

CITY OF WASHINGTON
PLANNING & DEVELOPMENT DEPARTMENT

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MEMORANDUM

TO: Mayor Manier and Committee of the Whole
FROM: Jon R. Oliphant, AICP, Planning & Development Director
Ray Forsythe, City Administrator
SUBJECT: Food Truck Considerations
DATE: June 6, 2019

Attached is information that will be used as part of the food truck consideration discussion.

CITY OF WASHINGTON, ILLINOIS
TRANSIENT MERCHANT REGISTRATION

TRANSIENT MERCHANT DEFINITION IN CITY CODE OF ORDINANCES §115.01

REGISTERING AS ONE OF THE FOLLOWING: (Licensing requirements do not apply)

- ☐ Person selling goods, wares, or merchandise which are raised, produced, or manufactured by him/her
- ☐ Person selling vegetables, fruit, or perishable farm products at an established city market
- ☐ Person operating a store or refreshment stand at a resort
- ☐ Person operating a stand or booth on or adjacent to property owned by them or upon which they reside
- ☐ Person operating a stand or booth at a state or county fair
- ☐ Person operating a stand or booth at a trade show, exposition, convention, or similar event
- ☐ Any person holding a valid license, issued by the state or county, to engage in retail sales
(Must provide copy of current license)

NAME OF APPLICANT: _____

APPLICANT CELL PHONE: _____

NAME OF BUSINESS: _____

ADDRESS BUSINESS IS OCCUPYING: _____

IF VEHICLE, LICENSE PLATE NUMBER: _____

LENGTH OF TIME IN CITY: _____

- ☐ Copy of Applicant Driver's License or person who will be representing the business attached.

Name and description of each employee must be provided or copy of Driver's License:

Date

Applicant Signature

FOR OFFICE USE ONLY

Date

Authorizing Signature

CHAPTER 115

HAWKERS, PEDDLERS, TRANSIENT MERCHANTS AND ITINERANT VENDORS

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GENERAL PROVISIONS

§ 115.01 DEFINITIONS

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

HAWKER or PEDDLER. Every person, whether or not the person is an employee of another person, who shall sell or offer for sale, barter, or exchange, at retail, any goods, wares, or merchandise, except milk or cream, traveling from place to place, in, along, and upon the streets, avenues, alleys, or public places of the city, or who shall sell and deliver from any vehicle, going from place to place in the city, whether to regular customers or not, any goods, wares, or merchandise, except milk or cream.

ITINERANT VENDOR. Any person who transports tangible personal property for retail sale within the city who does not maintain in this city an established office, distribution house, sales house, warehouse, service center, or residence from which such business is conducted. The term **ITINERANT VENDOR**, for purposes of this chapter, shall not apply to:

- (1) Any person who delivers tangible personal property within the city who is fulfilling an order for such property which was solicited or placed by mail or other means; or
- (2) Any person holding a valid license, issued by the state or county, to engage in retail sales.

NON-PROFIT ORGANIZATIONS. Any bona fide charitable, educational, fraternal, labor, religious, or veterans organization that operates without profit to its members.

PERSON. Any individual, corporation, partnership, trust, firm, association, or other entity.

SOLICITOR. Any person who goes from house to house or from place to place in the city selling or taking orders for, or offering to sell or take orders for goods, wares, or merchandise, upon immediate delivery, when the same is to be paid for upon an installment or deferred plan, or for future delivery where a deposit of money is made in advance of final delivery.

TRANSIENT MERCHANT. Any person who is engaged temporarily in the retail sale of goods, wares, or merchandise in the city, and who, for the purpose of conducting such business, occupies any building, room, vehicle, structure of any kind, or vacant lot. The term **TRANSIENT MERCHANT**, for purposes of this chapter, shall not apply to:

- (1) Any person selling goods, wares, or merchandise which are raised, produced, or manufactured by him;
- (2) Any person selling vegetables, fruit, or perishable farm products at an established city market;
- (3) Any person operating a store or refreshment stand at a resort;
- (4) Any person operating a stand or booth on or adjacent to property owned by him or upon which he resides;
- (5) Any person operating a stand or booth at a state or county fair; or
- (6) Any person operating a stand or booth at a trade show, exposition, convention, or similar event; or
- (7) Any person holding a valid license, issued by the state or county, to engage in retail sales.

(Ord. 2082, passed 8-18-97)

§ 115.02 PREREQUISITES TO CONDUCTING BUSINESS

It is unlawful for any person, either as principal or agent, to conduct business as a Transient Merchant or Itinerant Vendor in this City without first complying with the requirements of Section 2a of the Retailers' Occupation Tax Act (ILCS Ch. 35, Act 120, § 2a (1995 State Bar Ed.) by obtaining a certificate of registration and by posting bond or other approved security, and without having obtained a license under this Chapter.

(Ord. 2082, passed 8-18-97; Am. Ord. 2530, passed, 5-3-04)

Penalty, see § 115.99

§ 115.02A HAWKERS, PEDDLERS AND SOLICITORS PROHIBITED

It is hereby declared unlawful for any person, either as principal or agent, to conduct business as a Hawker, Peddler or Solicitor in the City of Washington. The prohibition contained in this section does not apply to those individuals identified in §115.27 as being exempted from the licensing requirements.

(Ord. 2530, passed 5-3-04)

§ 115.03 PRIMA FACIE EVIDENCE

It shall be prima facie evidence that a person is a transient merchant or itinerant vendor under this Chapter if the person does not transact business from a fixed location or if the person does not own, or lease, for a term of at least six (6) months, the property from which business is conducted.

(Ord. 2082, passed 8-18-97)

Penalty, see § 115.99

§ 115.04 LIMITATION ON HOURS OF OPERATION

It shall be unlawful for any transient merchant, or itinerant vendor to transact business of a transient merchant, or itinerant vendor as defined in § 115.01 of this chapter from door-to-door within the city before the hour of 9:00 a.m. or after 7:00 p.m. Monday through Saturday, except by prior appointment made between said transient merchant, or itinerant vendor and said citizen.

(Ord. 2082, passed 8-18-97; Am. Ord. 2530, passed 5-3-04)

Penalty, see § 115.99

§ 115.05 LOCATION OF SALES FACILITIES ON PRIVATE PROPERTY

No transient merchant, or itinerant vendor licensed under the provisions of this chapter may erect or place any display, exhibition, or sales facility of any nature whatsoever upon any parcel of privately owned real property except under the following conditions:

- (A) Such activity is permitted under all applicable zoning regulations.
- (B) The structure from which the display, exhibition, or sales facility is operated is provided with water and sewer service in the manner required by the city code of ordinances, and conforms in all respects to the provisions of the City's Building Code as contained in Chapter 160.
- (C) Parking and loading facilities available on the parcel meet the requirements established under the provisions of the city zoning ordinances.

(Ord. 2082, passed 8-18-97; Am. Ord. 2530, passed 5-3-04)

Penalty, see § 115.99

§ 115.06 VEHICLES TO BE MARKED

Every vehicle or conveyance used by a person licensed hereunder shall have with the name of such person or his or her employer and the number of his or her license conspicuously displayed thereon.

(Ord. 2082, passed 8-18-97)

Penalty, see § 115.99

§ 115.07 RESTRICTIONS ON USE OF PUBLIC STREETS

(A) Except as permitted in paragraph (B) of this section, it shall be unlawful for any person licensed hereunder, for the purpose of dispensing or displaying any goods, wares, foodstuffs, or other merchandise or tangible personal property of any nature whatsoever, to erect or place any temporary or permanent stand, cart, wagon, or other structure or vehicle upon any street, alley, sidewalk, or other location owned or maintained by the city.

(B) Any person licensed hereunder may, if so indicated on the face of such license, conduct licensed operations from a single specific fixed location identified on the face of the license, which location is on property owned or maintained by the city. Conduct of licensed operations from more than one (1) location shall require a separate license and payment of an additional license fee for each such location. No such location shall be within fifty (50) feet of any entrance or exit to any building. All such locations shall be within areas of the city which are zoned C-1, C-2, or C-3 under the city zoning ordinances. No licensee may conduct licensed operations from any location where such operations would reasonably interfere with the intended or primary use of the public place in question. No license shall be issued for any location on property owned or maintained by the city which is within three hundred (300) feet of any location for which a current valid license has been issued.

(Ord. 2082, passed 8-18-97)

Penalty, see § 115.99

§ 115.08 COMPLIANCE WITH SIGN REQUIREMENTS

Except as otherwise permitted in this chapter, no transient merchant, or itinerant vendor shall establish or display a sign without first complying with the city ordinances applicable to signs.

(Ord. 2082, passed 8-18-97; Am. Ord. 2530, passed 5-3-04)

Penalty, see § 115.99

§ 115.09 FRAUD AND MISREPRESENTATION

Any licensed transient merchant, or itinerant vendor who shall be guilty of any fraud, cheating, misrepresentation, or imposition, whether himself or through an employee, while engaged in his trade within the city or who shall broker, sell, or peddle any goods other than those specified in his application for a license shall be deemed guilty of a violation of this chapter.

(Ord. 2082, passed 8-18-97; Am. Ord. 2530, passed 5-3-04)

Penalty, see § 115.99

§ 115.10 DOOR-TO-DOOR SOLICITING

- (A) It shall be unlawful for any person licensed hereunder, or any agent or employee of any person licensed hereunder to go in or upon any private residence, apartment, or other premises in the City for the purpose of selling or soliciting from the occupants thereof or canvassing for orders for publications, goods, wares, and merchandise or services of any character or description, or for the purposes of offering to give or to furnish or giving or furnishing any publications, goods, wares, merchandise, or services to any such occupants or inviting such orders without first having obtained the consent of the occupant thereof.
- (B) It shall be unlawful for any person licensed hereunder, or for any agent or employee of any person licensed hereunder, to go in or upon any private residence, apartment, or other premises in the city for the purpose of selling or soliciting from the occupants thereof or canvassing for orders for publications, goods, wares, and merchandise or services of any character or description, or for the purposes of offering to give or to furnish or giving or furnishing any publications, goods, wares, merchandise, or services to any such occupants or inviting such orders where any such occupant has forbidden such soliciting or canvassing, or caused to be placed on such premises, in a conspicuous place near the entrance thereof, a sign bearing the words "no trespassing", "no peddlers", "no soliciting", or any similar notice indicating in any manner that the occupants of such premises do not desire to have their right of privacy disturbed, unless such occupant has specifically requested such solicitation or canvassing.

(Ord. 2082, passed 8-18-97)

Penalty, see § 115.99

LICENSING

§ 115.20 LICENSE AND BOND REQUIRED

- (A) It shall be unlawful for any person as principal or agent, to conduct business as a Transient Merchant or Itinerant Vendor within the city without first complying with the requirements of Section 2a of the Retailer's Occupation Tax Act, ILCS Ch. 35, Act. 120, § 2a, by obtaining a certificate of registration and by posting bond or other appropriate security, and without having obtained a license hereunder.
- (B) It shall be unlawful for any person as principal, agent, or employee to conduct business as a Transient Merchant or Itinerant Vendor to transact any business within the city without having first obtained a license therefor for each such person who will be conducting such business in the City.
- (C) No license required in paragraph (A) shall be issued until the applicant therefor has filed the bond required in paragraph (B).
- (A) The applicant for a license as a Transient Merchant or Itinerant Vendor shall file with the Chief of Police a surety bond or shall make a cash deposit. The amount of the bond or deposit shall be equal to fifty percent (50%) of the wholesale value of the merchandise that the applicant intends to offer for sale; however, the amount of the bond or deposit shall not

be less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00). The City shall transfer said deposit or bond to the Attorney General of this state within fourteen (14) days after the applicant ceases to do business in the city; and the Attorney General shall hold such deposit or bond for two (2) years for the benefit of any person who suffers loss or damage as a result of the purchase of merchandise from said person licensed hereunder or as the result of the negligent or intentionally tortuous act of the person licensed hereunder. The Attorney General will pay any portion of the bond or deposit to any person in accordance with the order of a court without making an independent filing as to the amount of the bond or deposit that is payable to that person. Any balance of said deposit held by the Attorney General two (2) years after the expiration of a license of a person hereunder shall be refunded to the person

(Ord. 2082, passed 8-18-97; Am. Ord. 2530, passed 5-3-04)

Penalty, see § 115.99

§ 115.21 APPLICATION; FINGERPRINTING OF APPLICANT

- (A) Applications for a Transient Merchant or Itinerant Vendor license as required by § 115.20 shall be made in writing to the Chief of Police and shall state thereon the following:
- (1) Applicant's full name and permanent address (which must include a street address);
 - (2) The residence address of the principal (and, if applicant is a corporation, the residence address of all of its officers);
 - (3) The applicant's date of birth, if the applicant is an individual;
 - (4) The applicant's social security number or federal employer's identification number;
 - (5) The applicant's driver's license number and the State of issuance of such driver's license;
 - (6) The location(s) at which the applicant intends to do business;
 - (7) The nature of the business the applicant intends to conduct;
 - (8) A copy of the applicant's, or the applicant's employer's, certificate of registration under the Retailer's Occupation Tax Act;
 - (9) A complete inventory of the goods the applicant intends to offer for sale; and
 - (10) A list of all licenses to conduct business as a Transient Merchant or an Itinerant Vendor obtained by the applicant in the state in the twelve (12) months preceding the date of filing of the application.

- (B) If the applicant desires to operate from property owned or maintained by the city in accordance with the provisions of § 115.07 of this chapter, the applicant shall describe the location from which the applicant desires to operate.
- (C) In addition to the foregoing, before issuing a license, each Applicant must submit to the Chief of Police the following:
 - (1) A fully completed and executed authorization in such form as may be proscribed from time to time by the Chief of Police granting the City of Washington authority to request criminal history and/or conviction information from the Illinois State Police; fingerprints of such persons;
 - (2) A properly and fully completed Conviction Information Request form, or such other form as the Illinois State Police may require from time to time, including the applicant's original fingerprint images; and
 - (3) A check made payable to the Illinois State Police to cover the necessary Illinois State Police fees and expenses of processing the conviction information/criminal history background check.(Ord. 2082, passed 8-18-97; Am. Ord. 2530, passed 5-3-04)

§ 115.22 ISSUANCE; EXPIRATION

Upon submission of the information required by §115.21 to the Chief of Police, and upon receipt of the conviction information/criminal history background check results from the Illinois State Police by the Chief of Police, the Chief of Police shall then issue the specific license applied for, which license shall expire on December 31 of the year it was issued; however, no such license shall be issued to an applicant whose conviction information/criminal history background check results indicate, or if the Chief of Police otherwise obtains information indicating the applicant has, a conviction for:

- (A) A felony, or any offense which if committed in the State of Illinois would have been a felony;
 - (B) A sex offense for which the applicant is required to register as a sex offender; or
 - (C) An offense involving fraud or deceit.
- (Ord. 2082, passed 8-18-97; Am. Ord. 2530, passed 5-3-04)

§ 115.23 FEES

No license to transact business as a Transient Merchant or Itinerant Vendor hereunder shall be issued until a fee of one hundred dollars (\$100.00) has been paid to the City Clerk. An additional fee may be required of certain licensees under the provisions of § 115.07.

(Ord. 2082, passed 8-18-97; Am. Ord. 2530, passed 5-3-04)

§ 115.24 TRANSFERENCE OF LICENSE

No license issued pursuant to the provisions of this chapter shall be transferable.

(Ord. 2082, passed 8-18-97)

Penalty, see § 115.99

§ 115.25 POSSESSION OF LICENSE REQUIRED AT TIMES WHEN ENGAGED IN ACTIVITY

Any person licensed pursuant to this chapter shall, at all times while engaged in the activities defined in § 115.01, keep said license in his possession and display the same upon the demand of any police officer or upon the request of any person whose premises he seeks to enter.

(Ord. 2082, passed 8-18-97)

Penalty, see § 115.99

§ 115.26 REVOCATION

Without excluding other just grounds for revocation, the Chief of Police may revoke any license required under this chapter which is obtained under an application containing a false or fraudulent statement, or for violation of any of the provisions of this chapter, any other ordinances of the city, any state or federal statutes, or any other grounds specified by law, or the selling or offering to sell or soliciting or canvassing for orders for any goods, wares, merchandise, or services other than those specified in his application for license.

(Ord. 2082, passed 8-18-97)

§ 115.27 EXEMPTIONS

The following, if not previously exempted from this chapter, shall be exempt from the provisions and requirements of §§ 115.20 through 115.26 of this chapter, and the prohibition against Hawkers, Peddlers, and Solicitors:

- (A) Previous invitation. Any person who, for the purpose of selling or taking orders for the sale of merchandise or services, has been previously invited by the occupant of a residence to call thereon.
- (B) Nonprofit organization. Any person selling, peddling, hawking, soliciting, or taking orders for any goods or services not prohibited by law on behalf of a nonprofit organization sponsored by or participated in by a local chapter of such organization; or by a national nonprofit organization not represented locally but which has filed a statement of registration with the Chief of Police specifying the name of the nonprofit organization, its permanent address, the names of its principal officers and the names of those persons who are authorized to sell, peddle, hawk, or solicit or take orders for goods and services within the city.
- (C) Celebration. Any person selling, peddling, hawking, soliciting, or taking orders for any goods or services not prohibited by law while invited to participate in any celebration, fair, festival, or similar activity sponsored by the city or a nonprofit organization.

- (D) Farmers or gardeners. Any person who sells the produce of his own farm, vineyard, orchard, or garden, on the premises and such sales are made upon the same property whereupon the produce has been grown, harvested, picked, or cultivated; provided such person does not obstruct streets, sidewalks or other public places within the city. However, nothing herein contained shall be construed to authorize the sale of alcoholic, spirituous, malt, or other intoxicating liquors, or peddling of any kind whatsoever in any public park.
- (E) Newspapers vendors. Any person who, on behalf of the publisher of any newspaper of general circulation within the city, peddles the same within the city.
- (F) Book canvasser. Any person who solicits subscriptions for books, periodicals, and other publications for future delivery within the city.
(Ord. 2082, passed 8-18-97; Am. Ord. 2530, passed 5-3-04)

§ 115.99 PENALTY

- (A) Whenever in this chapter any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this chapter the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this chapter shall be punished by a fine of not less than fifty dollars (\$50.00) and not exceeding seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed for each day any violation of any provision of this chapter shall continue.
- (B) If any person makes retail sales as a transient merchant or itinerant vendor without having obtained a license under §§ 115.20 through 115.23 of this chapter, the city may hold the inventory, truck, or other personal property of the person until he obtains a license to conduct business as a transient merchant or itinerant vendor. If the property has been held by the city for more than sixty (60) days and the person whose property is being held has not obtained a license under this chapter, the city may petition the circuit court for an order for the sale of the property being held. If the court finds that the person whose property is held has not obtained a license under this chapter, the court may order the city to sell the property. Proceeds of the sale of the property, less reimbursement to the city of the reasonable expenses of storage and sale of the property, shall be deposited in the treasury of the city.
- (C) Any person who violates the provisions of this Chapter relating to Soliciting Without a Permit or License (Code §115.20), shall be fined not less than fifty dollars (\$50.00) for a first offense, seventy five dollars (\$75.00) for a second offense, and one hundred dollars (\$100.00) for a third offense, and not more than seven hundred and fifty dollars (\$750.00) for all subsequent offenses. Violations of §115.20 may be enforced by issuance of a "Notice to Violation" for the fine amount enumerated herein, or by issuance of a Notice to Appear.
(Ord. 2082, passed 8-18-97; Am. Ord. 2876, passed 3-1-10)



Rules and Regulations for Motorized Food Vendors City of Moline

A Motorized Food Vendor (MFV) is an individual, partnership, or corporation that engages in the business of selling food and/or non-alcoholic beverages from a self-contained motorized vehicle with a valid driver's license and vehicle registration. MFV regulations are not applicable to a non-motorized food cart, hot dog stand, or an ice cream truck operator.



Vehicle Requirements

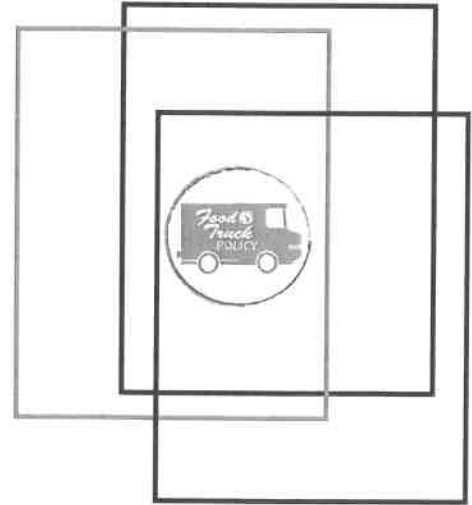
A. A MFV shall operate from a self-contained, motorized vehicle that possesses proof of valid driver's license and vehicle registration. The vehicle shall be kept in good mechanical and structural condition.

B. Food trailers that require a vehicle to tow them to vending locations are also permitted, but the trailer must itself be a self-contained unit. The vehicle that tows the trailer may not play any role in the preparation and sale of food items.

C. A MFV's vehicle shall be enclosed on the top and all sides, with the business name legibly painted on both sides of the vehicle.

D. A MFV's vehicle is not a multi-use vehicle. It should not be used for any other purpose other than a MFV.

E. If the MFV wishes to draw from a public power source, it must obtain written consent from the City and pay an appropriate fee, which shall be set by the City in its sole discretion. The City shall designate particular locations where it is acceptable for MFVs to draw from a public power source. A MFV shall not draw electricity from non-approved public power sources, such as street lights. An MFV may rely on self-contained electricity. If a MFV wishes to draw from an external power source on private property, the MFV must gain consent from the property owner.



Proximity and Location

A. A MFV must conduct all points of sale on the curb side of the street.

B. A MFV shall not obstruct access to any sidewalk, street, alley or parking lot. While operating in a location that affects sidewalk traffic, a MFV must provide a minimum of five (5) feet of unobstructed sidewalk to allow for pedestrian traffic, including, but not limited to wheelchairs.

C. No MFV shall operate in a location that is within one (1) block face of an existing stationary restaurant during their posted hours of operation, unless permission is granted from said restaurant.

D. An MFV may operate and conduct business next to another MFV, as long as these actions do not infringe on the MFV that was in the area first.

E. When operating on public property, tables, tents and chairs designated for customer dining are prohibited, with the exception of tents and tables that are specifically designated for food storage and preservation. On private property, tables, tents and chairs designated for customer dining are permitted with consent of the property owner.

F. Signage, tables, tents and chairs of any kind are strictly prohibited, without any exceptions, if the MFV is conducting sales from an on-street parking location.

G. All signage and aesthetics promoting the MFV must be attached to the vehicle.

H. A MFV may operate on private property, only with written consent from the property owner.

Operating in Public Parks

A. A MFV may only operate in certain designated City of Moline Public Parks and only with express written permission from the City of Moline Parks and Recreation Director. A MFV may only request to operate in Ben Butterworth Parkway, Harold's Landing, Stephens Park, and in the east side of Greenvalley Park.

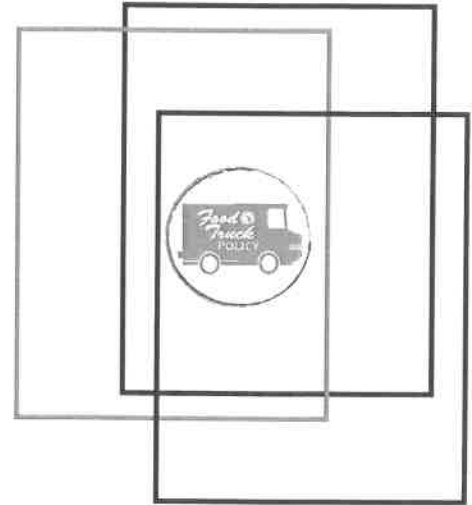
B. A MFV may only operate in the west side of Greenvalley Park (where the softball diamonds are located) at the specific request of the City of Moline Park Board.

C. A MFV shall not operate in City of Moline Public Parks during closed hours, and may not operate after sunset.

D. All rules and regulations set forth previously by the City of Moline pertaining to public parks apply to a MFV who is authorized to operate within the park.

E. A MFV who requests to operate in a City of Moline Public Park will agree to enter into such written agreement as is required by the City and by the Park Board.

F. Operating hours for MFVs in City of Moline Public Parks may vary from this policy and shall be determined by the Parks and Recreation Director or by the Park Board, and shall be set forth in any written agreement required under paragraph E above.



Noise and Behavior Constraints

A. The vendor shall not annoy, harass, or call out to patrons in any way that calls attention to the sale of any goods that are being sold from the MFV.

B. Any form of intimidation or disorderly behavior towards patrons, residents, pedestrians, and/or other vendors will not be tolerated.

C. A MFV shall not play any sort of music or make any announcements that are amplified.

Food Inspections and Licensing

A. MFVs are strictly prohibited from selling any type of alcoholic beverages.

B. Non-alcoholic beverages may not be served in any glass cup or container.

C. Any food that is provided by a MFV may not be stored or prepared in a residence. All food must be prepared, stored, and sold within the MFV's vehicle.

D. All food must be kept under the conditions and at the temperatures required for food in restaurants as required by City Code and state law

E. The Illinois Food Service and Sanitation Code sets forth rules and regulations for a MFV. A MFV shall comply with all health department regulations regarding food handling, food preparation, and food service.

F. Every MFV shall have a valid inspection certification from the City of Moline Health Inspector or Environmental Health Specialist.

G. Every MFV shall have a current food license from the City of Moline.

Sanitation and Disposal

A. A MFV shall abide by all rules and regulations regarding food safety and disposal set forth by the City of Moline Health Department.

B. A MFV, at the end of each business day operation, shall remove all items, containers, and debris from the area of operation. The vendor shall collect all litter and garbage incidental to the operation of the vehicle.

C. Vendors shall not place said refuse in any public trash container or any drain along the streets or sidewalks.

D. A MFV shall have a non-absorbent and washable receptacle for refuse that is adjacent to the MFV.

Service Limits and Hours of Operation

A. A MFV shall not operate between the hours of 1:00 am and 6:00 am.

B. A MFV shall not operate a generator in a residential area between the hours of 10:00 pm and 7:00 am.

C. A MFV must operate in one (1) location for a minimum of thirty (30) minutes, and a maximum of six (6) consecutive hours, unless there are parking regulations that state otherwise.

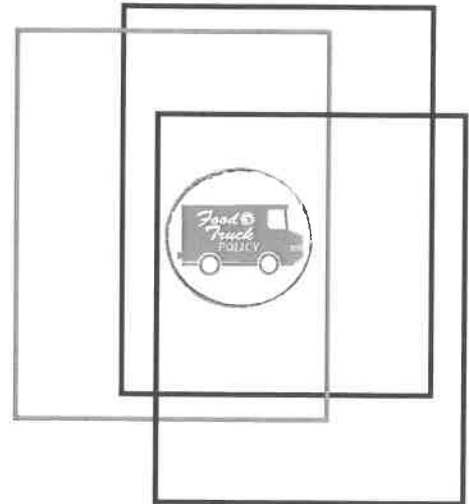
D. A MFV must wait two (2) hours before returning to the same location.

E. A MFV shall not, under any circumstance, violate any parking regulations and limitations set forth by the City of Moline.

Special Events

A. A MFV may operate at a registered special event with written consent from those holding the special event.

B. A MFV may operate inside of the one (1) block limitation from existing restaurants when operating at a special event, but shall not obstruct any open stationary restaurant during that time.



Hold Harmless/Indemnify and Insurance

A. All MFVs shall defend, indemnify and hold harmless the City from and against any all claims, demands, actions, or proceedings, all costs, including attorneys' fees, damages, expenses, or other liability of any nature whatsoever due to personal injury or property damage (including damage to the public property other than wear and tear), any of which arises directly or indirectly from or in connection with, in whole or in part, the operations of the MFV.

B. The MFV shall, at the MFV's expense, carry and keep in full force and effect an insurance policy with a carrier and in a form satisfactory to the City, which policy or policies shall:

i. Have Commercial General Liability coverage with the following limits:

1. Each occurrence - \$1,000,000
2. Damage to rented premises - \$100,000
3. Medical Expenses (any one person) - \$5,000
4. Personal & Advertising injury - \$1,000,000
5. General Aggregate - \$1,000,000
6. Products – Comp-Op Aggregate - \$1,000,000

ii. Have Automobile Liability coverage with the following limits:
Combined Single Limit (each accident) - \$1,000,000

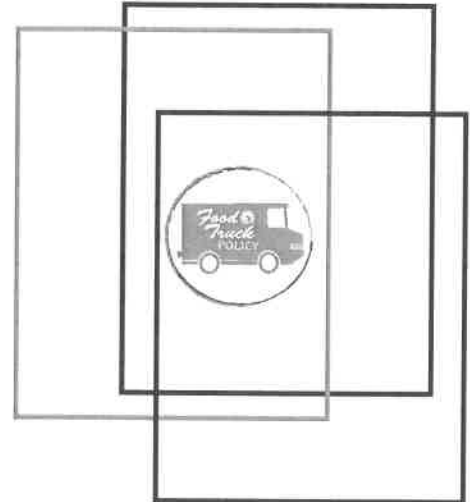
iii. Have Workers' Compensation & Employers' Liability coverage with limits that meet state statute requirements.

iv. State the following within:

The City of Moline as an Additional Insured on the Commercial General Liability, Auto Liability and Excess Liability when required by written contract or agreement regarding activities by or on behalf of the Named Insured. This insurance is primary insurance and any other insurance maintained by the Additional Insured shall be excess only and non-contributing with this insurance. A waiver of subrogation applies to the Commercial General Liability, Auto Liability, Excess Liability and Workers' Compensation/ Employers Liability in favor of the Additional Insured. A copy of the thirty (30) days notification of cancellation endorsement needs to be included with the Certificate of Insurance naming the City of Moline.

Applicable laws

A. All MFVs shall comply with all laws, rules and regulations, including, but not limited to, the ordinances of the City of Moline and the laws and regulations of the State of Illinois.



**Rules and Regulations for Motorized Food Vendors
ACKNOWLEDGMENT FORM**

I, _____, on behalf of _____, hereby acknowledge that I have received and read a copy of the City of Moline's Rules and Regulations for Motorized Food Vendors which sets forth the applicable rules and regulations that govern the operations of motorized food vendors in the City of Moline. I understand that the City of Moline can, at its sole discretion, modify this policy. I also understand that any future changes made by the City of Moline with respect to this policy supersede and replace the information given here.

By signing below I acknowledge that I received a copy of the Rules and Regulations for Motorized Food Vendors in the City of Moline on the date set forth below. I did read said Rules and Regulations for Motorized Food Vendors and accept responsibility for familiarizing myself and my business, including employees, with the rules and regulations contained therein. I fully understand the rules and regulations currently in place and agree to abide by the Rules and Regulations for Motorized Food Vendors in the City of Moline.

Date _____

Vendor's Name

By: _____
(signature)

Print name

Title



All original signed acknowledgment forms are to be forwarded to the City of Moline Risk Manager.



ZONING PRACTICE

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➔ ISSUE NUMBER 2

PRACTICE TEMPORARY USES



Zoning for Temporary Land Uses: Balancing Economic Development with Community Character

By Patrick J. Sloan, AICP

Temporary land uses are in every community. Whether they take the form of a garage sale in a residential neighborhood, a farm stand in a rural area, or a sidewalk sale in a downtown (just to name a few), all communities face the same challenge: How can seemingly reasonable uses be permitted on a temporary basis while also ensuring that the zoning regulations protect public safety and the character of the area?

Temporary uses can be beneficial to local economic development and are often popular with the community. At the same time, reasonable regulations and review procedures are necessary to ensure that temporary land uses do not become permanent or jeopardize public health, safety, and welfare. In cases where it is beneficial for a temporary land use to become more frequent or permanent, the use should be regulated as an accessory or principal use.

Context is key. The regulations for a small produce stand on a farm will be much different than a farmers market downtown. This article will explore many common types of temporary uses, describe why reasonable zoning regulations and procedures are appropriate, and suggest best zoning practices to consider.

WHY HAVE TEMPORARY LAND-USE REGULATIONS?

Whenever communities adopt or enforce zoning regulations, they are frequently challenged with answering why certain zoning regulations exist. The same questions arise when a community regulates a temporary land use, especially if it is popular in the community. Therefore, before adopting or amending temporary-use regulations, first identify why regulations are being enacted. Because temporary land-use regulations must be rationally related to a legitimate government interest, it is helpful to start the process by identifying these interests. The following are some common government interests for regulating temporary uses, which can also function as intent statements in a zoning ordinance.

Reasonably allow land uses on a temporary basis that are not appropriate on a long-term/permanent basis. If a use is appropriate on a permanent basis, it belongs as a Principal Permitted Use or Special Land Use in its zoning district. However, because temporary uses, including seasonal uses, are generally not appropriate on a full-time basis, it is important to have reasonable regulations on their location, operations, and duration.

Maintain the health, safety, and welfare of the surrounding area and the greater community. While temporary uses can include fun and creative uses of property, they can also create nuisances for neighbors and the general public, promote overcrowding, and create unmanaged traffic congestion. Therefore, the community must consider what regulations to impose for traffic safety, adequate parking and accessibility, location of structures and uses, hours of operation, duration of the use, sanitation, lighting, and noise.

Provide predictable outcomes for applicants and the community. Public access to a community's zoning regulations is easier than ever and applicants will often review the ordinances before applying for a temporary use. Therefore, applicants will be better prepared to plan with confidence if the community has clear, accessible regulations in its ordinance.

Promote economic development. Because the duration of temporary land uses is, well, temporary, the regulations for them can be much more flexible than the regulations for permanent land uses. This allows the operators to be creative.

Allow reasonable accessory uses to a principal permitted use. Several principal permitted uses go hand in hand with compatible accessory uses. Examples include a garage sale in a residential neighborhood, outdoor dining for a restaurant, and a roadside stand on a farm. While a garage sale is assumed to be a permitted accessory use to residential property, ordinances are frequently silent on outdoor dining for restaurants and prohibit

outdoor dining as a result. Therefore, while having separate regulations for outdoor dining may be seen as overregulation by some, having no regulations is often interpreted as an outright prohibition.

Encourage the use of underused land. Whether they are located in a seldom used parking lot, an open field at a busy intersection, or a vacant storefront primed for new activity, permitting temporary land uses in underused spaces can be a catalyst for future activities and development.

STATE AND FEDERAL REGULATORY CONSIDERATIONS

Whether your state is a home-rule or a Dillon's Rule state, your state law likely has provisions for certain temporary land uses that preempt local control. Michigan and Ohio, for example, are home-rule states (i.e., each local municipality may plan and zone as it chooses, with certain limitations), and the laws of both states give municipalities broad discretion to regulate zoning and land use. At the same time, they have unique laws that preempt local regulations, which are outlined below.

The Michigan Fireworks Safety Act (P.A. 256 of 2011, as amended) prohibits a municipality from enacting or enforcing an ordinance, code, or regulation pertaining to or in any manner regulating the sale, display, storage, transportation, or distribution of fireworks regulated under the Act. However, the Michigan attorney general subsequently issued an opinion (Opinion #7266) that a local ordinance is not preempted by the state Act so long as the local ordinance does not prohibit fireworks vendors from undertaking their commercial operations in any way that other vendors may.

The Michigan Right to Farm Act (P.A. 93 of 1981, as amended) permits farms to have a farm market by right, subject to certain restrictions. State restrictions include locating the farm market on the property owned or controlled by the producer of the products for sale, requiring at least 50 percent of the products for sale to be produced by the farm

market owner, and allowing the farm market to operate seasonally or year-round (see Michigan Department of Agriculture and Rural Development Generally Accepted Agricultural and Management Practices for Farm Markets). In Michigan, municipalities retain zoning control for buildings, parking (though the state permits vegetative parking surfaces), ingress and egress, and signage. In this case, communities in Michigan must be aware of state regulations for farm stands so they can determine whether additional local regulations are necessary. A small seasonal farm stand may require little or no regulation; on the other hand, a year-round farm market may require a more defined parking area and permits for any structures.

The Ohio Revised Code permits a qualifying farm in a township or county to operate an agritourism use, which includes agriculturally related educational, entertainment, historical, cultural, or recreational activities. On a qualifying farm, townships and counties may regulate the size and setbacks of agritourism structures, size of required agritourism parking areas, and ingress or egress, where such regulation is necessary to protect public health and safety.

To ensure that zoning regulations are not in conflict with state law, all communities are encouraged to review their state land-use laws and consult their municipal attorneys when proposing any new regulations.

Federal Considerations for Local Signage

In the 2015 U.S. Supreme Court decision in *Reed v. Town of Gilbert, Arizona*, the Town of Gilbert's sign ordinance was declared unconstitutional because it regulated a church's temporary directional signs differently than other noncommercial signs based on the content of the sign. Many communities have definitions and standards for signs based on the content of the message, including garage sale signs, special event signs, and agricultural sales signs. If a community's ordinance makes distinctions based on the speaker or the message, the community should work with its municipal attorney to amend the ordinance to comply with *Reed* and other applicable federal court cases related to signage (e.g., *Central Hudson v. Public*

Services Commission of New York, Metromedia, Inc. v. City of San Diego, etc.). There are many content-neutral ordinance strategies that communities can use to ensure that adequate signage is permitted.

POPULAR TYPES OF TEMPORARY LAND USES

The following are descriptions of some common temporary land-use types, including factors that communities should consider when determining how to regulate each type. For uses not mentioned below, consider the scope of that use, how it benefits the community, and what best practices a community can implement to ensure that it does not negatively impact neighbors or the public.

Garage/Yard Sales and Seasonal Sales

Garage and yard sales are typically incidental to a residential use and, if done not more than three or four weekends per year, will usually have no impact on the neighbors. As such, garage sales require little regulation. Typical regulations for garage sales limit the use to a maximum number of days per calendar year and don't require a permit or a parking plan. However, if certain residential properties are continually holding garage sales, this eventually becomes a zoning violation (i.e., an unpermitted commercial use in a residential zone).

Seasonal sales stands are an excellent way to promote commerce and encourage the suitable use of property. Underused commercial sites (e.g., a dying mall) are often excellent locations to sell seasonal items such as flowers, fireworks, produce, and Christmas trees. Regulations for these large-scale commercial uses should be different than, say, a home owner selling pumpkins during Halloween season.



Carrie Leitner, McKenna

➡ A mobile hot dog vendor operates on a public sidewalk in downtown Grand Rapids, Michigan, during the ArtPrize competition event in 2011.

Farm/Roadside Stands and Farmers Markets

A farm stand is an accessory use of a farm where products from the farm are sold. A farm stand is both an opportunity for farms to sell products directly to consumers and an opportunity for consumers to buy fresh produce or value-added products not typically sold in retail stores. In many cases, the revenue generated from a farm stand can be essential to the sustainability of the farm as a whole. Although farm stands are commonly located on the farm from which most of the products are grown, communities should consider allowing off-site farm stands in a more visible and accessible site in the agricultural zoning district. Many communities with regulations for farm stands have a minimum percentage (e.g., 50 percent) of for-sale products that must be produced on or by the affiliated farm. Generally, the parking surface of a farm stand can be vegetated or gravel, but grading should be required when necessary to maintain the integrity of the parking surface. Because farms can often provide products for most or all of the year, communities should consider allowing farm stands to operate year-round where appropriate.

Unlike a farm stand, which is generally located on the farm where the products were grown (or in a more advantageous site in the agricultural zoning district), a farmers market is typically located in a heavily-trafficked area

(such as a downtown) or in a public space. Vendors at farmers markets are usually not required to grow their own produce and some vendors don't even sell produce. Many farmers market vendors sell arts and crafts. Some farmers markets in warmer climates occur on a regular schedule throughout the year, whereas farmers markets in colder climates usually occur seasonally.

Mobile Food Vendors

Mobile food vendors such as food trucks usually operate in the public right-of-way or on other public property, but sometimes also operate on private property. Many communities welcome mobile food vendors but have requirements for a minimum separation or setback distance from any restaurant or festival unless written permission is obtained by the restaurant owner or festival event coordinator. These requirements are intended to protect the economic interests of the brick-and-mortar restaurants (which pay property taxes and rely on lunch and dinner revenue) as well as festivals (which may rely on food sales inside the festival to fund the event). Many ordinances also include provisions for parking, hours of operation, garbage removal, noise, lighting, and storage and security of flammable or combustible materials.

Sidewalk Sales and Temporary Outdoor Dining

Sidewalk sales and other temporary outdoor sales are usually limited products that are also sold inside the business. Sidewalk sales are opportunities for a business to display additional merchandise during certain times of the day. In some communities, sidewalk sales events are coordinated among all businesses in a certain district for a specific period of time. In other cases, an individual business may want a special outdoor sales event permit. In either case, the community must ensure that adequate access along the sidewalk is maintained and that the products are brought indoors at certain times.

Temporary outdoor dining is typically an accessory use to a permitted restaurant use that takes place in one of two areas: either on the private property of the restaurant or temporarily in the public right-of-way (e.g., on a



Laura Haw, AICP, NC, McKenna



Diners enjoy lunch in a seasonal outdoor dining area located on a public sidewalk in downtown Grosse Pointe, Michigan.

public sidewalk or in a converted on-street parking area). Typical standards for temporary outdoor dining areas include maintaining pedestrian and vehicular access on sidewalks, ramps, and building entrances; limiting amplified music if there are residences within a certain proximity; and requiring a barrier from vehicular traffic. Depending on the local ordinance and the site's capacity, outdoor dining areas may have restrictions on the number of allowable seats and duration of the use. For example, in colder climates, many municipalities require all outdoor dining furniture and fixtures to be removed during the winter months. However, many northern cities embrace the cold and encourage temporary outdoor dining during the winter season.

Pop-Up Uses

Pop-up uses can take many forms, including a temporary occupancy in a vacant building

or in a lightly constructed interim building on vacant land. Where a pop-up use is permitted in a permanent building, some communities will allow for a temporary certificate of occupancy (e.g., 90 days) that requires few or no building upgrades, provided the building official and fire marshal approve the temporary occupancy and the use is permitted in the zoning district. If



John R. Jackson, AICP, NC, McKenna



Pop-up shops at Lexington Avenue Shopping Center, New York City.



➡ Many of the nation's best artists exhibit their work downtown at the annual Charlevoix (Michigan) Waterfront Art Fair, which draws more than 25,000 visitors.

the pop-up use is successful and plans a long-term occupancy, the community will often require additional building upgrades to qualify for a permanent certificate of occupancy. Thus, allowing temporary occupancy for pop-up uses can serve as an incubator for start-up businesses.

Allowing for pop-up uses in lightly constructed interim buildings can be an effective use of public land or private land that is not ready for development, provided the location is appropriate and the use is permitted in the zoning district. Communities that allow these types of temporary pop-up structures often permit them for a fixed period of time or until the site is ready for redevelopment.

Festivals and Large-Scale Events

Festivals, concerts, running events, and similar large-scale events are the most complex temporary land uses to regulate because they vary in size and activity. While many of these types of events are welcomed by communities and enjoyed by the public, it is important for the community to have a

full understanding of the proposed activity so that the regulations can be appropriately applied. If the municipality is holding the event, the process is easier. However, many non-public organizations also hold festivals, such as churches and other nonprofits. As we will see later in this article, there are a number of regulations to consider for festivals and similar large events that address safety, sanitation, light, noise, insurance, and performance guarantees.

Other Temporary Uses

Keep in mind that there will be temporary uses proposed that are not necessarily anticipated by a community's ordinances. Therefore, when considering regulations for a temporary land use, the community must take time

to define the use (see section below) and consider the use's potential impacts, both positive and negative. For temporary land uses not included in a community's ordinance, the community may want to consider allowing the zoning administrator or planning commission to classify other temporary uses as the most similar temporary use listed in the ordinance. In the long term, however, it is best to amend the ordinances as necessary to account for newer types of temporary land uses.

REGULATORY TOPICS AND BEST PRACTICES TO CONSIDER

When determining how to apply regulations to each temporary land use, remember that the degree of regulation should be commensurate with its size and intensity. In the example that we will see later, the regulations for a garage sale are far less restrictive than a festival.

As you read the following regulatory tools, think of some small-scale temporary

land uses where a regulation should be inapplicable, and also think of some larger, more impactful temporary land uses where such regulation is necessary to protect public safety, health, and general welfare of the participants, neighbors, and community as a whole. In some cases, the community will want these addressed in its ordinance; in other cases, the community may want to allow administrative discretion for these standards based on the use, location, duration, etc.

Definitions, Allowable Uses, and Maximum Duration

A community's ordinance should include as many definitions of temporary-use types as possible. To create definitions, it is helpful to have several examples to draw from, such as ordinances in similar communities, planning publications such as PAS Report 521/522, *A Planners Dictionary* (available at planning.org/pas/reports/archive.htm), and searching for online definitions.

Depending on the type of temporary land use, communities should determine whether to regulate the land use by zoning district, in certain locations, or based on the current uses of the property. Additionally, communities should consider the type of temporary uses, their associated activities, and whether certain activities will be explicitly permitted or prohibited in relation to the temporary land use.

Will the temporary land use be limited to a maximum number of days in a calendar year or a maximum number of days per event? For certain temporary uses, the community may want to have fixed hours of operation or allow the reviewing authority to set more restrictive hours of operation based on nearby residences, impact of noise and lighting, etc.

Parking, Circulation, Pedestrian Access, and the Americans with Disabilities Act

If parking is required, consider requiring the applicant to submit a parking and circulation plan. The community may also want to specify minimum parking spaces based on use, activity area, building size, or other factor determined by the approving authority.

Depending on the intensity and location of the use, consider allowing the approving

COMPARISON OF EXAMPLE REGULATIONS FOR GARAGE SALES VERSUS FESTIVALS

	Garage Sales	Festivals
Permitting	No permit required. Operator may be property owner, lessee, or manager.	Permit is required by the planning commission. Operator may be property owner, lessee, or manager.
Locations and Allowable Uses	Permitted only on private property in a residential district with an established residential use. Use is limited to sale of personal items of the owner, lessee, or manager to the general public.	Use is permitted only on public property or property owned by a nonprofit organization. Allowable uses include rides, food sales, carnival games, arts and crafts, live musical entertainment, and similar uses approved by the planning commission.
Maximum Duration	12 days per calendar year, only between the hours of 6 a.m. to 10 p.m.	Not to exceed 7 days per permit, only between the hours of 6 a.m. to midnight.
Parking, Circulation, Pedestrian Access, and ADA	No parking plan required.	1 parking space per every 2 people of the facility capacity, which may be located on-site or approved off-site public or private spaces. An access plan is required for planning commission review, which must show accessibility between parking lot, buildings, and on-site amenities.
Development and Operations Standards	Use of the public right-of-way is prohibited except for allowable on-street parking	All structures must be removed upon completion of the event. All structures must be at least 25 feet from any lot line and at least 200 feet from an adjacent residential zone or use. Use of the public right-of-way is prohibited unless it is closed by the police department. Garbage cans and portable toilets must be located and maintained according to the approved plans. Adequate lighting must be provided after dusk, with all lighting being turned off by 12:30 a.m.

authority to require an access plan based on the size of the facility or event. For example, if allowing sidewalk sales in the public right-of-way, make sure that there is sufficient area for barrier-free access. For more information on this topic, please refer to *A Planning Guide for Making Temporary Events Accessible to People with Disabilities*, published by the ADA Action Network.

Development and Operations Standards

For many temporary uses, the size of the associated structures won't matter so long as they are temporary. However, when determining appropriate locations of structures, consider minimum setbacks to the road right-of-way, adjacent residential uses or zoning districts, and other lot lines. In some cases, the structures and uses will be permitted in the public right-of-way. If a temporary land use is permitted in a public right-of-way, such as a sidewalk sale or a closed street for a festival, it should be delineated on a plan and reviewed by the police department and fire marshal.

Depending on the type and size of a temporary land use, certain sanitation requirements should apply. For example, while some small temporary uses will not require garbage cans and portable toilets, larger temporary uses should be required to locate and maintain them if there are a lot of people expected or if visitors are expected to stay for a long time.

Most ordinances have lighting standards, and many ordinances have certain exemptions for lighting for temporary events. The municipality should determine whether lighting will be required after dusk and partially exempt from the general lighting standards in the interest of public safety. For example, if there is a nighttime festival where people are walking through the event and parking lot after dusk, the community will want to temporarily exempt the use from the lighting standards of the ordinance and require a minimum level of lighting in pedestrian and vehicle areas. However, glare should be prohibited from spilling onto adjacent properties and road rights-of-way.

Finally, if a temporary use has the potential of increasing stormwater runoff or soil erosion and sedimentation, protections should be put in place to protect adjacent properties.

Permitting and Regulatory Oversight

Does a temporary land use require a permit from the municipality? If so, determine whether to charge a fee to cover the cost to review the application and an inspection. Any terms and conditions of the temporary land-use approval should be written on the permit itself. Regardless of whether a permit is required, the community should have requirements regarding who is authorized to operate a temporary land use (e.g., property owner, lessee, manager, or anyone else).

If a permit is required, which entity will review the permit application (e.g., zoning administrator, planning commission, city council, township board, etc.)? If the planning commission, city council, or township board is the reviewing body, the applicants must be made aware of the lead time to apply for a permit based on the upcoming

meeting schedule. In some cases, these bodies require a public hearing, so there must be enough time between when the application is submitted and when any required public notices are mailed or published.

In addition to issuing permits, unless the temporary land use is minor (such as a garage sale), it is important to have the fire marshal review the temporary-use application and plans. The marshal will be familiar with the relevant fire safety codes and will be help address such safety factors as fire hazards, fire extinguisher requirements, and the proper care of flammable or explosive materials.

For large or public temporary events, the police department should review the application and materials to determine if traffic control is a concern or if other public safety items must be addressed by the applicant. If any structures are proposed or there is an electrical hookup, the building official should review the plans to determine compliance with building and electrical codes. Finally, the health department may be required to review and permit food and beverage distribution as well as sanitation.

Compliance and Liability Considerations

Depending on the size and intensity of the temporary land use, a municipality may want to require the operator to sign an agreement to indemnify and hold the municipality harmless for any loss, cost, damage, or injury arising directly or indirectly out, or in the course of, the temporary land use. The municipality may also want its attorney to prepare a standard indemnification agreement to be used for certain types of major temporary land uses.

For some temporary uses, especially large events or events on public property, the municipality should require the operator to provide proof of liability insurance listing the municipality as an additional insured as well as a performance guarantee. The amount of insurance coverage should be determined by the municipality and commensurate with the perceived risk. The purpose of a performance guarantee, such as a refundable cash deposit, is to ensure certain performance of the applicant. In the case of temporary land uses, many communities require a performance guarantee

in an amount sufficient to remove the use (including cleanup) or conduct ordinance enforcement in the event of a violation. Think of the cost that a municipality could incur if the municipality is responsible for removing the garbage and temporary structures after a large event because the operator failed to do so. While a performance guarantee should not be a punitive amount, it should be an amount sufficient for a municipality to remove the use and clean the site. If the operator removes the use and cleans the site upon completion of the temporary land use, the performance guarantee should be fully refunded.

Finally, there will undoubtedly be uses that have negative impacts that the municipality did not anticipate. For that reason, a municipality should reserve the right to revoke or amend a temporary land-use permit if the conditions of the approval have been violated or if public safety or health is jeopardized.

APPLYING TEMPORARY LAND-USE STANDARDS

The following table compares how a few of the previously discussed regulatory topics could apply to a garage sale as opposed to a large festival. Note that in the following example the garage sale requires no permit and minimal regulations while the festival is subject to many more regulations. If some of the standards below are not in a community's ordinance, the community should consider amending its ordinance to either explicitly include them or allow administrative discretion for the reviewing body to include additional standards.

CONCLUSION

In my experience working with dozens of urban, suburban, and rural communities, it is much easier for businesses and developers to obtain approvals when the regulations are clearly written and predictably administered.

In closing, keep in mind that written regulations of a community lead to better planning and predictability. Although comprehensive temporary land-use regulations may be labeled as "overregulation" by some, having no regulations is often interpreted by the municipality as an outright prohibition of the land use (i.e., some zoning ordinance states that no use is permitted unless

explicitly permitted in the ordinance). Therefore, it is not a question of whether to have *any* regulations for temporary land uses; rather, it is a question of how much regulation is appropriate for each use.

ABOUT THE AUTHOR

Patrick Sloan, AICP, is a senior principal planner with McKenna, one of the preeminent planning and design firms in the Midwest. He specializes in providing planning and zoning services for local communities in Michigan and Ohio, with an emphasis on comprehensive zoning ordinance updates, development review, and on-site planning services. He has also trained at conferences for the Michigan Association of Planning and Michigan Municipal League on best practices for zoning and signage regulations.

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