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**Subject:       CONDITIONS FOR SALE OF FOOD,  
                  BEVERAGES, FLOWERS, AND OTHER  
                  ITEMS ON THE KALAMAZOO MALL**

**No.   80.1**

**Date:           February 15, 1988**

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**PURPOSE:**

To establish the conditions under which sales may take place.

**SCOPE:**

Applies to the sale of all items on the Kalamazoo Mall.

**POLICY:**

The City Commission desires to permit the sale of certain items on the Mall in order to enhance the attractiveness of the Mall to residents, shoppers, employees, and visitors.

In order to enhance the attractiveness of the Mall, it is necessary to provide for the regulation and control of vendors on the Mall, provide a variety of items for sale on the Mall, and prevent congestion and promote the free flow of pedestrians on the Mall.

The following are the conditions and rules for sales of food, beverages, flowers and other items on the mall.

1. No person or entity shall sell any food, beverages, flowers, or other items (excluding newspapers, pamphlets, and circulars) on the Mall without having first obtained a vendor's permit as required by this resolution.
2. Limitation on Number of Carts: No more than nine (9) Vendor permits will be issued or outstanding at any one time. Each Vendor will be permitted only one vending location on the Mall. All Vendors, with the exception of those operating farm produce tables, must operate from cart approved by the Mall Advisory Board.
3. Locations Established: Vending locations are hereby established for each block of the Mall as follows:

200 North Kalamazoo Mall

Location #1: Water Street at the Mall.

Location #2: Mid-block plaza at the fountain.

100 North Kalamazoo Mall

Location #3: Michigan Avenue at the Mall.

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100 South Kalamazoo Mall

- Location #4: Michigan Avenue at the Mall
- Location #5: Mid-block plaza.
- Location #6: Mid-block plaza.

200 South Kalamazoo Mall

- Location #7: DeVisser Alley at the pool.

300 South Kalamazoo Mall

- Location #8: Mid-block at the pool.
- Location #9: Lovell Street at the Mall

4. License Fee: A non-refundable license fee for each location shall be as follows:

Location #1:	\$ 75.00
Location #2:	100.00
Location #3:	300.00
Location #4:	300.00
Location #5:	300.00
Location #6:	300.00
Location #7:	300.00
Location #8:	200.00
Location #9:	175.00

Plus any applicable electric usage fee.

5. Licensing Period: All vending permits for the Kalamazoo Mall shall be for the period of March 1<sup>st</sup> through the following November 30<sup>th</sup>.

6. Basis for Application Approval: The City Commission, in deciding whether to approve any such permit, may consider the following factors in their decision:

A.

- 1) The menu to be offered, or the items to be sold by the Vendor;
- 2) The other availability of said foods or items at or near the location where the permit is requested for;

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- 3) Whether or not the food or items for sale are consistent with the mobility of pedestrians;
  - 4) The variety of the items to be sold by that Vendor and the items sold by other Vendors on the Mall;
  - 5) The recommendations that may be made by the Mall Advisory Board; and,
  - 6) Such other factors as the City Commission shall deem appropriate in considering the enhancement of the attractiveness of the Mall to pedestrians, shoppers, visitors, and employees.
- B. If two vendors apply for a permit for the same location and have substantially the same menu or sell the same items, then the Kalamazoo Mall Advisory Board may recommend the Vendor who has previously used that location, or may hold a drawing to determine which Vendor to recommend to the City Commission for said location.
- 7) **Application Process:** Applications for a vendor's permit for the Mall shall be made on application forms available at the office of the City Clerk. Each applicant for a Vendor's permit shall specify in detail the items that he or she proposes to sell and a detailed drawing of the actual design of the cart or stall. The applicant may also indicate the location they desire to use.
  - 8) **Kalamazoo County Health Department Approval:** Each applicant shall obtain all required permits from other agencies. All licenses or permits shall be conspicuously posted in public view on each cart or stall. Complete menus or listings and prices shall also be displayed on each cart or stall. The Kalamazoo County Health Department shall, when necessary, approve each operation.
  - 9) **Insurance Requirements:** Each vendor shall supply the City with a certificate of insurance showing all forms of insurance that the City may from time-to-time require, including products liability insurance and naming the City, its employees, and agents, as additional insured.
  - 10) **Cart Operation:** Vendors shall sell only in the location that has been approved by the City Commission. A permit granted under this resolution shall not authorize the sale in any other location in the City and shall be limited to the location on the Kalamazoo Mall that is specified.
  - 11) **Temporary Location Reassignment:** The Public Works Manager or his, or her designee, may reassign any location which is not occupied by 11:00am, and for which

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the assigned Vendor has not contacted the Office of Public Works to inform them of a later arrival. Said reassignment shall be on a daily basis only and the assigned Vendor shall have the right to return to that location the next day.

- 12) Vendor Permit Revocation: The Public Works Manager, or his, or her designee, shall be responsible for enforcing the conditions and rules set forth in this resolution. Any violation of the rules or conditions of this resolution may result in the revocation of the Vendor's permit. If a Vendor violates these rules, or the conditions set forth herein, the Public Works Manager, or his/her designee, shall notify in writing the Vendor of the Violation. The Vendor shall immediately correct the violation.

If the Vendor does not immediately correct the violation, the Manager may request that the Kalamazoo Mall Advisory Board make a recommendation to the City Commission to revoke the Vendor's permit. The Manager shall inform the Vendor of the reasons for his request, the date and time the Kalamazoo Mall Advisory Board will meet to consider the matter, and the fact that the Vendor may appear at the meeting and present his/her side of the matter. The Kalamazoo Mall Advisory Board, after hearing the Manager and the Vendor, shall make a recommendation to the City Commission based on its findings as to whether or not the Vendor's permit should be revoked. The City Commission shall then consider the matter and may revoke the Vendor's permit. Any license fee shall not be refunded and the Vendor shall immediately cease doing business on the Kalamazoo Mall.

- 13) Electricity: Any Vendor who requires the use of electricity shall be required to pay a non-refundable annual fee in addition to the regular license fee. This fee is intended to reimburse the City for the electricity rate charged to the City times a reasonable estimate of hours of usage.

**EFFECTIVE DATE:**        February 15, 1988

**SEE ALSO:**

Resolution No. 87-36; 86-78

**HISTORY:**