



## **OLD FALLS STREET CART VENDOR – RULES AND REGULATIONS, 2017**

*For more information call (716) 278-2142 or email [fallsstreet@gmail.com](mailto:fallsstreet@gmail.com)*

### **I. OLD FALLS STREET, USA**

Old Falls Street, managed by Spectra, provides maintenance as well as coordinates and arranges activities along the street. This three-block destination connects Niagara Falls State Park with The Conference & Event Center Niagara Falls, the Seneca Niagara Resort & Casino, and all downtown hotels, restaurants and attractions.

### **II. OBTAINING A LICENSE**

In order to obtain a license, your application must be approved through Old Falls Street, USA Niagara Development Corporation, and the City of Niagara Falls.

### **III. LICENSE PERIOD, COMMITMENT & FEES**

Your license will be issued for May 1 through August of the current year of your application. If you would like to vend outside of the designated dates, you must get approval from the Old Falls Street manager ahead of time.

For the months of May through August, you are required to vend on Old Falls Street by the posted hours on your cart. If you are absent from your scheduled times, you must notify the Old Falls Street manager in advance of the date(s) and any such absence(s).

The vending fee for the season is \$1500. You will be billed in four equal payments: May, June, July and August. Non-payment of fees will result in loss of vending privileges on Old Falls Street.

### **IV. OTHER THINGS TO CONSIDER**

- Consider during the planning stages how the cart will be moved and stored. During the vending season (Memorial Day-Labor Day), you will be able to leave your cart in your designated space as long as it is properly covered.

- Electricity is available but is limited. All vendors will be given one electrical outlet. All outlets are 110 household service and have a maximum rating of 15 amps.
- You will be provided with an Old Falls Street logo to display on your cart.

**V. CART REQUIREMENTS & SIGNAGE**

- The proposed vendor cart must complement the aesthetics of Old Falls Street.
- Vending carts must be executed in a professional manner and using methods and techniques associated with good craftsmanship.
- Cart, canopy, roof and signage colors must complement Old Falls Street versus dominating the visual sight lines on the street.
- Cannot use more than one structure per vendor location.

**VI. SAMPLE CART**

Provide a color picture of your vending cart with application. Also provide pictures of any additional signage with dimensions to be displayed with cart (including menu boards with current pricing, business name, etc.).

A vending cart on Old Falls Street shall not exceed 78 inches in length, 52 inches in width, or 90 inches in height, however may include an umbrella or awning that provide a minimum clearance of 7 feet and are no greater than 8 feet in height. The vending cart dimensions may determine the cart location on Old Falls Street.

*For example, we have provided a picture of a cart 5 feet long, 2 feet wide and 3 feet high (without umbrella):*





**Electrical needs (include all items that will be plugged in):**

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**Vending Schedule (May-August):**

	MON	TUES	WED	THURS	FRI	SAT	SUN
<b>Open @</b>							
<b>Close @</b>							

Conditions of my Old Falls Street Vendor License:

1. I will display my vending hours at all times. If I am unable to abide by my posted hours I will notify the Old Falls Street managers immediately.
2. I will display my license at all times.
3. I will comply with all requirements of my license.
4. I will be courteous to nearby businesses and neighbors.
5. I will not interfere with pedestrian or vehicular traffic.
6. I will provide a trash receptacle, a mat, and clean my vending area each day. In addition the vendor will keep the area up to four feet around their cart clear of trash and debris.
7. I understand that my assigned location may not be available during special events on Old Falls Street.
8. I will abide by all local, state and federal laws at all times while vending on Old Falls Street.

I certify that the information above is true and complete to the best of my knowledge.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**Attachments:**

- \_\_\_\_\_ **Photos of cart showing ALL sides and ALL signage and including ALL measurements**
- \_\_\_\_\_ **Copy of insurance**  
General liability and product liability insurance coverage of \$1,000,000 per occurrence and \$2,000,000 aggregate naming the City of Niagara Falls, Old Falls Street, USA & Spectra Management as additionally insured

## **IX. OLD FALLS STREET CART VENDOR TERMS AND CONDITIONS**

Please read the following terms and conditions upon approval of license, then sign and date.

I understand the following terms and conditions of vending on Old Falls Street, and that the violation of any may subject my license to be revoked.

1. I understand that no property rights are created by the maintenance of the vending facility, and that the permitted location may be changed by Old Falls Street management after not less than five days written notice to the Vendor.
2. I understand that the Old Falls Street management may designate an alternate temporary location due to special events, construction or other circumstances that require use of a vendor location. Such notice may be made orally. In case of an emergency, the vendor will move immediately upon oral notice from any Old Falls Street manager.
3. I understand that there is no guarantee of electricity at my permitted location.
4. I understand that Old Falls Street does not reimburse cart vendors for loss of sales due to lack of power, change in location, construction, weather, and special events or other like circumstances.
5. Except in case of an emergency, I may not relocate from my permitted or assigned spot.
6. At all times, I will operate my business in an orderly manner. I shall not, with the intent to cause public inconvenience or annoyance, engage in fighting or in violent tumultuous or threatening behavior, make unreasonable noise, use abusive or obscene language, make an obscene gesture, or obstruct vehicular or pedestrian traffic.
7. I will provide Old Falls Street management with a certificate of insurance as provided by the City of Niagara Falls Ordinance. Should the certificate expire, my rights to vend on Old Falls Street shall automatically lapse until and unless a new certificate is received.
8. If I am to be absent from my posted vending hours, I must notify Old Falls Street management in advance of the date(s) and times of any such absence(s).
9. No exposed inventory stock at or near the vending facility is allowed.
10. I will keep the area surrounding the vending facility clear of trash and debris for a distance of four feet. If Old Falls Street management is require to contract for special maintenance because of the vendor cart space, a fee will be applied to the vendor. Payment is required within 45 days of receiving written and/or verbal notice.
11. I will contact Old Falls Street management when I need to dispose any large items.
12. I will not keep animals of any kind near the vending facility.

13. I will not use parking meters, utility poles, trees, or property other than my own facility to advertise in any manner.
14. I will not operate a motor vehicle on the pedestrian portions of Old Falls Street.
15. If I am not leaving my cart covered in its designated spot, I understand that my cart must be placed each day no more than one hour before the cart's opening and removed each day no more than one hour after the cart's closing.
16. Any signage not posted on the vending cart is subject to approval by Old Falls Street management.
17. My dressing and grooming, and that of my employees, will be appropriate to my work situation. Attire is to include a shirt, shoes, pants/shorts/skirt at all times. Clothes must be clean, in good condition, and with no offensive advertising or language on it.
18. I agree to no soliciting and/or "hawking" from my cart.
19. I agree to provide the Old Falls Street management with all paperwork requested including Application, Copy of Insurance Certificate, and signed copy of Old Falls Street Cart Vendor Terms & Conditions.
20. I agree to pay Cart Vendor fees, divided equally into four payments: May, June, July and August. Non-payment of fees will result in loss of vending privileges on Old Falls Street.
21. I understand that Old Falls Street management may deny a license, if:
  - a. Cart vendor violates existing City of Niagara Falls ordinances, including noise ordinance, truancy ordinance, public decency ordinances and the ordinances on the sidewalk obstruction and aggressive panhandling.
  - b. Cart vendors have not complied with a request to follow written guidelines from either Old Falls Street management or from the City of Niagara Falls police officers.
22. If there is a violation of rules and regulations, licensee will be provided with a verbal and written warning, and asked to correct the violation within 2 business days.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Vending Location: \_\_\_\_\_