

Permit #: _____

Village of Geneseo
Food Vending Application for Permit

Applicant Name: _____

Applicant Address/Mailing Address if different: _____

Business Name: _____

Business Mailing Address: _____

Applicant Phone #: _____ Business Phone #: _____

Applicant email: _____ Business email: _____

Requested Days and Times of operation: _____
(Permit expires one year from the date of issuance.)

Requested Location: _____
(Per Section 67-7 of the Village Code.) (Include location drawing, to scale.)

Livingston County Dept. of Health Food Service Permit #: _____
(Attach copy of permit.)

or

NYS Dept. of Agriculture & Markets Permit #: _____
(Attach copy of permit.)

Notes: _____

****Please attach a copy of the Certificate of Insurance and Hold Harmless Waiver.****

Applicants Signature _____ Date _____

Code Enforcement Officers Signature _____ Date _____

Village Clerk Signature _____ Date Issued _____

Fee: _____

Date Paid: _____

CC: Village Police Department
Code Enforcement Office
Applicant



HOLD HARMLESS WAIVER FORM

_____ does hereby covenant and agree to defend and
(Name of user or representative of organization)
hold harmless the **Village of Geneseo** from and against any and all liability, loss, damages,
claims, or actions (including costs and attorney fees) for bodily injury and/or property damage, to
the extent permissible by law, arising out of or in connection with the actual or proposed use of
_____.
(any Village Property)

Date(s) of proposed use: _____

Signed:

User Date: _____

Village of Geneseo Representative Date: _____



INSURANCE REQUIREMENTS

Organizations and Businesses requesting use of any Village property must provide the following at least five (5) business days prior to use:

Notwithstanding any terms, conditions or provisions, in any other writing between the parties, the user hereby agrees to effectuate naming the *Village of Geneseo* (V.O.G.) as an unrestricted *Additional Insured* on the users General Liability insurance policy.

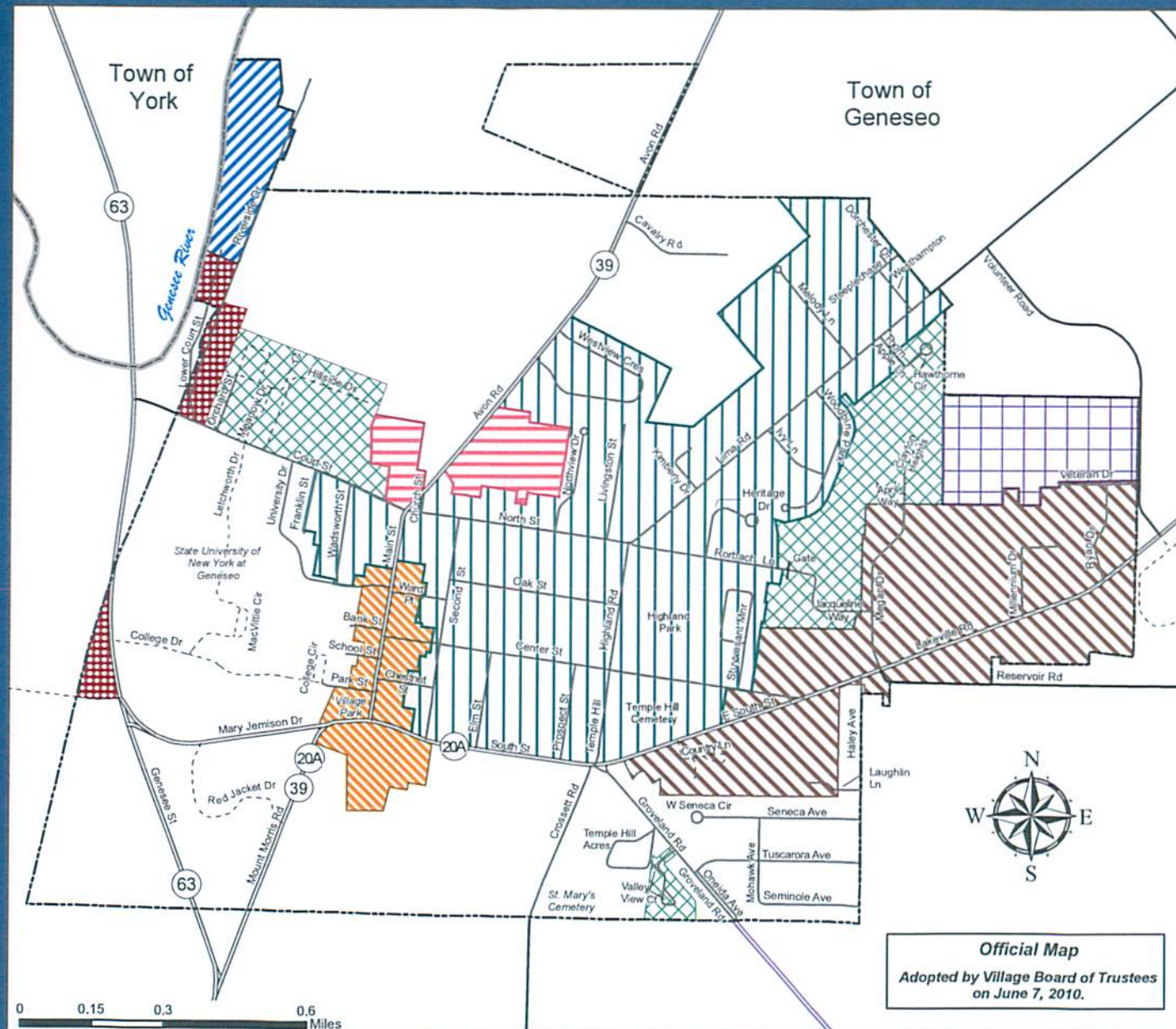
1. The policy naming the V.O.G. as an Additional Insured shall:
 - a. Be an insurance policy that is A.M. Best rated “secured”, preferably a New York State Admitted Insurer.
 - b. Provide for 30 day notice of cancellation.
 - c. The V.O.G. is listed as an Additional Insured by using ISO endorsement CG2026. If another similar endorsement is used a copy must be provided.

*the above may be provided with Acord Form 25, edition 2009/09

2. Required insurance:
 - a. Commercial General Liability Insurance - \$1,000,000 per occurrence / \$2,000,000
3. The above must be provided in advance of any activity or use of the facilities.
4. Use of Acord Form 25 by an insurance provider is the preferred document to be used for proof of coverage. The most current version of this form must be used.
5. The user acknowledges that failure to obtain such insurance on behalf of the V.O.G. constitutes a material breach of contract and subjects it to liability for damages, indemnification and all other legal remedies available to the V.O.G.
6. The V.O.G. reserves the right to change these requirements for specific users at any time without notice.

Village of Geneseo

Zoning 2011



Legend

- Residential (R-1)
- Residential (R-2)
- Residential (R-3)
- Community Resources (CR)
- Mixed Use (MU-1)
- Mixed Use (MU-2)
- Commercial (C-1)
- Commercial/Industrial (CI-1)
- WMU (Waterfront Mixed Use)
- State Highway
- County Highway
- Town Road
- Village Road
- Private Road

Livingston County



Map is for general planning purposes only.

Map prepared by the Livingston County Planning Department: November 2009, rev. Feb. 2011

Source: Village of Geneseo Zoning Districts, Bergmann Associates, November 2008, Local Law #3, June 2010

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Official Map
Adopted by Village Board of Trustees
on June 7, 2010.

0 0.15 0.3 0.6 Miles

Chapter 67

FOOD VENDORS

- | | |
|--|--------------------------------------|
| § 67-1. Definitions. | § 67-6. Posting of permit. |
| § 67-2. Permit required; exemptions. | § 67-7. Restrictions. |
| § 67-3. Permit application procedures. | § 67-8. Revocation of permit. |
| § 67-4. Fees. | § 67-9. Park and sidewalk locations. |
| § 67-5. Expiration of license. | § 67-10. Penalties for offenses. |

[HISTORY: Adopted by the Board of Trustees of the Village of Geneseo 10-15-2012 by L.L. No. 2-2012. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 77.
Peddling and soliciting — See Ch. 82.

Streets and Sidewalks — See Ch. 105.

§ 67-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMUNITY EVENT — A parade, observance of a national or state holiday or a civic event.

FOOD — Any raw, cooked or processed edible substance or beverage or ice cream, ice cream products or frozen desserts.

FOOD VENDOR OR VENDOR — A person, who hawks, peddles, sells or offers food for sale at retail in any public space or park or a concession stand situated in a park or area, as defined herein.

PARK — Any Village park.

PUBLIC SPACE — All publicly owned roadways, streets or sidewalks.

PUSHCART — Any wheeled vehicle or device used by a food vendor, other than a motor vehicle or trailer, which may be moved with or without assistance of a motor and which does not require registration by the Department of Motor Vehicles.

STAND — A movable, portable or collapsible structure, framework, device, container or other contrivance used by a food vendor for displaying, keeping or storing any food or article required by them while acting as such vendor.

STREET — Any street or public thoroughfare maintained by the Village for vehicular traffic. A street shall include all state and county highways within the Village and approved by the state and county as being within the scope of this chapter.

STREET CORNER — The area within the intersection of two streets from the pavement and/or curb edge to the edges of the sidewalk farthest from the pavement or curb edge.

VEHICLE — A motor vehicle or trailer as defined in § 125 of the New York State Vehicle and Traffic Law.

VEND — To hawk, peddle, sell or offer food in a public space or park delivered immediately for consumption or purchase for consumption elsewhere.

§ 67-2. Permit required; exemptions.

- A. It shall be unlawful to act as a food vendor or to vend food from any vehicle, pushcart, stand or park concession stand in a public space or park without first obtaining a permit in accordance with the provisions of this chapter.
- B. No permit shall be required of the regularly constituted and duly authorized members of organizations such as religious, charitable, civic or otherwise, where the proceeds derived from vending go and belong to such organization for their sole use. This exemption shall not include private individuals or companies who agree to give any or all of their proceeds to charitable organizations.
- C. The provisions of this chapter shall not apply to food vending on sidewalks by a restaurant in an area immediately in front of that restaurant provided that a valid sidewalk permit has been issued pursuant to § 105-11.1 of the Village Code.
- D. The provisions of this chapter shall not apply to food vending when done in conjunction with an event or festival approved by or sponsored by the Village Board of Trustees.

§ 67-3. Permit application procedures.

- A. Application for a permit hereunder shall be made in writing to the Village Clerk by the person to be permitted, on forms to be furnished by said Clerk. The application shall contain such information as to name and address of the applicant, matters affecting public health and such other information as said Clerk may reasonably require.
- B. Upon receipt of an application for a permit, the Village Clerk shall refer such application to the Code Enforcement Office for investigation to determine whether the applicant meets the requirements of this chapter.
- C. The application shall include the following:
 - (1) An indemnity bond in an amount established by resolution of the Village Board to indemnify and save harmless the Village of Geneseo, its agents, officers and employees from all claims, suits or actions of every name or description brought against the Village, its officers, employees or agents on account of injuries, death or damages to persons or property received or sustained or alleged to be sustained by any person or persons arising out of the permit issued herein or in any permit or permission granted to the applicant to vend in the Village of Geneseo.

- (2) A certificate of insurance for comprehensive general liability insurance, including products of liability and bodily and property damage coverage, insuring the Village of Geneseo and the applicant from all claims from damage to property or bodily injuries, including death, which may arise out of any permit issued herewith. Such insurance shall provide coverage in an amount set by resolution of the Board of Trustees during the entire term of the license and shall provide that the policy shall not be terminated or canceled without 30 days written notice to the Village Clerk.
- (3) A location drawing, to scale, approved by the Code Enforcement Office, showing where the applicant proposes to vend on a Village street, sidewalk, park or other public location.
- (4) Proof of compliance with the New York State Fire Prevention Code requirements acceptable to the Code Enforcement Office in the event that a liquefied propane gas tank heat-producing device or any open flame is to be used in conjunction with the applicant's food vending.

§ 67-4. Fees.

The fee for a permit shall be set by resolution of the Board of Trustees.

§ 67-5. Expiration of license.

The permit expires one year from the date issued by the Clerk.

§ 67-6. Posting of permit.

Every vendor shall affix to his vehicle, pushcart or stand such permit in a conspicuous place.

§ 67-7. Restrictions.

- A. Vendors shall not operate without a valid temporary food service permit from the Livingston County Department of Health or a permit from the New York State Department of Agriculture and Markets. Copies of said permits shall be submitted to the Village of Geneseo.
- B. Permits for street vendors to sell at a fixed location shall only be granted for locations within the MU-1 Zoning District and Village parks.
- C. A separate permit shall be required for each vehicle, pushcart or stand.
- D. All vendors are prohibited from vending in a manner that interferes with pedestrians or vehicular traffic or other legitimate business.
- E. No food vendor shall conduct business at the following locations:

- (1) Within 10 feet of a street corner.
 - (2) Within the extension of a doorway or entrance to a driveway and perpendicular to said doorway or entrance for a distance of 10 feet.
 - (3) Within the extension of a doorway or entrance to a driveway and perpendicular to said extension for a distance of 50 feet whenever said doorway or entrance is to a restaurant, fruit or vegetable market situated on the main floor of said building.
- F. All vendors conducting business from a vehicle, pushcart or stand must regularly pick up all papers, cartons, rubbish or any debris in any form which is deposited within a radius of 50 feet from the vendor's stand, pushcart or vehicle.
- G. Each vendor conducting business shall maintain a suitable waste container adjacent to their vehicle, pushcart or stand for the placement of litter by customers or any other persons and shall duly dispose of said litter on their own accordance (not within a Village-placed public receptacle).
- H. No pushcart or stand shall occupy more than 30 square feet of area.
- I. Vehicles shall only be located in areas marked for parallel parking. No vehicles shall occupy more than two parallel parking spaces.
- J. All vending shall occur from the sidewalk or pedestrian side away from vehicular traffic.
- K. No vendor shall carry on his business in a loud or boisterous manner, advertise his wares by calling or shouting or advertise his wares by ringing any gong or bell or playing or causing to be played any mechanical or electrical musical sound device.
- L. No vendor shall ring any gong or bell or cause to be played any mechanical or electrical musical sound device to advertise his wares or in aid of his business in any street, lane or alley or upon any sidewalk or upon any plaza, steps or platform immediately adjoining any street, lane or alley.
- M. No vendor shall attach or have attached any flashing or revolving light or lights on a vehicle used in aid of his business except those permitted by law.
- N. All vendors are prohibited before 7:00 a.m. and shall be closed and cleaned up by 3:00 a.m.

§ 67-8. Revocation of permit.

Any permit issued pursuant to the provisions of this chapter may be revoked by the Village Clerk upon notice and hearing for any of the following reasons:

- A. The Village Clerk has been advised by the Commissioner of Health that such vendor has violated any of the provisions of this law or the rules and regulations of the Livingston County Health Department.
- B. A false or fraudulent statement is contained in the application for the permit.
- C. A false or fraudulent statement is made in connection with the selling of any food item.

D. The vendor violates any provision of the Village Code.

§ 67-9. Park and sidewalk locations.

- A. The applicant shall, upon receipt of the permit issued by the Village Clerk, meet with the Code Enforcement Officer or his or her designee at the location authorized by such permit. The Code Enforcement Officer or his or her designee shall then record such location with the Village Clerk and Village Police Department.
- B. Park locations. The Code Enforcement Officer or his or her designee is hereby authorized to determine the number of vendors to be permitted in Village parks and parking areas adjacent thereto per site plan review and the New York State Uniform Building Code.

§ 67-10. Penalties for offenses.

Any person who violates any provision of this chapter shall be guilty of an offense, and shall, upon conviction therefor, be subject to a minimum fine of \$50, not to exceed \$250, or to imprisonment for a term not to exceed 15 days, or both.