

Market Square Vending Program Rules, Application and Agreement

Application Procedure

Applications are available from the City of Knoxville Office of Special Events. Before you apply you will need:

1. A completed, notarized application for a license to vend.
2. Two (2) passport sized photos of each applicant.
3. Commercial General Liability Insurance or equivalent form with a limit of not less than One Million Dollars (\$1,000,000.00) each occurrence for bodily injury, personal injury and property damage. The certificate of insurance should name the City of Knoxville, its officials, agents, employees, and volunteers as additional insureds with respect to liability.
4. A City of Knoxville business license.
5. A State of Tennessee sales tax certificate.
6. A permit from the Knox County Health Department.
7. Any other permits required by federal, state or local law.
8. Two (2) personal references.
9. Photo of your vending cart for review and approval.
10. Check or money order payable to the City of Knoxville.

Performance Requirements/Regulations

1. Vendors shall pay a fee of Five Dollars (\$5.00) per day for use of Market Square. The payment must in the form a check or money order made payable to the City of Knoxville. Vendors may choose to make payments on a daily, weekly, or monthly basis.
2. No vehicular traffic shall be allowed on Market Square with the exception of fire or other emergency vehicles or vehicles for which a permit for access has been obtained from the City of Knoxville. Permits for access to Historic Market Square shall be issued when the City determines that such access is necessary in accordance with the Historic Market Square Vehicular Traffic Policy.
3. Vendors may only locate on Market Square. Vending upon any other public property, streets, or sidewalks within the City of Knoxville is strictly prohibited.
4. Vendors may only sell food and beverage items. Vendors may only sell food and beverage items they are approved to sell by the City of Knoxville.
5. Changes in food and beverage items must be approved by the City of Knoxville.
6. The City of Knoxville will issue a maximum of three (3) pedestrian vendor permits for any given time. The three (3) permits will be issued on a first-come, first-served basis. If more than one applicant applies for a pedestrian vendor permit at the same time, the decision will be made by city lottery. This maximum

limit will be re-evaluated on an annual basis by a stakeholder group to be determined in the City's sole discretion.

7. Vendors must wear neat and clean clothing, and shoes and shirts are required.
8. Vendors must vend at least fifteen (15) hours per week, and two (2) hours per day.
9. Name of vending cart must be attractively and professionally displayed.
10. Menu listings must be professionally painted or hand written on an attractive permanently affixed chalk or marker board. Handwritten cardboard signs will not be allowed.
11. Each sign displayed on the cart must be approved by the City, including signs displaying the name of the cart and menu listings.
12. Licenses must be displayed in a standard location.
13. Vendors are required to remove trash daily. Vendors may not use public trash receptacles.
14. No license granted may be sold, leased, or assigned in any fashion.
15. Carts must be removed from Market Square each day.
16. Each employee of a pedestrian vendor must have a valid pedestrian vendor's permit issued by the City of Knoxville.
17. The hours of sale for the market mall, sidewalk sales area and pedestrian vendors shall be from 10:00 a.m. until 4:00 p.m., Monday through Friday. Vendors shall remove all wares, produce, tables, chairs, carts and the like from public property by 6:30 p.m. each day. All items remaining on public property after 6:30 p.m. shall be removed and stored by the City at the expense of the vendor.
18. Each pedestrian vendor shall conspicuously display the price per unit or measure of each commodity offered for sale.
19. No pedestrian vendor shall sell or offer to sell any commodity or article at a lesser weight or measure than its true weight or measure. All such commodities and articles shall be weighed and measured by duly tested devices.
20. No pedestrian vendor shall shout, make any noise or use any sound device, including a radio or sound-amplifying system, for the purpose of attracting attention to his goods, wares or merchandise.
21. No pedestrian vendor shall use the market mall, sidewalk sales area or vending location for advertising of any kind or character, except for an identifying sign which may be placed at each vendor's cart or table.
22. No pedestrian vendor shall place his cart or goods so as to block, obstruct or interfere with the free flow of pedestrian and vehicular traffic in the lawful use of sidewalks or highways or ingress or egress to the abutting property.
23. No pedestrian vendor shall place his cart or goods so as to block, obstruct or interfere with the designated fire lanes or pedestrian curb-cuts.
24. No pedestrian vendor shall place his cart within ten (10) feet from the outer edge of the entrance to any business. For the purposes of this rule, entrance shall include, but not be limited to, doors, vestibules, outdoor dining areas, and emergency exits.
25. No merchandise, food or beverages shall be displayed or sold to the occupants of vehicles traveling or stopped on city streets.

26. Pedestrian vendors shall keep all carts and space around the carts in a clean and sanitary condition at all times, provide a waste can, and pick up any paper, plastic containers, wrappers or litter which is deposited on the ground within twenty-five (25) feet of the mobile device or display at any time while the vendor is conducting business.
27. (a) Pedestrian vendors shall comply with all regulations and laws governing mobile food service establishments, pushcarts and food service establishments adopted by the department of public health for the county and enacted by the state.
(b) Pedestrian vendors shall obtain all necessary health certificates and permits.
28. A pedestrian vendor's cart, display or mobile device shall not be greater than three (3) feet six (6) inches in width and six (6) feet in length.
29. In the case of a special event occurring on Market Square, the pedestrian vendor permit will be suspended. **No pedestrian vendor is allowed to use Market Square during a special event, unless authorized by the individual or organization sponsoring the special event.**
30. Vendor will be required to comply with any future rules and regulations issued by the City of Knoxville with respect to the Market Square vending program.
31. The City reserves the right to revoke a Market Square pedestrian vendor permit for failure to comply with any current or future statutes, ordinances, or rules and regulations regarding the Market Square Vending Program.
32. The City reserves the right to amend its ordinances relating to pedestrian vendors in the City of Knoxville.
33. The City reserves the right to suspend or terminate the Market Square Pedestrian Vending Program at any time. In the event that the Market Square Pedestrian Vending Program is terminated, all Market Square pedestrian vendor permits shall be revoked and all unused fees paid for the program shall be returned to the applicant

Application

Name of Individual or Business: _____

Contact Person: _____

Phone(s): _____ Fax: _____

Address: _____

Name of Vending Cart: _____

Describe each food and beverage item you will be offering for sale:

Date of Application: _____

Days and times when you wish to vend: _____

Insurance Carrier: _____

Insurance Policy Number: _____

Please list the name, address, and phone numbers of all employees:

Pedestrian Vendor Cart Specifications (Attach photograph)

Carts must designed to be maneuverable by one individual

Basic Description (material, color): _____

Size: Length: _____ Width: _____ Height: _____

Will an umbrella be use? Yes: _____ No: _____

Description of signs to be used (include number of signs): _____

Location of license display: _____

Location of menu: _____

Location of cart name display: _____

State of Tennessee Sales Tax Number: _____

Knox County Health Permit: _____

Additional Information: _____

I certify that I am an authorized representative of above individual or business (the "Applicant") and agree to the terms and conditions listed above. I have read and understand the Market Square Vending Program Rules, Rental Application and Agreement. I have received a copy for my personal reference. In consideration of the use of the Market Square, the Applicant agrees to hold the City of Knoxville, its agents, employees, sponsors, volunteers and officials, while acting within the scope of their duties, harmless from all negligence, causes of action, demands and claims, attorney fees, including cost of their defense, arising in favor of the Applicant, the Applicant's employees, or third parties on account of personal injuries, death or damage to property arising on the premises or in any way resulting from the use of Market Square, whether such action or omission is wholly or partially the cause of the Applicant.

Signature/Date: _____

STATE OF TENNESSEE)
COUNTY OF KNOX)

On this the ____ day of _____, 2009, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed the same as his free act and deed.

NOTARY PUBLIC

My commission expires: _____