

---

# Street Vending

Below is information on street vending rules and regulations for different merchandise, as well as contact information and guidelines for participating in street fairs and flea markets

The Department of Consumer Affairs regulates and issues licenses required for vending general merchandise and the Department of Health regulates and issues licenses and permits for food-related street vending. For your convenience, the two agencies have established a combined office for permitting and licensing. The contact information is listed below.

## General Merchandise

Licenses are required to sell general merchandise such as pottery, jewelry, crafts, religious items, dolls, watches, socks, caps, toys, CDs and video cassettes. Many vendors selling these items on the street are illegal and if caught, their merchandise could be confiscated by the police. A person must obtain a license from the Department of Consumer Affairs. Unfortunately, with a legislative cap of only 853 licenses, and a waiting list of thousands, the chance of obtaining a license at this time is unlikely. The only exception is for veterans who were discharged from the service as disabled, and can provide a copy of their honorably discharged paper.

## Items Associated with Right to Free Speech

Merchandise such as paintings, illustrations, photographs and books can be sold without obtaining a license as these items are protected by the First Amendment, guaranteeing free speech. However, the vendors of such works are still subject to other rules and regulations applicable to all street vendors including the list of restricted streets shown in Subsection 2-314 of the Rules of the City of New York. Vendors are not allowed to vend on those streets that are restricted to both food and general vendors. (Contact the Department of Consumer Affairs for a list of these areas).

For further information on the license process and/or other matters pertaining to general merchandise vending in New York City, please contact the Department of Consumer Affairs.

## Mobile Food Vending

To sell food on the street you must obtain both a food vendor license **and** a permit for the Food Unit (Cart or Vehicle) from the Department of Health. While there is no limit on the number of operator licenses granted, there are the following caps on the number of food unit permits which may be issued:

- 2,800 Full-term Citywide Permits, valid for a two year period;
- 100 Full-term Citywide Permits exclusively for disabled veterans, disabled persons and non-disabled veterans, valid for a two-year period;
- 200 Full-term Borough Specific permits. There are up to 50 permits available for each borough other than Manhattan, valid for a two-year period.
- 1,000 Seasonal Citywide Permits, valid for the period from April to October each year.
- 1,000 Green Cart (Fruit and Vegetables) permits

Most, if not all, of the previously mentioned authorized permits have already been issued and there are long waiting lists in place for each category from which the Department would contact interested vendors. However, Green Cart permits, for which there is a separate waiting list, may be obtained more readily and quickly.

That said, there are a few options you may want to consider:

Apply for a food vendor's license from the Department of Health and work for someone on their cart.

Apply for a food vendor's license and explore the possibility of obtaining a Department of Health "restricted area" mobile food vending permit. A restricted area permit allows you to vend on private property with the owner's permission. There is no waiting list for this type of permit, but you must have a written agreement with the owner of the property on which you intend to vend. Restricted area permits may not be used for street vending other than in the restricted area for which the vendor has received permission to operate. The permits allow vending on private property in a commercially zoned area or on property under the jurisdiction of the New York City Department of Parks & Recreation. When seeking to vend in a city park, you must obtain prior authorization from the Parks Department before applying for the Department of Health permit.

Apply for a Fresh Fruit and Vegetable (Green Cart) Permit. There are Green Cart permits available for people who want to vend whole, fresh fruits and vegetables in specific police precincts throughout the city. Waiting lists for these permits are created more frequently than other permit categories. Contact 311 for more information.

Before applying for a Food Vending License you must take and pass a course on food handling. You may take either the Food Protection Certificate course, which is a 15 hour course that enables you to supervise food handling in a food service establishment or mobile food vending unit. Another option is the Mobile Food Vending Food Protection Course, an 8 hour food handling course designed specifically for mobile vendors, given by Department of Health over a two day period.

Additional to having completed one of the food handling courses, you must have a NYS Tax ID number and either a social security number or Individual Tax Identification Number to obtain a mobile food vending license.

The food handling courses are given at:

The Health Academy  
East Harlem Multi-Service Center  
413 East 120 Street, 2<sup>nd</sup> floor  
New York, NY 10035  
Telephone: (917) 492-6990

Upon completing the course and passing the exam, you can apply for a food vending license. When you obtain the license you will be placed in the Department of Health's database and consequently receive future notifications regarding the creation of new permit waiting lists.

Please call 311 for further information on the permit process and/or other matters pertaining to food vending in New York City.

## **Street Fairs and Temporary Events**

To sell at a street fair or temporary event, a person should contact the New York City Office of Citywide Event Coordination and Management, Community Assistance Unit by calling 311 for a list of city approved street fairs or accessing the Citywide Events Calendar at [www.NYC.gov](http://www.NYC.gov). He or she must contact the street fair or event sponsor to rent or secure a space and then obtain a temporary license from either the Department of Consumer Affairs or the Department of Health. You can receive a free calendar of major events by either visiting the Community Assistant's Unit's Street Activity Permit Office or by sending a self addressed stamped envelope with \$1.11 to their office at 100 Gold Street, 2<sup>nd</sup> floor, New York, NY 10038.

---

Additionally:

- You must obtain a NYS Sales Tax ID Number prior to obtaining temporary vendor permits
- General vendors must obtain a temporary Street Fair permit from the Department of Consumer Affairs
- The Sale, Distribution or Consumption of Alcoholic Beverage is prohibited
- Vending is prohibited at parades
- If you plan to prepare or sell or distribute food at a street fair you must:
  - Establish that you are operating as a licensed mobile vendor using a mobile food unit that is permitted for the location, time of year and type of food service operation you will be doing, OR
  - Have a supervisor at the temporary food service operation with a Food Protection Certificate issued either by the Department of Health, or another jurisdiction that is acceptable to the Department of Health, AND
    - Obtain a Temporary Food Service Establishment (TFSE) permit; or
    - Establish that you are operating as an employee or representative of a New York City Department of Health and Mental Hygiene (DOHMH) permitted food service establishment and maintain a copy of the permit at the TFSE site.

### **Street Fair Producers**

The following street fair production companies produce many street fairs throughout the city of New York.

Mort and Ray Productions

Website: <http://www.mortandray.com/>

Clearview Productions

Website: <http://www.streetfairsnyc.com>

Mardi Gras Productions

Website: <http://nycstreetfairs.com>

### **Flea Markets**

Flea Markets are controlled by New York State. You must make arrangements with the sponsor of a Flea Market and then obtain a restricted license from the Department of Consumer Affairs for categories normally covered by the department. Vendors preparing and selling food also must obtain a temporary food service establishment permit from the Department of Health or have a valid mobile food vending permit for the location.

### **Agency Contact Information**

Department of Consumer Affairs/Health

Phone 311

Website: <http://nyc.gov/html/dca/html/home/home.shtml>

Mayor's Office of Citywide Event Coordination and Management's (CECM)

Phone: 311

Website: <http://www.nyc.gov/html/cecm/html/home/home.shtml>

NYS Department of Taxation and Finance Offices

Phone: 311

Website: <http://www.tax.state.ny.us/>