

122.60 Limitations of sales

122.61 Exception

122.99 Penalty

STREET AND FOOD VENDORS

§ 122.01 DEFINITION.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FOOD VENDOR. Any person who sells, offers for sale or distributes from any wagon, truck, pushcart or other vehicle or temporary foodstand, any article of food or food products to be used for human consumption in the city.

PERISHABLE FOOD. Food which tends to decompose or deteriorate within three hours at a temperature above 50° F and thereby rendering in unwholesome or unsafe for human consumption.

REFRIGERATION. Refrigeration at 50° F or below in closed vehicles shall be provided and maintained for all perishable food during transportation.

STREET VENDOR. Any person, whether principal or agent, who shall go in and upon the public streets, alleys, ways, parks and places of the city, traveling from place to place or from door to door of homes, offices, stores, hotels, restaurants or other places of business, engaged in selling at retail, or offering or taking orders to sell, barter, canvass or peddle to members of the public or to regular customers any article of goods, wares or merchandise or other products, not produced, manufactured or made by such person; however, merchants having established places of business with a stock of goods, engaged in making deliveries only thereof, shall not be deemed to come within the scope of this subchapter. Any person who, in the operation and conduct of his business, shall manufacture, produce or distribute any products, goods, wares or merchandise, and shall as an established course of business employ agents who shall go in and about the streets of the city displaying and offering such goods, wares or merchandise for sale, or who shall take orders for sale or who shall sell at retail to the public or to established customers, shall each be deemed to be street vendors and subject to all the terms and conditions of this subchapter. The term **STREET VENDOR** shall also include **HUCKSTER** and **PEDDLER** as such words are commonly used.

('68 Code, § 3-301) (Ord. 110, passed 10-7-52)

§ 122.02 LICENSE REQUIRED.

It shall be unlawful for any person to use the public streets or public places for the purpose of engaging in the occupation or business of street vendor and/or food vendor in the city without first having obtained a license to do so as hereinafter provided. Furthermore, it shall be unlawful for any person to operate as a street vendor and/or food vendor in the city without first having obtained a license for each piece of vehicular equipment or container used in connection therewith. However, a person who is a street vendor and does not use a vehicle or container in connection therewith, but who carries the merchandise being sold in his hands or his pockets, shall be required to obtain a license as though he sold from a container.

('68 Code, § 3-301) (Ord. 110, passed 10-7-52) Penalty, see § 122.99

§ 122.03 APPLICATION FOR LICENSE; CONTENTS; INVESTIGATIONS AND REPORTS.

(A) Every person who desires to operate as a street vendor and/or food vendor as defined in § 122.01 shall file an application in writing with the City Clerk, which application shall set forth the name, residence address and age of applicant; the name and address of the principal owner of the business if the applicant is acting as an agent; the kind and description of the articles to be sold or offered for sale; type of vehicular equipment to be used; the number of vehicles to be licensed; whether the applicant is a citizen of the United States or has applied for citizenship; whether the applicant has ever been convicted of violating the law of any state or the United States, or the code or any applicable ordinance of this city or any other municipality in the country; and if such is a fact, shall give the details pertaining to such violation.

(B) Each applicant for a street vendor and/or food vendor's license shall as a condition precedent to the issuing of such license, submit the applicant's fingerprints to and file them with the Police Department.

(C) Every applicant shall at the time of making such application pay the prescribed license fee as hereafter set forth to the City Treasurer with the understanding that if such license application is denied, such fee shall be refunded to the applicant. Such applicant shall be referred to the Police Department and the Health Department of the city for investigation and report as to whether such applicant complies with the code and any applicable ordinance of the city, including this subchapter. If, after such investigation, said departments determine that the applicant has complied with the requirements of any applicable provision of this code and any applicable ordinance of this city, including this subchapter, a report in writing to that effect shall be submitted to the City Clerk who shall thereupon issue the license applied for, but if said departments, or either of them, determine that the applicant has not qualified for a license as herein specified, such application shall not be approved, and in connection with such denial the reasons therefor shall be submitted.

('68 Code, § 3-302) (Ord. 110, passed 10-7-52)

§ 122.04 ISSUANCE OF LICENSE; PREREQUISITES.

(A) No license shall be issued to an applicant as a food vendor who proposes to sell food products, who has not received from the Department of Health a health card issued by the Health Officer to the effect that the bearer of the card has had a physical examination by a reputable physician, has met all the requirements of the Health Department of the city, and is a suitable person to carry such a card.

(B) Before such license is issued, information shall be furnished by the applicant to the Police Department as to the kind, condition, ownership and place of storage of the vehicle he will use in carrying on the business of street vendor and/or food vendor, the nature and scope of his business, the route or routes which he follows, and other similar information as may be deemed necessary to protect the general welfare of the public.

(C) The license for a street vendor and/or food vendor as herein authorized shall be in such form as to contain a true photograph of the licensee, his name, address, physical description, fingerprints, and the class of license as designated in this chapter. Such license shall be delivered to the licensee when he takes out his license, but additional copies of the license to replace ones lost, spoiled or destroyed shall be charged at the rate of \$.50 for each license lost, spoiled or destroyed. Every licensee shall carry with him at all times while operating as street vendor and/or food vendor the license above described. It shall be unlawful for any licensee to change, remove or obliterate any entry made on such license.

(D) (1) If a license is issued, there shall be delivered to each licensee with a handcart, small wagon, bicycle, motorcycle or other similar small conveyance two metal license plates bearing the works "Inkster Licensed Vendor No. ____, Class 2:" and the date of expiration, in easily legible works and figures. The color of such plates shall be changed each year. The licensee shall attach such plates, one on each side and towards the

forward end of the vehicles he operates, in as conspicuous a place as possible, and shall not use any vehicle as a street vendor and/or food vendor on which such plates are not so displayed.

(2) Every street vendor licensee, whether using a vehicle or not, shall be given a metal badge bearing the same date as is required by this chapter on the license plates, with the license number in easily readable figures at least one-half inch, and such badge shall be worn constantly by the licensee in a conspicuous place on the front of his coat or hat during the time he operates as a street vendor.

(3) A street vendor and/or food vendor licensee shall not transfer his license, badge or plates to another person, nor shall plates for small vehicles be used on vehicles drawn by horse or propelled by motor or vice versa.

('68 Code, § 3-303) (Ord. 110, passed 10-7-52)

§ 122.05 LICENSE FEES.

The following fees shall be charged for operating as a street vendor and/or food vendor:

(A) Class 1. For every person engaged in the business of street vendor and/or food vendor, whether traveling by foot without the aid of any vehicle or who uses a vehicle referred to in either of the following classes, the fee shall be \$2 per year per person.

(B) Class 2. Street and/or food vendors who travel by foot or who use a bicycle, pushcart or hand-drawn wagon or other similar small conveyance, carrying any basket, box or container not exceeding two cubic feet, the fee for each conveyance or container shall be \$2 per day up to and including ten days, and \$25 for one year, which fee shall be in addition to fee provided in Class 1 above.

(C) Class 3. For every street vendor and/or food vendor who shall use any horse-drawn or motor-propelled vehicle in his operations, the fee for each vehicle shall be \$3 per day up to and including ten days, with a maximum of \$40 per year for each vehicle, which fee shall be in addition to fee provided in Class 1 above.

('68 Code, § 3-304) (Ord. 110, passed 10-7-52)

§ 122.06 EXPIRATION DATE.

Each license hereafter issued shall expire on midnight following the first Tuesday in May of each year, unless previously terminated by operation of law.

('68 Code, § 3-305) (Ord. 110, passed 10-7-52)

§ 122.07 EXEMPTIONS.

No license fee shall be charged to any person or for any vehicle which he operates who proposes to sell produce which he has raised himself or to any person who has attained the age of 65 years, or to any mechanic selling articles made by himself, or to any person operating as a street vendor and/or food vendor who has been honorably discharged as a war veteran from any of the armed services of the United States. At the time that any of the persons above named claim such exemption from license fee, such person shall swear by affidavit setting up facts which entitle him to such exempting, and such affidavit shall be filed with the City Clerk along with the application for license.

('68 Code, § 3-306) (Ord. 110, passed 10-7-52; Am. Ord. 278, passed 7-3-67)

§ 122.08 STANDARDS OF OPERATION RESTRICTED.

(A) No licensee hereunder shall use any scales which have not been approved by the State Bureau of Weights and Measures, and no person who operates as a street vendor and/or food vendor shall create any disturbance by any instrument, horn, bell, radio, electrical appliance or device in connection with such business.

(B) No licensee shall stop in any one place longer than is necessary to make a sale, or in any event shall not stop on private property without the consent of the owner, and shall not stop for a period longer than 30 minutes at any time. No licensed food vendor shall stop for the purposes of selling or offering to sell any food products within a distance of 500 feet from any public, private or parochial school building, or the lands on which such school buildings are located in the city on any day during which such school is in session.

(C) No licensee operating as a street vendor and/or food vendor shall unreasonably interfere with traffic or cause or permit large numbers of persons, especially children, to congregate upon the public streets.

('68 Code, § 3-307)

(D) It shall be unlawful for any licensee to call out or make any noise of any kind whatsoever or to use a bell, horn or other noise-making device with a view of attracting persons to buy the goods said licensee has for sale. ('68 Code, § 3-308)

(Ord. 110, passed 10-7-52; Am. Ord. 110.1, passed 5-13-58) Penalty, see § 122.99

§ 122.09 VEHICLES TO BE KEPT IN CLEAN, SANITARY CONDITION.

All vehicles used in the sale of food products must be kept in a clean and sanitary condition at all times, and when containing loads or parts of loads of food products they must be kept only in places and operated only in a manner which in the opinion of the Health Officer are sanitary and wholesome.

('68 Code, § 3-308) (Ord. 110, passed 10-7-52; Am. Ord. 110.1, passed 5-13-58) Penalty, see § 122.99

§ 122.10 COMPLIANCE WITH SANITARY REGULATIONS.

(A) Because of the unusual exposure to the dust of the street, to insects and the elements, that food product suffer when carried in vehicles used by food vendor, the Health Officer from time to time may direct, through regulations mailed to licensees and in other ways, that certain kinds of product which are not cooked or washed before eating, or which are not protected by a natural covering that is removed before eating, must be covered or carried in a closed receptacle of the approved kind.

(B) No person shall transport on any highway, street, alley or thoroughfare in the city any meat, meat food products, milk, based good, ice cream and the like, or any food intended for sale or intended for sale for human consumption in the city, unless the transporting vehicle is so covered as to protect it from dust, dirt, insects, human contamination or any other substance that will render it unclean, unwholesome or detrimental to public health. Every container and every vehicle shall be maintained in a sanitary manner and in good repair at all times.

(C) All baked goods shall be transported in covered containers. From May 1 to October 1, all custard or cream-filled pastry will not be offered for sale or distribution from any place or vehicle unless it has been refrigerated at a temperature not over 50° F from the time of manufacture until the time of delivery to the

consumer.

(D) Ice cream cones (dipped) or ice cream sandwiches will not be sold on the street in the city unless previously wrapped or packaged at an approved place of manufacture. All ice cream products shall be separately packaged, and shall be protected from any possible contamination of the refrigerant.

(E) Delivery of milk and milk products for human consumption in bulk, or in open containers, or that have not been properly pasteurized, will not be permitted in the city.

(F) Delivery of meat from meat places and abattoirs to retail meat markets shall be made in closed vehicles and during the same day as said vehicles are prepared for meat delivery.

(G) No person shall sell or deliver or have in his possession for sale in the city any meat, milk or other food products which are improperly labeled or contain any unhealthful ingredient, constituent or substance, or which have been transported, handled or stored in an unclean manner.

(H) All utensils associated with the sale or transportation of food products shall be kept clean and protected from flies, dust, splash or other contamination.

(I) No person with a contagious or infectious disease shall be permitted to operate a vehicle for the purpose of selling or transporting food. Such persons are subject to a health examination at the discretion of the County Board of Health.

(J) All vehicles used for the purpose of selling or transporting meat, milk, pastry, ice cream and all other food products for human consumption in the city shall be inspected and approved by the County Board of Health Department before a license is granted. The holder of a license under which a food-vending vehicle is operated shall be the person responsible for all the above conditions and requirements of this subchapter.

(K) Failure to maintain the standards and requirements of the city for sale or transportation of food will constitute cause of revocation of the license under which such vehicles are operated.

(L) Every food vendor and the operator of every food vending vehicle shall furnish, upon demand, such information as the Health Officer may require to determine compliance with the requirements and standards for food-vending vehicles.

('68 Code, § 3-309) (Ord. 110, passed 10-7-52) Penalty, see § 122.99

ICE CREAM VENDING VEHICLES

§ 122.20 DEFINITION.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ICE CREAM VENDING VEHICLE. Any vehicle used for the carrying and selling of ice cream, snow-cones, and similar confectionery products, including but not limited to, cotton candy, popcorn, caramel corn, peanuts and candy apples, upon public streets or parks.

('68 Code, § 5-1001) (Ord. 516, passed 6-20-77)