



Application for Vendor's License

The undersigned hereby applies for a vendor's license from the City of Port Clinton, Ohio, in conjunction with Chapter 719 Street and Sidewalk Vendors.

Name of Applicant: _____ Phone _____

Social Security No. _____ Date of Birth _____

Address _____

Business Name _____

Business Address _____

Employer Identification Number of Applicant _____

Proof of Identity _____

Name and address of each employee (each employee shall file with the City of Port Clinton separately) _____

Describe nature, character and quality of food, beverage, goods or merchandise to be sold or for which orders are to be taken: _____

If a company or corporation, is it chartered or licensed to do business in the State of Ohio?

Yes _____ No _____

Name and address of statutory agent for service of process:

Address of principal office of doing business in Ohio if different from above:

List of political subdivisions in which your company engaged in business in the last six (6) months: _____

If motor vehicle used in the vending business, provide:

Description of vehicle _____

Registration number _____ License number _____

Name and address of registered owner: _____

Proposed location (s) of vending business: _____

Length of time: _____

Name, address, and phone number of two (2) reliable persons who may be contacted as to the applicant's good character and reputation: _____

*******REQUIRED ATTACHMENTS*******

1. Attach written consent of property owner for which business will be deducted (if applicable) Y/N
2. Proof of valid Ohio operator's license must be provided for each person who shall operate the vehicle (s) used in vending. Y/N
3. Background checks conducted by Port Clinton Police Department. Y/ N

Proudly Protecting and Serving the community since 1898



Chief David M. Scott
Port Clinton Police Department
1868 E. Perry Street
Port Clinton, Ohio 43452
Office: (419) 734-3121
Fax: (419) 734-6510
pcpdchief@portclinton-oh.gov



RECORDS CHECK

I hereby authorize the Port Clinton Police Department, Port Clinton, Ohio, to give any information that it may have or has obtained bearing upon any Criminal or Misdemeanor record that I may have. In signing the authorization, I hereby release the above Law Enforcement Agency of any right, claims, or demands, actions, or causes of any action arising from the release of such information or from any other actions.

Please Print

NAME _____

ANY OTHER LAST NAMES _____

ADDRESS _____

DRIVERS LICENSE # _____ DOB ____/____/____

LAST FOUR DIGITS OF SSN # _____

SIGNATURE _____ DATE ____/____/____

The above named subject has the following record with Port Clinton Police Dept:

M.L. Anderson, Records Clerk, Port Clinton P.D. _____ Date: _____

CHAPTER 719**Street and Sidewalk Vendors**

- 719.01 Definitions.**
- 719.02 License required.**
- 719.03 Application.**
- 719.04 Fees.**
- 719.05 Insurance.**
- 719.06 Issuance of license.**
- 719.061 Notification of criminal record.**
- 719.07 Licenses and identification badges.**
- 719.08 Vending permitted in certain locations.**
- 719.09 Prohibited conduct.**
- 719.10 Hours of operation.**
- 719.11 Suspension or revocation of license.**
- 719.99 Penalty.**

CROSS REFERENCES

Placing obstructions in streets - see TRAF. 311.01
Littering - see GEN. OFF. 521.08

719.01 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

- (a) "Motor vehicle" means any vehicle used for the displaying, storing or transporting of articles offered for sale by a vendor which is required to be licensed and registered by the Department of Motor Vehicles.
- (b) "Stand" means any table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor.
- (c) "Vendor" means any person, firm, partnership, corporation or other business engaged in the selling or offering for sale, of food, beverages or merchandise from a stand or motor vehicle or from his person.
- (d) "Public streets or sidewalk" includes all public streets, sidewalks, roadways, highways, parkways, alleys, public parks, public parking lots or any other public way.
- (e) "Downtown Waterfront Overlay District, Central Business District, and Manufacturing Districts located west of Monroe Street and north of the rail line" means the geographical area outlined in Exhibit A.
- (f) "Street Vending" or "Vending" means selling, offering or displaying for sale, or soliciting another to purchase, for present delivery, food, drink, or other merchandise, or any combination thereof, from, in, upon, along, the streets or sidewalks, or upon private property, from a motor vehicle; a trailer; or a stand, table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor.

(Ord. 9-21. Passed 4-13-21.)

719.02 LICENSE REQUIRED.

No vendor shall sell, display or offer for sale any food, beverage, goods or merchandise without first obtaining a license from the City.

(Ord. 2-91. Passed 2-26-91.)

719.03 APPLICATION.

Any person, firm, partnership, corporation or other business desiring to obtain a vendor's license to operate in Port Clinton, shall submit an application therefore to the Director of Safety and Service, on an application form to be provided by the City. The Director of Safety and Service shall act within ten days of the filing of such application to either issue the requested license or to deny the license.

The application for a vendor's license shall contain all information relevant and necessary to determine whether a particular license may be issued, including but not limited to the following:

- (a) The name, social security number, date of birth and address of the applicant and of each employee of the applicant, the business name, business address and employer identification number of the applicant, and proof of identity.
- (b) A brief description of the nature, character and quality of the food, beverages, goods or merchandise to be sold, or for which orders are to be taken.
- (c) If employed by another, the name and business address of the person, firm, association, organization, company or corporation by whom employed; if a company or corporation, whether it is chartered or licensed to do business in Ohio; the name and address of the statutory agent for service of process, and the address of its principal office or place of doing business in Ohio if different from the address called for above.
- (d) A list of all political subdivisions within which the applicant has engaged in business within the six-month period immediately preceding the date of his application.
- (e) If a motor vehicle is to be used in the vending business, a description of the vehicle together with the motor vehicle registration number and the license number, and the name and address of the registered owner of such vehicle.
- (f) A description of the proposed location(s) of the vending business, size of stand to be used, the length of time during which it is proposed that the business shall be conducted, and the written consent of the property owner from which it will be conducted.
- (g) The applicant shall submit proof that each person who operates the vehicle(s) used in vending has a valid Ohio operator's license as required by law.
- (h) A photograph of the applicant and each employee who will be a vendor, taken within sixty days immediately before the date of filing of the application, which picture shall be at least two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
- (i) The name and address of two reliable persons who may be contacted as to the good character and reputation of the applicant.
- (j) Each applicant which will be vending food products shall provide evidence of a valid food handler's permit or food service permit for the motor vehicle or stand he will be vending from.
- (k) Local non-profit service clubs and local non-profit organizations and individual residents of the City are exempt from obtaining a license under this chapter.

(Ord. 2-91. Passed 2-26-91.)

719.04 FEES.

An applicant for a license under this chapter shall pay an annual license fee per calendar year, for the period from January to December of each year, or part thereof, as follows:

(a) Firm, association, partnership, corporation or company	\$200.00
(b) Individual license	100.00
(c) Disabled American veterans	25.00

(Ord. 45-12. Passed 1-22-13.)

719.05 INSURANCE.

No license shall be issued to an applicant who desires to sell any ice cream or similar product, frozen yogurt, frozen dessert, soft drink, candy, sandwich, nuts, milk shakes, lemonade, fish, seafood, meats or any other food products unless the applicant furnishes proof of an insurance policy, issued by an insurance company licensed to do business in the State, protecting the licensee and the City from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license, in an amount of not less than one million dollars (\$1,000,000). Such insurance shall name as additional insured the City and shall provide that the policy shall not terminate or be cancelled prior to the expiration date without thirty days advance written notice to the City.

(Ord. 2-91. Passed 2-26-91.)

719.06 ISSUANCE OF LICENSE.

(a) After a proper application has been submitted, the Director of Safety and Service shall issue a license to the applicant to engage in the selling or offering to sell food, beverages, goods and merchandise, within the City, if he finds the character and business responsibility of the applicant, and his principal employer, if any, to be satisfactory, and not a threat to the public health, welfare and safety of the residents of the City.

(b) If the Director of Safety and Service denies the issuance of the license, he shall notify the applicant, in writing, of the reasons for the denial within ten days of his determination to deny the application. Such notice shall be sent by certified mail to the applicant's address as set forth on his application, or be delivered to the applicant personally, and shall be considered served on the applicant on the date the notice is mailed or served upon the applicant personally.

(c) The applicant, within fifteen days of his receipt of the denial of his application for a permit may appeal the decision of the Director of Safety and Service to Council. Council shall hear the appeal at its next regular meeting and shall issue a final decision on the appeal within thirty days after the hearing.

(d) No license shall be issued to any applicant that has been convicted of the following offenses:

- (1) Manslaughter or homicide of any degree resulting from the operation of a motor vehicle;
- (2) Driving a motor vehicle while under the influence of intoxicating liquor or drugs;
- (3) Any felony in which physical violence is used;
- (4) Any state offense described below or its equivalent in a city code.
 - A. Rape.
 - B. Sexual Battery.
 - C. Corruption of a minor.
 - D. Gross sexual imposition.
 - E. Sexual imposition.

(Ord. 45-12. Passed 1-22-13.)

719.061 NOTIFICATION OF CRIMINAL RECORD.

The Chief of Police shall furnish the Director, upon forms provided by the Chief of Police, with information on the arrests or convictions of any applicant for a Street or Sidewalk Vendors license for any violation of city ordinance, or state or federal statute.

(Ord. 45-12. Passed 1-22-13.)

719.07 LICENSES AND IDENTIFICATION BADGES.

(a) The license issued to a vendor shall be carried with the vendor while he or she is engaged in the business of vending.

(b) In addition to the license, each vendor shall wear an identification badge which shall contain a picture of the vendor and the vendor's name. Vendors shall wear their badges in such a way that the badges may be easily read while doing business. If a badge becomes damaged or obscured, the vendor shall immediately replace the badge with a new badge.

(c) Licenses and identification badges shall be used only by the person to whom they are issued and may not be transferred to any other person.

(Ord. 2-91. Passed 2-26-91.)

719.08 VENDING PERMITTED IN CERTAIN LOCATIONS.

(a) Street Vendors shall not conduct business in the Downtown Waterfront Overlay District, the Central Business District, and the Manufacturing Districts located west of Monroe Street and north of the rail line.

(b) Street Vendors shall not conduct business in any public park in the City of Port Clinton during scheduled events.

(c) Street Vendors shall not conduct business at Lakeview Park during scheduled events and during concession stand hours of operation.

(d) Street Vendors shall not conduct business in the following areas in the City:

- (1) Within fifty (50) feet of a property occupied by a residence, excluding residences with ground floor retail space and excluding residences located on the opposite side of a public street;
- (2) Within ten (10) feet of a fire hydrant, mailbox, taxi stand, telephone booth, building entrance, fire exit or escape or loading zone;

- (3) In a location that restricts the free passage of pedestrians in the lawful use of the public sidewalks by leaving an unobstructed sidewalk area of less than six (6) feet, or as otherwise determined by the Safety Service Director;
 - (4) Within fifty (50) feet of another Street Vendor on the public sidewalk, where the other Street Vendor is located on the other side of a public street;
 - (5) Within one hundred (100) feet of a food service business operating from a fixed and permanent location during the operating hours of such business;
 - (6) Within seven hundred fifty (750) feet of a special event or community event, except for a Street Vendor that has been authorized to participate in such event;
 - (7) Within one hundred (100) feet of a school or church;
 - (8) Sell food items, display food items, or other merchandise, or conduct vending operations to occupants of vehicles stopped in traffic;
 - (9) Display food items, or merchandise, or place lines or other devices for the display of food items or merchandise on any building or on any utility pole, planter, tree, trash container or other sidewalk fixture;
 - (10) Leave a motor vehicle; a trailer; or a stand, table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor unattended at any time;
 - (11) Make any loud or unreasonable noise for the purpose of advertising or drawing attention to its operations or for any other purpose;
 - (12) Conduct business without making available a container suitable for the placement of litter;
 - (13) Within twenty (20) feet of an intersection with a street, road or alley;
 - (14) So as to obstruct the display windows or doorways of any merchant without the merchant's permission;
 - (15) Pushcarts shall be positioned on sidewalks between the flow of pedestrian traffic and the street as near as possible to the curb;
- (e) A Street Vendor may conduct business on private property from a motor vehicle; a trailer; or a stand, table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor, subject to the following regulations:
- (1) No vending will be permitted on any property occupied by a residence, excluding residences with ground floor retail space;
 - (2) No vending is permitted within ten (10) feet of a property occupied by a residence;
 - (3) No vending is permitted within ten (10) feet of a driveway or driveway apron;
 - (4) No vending is permitted within ten (10) feet of a building entrance, fire exit or escape;
 - (5) No vending is permitted within twenty (20) feet of another Street Vendor;
 - (6) No vending is permitted within ten (10) feet from any public sidewalk;
 - (7) No vending is permitted on private property not zoned for a commercial use;
 - (8) No vending is permitted within seven hundred fifty (750) feet of a special event or community event, except for a Street Vendor that has been authorized to participate in the event;
 - (9) No vending is permitted that encroaches into any public sidewalk or public street;
 - (10) No vending is permitted at any location that will interfere with the safe movement of vehicles or pedestrians on the subject property;
 - (11) No vending is permitted on property not owned by the applicant without first obtaining written permission from the property owner.

(Ord. 9-21. Passed 4-13-21.)

719.09 PROHIBITED CONDUCT.

No Street or Sidewalk Vendor shall:

- (a) Sell food or beverages for immediate consumption unless he has available for public use his own or a public litter receptacle which is available for his patrons use.
- (b) Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by him.
- (c) Solicit or conduct business with persons in motor vehicles.
- (d) Sell anything other than that which he is licensed to vend.
- (e) Set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of his stand or motor vehicle where such items have not been described in his application.
- (f) Vend without the insurance coverage specified in Section 719.05.
- (g) No Street Vendor vending from a motor vehicle, vehicle, pushcart, wagon or any wheeled vehicle shall:
 - (1) Operate a vehicle at a speed more than fifteen miles per hour or more when cruising neighborhoods or attempting to make a sale.

- (2) Make a "U" turn on any street.
 - (3) Operate his vehicle backwards in making or attempting to make a sale.
 - (4) Double park or park in any manner contrary to any ordinance about parking when attempting to make a sale.
 - (5) Stop and park his vehicle in a stationary position for a period longer than necessary to make a sale after having been approached or stopped for that purpose.
 - (6) Permit any person except an employee of the licensee to ride in or on the vehicle.
 - (7) Refuse to remove this vehicle from any public street or sidewalk in the City upon the request of a police officer, during periods of congested traffic, accident or public emergency.
 - (8) Make or attempt to make a sale within twenty-five feet of any intersection.
 - (9) Make or attempt to make a sale to any person standing in a street of the City.
 - (h) Use a noise producing device on a motor vehicle or stand when it is not in motion.
 - (i) Dump anything into the City's storm sewers.
 - (j) Connect their motor vehicle, trailer, stand, table, showcase, bench, rack, pushcart, wagon, or any other wheeled device to City utilities
- (Ord. 9-21. Passed 4-13-21.)

719.10 HOURS OF OPERATION.

Street Vendors shall be allowed to engage in the business of vending only between 6:00 a.m. and 11:00 p.m., except Vendors who conduct their business by going door to door shall be allowed to operate only between 9:00 a.m. and 5:00 p.m. daily.

(Ord. 9-21. Passed 4-13-21.)

719.11 SUSPENSION OR REVOCATION OF LICENSE.

Any license issued under this chapter may be temporarily suspended or revoked by the Director of Safety and Service for any of the following reasons:

- (a) Fraud or misrepresentation in the application for license.
- (b) Fraud or misrepresentation in the course of conducting the business of vending.
- (c) Conducting the business of vending contrary to the conditions of the license.
- (d) Conviction of the licensee of any crime or violation of municipal ordinance or state law involving moral turpitude.
- (e) Conducting the business of vending in such a manner as to create a public nuisance, a breach of the peace or to constitute a danger to the public health, safety or welfare of the public.

On the next business day following the suspension or revocation of a license, a notice of hearing on such suspension or revocation shall be made in writing, shall set forth specifically the grounds for suspension or revocation, and the date, time and place of the hearing. Such notice shall be mailed, certified mail, postage prepaid, to the licensee at the address stated on the application for the licensee at least five days before the date set for the hearing. The written decision of the Director of Safety and Service made at or after such hearing, with a statement of the grounds therefore, shall be mailed, postage prepaid, to the licensee at the address stated on the application for the license within ten days after the date of the hearing. The decision of the Director of Public Safety and Service may be appealed in the same manner as set forth in Section 719.06.

(Ord. 2-91. Passed 2-26-91.)

719.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree and shall be fined not less than one hundred dollars (\$100.00).

Each day of operation in violation of this chapter shall be considered a separate offense.
