

OUTDOOR VENDOR POLICY
(per JMC Chapter 6, Article XI) – V3.25

I. DEFINITIONS

Unless otherwise defined here, the definitions contained in Article XI of Chapter 6 of the Johnstown Municipal Code shall apply. For purposes of this Outdoor Vendor Policy, the following terms shall have the following meanings:

Blockface shall mean one street-facing side of a block between street intersections.

Commissary shall mean a commissary that is approved as such under the laws and regulations of the State and County that govern retail food establishments.

Commissary-prepared shall mean fully prepared, cooked, and assembled in a licensed commissary, without further preparation, cooking, or no to minimal assembly after leaving said commissary. Heating and cooling of commissary-prepared foods is permitted.

Construction mobile food vendor shall mean any mobile food vendor operating in any construction location from a mobile food truck or pushcart with the intent of making temporary stops to service construction workers.

Mobile food vendor shall mean an outdoor vendor who sells and serves food and/or nonalcoholic beverages from a mobile food truck, pushcart or other nonpermanent location.

Neighborhood mobile food vendor shall mean a mobile food vendor operating in a predominantly residential area or any residential zoning district from a mobile food truck or pushcart with the intent of making temporary stops to service residents in the immediate neighborhood.

II. OUTDOOR VENDOR OPERATIONS AND RESTRICTIONS

The following operations and restrictions shall apply to outdoor vendors.

- (a) No licensee may use for the purpose of on-site storage, display or sale, any mobile food truck, vehicle, pushcart, kiosk, not described on the face of the license.
- (b) Mobile food trucks, vehicles, pushcarts, structures or devices shall be located only:
 - (1) In a legal parking space that is:
 - a. An on-street parking space that is parallel to an adjacent walkway or landscape area suitable and safe for pedestrians; or
 - b. On private property, in a manner that complies with applicable parking regulations set forth in the Code and does not substantially reduce the required parking of the primary use on the site (not more than 20% of spaces);
 - (2) In such a manner as to maintain safe movement of vehicular and pedestrian traffic, parking lot circulation, and ADA access;
 - (3) In locations that are no more than twelve (12) inches from a curb or edge of the travel lane, or in designated off-street parking areas;
 - (4) No less than twenty-five (25) feet from any street intersection, if on a public or private drive or street; and
 - (5) In locations that are at least three hundred (300) feet from the entrance to any public or private elementary, middle, or high school, without written permission from the school or district.
- (c) No licensee shall operate during the hours of 10:00 p.m. to 5:00 a.m. in non-residential areas, or 8:00 p.m. to 8:00 a.m. within three hundred (300) feet of any residential structure, and must remove any non-operational mobile food truck, vehicle, pushcart, kiosk, table, chair, stand, box, container or other structure or display device from the location during those hours and anytime the license is not actively operating.

- (d) No licensee shall park or operate at any single public or private location for more than eight (8) hours in a 24-hour period. Screened storage vehicle parking on a private lot is permitted at any time, such that any vehicle, cart, container and associated signage is clearly stored and not visible from adjacent properties, drives, or rights-of-way.
- (e) Every licensee must obtain the written consent of the property owner to operate on any private property. If operating under a Special Event Permit, these requirements may not be applicable.
- (f) No licensee may provide drive-in or drive-through services. If operating under a Special Event Permit, these requirements may not be applicable.
- (g) Each licensee who, during the course of its licensed activities, operates within or enters upon a public right-of-way or publicly owned property shall maintain liability insurance in an amount and type to be set annually by the Town in writing with proof of the same to be presented at the time of submission of the application. Any licensee who fails to provide proof of such insurance shall be prohibited from operating within or entering upon such property. If operating under a Special Event Permit, these requirements may not be applicable.
- (h) Each licensee shall pick up and dispose of any paper, cardboard, wood or plastic containers, wrappers or any litter or debris which is deposited within twenty-five (25) feet of the designated location or within twenty-five (25) feet of the point of any sale or transaction made by the licensee if the radius of the designated location exceeds twenty-five (25) feet. The licensee shall provide a suitable container for the placement of such litter by customers or other persons, and be responsible for removal of all such debris from the site.
- (i) Each licensee shall maintain in safe condition any mobile food truck, vehicle, pushcart, structure, or device, so as not to create an unreasonable risk of harm to the person or property of others.
- (j) No licensee shall leave unattended any mobile food truck, vehicle, pushcart, structure, or device.
- (k) Each licensee shall prominently display the outdoor vendor license issued by the Town in a location readily visible to the public on each mobile food truck, vehicle, pushcart, structure, or device.
- (l) Each licensee operating in an on-street location, public or private, must vend only from an adjacent paved sidewalk or safe landscape area, and not from the street-side or adjacent parking spaces.
- (m) Each licensee shall comply with the provisions of all applicable ordinances of the Town as well as the requirements of all state and federal laws, including, but not limited to, Town noise restrictions, sign regulations, limitations on discharge of liquid waste, sales and use tax requirements and food safety and other related requirements established by State or County regulation.
- (n) Each licensee shall have an affirmative and independent duty to determine the safety and suitability of any particular stopping point or location of operation, both in general and at any particular time and to operate in a manner reasonably calculated to avoid and prevent harm to others in the vicinity of the licensee's operations, including, but not limited to, potential and actual customers, pedestrians, and other vendors or vehicles.
- (o) No licensee shall stop to vend within five hundred (500) feet of another vendor.
- (p) No licensee shall stop to vend food or beverages within one hundred (100) feet of the front entrance of an established restaurant without dated written permission from the manager or owner of that establishment.
- (q) The following additional requirements shall apply to particular types of outdoor vendor licensees, as specified. These categories relate to operations of the business and are not exclusive. One outdoor vendor may fit into more than one category in a given day:
 - (1) PUSHCART vendors shall:
 - a. Vend only on private lots, or on sidewalks in locations where parallel parking is allowed;
 - b. Vend only food and nonalcoholic beverages that are commercially-packaged or commissary-prepared.
 - c. Limit the time in any one location, within a twenty-four (24) hour period, to:
 - 1. Eight (8) hours on any particular non-residential private lot;

2. Two (2) hours on any particular residential private lot; or
 3. Two (2) hours on any particular blockface if vending on a public sidewalk or space; and
 - d. Not cause undue obstruction of any public sidewalk.
- (2) CONSTRUCTION mobile food vendors shall:
- a. Only operate on or immediately adjacent to lots where new, active construction is taking place;
 - b. Not stop to vend for more than two (2) hours within an eight (8) hour period; and
 - c. Not stop to vend in residential areas that have less than three (3) single family dwellings being constructed within a 500 hundred (500) foot radius.
- (3) NEIGHBORHOOD mobile food vendors shall:
- a. Vend only on streets in locations in residential use areas where parallel parking is allowed;
 - b. Vend only in locations that are sited at least fifty (50) feet from the edge of the nearest residential driveway(s) along the same blockface;
 - c. Vend only food and nonalcoholic beverages; and
 - d. Not stop to vend for more than fifteen (15) minutes in any particular cul-de-sac, or on any particular blockface; and not stop to vend for more than two (2) hours in any location adjacent to a public or private park or open space area or park owned by the homeowners' association or metropolitan district, that space being at least twenty-five (25) feet wide where it meets the street or sidewalk, unless dated, written permission by the respective association or district has been granted for up to four (4) hours in a single location.
- (4) ALL MOBILE FOOD vendors shall, in addition to specific operational and locational requirements in subsections (1)-(3) above:
- a. Vend only on lots in non-residential use areas or on streets in locations in residential use areas where parallel parking is allowed, that meets all other locational criteria of this Policy;
 - b. Vend only food and nonalcoholic beverages;
 - c. Permanently affix or paint all signage on the mobile food truck, with no sign, flags, or banners in or alongside street right-of-way or across roadways, except as allowed in subsection (d); and
 - d. Utilize only weighted A-frame/sandwich board signs; maximum of six (6) SF of total area per sign face; maximum of one such sign per location; securely anchored to the ground; located within ten (10) feet of the vehicle used; may not obstruct ADA access or access to any public walk or right-of-way.
- (5) Outdoor vendors of miscellaneous goods and services, not food or transportation services, shall operate only on lots in non-residential use areas.
- (6) Outdoor vendors of TRANSPORTATION services shall:
- a. Operate in accordance with all local, state, and federal traffic laws and regulations;
 - b. Limit stopping, parking, or standing in street rights-of-way or alleys so as to avoid delay or any obstruction of traffic; and
 - c. Operate so as to avoid obstruction of pedestrian traffic and not on sidewalks.