

CITY OF EAST LANSING POLICY

RESOLUTION NO. 2017-01

**GUIDELINES FOR GRANTING CONCESSIONAIRE LICENSES IN
THE CITY OF EAST LANSING**

WHEREAS, The City Manager may grant a Concessionaire License to any person, firm, partnership, corporation or other business entity to sell goods, services or merchandise from a temporary or portable structure or fixture at a specific location on any public place, street, or right-of-way within the downtown business district pursuant to Section 8-133(7) of the City Code.

WHEREAS, In addition to the terms and conditions described in Chapter 8, Sections 8-131 through 8-133 and Sections 8-151 through 8-154 of the City Code, the City Council approved guidelines for the City Manager to consider in reviewing applications for Concessionaire Licenses which are contained in Policy Resolution 2012-4; and

WHEREAS, The Downtown Development Authority has voted in support of the guidelines; and

WHEREAS, The Council and the Downtown Development Authority wish to have the following areas covered by this policy resolution; and

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|-------------------------------|-------------------------------|
| 1. Application/Review/Appeals | 6. Appearance and Noise |
| 2. Permitted Uses | 7. Sanitation and Cleanliness |
| 3. License Fees | 8. Insurance |
| 4. Locations | 9. Storage |
| 5. Hours of Operation | 10. Review of Policy |

WHEREAS, The DDA and City Council also wish to implement a pilot program that will help to promote this opportunity and allow concessionaires to test the market prior to committing to a one year license while retaining the previous guidelines:

NOW THEREFORE, the City Manager shall consider the following Guidelines in reviewing an application for a Concessionaire's License:

1. Application/Review/Appeals

An Advisory Committee selected by the DDA will review concessionaire applications. This committee will consist of membership from the DDA and Downtown Management Board, one of whom shall be a merchant engaged in the food service business.

- a. Applications are submitted to the City Clerk.
- b. Review of applications will be by an Advisory Committee appointed by the DDA.

- c. Advisory Committee will review applications for conformance with Guidelines and recommend approval or denial to City Manager.
- d. The City Manager may deny and/or suspend or revoke a license pursuant to Section 8-67 if licensee does not meet the minimum requirements of these guidelines. Failure to meet the minimum requirements of or comply with these guidelines is cause for denial, suspension or revocation of a license.
- e. Appeals of City Manager's action to deny an initial license and of the application of specific guidelines to an applicant may be made to the City Council. Appeals of the City Manager's action to suspend or revoke a license or deny a renewal license application shall be made pursuant to Sections 8-67.

2. Permitted Businesses/Uses and Application Review Criteria

The permitted uses are for food vending and non-food vending only if the non-food items are not already offered by a nearby downtown business

Application Review Criteria:

- a. In addition to the requirements of Section 8-152, application shall include all plans and merchandise proposed to be sold.
- b. Advisory Committee shall coordinate location of use.
- c. Proposed business shall meet the goal of providing a use that adds to the vitality and aesthetic appeal of the downtown.
- d. Proposed business shall compliment the area.
- e. Applicants need to meet all applicable local and state laws and comply with requirements of the Ingham County Health Department.

3. License/Rental Fees

- a. \$200 initial application fee and \$100 annual renewal application fee. Application fees will be applied to the annual rental fee upon approval.
- b. Initial fees will be as follows: \$1,200 annual rental fee for all approved concessionaire carts and \$1,800 annual rental fee for all approved food trucks. Renewal fees will be \$1,100 annually for concessionaire carts and \$1,700 annually for food trucks.
- c. Rental fees will offset parking revenue lost and will otherwise go to the DDA to be expended by the DDA for maintenance & public improvements in the DDA District pursuant to the annual DDA budget approved by City Council.

4. Locations

- a. No locations will be allowed along Grand River Avenue. Concessionaire Carts shall be permitted only at those three locations shown and Concessionaire Trucks shall be permitted only at the one parking location as shown on the attached DDA District Boundary map which is incorporated herein.
- b. Concessionaire Cart Location Criteria:
 - a) Locations will be reviewed with respect to non-conflicting uses.
 - b) One cart or kiosk per location unless recommended otherwise by the Advisory Committee.
 - c) Locations will only be allowed where there is a minimum of six feet of unobstructed public walkway.
 - d) Location assignments will be based on seniority and if a concessionaire does not renew before their one-year approval expires then they may lose their location.
- f. Specific locations (up to 40 sq. ft. per cart and 1 parking space per truck) will be recommended to the City Manager or Council by the DDA following a recommendation from the Advisory Committee.
- g. Goods are not allowed to be sold to persons in vehicles.
- h. Businesses within 500 feet of the proposed site will be notified of the application for a Concessionaire's License and given the opportunity to comment. The City Manager will take these and other comments into consideration during his/her review.

5. Hours of Operation

- a. Normal maximum hours of operation, Sunday through Saturday, 7:00 a.m. to 12:00 midnight, (Licensee must stop serving at 12:00 a.m.).
- b. No hours allowed during any City sponsored festivals (unless approved through Festival procedures). Concessionaires may operate on football game days.
- c. Licensees will be monitored for conformance by P.A.C.E.
- d. Concessionaires must remove cart daily at or before 12:00 a.m.
- e. Food trucks shall have a set monthly schedule approved by the City Manager upon recommendation of the advisory committee so that the parking space may be made available for visitors when not in use by the food truck.

6. Appearance and Noise

- a. Licensee shall submit drawings and photographs of cart or truck and goods and complete list of goods to be sold.

- b. Carts and trucks shall be attractive and be kept clean.
- c. Cart shall be movable and have at least two wheels. Tables allowed for non-food items only with approval of the Review Committee.
- d. Cart and truck designs shall be approved by Advisory Committee.
- e. Vendors shall not use loud generators or other noise producing equipment per the City's Noise Ordinance.

7. Sanitation and Cleanliness

Licensee shall provide own receptacle and keep/leave location and immediate surrounding area clean and free from trash and litter. (Note: City/DDA may add additional receptacles, if required.)

8. Indemnity and Insurance

Licensee shall, to the fullest extent permitted by law, defend, indemnify, and hold the City harmless against any claim that may arise from its use of the public right of way. The Licensee shall obtain and maintain during the term of the license a comprehensive general liability insurance policy written on an occurrence basis having policy limits of no less than \$300,000 per occurrence. A certificate of insurance naming the City as an additional insured shall be filed by licensee with the approved application. The certificate shall provide that the City will receive 30 days prior written notice of cancellation or non-renewal.

9. Storage

During off hours, licensee shall be responsible for removing cart or truck and any other equipment to be stored off site in a private location.

10. Review of Policy

That the concessionaire guidelines be evaluated by the DDA with a report and recommendation to the City Council every year.

11. Pilot Program

A Pilot Program has been developed that will be used to promote this opportunity and also allow concessionaires to test the market prior to committing to a one year license agreement. The program will be implemented for a six week period, outlined below, during 2017, 2018 and 2019. The Pilot Program will end at midnight on May 5, 2019. The following guidelines will be implemented during the pilot program.

Each Food Cart/Truck Vendor can use one of the designated locations for one, two week time period to test the market. The times periods available are:

- 2017
 - March 27 - April 9, 2017
 - April 10 – April 23, 2017
 - April 24 – May 7, 2017

 - 2018
 - March 26 – April 8, 2018
 - April 9 – April 22, 2018
 - April 23 –May 6, 2018

 - 2019
 - March 25 – April 7, 2019
 - April 8 – April 21, 2019
 - April 22 – May 5, 2019
- a. The program would run for a six week period, which would allow up to nine (9) food trucks (3 locations) and nine (9) concessionaire cart vendors (3 locations) to participate in the pilot program each year (map attached).
 - b. Participants can participate in the Pilot Program, for one, two week period, during the entire three year Pilot Program.
 - c. No Food Carts or Food Trucks, approved to participate in the Pilot Program, will be allowed to use their approved location during City Sponsored events, including, but not limited to, Taste of East Lansing, East Lansing Art Festival.
 - d. The procedures included in the Guidelines for Granting Concessionaire Licenses in the City of East Lansing would need to be followed, with the following exceptions:
 - a. All food vending and non-food vending would be allowed even if it is already offered by a nearby downtown business.
 - b. There will be only a \$100 application fee for participating in the pilot program and all other fees as described under paragraph 3 will not be required.
 - e. Concessionaires License Application would need to be completed in order to participate in the program. Completed applications would need to be submitted by March 1 of each year of the Pilot Program, and a license would need to be granted by the City prior to commencing.
 - f. Licenses for locations and time periods will be awarded for **completed applications** on a first come first served basis.
 - g. This pilot program will expire at midnight on May 5, 2019.

Policy Resolution 2017-01 replaces Policy Resolution 2014-12, 2012-2 and 2011-3.

Mark S. Meadows, Mayor

Dated: January 31, 2017

Moved by Councilmember: Draheim

Seconded by Councilmember: Altmann

ADOPTED: Yeas: 5

Nays: 0

Absent: 0

CLERK'S CERTIFICATION: I hereby certify that the foregoing is a true and complete copy of a Policy Resolution adopted by the East Lansing City Council at its regular meeting held on _____, the original of which is part of the Council's minutes.

Marie E. Wicks, City Clerk

City of East Lansing

Ingham and Clinton Counties, Michigan

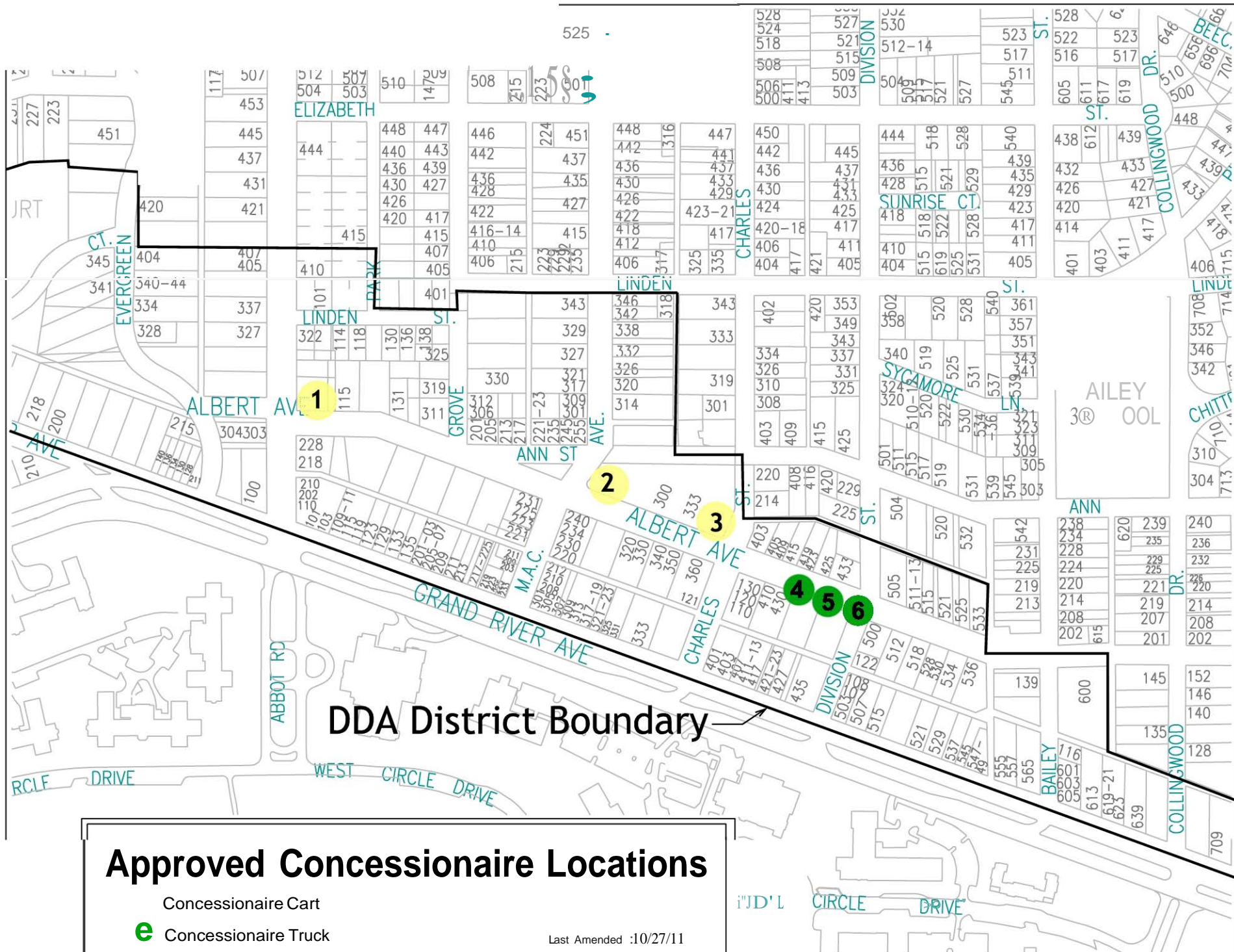
Approved as to form:

Thomas M. Yeadon (P38237)

East Lansing City Attorney

601 Abbot Road

East Lansing, MI 48823



Approved Concessionaire Locations

- Concessionaire Cart
- Concessionaire Truck

Last Amended :10/27/11