



STREET VENDOR RULES AND REGULATIONS

CITY OF ELKINS

401 Davis Avenue, Elkins WV 26241
Phone (304) 636-1414 FAX (304) 635-7135

Effective September 19, 2019, no person licensed as a vendor as defined by Elkins City Code Ch. 17 Article II shall demonstrate, sell or offer for sale or barter any goods, wares, merchandise, food, confection or drink upon any street or sidewalk or any other City owned property within the City except in accordance with all of the following provisions:

1. No merchandise shall be displayed or sold except in the locations designated in the rules and regulations of the City Clerk or the designee.
2. No merchandise shall be displayed or sold in a manner that blocks, obstructs, or restricts the free passage of pedestrians or vehicles in the lawful use of the sidewalks, streets or public places or ingress or egress to the abutting property.
3. All merchandise shall be displayed or sold from portable tables, carts or containers as approved by the City Clerk or the designee.
4. No vendor's table, cart, container or other appurtenances, paraphernalia, merchandise, supplies or signage shall occupy an area more than three feet in width and eight feet in length. Food truck vendors must vend onto the sidewalk or open space which is not within the street.
5. Each vendor during the period of selling shall keep the area within ten feet of the location where the vendor sells or displays merchandise free from all litter and debris arising from the operations, including the litter which arises from action of customers in disposing of wrapping or packaging materials of merchandise sold by the vendor.
6. Vendors shall at all times exercise reasonable care that their merchandise, packaging material, display equipment and other paraphernalia shall not create a safety or health hazard to customers or other persons using the public streets, sidewalks or public places, or to persons on or in abutting property.
7. The hours of operation shall be from 6:00 a.m. to 11:00 p.m. Any other ordinance prescribing more restrictive hours shall prevail.
8. No items of a pornographic nature shall be sold or displayed by street merchants.
9. The playing of any radio, phonograph, or any musical instrument or device in such a manner or with such volume as to annoy or disturb the quiet comfort and repose of store owners, employees, patrons or residents is prohibited pursuant to other provisions of the Codified laws of the City.
10. No vending shall be permitted on Davis Avenue from Fifth Street to Second Street.
11. No vendor is permitted to occupy more than two designated parking spaces.
12. All vendors must maintain a minimum distance of 800 feet from any fair, festival or other City sanctioned event.
13. Vendor license, and any and all additional licenses or permits required, must be displayed conspicuously at all times.

The City Clerk and the Treasurer or their designees may conduct site checks to determine if vendors are in compliance with the above rules and regulations. Upon inspection, if a violation is found, vendors are immediately issued site check forms which indicate specific regulation violations and will be given no more than 24 hours to correct cited violations. Upon the receipt of three cited violations within 90 days, a vendor license may be terminated and/or fined up to \$500 for each offense.