

Section 14

Vendors

14.1 Purpose: These Regulations are intended to allow for the distribution of vendors in the Town of Clinton in such a way as to focus this type of use in locations which are most conducive to pedestrian traffic and gathering. Recognizing that the Town of Clinton contains both established restaurants and a seasonal influx of individuals who may be looking for more casual or recreational options, this Section attempts to balance the competing needs of all stakeholders.

The Regulations are divided into three categories: Stationary Vendors, Event Vendors, and Seasonal Outdoor Use to recognize the differing needs of these types of uses. A vendor permit may be granted for Stationary Vendors. The two uses are mutually exclusive. The holder of a Stationary Vendor permit may also apply for an Event Vendor permit. Legal property owners or tenants may apply for Seasonal Outdoor Use permits.

The Commission has determined that the interests of health, safety and welfare are best served by requiring vendors to obtain zoning permits. Each type of vendor shall be required to obtain a zoning permit prior to commencing operation. Failure to obtain a permit shall subject the vendor to penalties equivalent to those imposed on other zoning violators.

14.2 Definitions:

14.2.1 Event Vendor: A vendor which participates at an event or festival held within the town of Clinton, and may be trucks or trailers which are easily mobile but are intended to stay in one location for the duration of a specific event.

14.2.2 Stationary vendor: A vendor which operates a truck or trailer or other portable structure but is intended to stay in one location. Any vehicle or trailer must be duly registered to travel on public roadways.

14.2.3 Vendor: Any person or persons who engage in the activity of selling, offering for sale, offering to give away, or giving away of anything of value including food, beverages, goods, wares, merchandise or services.

14.2.4 Portable Structure: A non-vehicular structure providing shelter for temporary occupancy, including tents, air-inflated structures, membrane-covered structures, and other small structures under 240 square feet not intended to have permanent location on the ground and capable of being removed and transported from a site within a motor vehicle or trailer.

14.2.5 Seasonal Outdoor Use (SOU): The use of a property for retail display, outdoor dining, or limited entertainment for multiple occasions or continuously through the months

of June – September in a manner appropriate to the zoning district of the subject property.

14.3 Stationary Vendors:

14.4.1 Standards: A permit may be issued provided that the following criteria are met:

- (a) Stationary vendors must be located on private property.
 - (1) The vendor must provide the written permission of the owner of the property on which they are located.
- (b) Stationary vendors shall be located so that they do no obstruct emergency access, line-of-sight or other essential circulation patterns.
- (c) Stationary vendors shall be located so that they are not encroaching into the lot line setbacks for the zone in which they are located.
- (d) Stationary vendors must demonstrate that they have an unobstructed area of at least ten feet (10') in front of and behind the vehicle and fifteen feet (15') from the side of the vehicle or portable structure on which the sale occur to allow potential customers to approach the vehicle safely and to queue without obstructing traffic or creating a danger to themselves or others. Stationary vendors shall not be located closer than twenty feet (20') of any fire hydrant.
- (e) Stationary vendors may place portable structures, tables or other seating, umbrellas, trash receptacles, temporary restroom facilities, or similar devices at their location provided that these items are located entirely on private property and do not obstruct pedestrian pathways, such as sidewalks.
- (f) Any tables, umbrellas, trash receptacles, or similar devices placed outside of existing permitted structures must be stored, when not in active use, inside a permitted structure or duly registered motor vehicle or trailer.
- (g) Stationary vendors may connect to electricity and water supply at their location, provided they have the written consent of the owner of said facilities and, in the case of water supply, the necessary quantity of water does not change the Department of Public Health determination for a community water system.
- (h) Stationary vendors may erect temporary signs pursuant to Section 34.8 of these Regulations.

- (i) Stationary vendors shall not create any noise, smoke, odor, toxic fumes, vibration, radio interference or other unsuitable conditions that creates a public health or safety concern, public nuisance, or otherwise would degrade the properties at their location.
- (j) Stationary vendors shall be limited in their hours of operation from 8:00 a.m. to 8:00 p.m. Sunday through Thursday, 8:00 a.m. to 9:00 p.m. Friday and Saturday. Set-up of the site shall not commence before 6:00 a.m. and break-down shall be completed no later than 10:00 p.m. Vendor shall not leave any conveyance or stand unattended during operating hours.
- (k) Stationary vendors are responsible for the cleanup of all litter associated with the items they sell which shall accumulate at their location.
 - (1) Vendors shall provide trash receptacles in sufficient quantities to allow customers to dispose of their trash in a sanitary manner and shall be responsible for emptying them when they are full and at the end of each day.
 - (2) No food waste may be left exposed overnight.
- (l) A Stationary Vendor Permit shall be limited in duration for a period of four (4) continuous months, which may be extended for two additional two-month periods at the sole discretion of the ZEO. Stationary Vendor Permits are limited to no more than eight (8) months in any twelve (12) month period.

14.4.2 Procedures: An applicant for a Stationary Vendor Permit shall submit an application for said permit along with the following information:

- (a) The make, model, and license plate number of the vehicle or vehicles to be used for vending;
- (b) A statement of use, indicating what will be sold;
- (c) All appropriate State licenses and permits required for the sale of the types of items being sold;
- (d) The specific location where the Stationary vendor will be located, by street address, together with the signed consent of the owner of that location;
- (e) A map of the proposed property where the vendor will operate, in sufficient detail to demonstrate that adequate consideration is given to pedestrian and vehicle traffic generated by the vendor, accommodation for seating, waste collection, and other vendor services;

- (f) If the Stationary Vendor proposes to maintain the vendor operation for more than one (1) continuous week, a narrative description of the proposed operation, including vendor/customer interface, pedestrian and vehicle traffic flow, utilities, and food service operational procedures, plans for removal of portable structures, and storage and management of temporary elements such as tables, umbrellas, trash receptacles, restroom facilities, and similar elements;
- (g) A statement from the Clinton Fire Marshal indicating compliance with any applicable public health and safety codes;
- (h) A copy of the approved Clinton Police Department Application – For Solicitor's/Vendor's Permit form, along with the names of all proprietors or managers of the Stationary vendor.

14.5 Event Vendors: Throughout the year, within the town of Clinton there are festivals or events which typically last one to three days and feature food and other attractions. Event vendors typically arrive twelve (12) to twenty-four (24) hours prior to an event to set up their site, remain in place throughout the event and then remove their personal property within twelve (12) hours of the end of the event. Event Vendors are permitted pursuant to Section 28.4.1 (n): Outdoor Entertainment.

14.6 Seasonal Outdoor Use (SOU):

14.6.1 Standards: A permit may be issued provided that the following criteria are met:

- (a) SOU must be located on private property.
 - (1) The applicant/operator must demonstrate the written permission of the owner of the property on which they are located.
- (b) SOU shall be located so that they do no obstruct emergency access, line-of-sight or other essential circulation patterns.
- (c) SOU may place portable structures, tables or other seating, umbrellas, trash receptacles, temporary restroom facilities, temporary stages or screens, or similar devices at their location provided that these items are located entirely on private property and do not obstruct pedestrian pathways, such as sidewalks.
- (d) Any tables, umbrellas, trash receptacles, or similar devices placed outside of existing permitted structures must be stored, when not in active use, inside a permitted structure or duly registered motor vehicle or trailer.

- (e) SOU may connect to electricity and water supply at their location, provided they have the written consent of the owner of said facilities and, in the case of water supply, the necessary quantity of water does not change the Department of Public Health determination for a community water system.
- (f) SOU may erect temporary signs pursuant to Section 34.8 of these Regulations.
- (g) SOU shall not create any noise, smoke, odor, toxic fumes, vibration, radio interference or other unsuitable conditions that creates a public health or safety concern, public nuisance, or otherwise would degrade the properties at their location.
- (h) SOU shall be limited in their hours of operation from 8:00 a.m. to 9:00 p.m. Sunday through Thursday, 8:00 a.m. to 11:00 p.m. Friday and Saturday. Set-up of the site shall not commence before 6:00 a.m. and break-down shall be completed no later than 11:30 p.m. Applicant/operator shall not leave any conveyance or stand unattended during operating hours.
- (i) SOU applicant/operators are responsible for the cleanup of all litter associated with the items they sell which shall accumulate at their location.
 - (1) Trash receptacles shall be provided in sufficient quantities to allow customers to dispose of their trash in a sanitary manner and shall be responsible for emptying them when they are full and at the end of each day.
 - (2) No food waste may be left exposed overnight.
- (j) An SOU permit shall be limited in duration for a period of four (4) continuous months, which may be extended for two additional one-month periods at the sole discretion of the ZEO. SOU permits are limited to no more than six (6) months in any twelve (12) month period.

14.6.2 Procedures: An applicant for an SOU permit shall submit an application for said permit along with the following information:

- (a) The specific location where the SOU will be located, by street address, together with the signed consent of the owner of that location;
- (b) A statement of use, indicating what will be sold;
- (c) All appropriate State licenses and permits required for the sale of the types of items being sold, as appropriate;
- (d) A Site Plan per Section 4.6 of these Regulations.

- (e) A narrative description of the proposed operation, including vendor/customer interface, pedestrian and vehicle traffic flow, utilities, and food service operational procedures, plans for removal of portable structures, and storage and management of temporary elements such as tables, umbrellas, trash receptacles, restroom facilities, and similar elements;
- (f) A statement from the Clinton Fire Marshal indicating compliance with any applicable public health and safety codes;