

## City Commission Policy 106

### Closure of Adams Street/Gallie Alley and Other Downtown Streets, and Food Vendor Permits on City Property

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**DEPARTMENT:** City Manager

**DATE ADOPTED:** May 13, 1992

**DATE OF LAST REVISION:** December 6, 2017

#### **PART I: GENERAL PROVISIONS**

**106.01 Authority:** City Commission; Article III, Street Vendors, Chapter 5, Tallahassee Code of General Ordinances.

**106.02 Administration:**

- A. Part I: The City Manager, each City department, and the Downtown Improvement Authority shall have the duties and responsibilities as set forth in the various parts of this policy.
- B. Part II: The City of Tallahassee Parks, Recreation and Neighborhood Affairs Department (Parks and Recreation Department) is responsible for coordinating the review of all applications.
- C. Part III: The Parks and Recreation Department is responsible for the review of all applications and approval of permits for the location of mobile food vehicles and food vendor carts in the areas listed in Section 106.112, as authorized under Part III of this policy.

**106.03 Revocation of Permits:** Pursuant to Section 5-80, Tallahassee Code of General Ordinances, the City Manager may revoke any permit issued under this policy, and if applicable, cancel a lease agreement, if the permittee's operation is determined not to be in the public's best interest; if the permittee provided false or incorrect information in the application; if the permittee fails to pay any fees required by this policy; or if the permittee fails to comply with the applicable requirements of this policy or lease agreement. The City Manager shall provide reasonable advanced notice of the revocation of the permit unless he/she determines there is imminent danger to the public health, safety, welfare, or property in which case the revocation may be without notice. An imminent danger includes, but is not limited to, any situation in which it is determined that the vendor has failed to meet the State of Florida Department of Health's minimum standards for sanitation and food service or any situation in which a mobile food vehicle or food vendor cart is creating a traffic hazard. Any permittee whose permit is revoked under this paragraph shall have the right to file a written appeal with the City Manager within 10 calendar days after the notice of revocation is issued.

**106.04 Definitions:**

**Adams Street:** The segment of Adams Street, from building wall to building wall, between Pensacola Street and Tennessee Street.

**Adams Street Commons:** The segment of Adams Street, from building wall to building wall, between College Avenue and Jefferson Street, including City Hall Plaza areas.

**City Manager:** The City Manager of the City of Tallahassee, or his/her designee.

**City Parks and/or Playgrounds:** Selected parks, playgrounds, swimming pools, and/or other active recreational areas managed by the City's Parks and Recreation Department that have been approved by the City Manager to permit mobile food vehicles and food vendor carts.

**Downtown Streets:** Any street within the jurisdiction of the Downtown Improvement Authority.

**Food Vendor Carts:** A food vendor cart is a cart that can be pulled or pushed down a sidewalk, street, highway or waterway, on which food is prepared, processed or converted or is used in selling and dispensing food to the ultimate consumer. Typically, the operator of such cart stands on the ground.

**Gallie Alley:** The segment of the alley courtyard from building wall to building wall within the block bounded by Jefferson Street, Adams Street, College Avenue and Monroe Street, except any segments privately owned.

**Mobile Food Vehicles:** Mobile food vehicles are self-contained commercial trucks, trailers, or other vehicles that can be moved to new locations, in which ready-to-eat food is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution; owned and operated by the owner or agent of a properly licensed food establishment; and not used for personal or residential purposes.

**Special Events:** Any private or public event that requires an application to reserve the facility and involves services from one or more City department.

**West Jefferson Street:** The segment of Jefferson Street, from building wall to building wall, between Adams Street and Duval Street.

**106.05 Permits:** Any permits issued under Parts II and III of this policy will be issued on a first come, first serve basis.

**106.06 Americans with Disabilities Act:** Applicants under all parts of this policy shall comply with the Americans with Disabilities Act and shall complete the form attached to this policy as Attachment 1 for each permit issued.

**106.07 Insurance:** The City Manager, or Director of Parks and Recreation Department, may require proof of insurance from any applicant under all parts of this policy. The amount of insurance liability will be determined by the regulating entity, but may have a minimum limit of \$1 million general liability to protect the City, naming the City as an additional insured as a condition of permit approval. If alcohol is sold, served, or consumed as a part of the event or permit, the insurance policy shall be endorsed for liquor liability.

## **PART II: CLOSURE AND USE OF ADAMS STREET/GALLIE ALLEY AND OTHER DOWNTOWN STREETS**

**106.08 Scope and Applicability:** Part II shall apply to all individuals, organizations and governmental units requesting the closure and/or use of Adams Street / Gallie Alley area or other Downtown Streets for activities of a general public purpose.

**106.09 Policy Statement:** It is the intent of the City of Tallahassee to regulate the use of Adams Street / Gallie Alley area and other Downtown Streets for Special Events through the issuance of special use permits and the establishment of policies and procedures.

**106.10 Criteria for Usage:** Adams Street / Gallie Alley or other Downtown Streets may be used for any general public purpose and food vendor carts, permitted as provided herein in Part III, as long as the public purpose is compatible with the existing physical facilities and does not interfere with the health, safety, and welfare of the public. Permits for use will be issued only for events/activities that are open to the general public.

**106.11 Procedures for Closure and Use of Adams Street, Gallie Alley, and/or Other Downtown Streets:**

- A. Requests for Usage for Activities: A written application on forms approved by the City Manager must be submitted to the Director of the Parks and Recreation Department at least 30 days in advance of the requested date(s) for usage. The application(s) will be processed in the manner used by the Parks and Recreation Department for Special Events, and will be generally in the form(s) attached hereto as set forth below:
1. Attachment 1, a Special Events Application;
  2. Attachment 2, an Alcohol Permit Application (for events involving sale or service of alcohol); and
  3. Attachment 3, a Tallahassee Police Department Special Event (Street Closure) Application.

Fees may apply for processing the application forms attached hereto; information on fees may be obtained from the Parks and Recreation Department. The attached forms may be amended from time to time without revision to this policy.

- B. Applicant Responsibilities and Usage Stipulation:
1. The applicant shall be responsible for the cleanup of the area after use.
  2. The applicant and any sponsor, vendor, or user must fully cooperate at all times with the Police, other law enforcement officials, and any other City department involved in the event.
  3. The area of usage will be determined at the time the permit is issued. The City, however, reserves the right to limit or restrict the area of usage further if the public health, safety, or welfare requires additional limitation or restriction.
  4. The City reserves the right to assess charges for excessive maintenance, cleanup, and/or damages to the area utilized.
  5. The City reserves the right to limit the length of time the area may be used.

- C. Closure of Adams Street/Gallie Alley or Other Downtown Streets:

The Director of the Parks and Recreation Department shall send notice of the application including the dates, times, and streets affected by the proposed closure to the Executive Director of the Downtown Improvement Authority, the President of the Downtown Merchants Business Association; the Tallahassee Chamber of Commerce; any property owner, business, governmental entity, or agency on or within 100 feet of a street proposed to be closed for a Special Event; and to any other property owner or tenant within the jurisdiction of the Downtown Improvement Authority that has requested notice of such closures.

1. The Parks and Recreation Department shall coordinate with other City departments, including but not limited to the Tallahassee Police Department, Underground Utilities and Public Infrastructure Department, and Community Beautification and Waste Management, for review of applications for the closure of Adams Street/Gallie Alley or other Downtown Streets for Special Events.
2. When an application requests the closure of any street covered by this policy, the Parks and Recreation Department will require completion of a Tallahassee Police Department street closure application, (Attachment 3), and will submit the application to the Tallahassee Police Department for review and comment. The requested closure must be approved by the Tallahassee Police Department. If the application for closure is approved, the street will be closed only as specified by the approved permit for the event.
3. The City Underground Utilities and Public Infrastructure Department will be responsible for providing barricades for use by the Tallahassee Police Department for closing and opening any street approved for closure under this policy. The Underground Utilities and Public Infrastructure Department shall coordinate with the Parks and Recreation Department, the Tallahassee Police Department, and any other department necessary.
4. Whenever any public street is closed under this policy, the City will establish an alternate route for vehicular traffic to follow.

- D. Maintenance: The Parks and Recreation Department is responsible for routine maintenance of the Adams Street Commons area.

**PART III: MOBILE FOOD VEHICLES AND FOOD VENDOR CART PERMITS ON CITY PROPERTY**

**106.12 Location:** The following areas may be used for mobile food vehicles and food vendor carts, permitted as provided in this part, as long as the public purpose is compatible with the existing physical facilities and does not interfere with the health, safety, and welfare of the public:

- A. Adams Street Commons/Gallie Alley;
- B. West Jefferson Street, including City Hall Plaza;
- C. Other Downtown Streets;
- D. Kleman Plaza; and
- E. City Property and adjacent streets and sidewalks, as approved by the City Manager; and
- F. City parks, playgrounds and adjacent streets and sidewalks, as approved by the Director of Parks and Recreation Department.
- G. The "John's Lot" at the northwest corner of Duval Street and Gaines Street.

**106.13 Requests for Usage for Permitted Food Vendor Carts:**

- A. Applications: Applications for permits for mobile food vehicles and food vendor carts in the areas designated in Section 106.12 shall be submitted in writing to the Director of the Parks and Recreation Department on forms approved by that Department.
- B. Permits:
  - 1. Mobile Food Vehicles: Permits for mobile food vehicles will be issued on a first come, first serve basis for specific locations designated for such purpose. All permits issued pursuant to this part shall be effective for the dates designated on a daily, weekly or monthly basis, but under no circumstance can a mobile food vehicle be permitted for the same designated location for more than sixty (60) available consecutive days.
  - 2. Food Vendor Carts: Permits for food vendor carts will be issued on a first come, first serve basis. All permits issued pursuant to this part shall be effective on the first day of the month of issuance and shall expire one year from the effective date thereof unless sooner revoked. Vendors may request a shorter permit duration.
- C. Special Events: Permits granted under this Part III shall not be valid during Special Events approved by the City, or the Parks and Recreation Department in the downtown area, on City property and adjacent streets and sidewalks, or in City parks and playgrounds and adjacent streets and sidewalks. The Parks and Recreation Department will notify applicants for mobile food vehicles and food vendor carts of scheduled Special Events and of procedures for the vendor to participate in those Special Events. Special Event permits for mobile food vehicles and food vendor carts require an application and additional fees to the sponsor of the Special Event separate from the application(s) submitted under this policy.
- D. Review of Applications: Applications for mobile food vehicles and food vendor carts must be submitted at least two weeks in advance of the requested date(s) for usage. The Parks and Recreation Department shall coordinate review of the application with appropriate City, County and/or State authorities. An application for a food vendor cart on a State roadway must be approved by the State of Florida.
- E. Limitation on similar vendors: Not more than two vendors of similar food products will be permitted in proximity to one another, as determined by the Director of the Parks and Recreation Department for the areas listed in Section 106.112.
- F. Hours of operation: Any permit issued under this part may include limitations on the hours of operation in the mobile food vehicles or a food vendor cart permit.

- G. Cancellation of mobile food vehicle or food vendor cart permits: The Director of the Parks and Recreation Department has the right to cancel mobile food vehicle or food vendor cart permits in the areas listed in Section 106.112.
- H. Solid waste: The vendor shall be responsible for managing solid waste created by his/her operation of mobile food vehicle or the food vendor cart, including providing a suitable receptacle for recyclable materials, waste and litter. The vendor is responsible for removal of the receptacle(s) and the waste and litter on a daily basis.
- I. Charges for maintenance, clean-up, or damage to City property:
  - 1. The Director of the Parks and Recreation Department reserves the right to assess charges for excessive maintenance, clean-up, and/or damages to the area utilized by the mobile food vehicle or food vendor cart for those areas listed in Section 106.112.
  - 2. Electricity Hook-Up: The Director of the Parks and Recreation Department in conjunction with Electric Utilities may set additional fees for electrical hook up and services.
- J. Information required in application: The application, at a minimum, must include, the following:
  - 1. Name, address, telephone number of applicant, mailing/business address, electronic mail address and telephone number of applicant.
  - 2. Vehicle or Cart owner's name, address and telephone number if different than applicant and copy of insurance coverage for mobile food vehicle.
  - 3. Type of vending provided.
  - 4. Desired location.
  - 5. Duration of use permit.
  - 6. Liability release statement.
  - 7. Other information as reasonably requested by the Director of Parks and Recreation Department to properly evaluate the application.
- K. Non-refundable permit fee: If approved, the vendor, for the areas listed in Section 106.112, shall enter into an agreement with the Parks and Recreation Department to pay nonrefundable fees as established by the Director of the Parks and Recreation Department.
- L. The Director of Parks and Recreation Department shall keep records on food vendor cart and mobile food vehicle permits issued and funds received under this part for the areas listed in Section 106.112, and shall report this information to the City Manager upon request.
- M. Prohibitions: No vendor permitted under this section will be allowed to do the following:
  - 1. Sell or distribute alcohol.
  - 2. Operate an electric generator in locations where electricity is available.
  - 3. Operate any type of amplified speaker system or play music of any kind.
  - 4. Operate during any special event as defined by this policy unless a separate permit is obtained.
- N. Nothing in this section prohibits the use of properly licensed mobile food vehicles or food vendor carts on private property or non-City owned governmental property.

**106.14 Effective Date:** Established: May 13, 1992

Revised: December 20, 2008

Revised: August 26, 2009

Revised: March 9, 2011

Revised: March 30, 2011

**106.15 Sunset Review:** The sunset review date is to occur no later than five years from the effective date. This policy shall continue in effect until deleted by the City Commission.