



CITY OF SAN ANTONIO
RULES AND REGULATIONS
FOR
SPECIAL DOWNTOWN MOBILE FOOD VENDING
PERMIT PROGRAM
(Ordinance No. 2008-05-15-0402, adopted May 15, 2008)

2 PURPOSE:

- 2.1 To establish rules and regulations 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 These rules and regulations are not applicable for permits with 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 Center City Development.
- 3.3 "Director" means the Director of Center City Development.
- 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

- 6.2 Applications for the Alamo Plaza Vending Lottery will only be accepted from Thursday, May 4, 2017 beginning at 8:00 a.m. until a deadline of 4:00 p.m. on Wednesday, May 17, 2017. Applications should be delivered to the Downtown Operations Division Offices at 400 N. St. Mary's, Suite 100. No application for the Alamo Plaza Vending Lottery will be accepted after the deadline. 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 Center City Development by March 1st of each year.
- 6.3 Staff will be available to review applications for completion and no application will be accepted unless 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 current 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 The City of San Antonio is requiring petitioner to submit finger prints as part of the application process pursuant to government codes 411.087 and 411.22.
 - 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 Office located at 315 S. Santa Rosa. Monday through Friday from 9:00 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.
 - 6.7.3.2.1 A fee of \$39.95 will be made payable by money order to Morpho Trust to perform State and Federal background checks..
 - 6.7.3.2.2 A fee of \$25 for a local background check will be made payable to The City of San Antonio in the form of cash, money orders or checks (credit cards not accepted).

coverage and that Insurance Agent agrees to provide coverage to Petitioner if Petitioner is selected as a Vendor under this program.

6.11 The Center City Development 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. 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 only on Tuesday & Thursday by appointment only. Inspections will take place at the Development and Business Services Center at 2805 E. Commerce. Telephone number is (210) 207-0135.

6.11.1.1 After approval, the mobile food vending sticker will be visibly 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 Center City Development. 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

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 included in the annual lottery in each successive year thereafter upon completion and submittal of an approved application by the deadline as prescribed in these rules and regulations.
- 7.2 Annual Petitioners will be accepted during the regular application period. All applications will be reviewed for completion. Once application is determined to be complete a number will be issued to the petitioner in order of completion. A lottery shall be held once a year to determine the annual vendors at the location to be determined by Center City Development & Operations Department. The Center City Development staff will draw numbers from the lottery container. The first numbers drawn from the lottery container will be the Annual vendor that will go on to participate in the Lottery to determine the schedule rotation and complete the 32 vendors for the program.
- 7.3 The Lottery shall be held on Friday, May 19, 2017 ~~Friday, April 8, 2016~~ at a designated location.
- 7.4 Vendors must have paid the permit fee as per Section 9 prior to participation in the lottery on the designated date.
- 7.5 Vendors must be present at the lottery to be held at location and date as designated by the Director of the Center City Development.
- 7.5.1 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.
- 7.6 Upon arrival each Qualified Petitioner will line up to draw a number.
- 7.7 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.
- 7.8 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.)
- 7.9 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.

- 7.12.1.1 Each Selected Vendor will vend for seven (7) days at each site beginning on the first Saturday in June 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).
- 7.12.2 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:
- 7.12.2.1 The last 6 individuals on the bottom of the list will be placed into the Alamo Plaza Schedule. 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.
- 7.12.2.2 Due to the delayed start of the 2017/2018 vending schedule, not all Vendors will be guaranteed nine (9) weeks of vending during the permit year. In such cases, the vending permit obtained through Center City Development and Operations will be prorated based on the weeks of vending provided to the Vendor. The permit amount will be determined after the final lottery and all Vendors have been placed on the schedule.
- 7.13 The Director of Center City Development 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. Notification for events requiring vendors to relocate will be provided to vendors no later than two (2) days prior to the event and will designate the vending relocation site they may utilize. Center City Development will provide a map in advance designating the relocation sites. All vendors will be required to have a copy of the map with them at all times. The City will advise vendors as soon as possible should a special event require the temporary delay or relocation of a vendor. An example of this special event may include but not be limited to a press conference.
- 7.14 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.

Certificates of Insurance shall name the City and its officers and employees as additional insured 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 Center City Development 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 eleven (11) months from June 1st through April 30th. The cost of the permit will be \$400 for the permit period of June 1st through April 30th in successive years, unless changed through the budget process or provided a prorated fee due limited vending weeks in the 2017/2018 Vending Year. Existing Vendors will be notified of any proposed fee increases scheduled to occur as a result of the budget process.
- 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 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 Center City Development;
 - 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 rules and regulations 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.

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 Center City Development.
- 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.

10.25.1Raspas

10.25.2Pre-packaged, Non-potentially hazardous food items (not allowed on Alamo Plaza)

10.25.3Hot Dogs (not allowed on Alamo Plaza)

10.25.4Steamed Corn (not allowed on Alamo Plaza)

10.25.5Ice Cream (not allowed on Alamo Plaza)

10.26 Prohibited Vending:

10.26.1Tobacco products

10.26.2Alcoholic product

10.26.3Sexually explicit and/or drug related paraphernalia

10.26.4Obscene Material

10.26.5Non food Vending

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

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

10.26.5.3 Tickets for events

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

10.27 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 2805 E. Commerce. Telephone number is (210) 207-0135. 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.

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

10.29 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

10.36 Any violation of these rules and regulations may result in issuance of a misdemeanor citation or an administrative statement of violation issued by the Director or her designee.

10.36.1 The issuance of three vending related 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.

10.36.2 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. A vendor will receive one verbal and one written warning prior to issuance of an administrative statement of violation, unless the severity of the offense warrants an immediate statement of violation, such as vending without a permit or utilizing someone else's badge to vend.

By signing below, I acknowledge having received, read, and agreed with the Rules and Regulations for Special Downtown Mobile Food Vending Permit Program for the 2017/2018 Vending Year:

X

Alamo Plaza Vendor

X

John Jacks
Interim Director of Center City Development &...

FORM - A

Submit to Downtown Operations Division prior to vending

I WILL NOT BE WORKING MY DESIGNATED SPACE ON ALAMO PLAZA AS A RASPA VENDOR ON _____. I HAVE AUTHORIZED Mr./Mrs. _____ AS MY REPLACEMENT. HIS/HER LICENSE CODE IS __DTFV-_____. MY LICENSE CODE IS DTFV-_____.

X

Primary Selected Vendor active in Alamo Plaza
Date: Phone:

X

Primary Selected Vendor Designe
Date: Phone:

X

Center City Development Representative
Date: