a twelve-month period.

(2) No permit shall be revoked, suspended, modified, or not renewed without a hearing before the FTC prior to which hearing the FTC shall give reasonable notice of the time and place of the hearing and the specific grounds of the proposed action. The decision of the FTC shall be final.

C. Removal. The mobile food vehicle of any mobile food vendor found in violation of this Article may be impounded.

Sec. 179-44. Severability

If any provision of this Article is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.