



## CITY OF MONTPELIER, VERMONT

*" THE SMALLEST CAPITAL CITY IN THE UNITED STATES "*

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**ADMINISTRATIVE PROCEDURE  
For approved outdoor vending spaces,  
Designating vendors for approved spaces  
And issuing vendor licenses  
Issued May 5, 2010 by William J. Fraser, City Manager**

The following procedures are issued pursuant to Article XIV of the Montpelier City Ordinances as amended on April 28, 2010.

### DESIGNATION OF SPACES

As per Article XIV, Section 9-1403 the following are designated locations for **food** vendors within the designated downtown:

- 1) Christ Church – 19' x 14'. Partially on Christ Church property and requires permission/approval of and use agreement with Christ Church.
- 2) Washington County Court House – 10' x 11' (corner of State St. and Elm St.) Vendor may use either the red brick area on the south side of the sidewalk or the sidewalk and partial court house lawn on the north side of the sidewalk but not both. If sidewalk is used, all other ordinance provisions must be met. If vendor uses Court House lawn then written permission/approval of Washington County side judges is required. A condition of this location is that the customer line be maintained in the westerly direction toward the post office and not into the ramp and intersection.
- 3) Main St. and School St. – 11' x 11' (bump out near Bethany Church) Vendor may not use Bethany Church lawn. Customer lines may not extend into the ramps or intersections.
- 4) City Hall Plaza I – 12' x 10'. Issuance of permit for this location by the city shall be considered permission and approval for use of the space.
- 5) City Hall Plaza II – 12' x 10'. Issuance of permit for this location by the city shall be considered permission and approval for use of the space.

**Under the provisions of Section 9-1403, vendors may propose other spaces which meet all conditions stated in Section 9-1407. Proposed spaces located partially or entirely on non-city property must have the written approval of the property owner.**

As per Article XIV, Section 9-1403 the following are designated locations for **non-food** vendors:

- 6) State St & Elm St – (near 41 State St on north side of street.)
- 7) State St, Rialto Bridge I – (between 23 and 41 State Street on north side of street)
- 8) State St, Rialto Bridge II – (between 23 and 41 State Street on north side of street)
- 9) State St., Information Booth.

Use of non-food spaces must be consistent with all other ordinance provisions such as proximity to stores with similar primary businesses.

In the event that vacant food vending spaces exist, non-food vendors may be assigned a food vending location at the discretion of the City Manager.

**Under the provisions of Section 9-1403, vendors may propose other spaces which meet all conditions stated in Section 9-1407. Proposed spaces located partially or entirely on non-city property must have the written approval of the property owner.**

#### **ASSIGNMENT OF DESIGNATED SPACES:**

Consistent with 9-1403, all above listed designated spaces use city property. As a condition of the city granting permission for use of public space, vendors will be assigned specific spaces for the calendar year according to the following process:

- 1 - Vendor must complete an application form as per 9-1402 and provide all required certifications from the state and insurers.
- 2 – Vendor must state whether they are seeking a food or non-food location.
- 3 – Vendor may request a vending location from the above list of designated spaces. Vendor may opt to list multiple spaces in order of preference (choice #1, choice #2 etc). Requests for spaces for the initial assignment must be submitted to the City Clerk’s office by close of business on Monday, May 10, 2010. Thereafter all requests will be kept on file and considered in the order in which they are received.
- 4 – Any requests for use of the Christ Church or Washington County lawn spaces must be accompanied by written permission from those entities.
- 4 – On May 11, 2010 the City Manager will announce space assignments which will be effective on May 12, 2010 – the day the amended ordinance takes effect. Assignments are not final until the license fee is paid in full. After May 11, 2010, assignments for 2010 will be made in order that applications are received and based upon available spaces. The procedure for 2011 assignments has not been determined.
- 5 – Vendors will be assigned spaces as per their stated preferences whenever possible.

6 – In the event that multiple vendors request the same space, the assignment will take into consideration the following in priority order:

- 1) Written permission from non-city property owners
- 2) The Vendor's location in 2009
- 3) The order of receipt of application ("first come, first served")

7 – In the event of more vendor applications than spaces available, applications will be processed in the order in which they are received. Remaining applicants will be placed on a waiting list and offered spaces when/if they become available.

8 – A vendor must notify the city clerk if they permanently vacate a space during the season. Operating vendors in locations that were not their top choice will be given the option to move following the same criteria as initial selection. After any operating vendors have moved or declined to move, remaining vacant spaces will be offered to the next applicant on the waiting list upon receipt of their application fee.

9 – In the event that an applicant declines an offered spot, the space will be offered to the next applicant on the list and so forth. Upon a second declination of an offered spot, an applicant will move to the end of the waiting list.

10 – Spaces must be actively used. The ordinance is not intended to allow for the acquisition of a vending location for the sole purpose of leaving it empty and unused. The city reserves the right to revoke the license for any space which goes unused for more than 21 days. Circumstances such as owner illness, necessary cart repair, etc. will be considered before revocation.

11 – These procedures may be revised for the 2011 vending season.

William J. Fraser  
City Manager  
May 5, 2010