



City of Barre, Vermont

“Granite Center of the World”

Food Vendor Policy

It will be the policy of the City of Barre that all Food Vendor Licenses for vending to take place within our borders shall be approved by the City Council and the City Health Officer. This policy is to be used in conjunction with Barre City Ordinance Chapter 10, Section 10-14. (see attached)

DEFINITIONS

A **food vendor** is a vehicular or non-vehicular piece(s) of equipment from which food is prepared, packaged, stored, handled, served or supplied for sale.

RULES

The following rules apply:

1. All vendors must submit a Food Vending License Application and fee with the City Clerk’s office before City Council consideration.
2. All applicants must provide proof of valid vehicular registration and inspection (if applicable) and must also provide proof of liability insurance that provides adequate coverage for the municipality and names the City of Barre as additionally insured.
3. The applicant must make him/herself and equipment available for inspection by the City Health Officer or Deputy Health Officer.
4. The applicant must apply for and receive all necessary state licenses for food service, and provide proof of such to the City Health Officer or Deputy Health Officer.
5. License holders are only to operate between 10:00 AM and 9:00 PM and only during the months of April through October (inclusive).
6. The license issued by the City is to be displayed in the vehicle, cart or other equipment used for vending.
7. Any signage, either attached or detached, shall meet City zoning ordinance requirements and have all applicable permits.
8. The license holder shall provide adequate receptacles for the collection of trash and refuse. Such trash and refuse shall be removed and disposed of by the license holder, and shall not be deposited into City trash receptacles.
9. The license is valid for the calendar year in which it is issued, and expires on December 31st of each year.
10. The license holder is responsible to notify the City, in writing, within 7 days of any changes to the name(s) and/or address details shown on the permit due to the sale of the business or for any other reasons whatsoever.
11. Music or other audible means used for attracting customers is to be kept to a minimum so as not to create a nuisance to residents. Music is to be discontinued

- when the vehicle is stationary. If it is established that the music is a nuisance, the vendor will be required to modify it as requested by Barre City personnel.
12. All sales and inquiries are to be conducted from the passenger's side of any vehicle used.
 13. The license holder agrees to indemnify and to keep indemnified the City, its servants and agents and each of them from and against all actions, costs, claims, charges and expenses whatsoever which may be brought or made or claimed against them or any of them, arising out of any license holder negligent act of omission in relation to the issuing of the license.

LOCATION

Licensed food vending may take place on public property within the following limits:

- a) No food vending shall take place within 150 feet of a licensed food establishment or another food vendor.
- b) No food vending shall be in, on or over any part of a street, alley or sidewalk without permission of the City Council (Ord. sec. 14-13). Such permission shall be included as an addendum to an approved license.
- c) No item associated with food vending shall be located so as to endanger or impede the free passage of persons on any and all portions of the sidewalks (Ord. sec. 14-13)
- d) No food vending shall be permitted in City parking lots without the express permission of the City Council. Such permission with exact location shall be included as an addendum to an approved food vending license.
- e) No food vending shall be permitted in City parks without the express permission of the City Council. Such permission shall be included as an addendum to an approved food vending license.
- f) Food vending on City streets, sidewalks and/or parks when such areas are closed to traffic for community events shall be allowed by the City with the approval of and coordination with the event organizer(s).

Licensed food vending on private property must have written permission from the property owner.

TERMINATION

The City Manager or his/her designee reserves the right to revoke a food vending license or addendum at any time.

This Food Vendor Policy was adopted by the Barre City Council on June 23, 2009.

John C. Craig, City Manager /S/

Barre City Ordinance

Sec. 10-14. Eating establishments.

- (a) No person, firm or corporation shall operate a hotel, victual house, lunchroom, diner or lunch wagon, or any other establishment where food is sold or offered for sale to be consumed on the premises, until a license has been obtained therefore from the council, which said license shall be issued by the clerk and shall have paid to the city treasurer the license fee prescribed in this section. (Ord. No. 97-3, 11-24-97)
- (b) No person, firm or corporation shall operate a food vending vehicle, lunch wagon, take out, or ice cream stand where food is sold or offered for sale to be consumed only off premises, until a license has been obtained therefore from the council, which said license shall be issued by the clerk and shall have paid to the City Treasurer the license fee prescribed in this section. (Ord. No. 97-3, 11-24-97)
- (c) Fees will be assessed for each food vending vehicle, lunch wagon, take out and ice cream stand for strictly off premise consumption, season and yearround eating establishments. The fees for the permits shall be designated by the city council and upon adoption of the rates the council shall publish in the local newspaper the rate changes thirty (30) days prior to the effective date of the rate changes. (Ord. No. 1989-4, 6-6-89, Ord. 97-3, 11-24-97, Ord. No. 2005-1, 8/18/05)
- (d) No license shall be so issued without the approval of the Board of Health.
- (e) Written applications for license shall be filed with the clerk on or before December 31st in each year by persons then engaged in such business and the required fee shall be deposited with the application. Written application by persons beginning such business after December thirty-first shall be made at least ten (10) days before such license is granted. Licenses shall expire on the last day of December of each year. (Ord. 1983-1, 1-13-83)
- (f) Such license is not transferable.
- (g) The board of health, after due notice and hearing, may revoke or suspend any license issued under this section, whenever it shall determine that the licensee has violated any of the provisions of this chapter, or any amendments hereto, or of any order and regulation of the board of health, and without giving notice, the board of health may suspend such license temporarily, when said board deems it necessary for the public good.
- (h) Upon approval of the application, a license certificate signed by the clerk and countersigned by the board of health, shall be issued to the licensee, who at all times shall keep said certificate posted in a conspicuous place in his place of business and upon notice of suspension or revocation of license, shall surrender forthwith such license certificate to the board of health. (Ord. No. 1983-1, 1-13-83)

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Sec 1974a and Sec. 1977 et seq. A civil penalty of not more than \$500.00 may be imposed for a violation of this civil ordinance, and the waiver fee shall be set at fifty dollars (\$50.00) for the first offense, One hundred dollars (\$100.00) for the second offense within a six month period, and three hundred dollars (\$300.00) for all subsequent offenses within a six month period. Each day that the violation continues will constitute a separate violation of this ordinance. Provisions of this section may be enforced by any law enforcement officer. (Ord. No. 97-3, 11-24-97)