

CITY OF SAN ANTONIO
POLICIES AND PROCEDURES
FOR MOBILE FOOD VENDORS
IN THE DOWNTOWN CENTRAL
BUSINESS DISTRICT

(Ordinance No. 2008-05-15-0402, adopted May 15, 2008)

1 INTRODUCTION:

- 1.1 The City of San Antonio (COSA), through the Downtown Operations Department, shall administer a program to receive, review, and approve permit applications for individuals that desire to vend in the Downtown Central Business District as authorized by Ordinance.
- 1.2 This policy sets out guidelines for the permitting process for mobile food vending in the Downtown Central Business District.
- 1.3 The Downtown Central Business District is that area beginning at the intersection between Durango Street and IH-35 Expressway; thence northward and eastward along IH-35 Expressway to IH-37 Expressway; thence southward along IH-37 Expressway to Durango Street; thence westward along Durango Street to IH-35 Expressway, the point of beginning.

2 PURPOSE:

- 2.1 To establish policies and procedures for the application, lotteries, and permitting process in order to monitor and control the quantity and quality of vendors who desire to operate a mobile food vending operation in the Downtown Business District.
- 2.2 This policy is not applicable for permits for the River Walk Stationary Designated Public Space Vending Program and Privately Controlled Property Vending Program, or any other vending program authorized by the City of San Antonio.

3 DEFINITIONS

- 3.1 “City” means the City of San Antonio.
- 3.2 “Department” means the Downtown Operations Department.
- 3.3 “Director” means the Director of the Downtown Operations Department.
- 3.4 “Petitioner” means any prospective vendor submitting an application for vending permit under this program.
- 3.5 “Qualified Petitioner” means a petitioner whose application has been approved and is in compliance with the stated requirements and is eligible to participate in the Downtown Mobile Food Vending Program, specifically the Alamo Plaza Vending Lottery (Lottery).
- 3.6 “Selected Vendor” means the qualified petitioner who is selected through the Lottery.
- 3.7 “Associate Vendor” means a vendor who has been designated by the Selected Vendor to vend on designated public space and who has completed the application process and been issued a permit to vend in this program.

4 ALAMO PLAZA VENDING SITES:

- 4.1 The following are the six (6) Alamo Plaza Vending Sites (Sites) as per the attached diagram:
 - 4.1.1 Site 1 described as RA in front of Alamo
 - 4.1.2 Site 2 described as RB at walkway from Alamo St.
 - 4.1.3 Site 3 described as RC at southern end of gazebo
 - 4.1.4 Site 4 described as RD at walkway from Crockett St.
 - 4.1.5 Site 5 described as RE at northeast area of Alamo Plaza
 - 4.1.6 Site 6 described as RF in front of Alamo
- 4.2 Each Site will be twenty (20) square feet. Each space will be marked in a manner deemed appropriate by the City.
- 4.3 No other vending except for that of raspas/snow cones shall be allowed on Alamo Plaza.
 - 4.3.1 Any raspa vendor desiring to operate a vending space at Alamo Plaza shall be assigned space according to the Alamo Plaza Vending Lottery.

4.4 City may adjust these sites in cases of construction, special events, rentals or other special circumstances approved by the Director.

5 OTHER DOWNTOWN MOBILE FOOD VENDING SITES

5.1 Mobile Food Vending Sites other than those allowed under the Alamo Plaza Vending Program will be approved by the Director of Downtown Operations on a case-by-case basis after the application process has been completed.

5.2 Relocations when a Selected Vendor is not able to vend on Alamo Plaza will be reviewed by the Director of Downtown Operations after the application process has been completed and the Alamo Plaza Lottery has taken place.

5.3 Selected Vendors with previously established locations will be given priority for the existing location pending approval of their application by the Director of Downtown Operations.

6 APPLICATION PROCESS:

6.1 Prospective vendors (Petitioner) wishing to vend as part of this program may obtain applications from the City's website (www.sanantonio.gov/dtops/vending) or at the City of San Antonio's Downtown Operations Department Offices, located at 202 E. Nueva. Applications shall be accepted at the City of San Antonio's Downtown Operations Department Offices, located at 202 E. Nueva from 8:00 a.m. to 4:00 p.m. Monday through Friday, except for City Holidays during the timeframe specified in Section 6.2 of this document.

6.2 Applications for the Alamo Plaza Vending Lottery will only be accepted from Friday, March 20, 2009 beginning at 8:00 a.m. until a deadline of 4:00 p.m. on Friday, April 3, 2009. Applications should be delivered to the Downtown Operations Department Offices at 202 E. Nueva. No application for the Alamo Plaza Vending Lottery will be accepted after the deadline. The number of applications that will be accepted for the Alamo Plaza Vending Sites will be capped at thirty-two (32) applicants. The application process for the entire Mobile Food Vending Program will be held once a year, with dates to be scheduled annually by the Director of the Downtown Operations Department by March 1st of each year.

6.3 Staff will be available to review applications for completion and no application will be accepted unless deemed complete.

6.4 A Petitioner must submit a completed application for a permit to vend as a vendor on the approved form. Petitioner shall be required to provide a copy of a valid State of Texas photo I.D. at the time of submission of completed application.

6.5 Petitioner must be eighteen (18) years of age or older at the time of application.

- 6.6 Petitioner shall be limited to natural persons, no corporate entities shall be allowed.
- 6.7 Petitioner acknowledges and agrees that criminal convictions for any felony offense, any sexual offense including misdemeanors, offense to a child including misdemeanors, any offense requiring registration as a sexual offender will result in denial of Petitioner's Application, without limitation.
 - 6.7.1 Petitioner is required to submit a completed criminal background investigation as part of the application process.
 - 6.7.2 This criminal background investigation shall include local, state, and federal records.
 - 6.7.3 Petitioner must request completion of the criminal background check in person at the San Antonio Police Department records division located at 214 W. Nueva, Room 123 Monday through Friday from 8:00 a.m. to 4:00 p.m., except for City Holidays.
 - 6.7.3.1 Petitioner must complete and provide a consent form to San Antonio Police Department (SAPD) records division at time of request.
 - 6.7.3.2 Petitioner shall be responsible for all cost or fees associated with this criminal background investigation. All fees are non-refundable. Applicable fees and payment restrictions can be obtained by contacting SAPD Identification Division at 210-207-7605. Separate fees are payable as follows:
 - 6.7.3.2.1 San Antonio Police Department will accept Cash or Money orders.
 - 6.7.3.2.2 Texas Department of Public Safety will only accept Money orders.
 - 6.7.3.2.3 U.S. Treasury Department will only accept Money orders.
 - 6.7.4 Petitioner is advised that a criminal background investigation may take up to 45 days for completion of the federal records check, and it is the petitioner's responsibility to provide said completed criminal background check for the application to be complete.
 - 6.7.5 The Downtown Operations Department will consider Petitioner's Application complete with the submission of Local criminal background check. Petitioner's Local criminal background check will be complete with submission of a Clearance Letter provided by SAPD and allow said Petitioners who meet all other documentation standards and requirements under this permit process to be considered Qualified Vendors, and may participate in the Alamo Plaza Lottery as outlined in Section 7.

- 6.7.5.1 If a Qualified Vendor chooses not to participate in the Alamo Plaza Lottery or wishes to vend another food item other than raspas, then that vendor must meet all criteria of these policies and procedures and the site that they wish to vend at must be approved by the Director of Downtown Operations or designee.
- 6.7.5.1.1 These sites are limited and will be allocated on a first come first serve basis pending approval by all related City Departments.
- 6.7.6 The requirement to submit completed State and Federal criminal background checks shall continue for each Qualified Petitioner and vendor. In those cases, where an individual has been issued a permit under this vending program, and who's State and Federal records check returns non-compliant with the requirements set out in Section 6.7 above, said vendor shall immediately lose their vending permit, as well as forfeit any and all fees paid to the City.
- 6.7.7 In the event that a criminal conviction as stated in Section 6.7 above is discovered during a vendor's valid permit period, said vendor shall immediately lose their vending permit, as well as forfeit any and all fees paid to the City.
- 6.8 Each Petitioner shall submit a State of Texas Sales and Use Tax Permit I.D. Number issued by the State Comptroller's Office. Said Sales Tax and Use Permit must be compliance and in good standing. If not confirmed to be valid, the petitioner will not be eligible to participate as a Qualified Petitioner.
- 6.9 Each petitioner will submit a list of products or services that he or she will be selling with the application. This submittal shall include representations of carts and/or any other information requested. No third party advertising will be allowed in method or manner of display. A list of prohibited items can be found below under Rules and Regulations, Section 10.
- 6.10 Each petitioner shall submit a letter from an agent authorized to bind the petitioner and their company to the required coverage, limits, and additional insured endorsement as provided in Section 7.18 and 7.19 below verifying that Petitioner is qualified for said coverage and that Insurance Agent agrees to provide coverage to Petitioner if Petitioner is selected as a Vendor under this program.
- 6.11 The Downtown Operations Department shall review the completed applications for compliance with the stated requirements.

6.11.1 All petitioners are required to have obtained the appropriate San Antonio Metropolitan Health Department (SAMHD) permit prior to the lottery date. Proof of having obtained the appropriate permit will be required prior to receiving a number at the lottery. The mobile food vending cart will require the approval of the San Antonio Health District Food Sanitation Division. For mobile food vending cart specifications, please refer to the San Antonio Health District Food Sanitation Division. Licensing occurs at the Development and Business Services Center at 1901 S. Alamo. Telephone number is (210) 207-8853.

6.11.1.1 After approval, the mobile food vending sticker will be displayed and available for inspection.

6.11.2 All petitioners are required to receive approval of their cart design by the City's Historic Preservation Office (HPO). More information on the application process can be obtained at www.sanantonio.gov/historic/formsapps.asp or call 207-0015 for further assistance. Approval can be administered by the staff of the Historic Preservation Office. Historic Preservation Office staff will determine when an application is received if it is complete, meets all requirements and if design may be deemed appropriate. The application must include the following information:

6.11.2.1 Petitioner must provide two color photos illustrating the type of pushcart. These photos should include both a rear view and a front view and description of items to be sold.

6.11.2.2 If pushcart is to be operated at any other location than Alamo Plaza, the proposed location of the pushcart must also be approved by the Downtown Operations Department. If a previously established vending location then the vendor must also submit a copy of their relocation map designating previously approved site.

6.11.3 In general pushcarts must be:

6.11.3.1 Mounted on wheels designed to be readily movable, controllable and maneuverable when fully loaded. Pushcarts shall have at least four (4) operable rubber or rubber-like wheels which shall not exceed eight inches (8") in diameter. A basic foot-press position lock with easy downward pressure on foot lever that sets the base securely in contact with the ground is required. No sharp edges or projections shall be permitted on the exterior of the pushcart. No other furniture and/or fixtures, except two (2) chairs, furnished by the vendor shall be permitted at designated vendor location.

6.11.3.2 Constructed and continuously maintained in a professional, workmanlike manner with quality materials. Pushcarts which are rusted, tattered, worn or otherwise in disrepair are strictly prohibited.

- 6.11.3.3 Enclosed on four (4) sides and shall contain a storage area beneath the platform. Storage compartments in the pushcart must be covered with sliding doors.
 - 6.11.3.4 All surfaces shall be smooth with exterior molding covering edges, easily accessible and cleanable.
 - 6.11.3.5 Utilize no devices or mechanisms emitting a noise. No sound amplification devices by voice, electronic or other means are permitted.
- 6.12 All petitioners in compliance with the stated requirements (Qualified Petitioners) will be notified in writing of their compliance. Qualified Petitioners shall be limited as follows:
- 6.12.1 Only one qualified petitioner per State Tax I.D. Number will be allowed to participate in the Alamo Plaza Lottery, as detailed below in Section 7.
 - 6.12.2 Only one qualified petitioner per group of vendors affiliated in any manner, whether as employer and employees, partners, members of a joint venture, contractors, associates, or any other business relationship will be allowed to participate in the Lottery.

7 ALAMO PLAZA VENDING LOTTERY:

- 7.1 Each petitioner shall be notified if they are eligible as a Qualified Petitioner at the time they submit their application and will be assigned a number. Vendors with an existing/active mobile food vending permit prior to the 2008 Program for the Central Business District will automatically be considered for the lottery upon completion and submittal of an approved application by the deadline as prescribed in these rules and regulations. Numbers will be assigned in the order that applications are received until thirty-two (32) applications are received.
- 7.2 The Lottery shall be held on Tuesday, April 7, 2009 at a designated location.
- 7.3 Vendors must have paid the permit fee as per Section 9 prior to participation in the lottery on the designated date.
- 7.4 Vendors must be present at the lottery to be held at location and date as designated by the Director of the Downtown Operations Department.
 - 7.4.1 If there are extenuating/emergency circumstances, then the Director at their discretion may allow the vendor to designate a representative to attend in their place.
- 7.5 Upon arrival each Qualified Petitioner will line up to draw a number.

- 7.6 This first initial draw will determine the order of the second draw. For example, if a Qualified Petitioner draws number one (1) then they will draw first for the second draw. If a Qualified Petitioner draws number twenty (20) then they will be the twentieth person to draw for the second draw.
- 7.7 At the designated time, for the second draw, each Qualified Petitioner shall draw a number from the lottery container in the order determined by the first initial draw. The number picked from the lottery container will determine the Selected Vendor order for Alamo Plaza. (Please refer to Section 4.1 for site locations.)
- 7.8 The numbers one (1) through six (6) shall determine the first six Selected Vendors for the first rotation and to commence vending on Alamo Plaza. After the six (6) initial Selected Vendors are determined, the remaining numbers in reverse order of draw will determine the rotation schedule for the Alamo Plaza vending sites for the permit year.
- 7.9 Selected Vendors will be notified in writing of the order in the rotation. Vending must commence for the initial six vendors on the first Saturday after May 1, 2009.
- 7.10 Vendors participating in the lottery shall be issued schedules within one (1) week after the lottery effective from May 1st through the following April 30th. Each snow cone/raspa vendor participating in the drawing shall be assigned certain dates to operate at Alamo Plaza as determined by the Lottery process.
- 7.11 The schedule as a result of the lottery will be comprised of a Primary schedule and a secondary schedule. The Primary Schedule will run from May 1st through December 12th of each permit year. The Secondary schedule will run from December 13st (beginning week 33 of the schedule) through April of each permit year.
- 7.11.1 The Primary schedule will run as follows:
- 7.11.1.1 Each Selected Vendor will vend for seven (7) days at each site beginning on the first Saturday in May and then rotate to the next site on the eighth day or following Saturday. For example, the Selected Vendor 1 shall vend at Alamo Plaza Vending Site 1 (RA) for seven consecutive days. On the eighth day, the Selected Vendor 1 shall rotate to Alamo Plaza Vending Site 2 (RB) and the Selected Vendor 2 shall rotate to Alamo Plaza Vending Site 3 (RC). The Selected Vendor 6 shall rotate off of Alamo Plaza and the last Selected Vendor drawn shall begin vending on Alamo Plaza at Site 1 (RA).
- 7.11.2 The Secondary schedule will run a reduced three (3) week rotation whereby the vendors will remain on the plaza only for three weeks as follows:

- 7.11.2.1 The last 6 individuals on the bottom of the list will be placed into the Alamo Plaza Schedule (week 33 will be the same as week 1). Beginning at the bottom of the list, count 6 vendors, the vendor in position 32 begins in Site 1 (RA), 2nd vendor counted in position 31 begins in Site 2 (RB), etc until all 6 vendors have been assigned a site. Each vendor will remain in their designated site for 7 days and on the 8th day rotate to the new location. One group will rotate through sites from RA to RD to RE and the second group will rotate through the sites RF to RB to RC. After completing 3 weeks, the next 6 vendors from the bottom of the list (vendors in positions 26 to 21) will move into the Alamo Plaza schedule.
- 7.12 The Director of Downtown Operations shall designate the specific area where pushcarts will be located at Alamo Plaza, and any relocation due to special events, construction or other circumstances. Whenever relocation must occur, the City will make its best effort to assist the vendors with relocation as quickly as possible.
- 7.13 The Selected Vendor is defined as the qualified petitioner who is selected through the Lottery. The Selected Vendor shall only be authorized to vend on the one (1) designated public space on Alamo Plaza as indicated through the Lottery.
- 7.13.1 Selected Vendor shall not be allowed to vend in any of the other remaining designated public spaces on Alamo Plaza simultaneously.
- 7.14 The Selected Vendor can designate associate vendors for their respective Vending Site. Associate Vendors must submit to a criminal background check. Any necessary SAMHD requirements must also be met by the Associate Vendor. The Selected Vendor must provide in writing to the Downtown Operations Department the names of the Associate Vendors they wish to use at their location.
- 7.15 All vendors must submit a completed criminal background check, a permit application, and pay a permit fee of \$350.00. Associate vendors are required to vend only those products sold by the Selected Vendor as authorized through their respective application and permit. There is no limit on the number of associate vendors, but no more than two vendors shall be allowed to operate in each Downtown Mobile Food Vending Program site at any one time. The fee for an Associate Vendor's permit shall be \$20.00
- 7.16 In no event shall the Selected Vendor be allowed to sell, assign, subcontract, or sublease their permit rights and any attempt to do so shall result in the immediate revocation of the Selected Vendor's permit rights and all associated additional vendors' permit rights unless under the circumstances outlined in Section 10.23 and 10.24.

7.17 The Selected Vendor shall:

7.17.1 Be responsible for all vending activities taking place on their designated site, including any infractions of these policies and procedures.

7.17.2 Have an emergency contact number on file with the Downtown Operations Department for any times in which they are not present at their authorized vending site.

7.18 Prior to issuance of a permit, the Selected Vendor must provide to the City an original completed Certificate of Insurance, which shall be completed by an agent authorized to bind the Selected Vendor and their company to the required coverage, limits, and termination provisions.

7.18.1 The original certificate must have the agent's original or facsimile signature, including the signer's company affiliation, title, and telephone number, and be mailed directly from the agent to the City.

7.19 The Selected Vendor is required to provide the following insurance coverage in their Certificate of Insurance covering all vending activities occurring within the designated site:

7.19.1 Commercial General Liability (Broad Form), which will include Products and Completed Operations, Independent Contractors in the amount of \$250,000 per occurrence for Bodily Injury and Property Damage.

7.20 All insurance contracts and Certificates of Insurance shall name the City and its officers and employees as additional insureds as respects operations and activities of, or on behalf of, the named insured and shall provide that the coverage for the named insured shall be primary and non-contributory as to any insurance available to the City as an additional insured.

8 PERMIT PROCESS

8.1 The Director of the Downtown Operations Department shall issue the Downtown Mobile Food Vending Permits and administer the Alamo Plaza Vending Sites (Alamo Plaza Vending is limited to one (1) per Vendor). All permits for the Downtown Mobile Food Vending Program will be in effect for one (1) year from May 1 through April 30. The cost of the permit will be \$350 for the permit period of May 1st through April 30st in successive years, unless changed through the budget process. Existing Vendors will be notified of any proposed fee increases scheduled to occur as a result.

8.2 Each permit shall only be valid for the Downtown Mobile Food Vending Program. Vending. Permits issued through the separate Leased Space/Private Property Vending Program or the the River Walk Stationary Designated Public Space Vending Program will not be valid for the Downtown Mobile Food Vending Program.

- 8.3 Each permit badge shall include:
 - 8.3.1 The Permit Number as issued by the Downtown Operations Department;
 - 8.3.2 A photo of the approved vendor;
 - 8.3.3 Approved vendor's contact information;
 - 8.3.3.1 Phone number(s);
 - 8.3.4 Identification of the approved Site and/or the Alamo Plaza site & relocation site information;
 - 8.3.5 Permit Validity Dates.
- 8.4 The Selected Vendor shall be allowed to designate additional associate vendors to vend on their site.
 - 8.4.1 Each additional associate vendor must complete an Application and follow the required policies and procedures to participate in the Program.
 - 8.4.2 The Associate Vendor must be at least 14 years of age to be allowed to work and must be under the direct supervision of the child's parent or adult custodian and comply with all local, state and federal labor laws.
 - 8.4.3 An Associate Vendor may be approved to vend at more than one designated site under this program if authorized by Selected Vendors, provided however, the associate vendor must pay a permit fee of \$20 for a permit and must comply with all policies and procedures of this policy including complying with the criminal background check requirements. The Selected Vendor is responsible for the actions of the Associate Vendor while the Associate Vendor is working the Selected Vendor's cart.
- 8.5 The permit badge shall be displayed prominently, professionally, and worn at all times by the approved petitioner.
- 8.6 Replacement permits are available for an additional fee of \$10.
- 9 PERMIT FEES:
 - 9.1 The permit fee per year for a Downtown Mobile Food Vending Permit is as follows and fees are subject to change with City Council approval:
 - 9.1.1 Three hundred and fifty hundred dollars (\$350) for each Selected Vendor for the Alamo Plaza Vending Program;
 - 9.1.2 Three hundred and fifty dollars (\$350) for each stationary Downtown Vending Site that is not part of the Alamo Plaza Vending Program; and

9.1.3 Twenty dollars (\$20.00) for each Associate Vendor.

10 RULES AND REGULATIONS:

- 10.1 Each Mobile Food Vending Permit shall be for a specific site or for a specific spot within the Alamo Plaza rotation, if eligible.
- 10.2 Only two permitted vendors will be allowed to vend at each approved/designated public space at any single time.
- 10.3 Only pushcart vendors may operate in the Downtown Central Business District as authorized by the Director of Downtown Operations.
- 10.4 All pushcarts will remain at a fixed location throughout the twelve (12) month term of the vendor's permit, unless part of the Alamo Plaza Rotation which is determined separately. No moving around or customer solicitation will be allowed.
- 10.5 Vending at approved/designated public spaces will be allowed from 8:30 a.m. to 12 Midnight daily. No vending will be allowed at designated public spaces after 12:00 Midnight or before 8:30 a.m.
- 10.6 The vendor will not leave the pushcart unattended for any lengthy period of time. If the pushcart is left unattended for more than 1 hour then it may be towed and the vendor may be held liable for all reasonable towing and storage charges. The City is not responsible for any damages or theft to the cart if the Vendor chooses to leave their cart unattended for a short period of time. Vendors must remove their supplies, pushcart and equipment from the downtown area at the end of each business day.
- 10.7 No products other than raspas can be vended on Alamo Plaza.
- 10.8 Loud speakers or loud noises of any kind for the purpose of attracting attention are prohibited.
- 10.9 City utilities will not be used.
- 10.10 Downtown Central Business District vendors are prohibited from operating on public streets. Vendors are not allowed to sell, solicit or attempt to solicit or sell to occupants of any vehicle
- 10.11 Vendors must display their current mobile food vending sticker from SAMHD on each pushcart at all times. The food vending sticker will be displayed on the pushcart and available for inspection. The permit badge shall be displayed prominently, professionally, and worn at all times by the approved vendor.

- 10.12 Vendors must keep the grounds around their pushcart and around their vending space free of litter, trash, paper and waste at all times. The vendor shall comply with any reasonable request from the Downtown Operations staff personnel to cease operation and/or to temporarily reposition their pushcart to allow time for the Downtown Operations maintenance crews to wash down sidewalks, conduct repairs, or other related maintenance functions.
- 10.13 Mobile vending units shall provide waste containers for customers at such times when the unit is parked.
- 10.14 Mobile vending units shall be protected from overhead contamination through the use of a weather-resistant umbrella ranging from 6' to exceed 8' in diameter. Fabric umbrellas only. No plastic or grass umbrellas will be allowed. Any deviations to the number or type of umbrellas that may be a matter of health and/or safety will be determined and approved by the Director of Downtown Operations.
- 10.15 Vendors will position the pushcart so as not to damage or destroy any park or public property. The pushcart will not be allowed to touch, lean against or be affixed temporarily or permanently to any building structure, wall, tree, and shrubbery or planting bed.
- 10.16 Vendors will not be allowed to set up tables, cartons, racks or to display their wares on the ground. Additional ice chests along the pushcart are allowed so long as they are neatly placed and off the ground per SAMHD regulations, and do not obstruct or impede pedestrian traffic. In addition, vendors will not be allowed to hang or display merchandise on trees, umbrellas, walls, or vend from other temporary structures located upon any public street, sidewalk, right-of-way or other public property. All gas cylinders used are subject to San Antonio Fire Department inspection.
- 10.17 Depending upon the type of food service proposed for the vending pushcart unit, additional specifications may be required to meet the City of San Antonio Health Code. Such additional specifications as may be required shall be determined by the City of San Antonio Metropolitan Health District.
- 10.18 Whenever a City of San Antonio Health Officer finds an unsanitary or other unhealthy or unsafe condition in the operation and maintenance of the vending pushcart unit, SAMHD shall determine the appropriate actions for compliance. The vendor shall comply with any corrective action(s) to be taken as per SAMHD instructions.
- 10.19 The vendor will make the pushcart available for an inspection by a Health Department Officer, San Antonio Police Officer, Park Police, the Director of Downtown Operations or his/her representatives any time the unit is on public property.
- 10.20 Vendors and their Associates shall at all times be neat and well-groomed. Their outer garments, including footwear, shall be clean, in good condition and/or well-

mended. Colorful costumes representing ethnic, cultural or festive designs are encouraged. Pushcart operators must comply with all SAMHD requirements regarding attire. Closed toe shoes are preferred. In addition, vendors must wear ID permit at all times.

10.21 No vendor will be allowed to sell, possess, consume or distribute alcoholic beverages while operating a cart as a vendor in the Downtown Central Business District. IN addition, tobacco products of any sort will not be offered for sale.

10.22 Vendors must comply with all MOBILE FOOD VENDING GUIDELINES AS OUTLINED IN SAN ANTONIO METROPOLITAN HEALTH DISTRICT in order to be eligible to participate in this program.

10.23 A mobile food vending permit is issued in the vendor name for a particular unit(s) and vending site and cannot be assigned, sold, lent, leased, or otherwise transferred, even if the ownership of the unit has changed. The only exception of transfer to another family member would be in the case of the death or incapacitation of a Selected Vendor. Such incidents will be approved on a case-by-case basis by the Director of Downtown Operations.

10.24 If a Selected vendor is sick or has an emergency and cannot vend on Alamo Plaza, the Selected Vendor may pick another vendor from within the Alamo Plaza Vending Program not currently on Alamo Plaza to vend in their place. Proof of this arrangement by completion of Form - A will be provided upon request to Park Police, SAPD, SAMHD, and Downtown Operations staff.

10.25 The Director of Downtown Operations may establish additional program specifications and requirements as may be operationally appropriate for the Downtown Central Business District.

10.26 Allowed Vending:

10.26.1 Raspas

10.26.2 Pre-packaged, Non-potentially hazardous food items (not allowed on Alamo Plaza)

10.26.3 Hot Dogs (not allowed on Alamo Plaza)

10.26.4 Steamed Corn (not allowed on Alamo Plaza)

10.26.5 Ice Cream (not allowed on Alamo Plaza)

10.27 Prohibited Vending:

10.27.1 Tobacco products

10.27.2 Alcoholic product

10.27.3 Sexually explicit and/or drug related paraphernalia

10.27.4 Obscene Material

10.27.5 Non food Vending

10.27.5.1 Real estate transactions and vacation packages, including but not limited to: time shares, rentals, and vacations clubs or other similar arrangements

10.27.5.2 Marketing and advertising activities, including but not limited to: soliciting for memberships or credit card applications

10.27.5.3 Tickets for events

10.27.5.4 Other services or products not approved by the City prior to issuance of the Program Permit

10.28 Vendors shall be allowed to utilize a mobile food vending cart for their operations. This cart will require the approval of the San Antonio Health District Food Sanitation Division and the City's Historic Preservation Office. Cart inspections and approvals occur at the Development and Business Services Center at 1901 S. Alamo. Telephone number is (210) 207-8853. Carts used in vending of items cannot be left on any designated public space during non-operating hours (from 12:00 a.m. to 8:30 a.m., as well as during other prohibited times such as during special events) or at any time that the vendor is not actively vending.

10.29 NO VENDING IS PERMITTED IN SUCH A MANNER AS TO IMPEDE PEDESTRIAN TRAFFIC ALONG THE RIGHT OF WAY/PATHWAY/SIDEWALK.

10.30 Existing special events, such as parades and craft shows, will take precedence over any Downtown Mobile Food Vending Program permits. As such, mobile food vending on Downtown approved/Designated Public Spaces will not be allowed during such special events.

10.30.1 Fiesta Events: During the Battle of Flowers Parade and the Fiesta Flambeau Parade, individuals with a valid Downtown Mobile Food Vending Permit may continue to vend during said parade on public sidewalks ONLY. Vendors who hold appropriate year-round downtown mobile food vending permits are entitled to their regular vending rights, if it does not conflict with the Fiesta event.

10.31 Where exigent circumstances exist and a San Antonio Police Officer, Park Police Officer, or other authorized officer of the City of San Antonio gives notice to a vendor to temporarily move from a location, such vendor will not operate from or otherwise remain at such location. For the purpose of this rule, exigent circumstances shall include, but shall not be limited to, unusually heavy pedestrian

or vehicular traffic; the existence of any obstructions in the public space at or near such location; a major event; festival, program or park activity, a fire, a parade, demonstration, or other such event at or near such location. Any location that becomes unsafe or unusable due to construction will be temporarily suspended until such time as construction is completed.

10.32 City shall not be responsible for any theft, damages or destruction of goods and/or property of vendor both during the term of the Downtown Mobile Food Vending Permit and as so any carts or goods left on the designated public space after vendor vacates the designated public space. If said goods and any other property placed by vendor upon the Downtown Mobile Food Vending Site are not removed after hours of operation, then the CITY may remove same without further notice or liability therefore.

10.33 Vendors must adhere to all sound restrictions, solicitation, queuing, and hawking laws and regulations of the City of San Antonio.

10.34 Vendor shall pay, on or before their respective due dates to the appropriate collecting authority, all Federal, State and local taxes and fees which are now or may hereafter be levied upon the Vendor, or upon the business conducted on the designated public space, or upon any of Vendor's property used in connection therewith; and shall maintain in current status all Federal, State and local licenses and permits required for the operation of the business conducted by Vendor. Failure to comply with the foregoing provisions shall constitute grounds for termination of the City Public Space Vending Permit by the CITY.

10.35 Vendor shall not assign the designated public space, or allow same to be assigned by operation of law or otherwise, or sublet or sell the downtown mobile food vending approved/designated public space or any part thereof. Any of the previous actions shall constitute grounds for termination of the City Downtown Mobile Food Vending Permit by the CITY.

10.36 San Antonio Police Officers and Park Police Officers shall enforce City Codes on the San Antonio Downtown Central Business District.

10.37 Any violation of these policies and procedures may result in issuance of a misdemeanor citation or an administrative statement of violation issued by the Director or her designee.

10.37.1 The issuance of three misdemeanor citations within the one (1) year permit period to a vendor may result in the immediate loss of the vending permit and preclude re-application one year from the date of conviction and/or completion of deferred adjudication, as well as forfeiture of any and all fees paid to the City. Administrative revocation of the Permit may be appealed to the City Manager's Designee within ten (10) days.

10.37.2 An administrative statement of violation issued by the Director or her designee will be treated the same as a misdemeanor citation for purposes of Administrative Revocation of the Permit.

10.38 Orders of deferred adjudication and/or conviction for violations of the regulations governing vending shall result in the immediate loss of the vending permit and preclude re-application two years from the date of conviction and/or completion of deferred adjudication, as well as forfeiture of any and all fees paid to the City. The vendor shall not have a right to appeal to the City Manager or their designee a revocation based on an order of deferred adjudication and/or conviction for violations of the regulations governing vending.

All information related to this program may be obtained from:

City of San Antonio

Downtown Operations Department

202 E. Nueva

San Antonio, Texas 78205

(210) 207-3677