



FOCUS ON RESULTS
FOR ATLANTA

Public Right of Way Vending: Benchmarks and Project Plan

August 2013



Many cities are in the process of establishing vending policies; no one-size fits all solution exists

- In response to the City of Atlanta's desire to establish a **Vending Policy to address vending and food truck usage in the city's right of way**, the FOR Atlanta team has researched vending policies in a number of cities to understand best practices. **Cities profiled include Boston, Chicago, Denver, Kansas City, New York, Dallas, Portland, and Raleigh**
- Currently, there are a wide range of policies implemented around the country to manage vending in the public right of way; **no one size fits all solution exists**
- At a minimum, policy must include **parameters around location, saleable items, appearance, and regulation**
- Further, additional conditions must be taken into account when addressing the **Food Truck category**; policy should address **competition, health safety, and additional location considerations** as a part of a phased process

A Project Team will create recommendations for City Council to consider as the City's new vending policy within 60 days



We will follow a multi-phased approach that creates policy recommendations to be presented to Council

Process for Implementation

Phase I

Outline parameters for policy and present initial thoughts to City Council

Phase II

Input from City Council continues in conjunction with public outreach sessions and feedback from businesses, vendors, and community

Phase III

Final recommendations presented to Council; transition to implementation assuming legislation is passed

We will aim to present policy recommendations to Council within sixty days and implement the program in December 2013



At a minimum, policy needs to address parameters around location, saleable items, and regulation

- **Location:** Determine best locations for designated vending districts; Preliminary recommendations focus on the following as priority places to consider:
 - Downtown Business District
 - Parks
 - Stadiums
- **Permissible for Sale:** Determine types of vendors to allow
 - Recommend strong policy regulating food/drink vending
 - Other types of vending, especially merchandise, present unique challenges but can be successful with proper oversight; recommended categories to consider
 - Food/Drink
 - Flowers
 - Fresh produce
 - Periodicals
 - Merchandise; *requires strong oversight and limitations*
- **Cost and Regulation:** Proposal must also include regulatory requirements and cost of operating; considerations to include:
 - Required business license for all vendors
 - Public Way Street Vending Permits issued by one agency- Office of Planning and Community Development?
 - All Park permitting issued by Parks and Recreation
 - Cost needs to account for cost of oversight, but not prohibitive



An overview of street vending practices across the country reveals a range of approaches

	Details	Examples
Designated Vending Districts	Some municipalities designate vending districts based on factors like traffic, special event venues, and impact on local businesses	Downtown Vending districts in Miami, Phoenix and St Louis
Fees	Fee structures vary from city to city and typically range from \$75-500 annually. Some cities also utilize revenue kickers that lead to additional fees collected from high volume vendors	New York city differentiates between newsstands and other vendors
License Period	Typically 1-year license periods Some municipalities offer temporary or shorter term licenses for special events	Charlotte-Mecklenburg established special vending practices to accommodate vendors during the 2012 DNC
Exemptions	Written matter and farm produce are commonly exempt from certain vending regulations and licensing requirements	Los Angeles allows artist to sell goods in designated areas while placing strict restrictions on utility items (e.g. t-shirts)
Jurisdiction	Governing agency that oversees the activities and manages permit process varies across city and sometimes requires collaboration across departments (e.g. parks and rec in collaboration with the department of health for some food vendors)	Some departments involved include City Manager Dept. of Transportation Dept. of Health Dept. of Finance Dept. of Public Works Dept. of Planning Business/development services



Preliminary Project Schedule delivers vetted policy recommendations to Council in sixty days

Involved Parties	Task	August	September	October	November	December
Project Team	Kick-off meeting to discuss scope of project, align on timeline moving forward	★ <i>Phase 1</i>				
Project Team	Craft recommendations to Council					
Project Team	Finalize initial recommendation; Bi-Weekly meeting					
City Council	Present initial recommendations to Council		★ <i>Phase 2</i> (9/3)			
Project Team	Incorporate Council Feedback and begin plans for public outreach					
Project Team , City Council	Conduct public outreach sessions; summarize preliminary findings for Council					
City Council	Present vetted Policy to Council			★ (10/14)		
City Council	Target Policy Approval by Council				★ (11/13)	
TBD	Implementation					<i>Phase 3</i>



Appendix



Chicago, IL – robust street vending profile that utilizes 3rd party management to drive effectiveness

<p><u>Appearance</u></p> <ul style="list-style-type: none"> • Every wagon, cart or other vehicle used by a must have the name of business legibly painted on the cart, must display a vehicle emblem obtained by city clerk, • Peddlers must wear a badge indicating that s/he is a “Chicago Street Peddler” 	<p><u>Cost and regulation</u></p> <ul style="list-style-type: none"> • Unlimited licenses for movable outdoor fruit stands on <i>private property</i> and in 30 public locations • Chicago Park District concessions managed by 3rd party • Peddler's License issued by the City of Chicago for city property (cannot be used in parks) meant for vendors that keep moving: • Cost varies by vendor type: <ul style="list-style-type: none"> • Produce Merchant – \$275.00 • Mobile Desserts Vendor – \$275.00 • Mobile Food Dispenser – \$700.00 • Mobile Food Preparer – \$1,000.00 • Street Peddler – \$100.00 				
<p><u>Location</u></p> <ul style="list-style-type: none"> • Special districts/events where vendors are allowed (e.g. New Maxwell Street Market, Daley Center Plaza/Lobby) • No peddling between 5p-7a, certain districts exist where it is never allowed. 	<p><u>Permissible for sale</u></p> <ul style="list-style-type: none"> • Flowers • Food • Merchandise • Periodicals 				
<p>Scope: City population: 2,700,000</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;">Produce merchants: 12</td> <td style="text-align: center;">Mobile Food Dispenser: 96</td> </tr> <tr> <td style="text-align: center;">Mobile Food Preparers: 6 (20 applications TBD)</td> <td style="text-align: center;">Frozen Dessert pushcarts: 172</td> </tr> </table>		Produce merchants: 12	Mobile Food Dispenser: 96	Mobile Food Preparers: 6 (20 applications TBD)	Frozen Dessert pushcarts: 172
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Kansas City, MO does not allow sale of merchandise, re-thinking policy to allow for artist vendors

Appearance

- All carts must follow design standards as decided by city
- Licenses and permits must be displayed on the cart
- Provide trash receptacle
- Clean litter and food deposits from area at least once a day or when the vendors remove their carts, wagons, vehicles or kiosks
- All generators must operate within acceptable noise levels.

Cost and regulation

- Street vending (pushcart) Permit is required from the Food Protection Program at the KCMO Health Department
- A Vendor license is not needed, but a business license is

For Vending in Parks:

- Parks and Rec issues park vending license - \$500/year

Location

Street Vendors:

- Certain areas of town are closed for Vending
- No trafficways, boulevards, or parkways
- Not within one block of a school on a school day during the 30 minutes before school starts until the 30 minutes after school has adjourned
- Must maintain a three-foot passageway for pedestrians
- Not within 25 feet of public entrance of café, cafeteria, lunchroom, or restaurant.
- Carts must be attended at all times, whether serving or not

Permissible for sale

- frankfurters and commissary wrapped foods.
- Unpackaged non-potentially hazardous food items approved for sale from a pushcart shall be limited to popcorn, nuts, produce, pretzels and similar bakery products, coffee, lemonade, shaved ice and snow cones.

In Parks:

- Food and non-alcoholic beverages ONLY
- Vendors categorized as “Healthier Food Vendors” will receive a 50% discount in permit cost
- Vendors categorized as “Healthiest Food Vendors” will receive a “roaming vending permit” , which allows vending in 3 parks using one permit.

Scope: City population: 460,000

359 permitted mobile units including food trucks, hot dog carts and ice cream vans

1 vendor licensed to vend in parks



Charlotte, NC – model includes mobile vendors that frequently renew permits, pushcarts and catering trucks

Appearance

- A valid placard, which is issued with the permit must be on display at all times

Cost and regulation

- All vendors must also have a business license to operate in the city
- Mobile vending permits must be renewed regularly (ranges from 30-90 days depending on location)
- Pushcarts - \$25-50
- Catering trucks - \$25-50
- Peddlers – \$25
- Merchant itinerant - \$100

Location

- Mobile food vendors must maintain 400-foot separation from all other mobile food vendors
- Designated vending zones, including central business district
- Vendors cannot operate after 9pm

Permissible for sale

- Food (zoning & health department)
- Limited merchandise and artwork

Scope: City population: 750,000

Estimated ~50 permitted vendors at any given time and 2-3times as many vending illegally without permits



Portland, OR – thoughtfully developed policies that address community economic development

Appearance

- All carts must follow design standards as defined in the ordinance (length, signage, operating hours)
- Current pictures need to be submitted with license application

Cost and regulation

- Permit from the City of Portland (dept. of transportation): \$75 annually
- (Each individual sidewalk vending cart requires a separate permit.)
- Parks and Recreation issues vending permits for operating within City parks.
- Vending on private property does not require a vending cart permit from the Office of Transportation. However, permits from the County Health Office, Portland Fire Bureau, the
- Bureau of Licenses, the Bureau of Development Services and/or a Nurseryman’s License may be required

Location

- Sidewalk Cart Vendors:
 - Vending carts are only allowed in commercial zones.
 - 100 feet from restaurant or flower shop, unless with permission
- Food trucks (street vending)
 - Not allowed within central city (change in policy coming)
 - Limitations around distances from schools, libraries, sporting venues

Permissible for sale

- Food for immediate consumption
- Fresh cut flowers
- Inflated balloons
- Maps
- Shoe shines
- Umbrellas

Scope: Currently only 12 street cart vendors have permits to vend in public way. Info on Food Truck scope TBD.



Boston, MA – limited restrictions on appearance yet strict designated vending location

<p><u>Appearance</u></p> <ul style="list-style-type: none">• No appearance restrictions immediately apparent	<p><u>Cost and regulation</u></p> <ul style="list-style-type: none">• Public Works and BPD issue licenses for stationary vending• If placing a vehicle for vending in the public way, need license from Transportation dept.• Cost varies by vendor type<ul style="list-style-type: none">• Food Truck Permitting – \$500 application fee, additional renewal fee annually• Peddling – TBD
<p><u>Location</u></p> <ul style="list-style-type: none">• For street vendors, certain areas of the city are defined as restricted• Pre-approved public locations for Food Trucks, though they may go outside with permission• Can locate on private property with permission	<p><u>Permissible for sale</u></p> <ul style="list-style-type: none">• No tobacco, no toys that can be propelled in the air, but all remaining categories appear to be permissible



New York, NY – high profile example that shares regulatory responsibility across departments

<p><u>Appearance</u></p> <ul style="list-style-type: none">• 72 sq. ft. for newsstand (9 ft tall max)• 8 ft. x 3 ft. for general vendor• Permit/medallion must be displayed	<p><u>Cost and regulation</u></p> <ul style="list-style-type: none">• Regulated by Parks and Rec, Health Management, Consumer Affairs• Cost varies by vendor type<ul style="list-style-type: none">• Pre-packaged food/fresh produce - \$75 for 2-yrs• Food processed on cart- \$200 for 2-yrs• Newsstand \$1,076 per 2-yrs• Stoopline stands: \$40-\$80• General vendor: \$200/yr
<p><u>Location</u></p> <ul style="list-style-type: none">• Designated areas based on items for sale• Restrictions on number of vendors allowed in public right of way• Unique rules for vendors active in parks	<p><u>Permissible for sale</u></p> <ul style="list-style-type: none">• Art• Flowers• Food• Merchandise• Periodicals



Denver, CO – relatively complicated fee structure that involves several agencies

<p><u>Appearance</u></p> <ul style="list-style-type: none">• Size restrictions impact where they can be located on sidewalk• Current pictures need to be submitted with license application	<p><u>Cost and regulation</u></p> <ul style="list-style-type: none">• Permitting done through Public Works Department• Compliance taxes and fees for zoning, treasury, Colorado Dept. of Revenue, Excise & Licenses, Environmental Health• Cost varies by vendor type<ul style="list-style-type: none">• General application fee – \$25• Permit fee – \$260-\$325• Food trucks – \$325
<p><u>Location</u></p> <ul style="list-style-type: none">• Street Vendors:<ul style="list-style-type: none">• Applicants select up to 3 locations for their vending, only one is granted• Proximity boundaries to landmarks• No vending between 12a-6a.• Food Trucks:<ul style="list-style-type: none">• Allowed on public or private property, within a park, or as part of a larger event• Temporary vending license<ul style="list-style-type: none">• Provides licensed stationary, non-mobilized food vendors the opportunity to temporarily sell food and non-alcoholic beverages at designated sites	<p><u>Permissible for sale</u></p> <ul style="list-style-type: none">• Flowers• Food• Other items not explicitly listed (e.g. periodicals or merchandise)



Dallas – high profile example that shares regulatory responsibility across departments

<p><u>Appearance</u></p> <ul style="list-style-type: none">• Vehicles must not exceed 6 ft. x 4 ft. x 3ft.	<p><u>Cost and regulation</u></p> <ul style="list-style-type: none">• License allows the holder to sell, distribute services or goods, except for potted plants, vegetables, or fruits on public or private property in the Central Business District• Vendors must make everything they sell (handcrafted items)• No manufactured goods or imports may be sold by Arts and Craft vendors• The vendor must be the person who made the goods• All vendors of arts and craft must submit samples of their product line for review by the department for examination prior to vending• Cost varies by location<ul style="list-style-type: none">• Central Business District Concession License \$150.00 (annually)• Central Business District location Permit \$100.00 (monthly)• General Service Pushcarts Permit \$150 (annually)• Limited Service Pushcart Permit \$130 (annually)
<p><u>Location</u></p> <ul style="list-style-type: none">• Vending permitted in designated areas, including<ul style="list-style-type: none">• Central Business District• Warehouse/West End• Arts District• Not permitted in the public roadway• Sales allowed from 6a-8p	<p><u>Permissible for sale</u></p> <ul style="list-style-type: none">• Handcrafted items• Fresh Cut Flowers (may be sold from a container by hand)• Inflated Balloons (if significantly changed in shape or form)



Raleigh, NC – standard example of baseline vendor policy

Appearance

- All carts must follow design standards as defined in the ordinance (length, signage, operating hours)
- Current pictures need to be submitted with license application

Cost and regulation

- The following permits are required for street vending:
- Home Occupation Use Permit: \$78
 - Wake Co. Environmental Services Approval Letter: Fee Varies
 - City of Raleigh Business License: \$25
 - Pushcart Vending Permit: \$150
 - NC State Agriculture Dept. Food Vending Permit: Fee Varies

Location

- Street Vendors:
 - No more than 3 permits (locations) for each cart
 - If selling food, must locate at least 50 ft away from restaurants, outdoor eating areas
 - No more than two vendors per block face
- Food Trucks:
 - Allowed within 6 zoning districts
 - Number of trucks allowed to park per acre is limited/defined

Permissible for sale

- Flowers
- Food and beverages
- Original artwork or handicrafts



Best practice Food Truck policies address competition, health safety, and ease of permitting

■ Time Constraints:

- Less restrictive time constraints are easier to enforce, but may receive more pushback from competing stakeholders (restaurants). **Average time spent in one location is recommended 4-5 hours**

■ Proximity Restrictions:

- For a low density City like Atlanta, proximity restrictions to restaurants/coffee shops may be met without causing undue hardship on the part of the food truck (difficulty finding applicable locations, etc.). **Average proximity restriction is 100 feet.** May need further study to determine applicability in allowable zones

■ Geographic Limitations

- Recommended that limited restrictions be in place for allowable vending locations. It is reasonable that there be limitations in proximity to parks and schools, as well as limitation on vending in pre-determined dense business areas, but the **restrictions should be clearly stated and well enforced.**

■ Health Safety:

- Atlanta is currently considered a best practice city for Food Safety and Sanitation guidelines. **Continue to operate with current State laws** surrounding Food vending.

■ Ease of Permitting:

- As much streamlining as possible is recommended in the permit process, both for the ease of the food truck owner, as well as limiting the number of City departments that must be involved in each permitting request. **Recommended: Business License, Health Inspection, City Permit (from Planning or Parks and Rec, depending on desired location).** Cost of Permits (total) in researched cities ranges from \$110-\$1,500.

■ Pilot Program (TBD)