

Chapter 141

STREET VENDORS

[HISTORY: Adopted by the Mayor and Council of the City of Seat Pleasant 2-14-1994 by Ord. No. 94-01. Amendments noted where applicable.]

GENERAL REFERENCES

Health and sanitation — See Ch. 101.
Licensing — See Ch. 107.
Noise — See Ch. 112.
Special events — See Ch. 131.
Streets and sidewalks — See Ch. 137.
Vehicles and traffic — See Ch. 150.

§ 141-1. Findings and purpose.

It is found and declared that:

- A. The primary purpose of the public streets, sidewalks and other public ways is for use by vehicular and pedestrian traffic.
- B. Vending on such public ways promotes the public interest by contributing to an active and attractive pedestrian environment.
- C. Reasonable regulation of vending on public ways is necessary to protect the public health, safety and welfare.
- D. The regulations contained in this chapter are not intended to prohibit or hamper speech which is protected by the First Amendment but merely to regulate specific activities which are commercial in nature.

§ 141-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MOTOR VEHICLE — Any vehicle used for the displaying, storing or transporting of articles for sale by a vendor which is required to be licensed and registered by the State Department of Motor Vehicles. The term is to include trailers, trucks and automobiles.

PUBLIC WAY — All areas legally open to public use, such as public streets, sidewalks, roadways, highways, parkways, alleys and parks, as well as the interior and areas surrounding public buildings.

SPECIAL EVENT — Any occasion including but not limited to fairs, shows, exhibitions, City-wide celebrations, festivals, etc., within a specifically defined area of the City of Seat Pleasant for a period of time not to exceed seven days.

STAND — Any newsstand, table, bench, booth, rack, handcart or pushcart or any other fixture or device which is not required to be licensed and registered by the Department of Motor Vehicles and is used for the display, storage or transportation of articles offered

for sale by a vendor.

VENDOR — Any individual, including an employee or agent of a group of individuals, partnership or corporation, who or which sells or offers to sell food, beverages, goods or merchandise on any public way from a stand or motor vehicle or from his/her person.

§ 141-3. License required.

It shall be unlawful for any vendor to sell, display or offer for sale any food, beverage, goods or merchandise on a public way within the City of Seat Pleasant without first obtaining a license from the City Administrator.

§ 141-4. Application.

The application for a vendor's license shall contain all information relevant and necessary to determine whether a particular license may be issued, including but not limited to:

- A. The full name, home address, permanent business address (if any), telephone number, driver's license number, three copies of a current full-face photograph and proof of identity of the applicant.
- B. A brief description of the nature, character and quality of the food, beverages, goods or merchandise to be sold.
- C. The specific location, if any, in which the vendor intends to conduct business.
- D. If the vendor is employed by or is an agent of another, the name and business address of the principal/hiring person, firm, association, organization, company or corporation.
- E. If a motor vehicle is to be used in the vending business, a description of the vehicle, together with the motor vehicle registration number and the license number.
- F. A complete listing of any other licenses or permits issued to the applicant by the City of Seat Pleasant within the past five years.

§ 141-5. Health permits.

- A. The application of any vendor engaged in the sale of food or beverages shall also be referred to the Local Health Department for approval of a health permit in addition to the regular vending license. Such vendor's equipment shall be subject to inspections by the Health Department at the time of application and at periodic intervals thereafter.
- B. The applicant shall also state the method by which food is to be cooked and the method it proposes to use in the disposal of waste. Each method must have the approval of the Local Health Department.

§ 141-6. Issuance of license.

Not later than 30 days after the filing of a completed application for a vendor's license, the applicant shall be notified, in writing, by the City Administrator of the decision on the issuance or denial of the license. If the vendor applicant complies with all application requirements and is found to have no nonconformities rationally related to sales on public

ways in the City of Seat Pleasant, the applicant shall be issued a vendor's license. If a food and beverage applicant meets the prior requirements and receives Health Department approval, then such applicant shall be issued both a vending license and a health permit. Any applicant denied a vending license may seek an appeal pursuant to § 141-14. A vending license is valid for a period of one year from the date of issuance.

§ 141-7. Special events.

Vendors wishing to conduct business at any special event shall apply to the City for a temporary vending license. Application for such a license must be made at least 14 days prior to the beginning of the event. The license is valid only for the duration of the special event. Fees for such licenses shall be as specified in § 141-9. Vendors granted a temporary license are subject to the same operating regulations as other vendors, except where otherwise specified. Temporary license applicants must meet the same application requirements as other vendors, including health permit specifications.

§ 141-8. Exemptions.

The following vendors are exempt from the licensing requirements of §§ 141-3 and 141-5 but shall otherwise be required to comply with the provisions of this chapter:

- A. All religious, nonprofit and charitable organizations, including school groups.
- B. Vendors, merchants, exhibitors and salespeople who exhibit, demonstrate or solicit orders for goods in conjunction with and as part of the organized program of conventions, professional meetings, seminars and the like.
- C. Any individual selling newspapers or magazines or distributing free samples from his/her person.

§ 141-9. Fees. [Amended 10-10-2011 by Ord. No. O-12-02]

Each vendor granted an annual license under this chapter shall pay an annual license fee in the amount of \$100. Each vendor granted a temporary vending license for a special event shall pay a temporary license fee in the amount of \$25.

§ 141-10. Insurance or bond.

No license shall be issued to an applicant unless the applicant furnishes proof to the City of a public liability bond or insurance policy in an amount not less than \$200,000 for property damage and injuries, including injury resulting in death, caused by the operation of the vending business.

§ 141-11. Licenses and identification badges.

- A. The license issued to a vendor shall be carried with the vendor at all times when he/she is engaged in the business of vending. If the vendor sells food or beverages, the health permit must also be displayed.
- B. In addition to the license, the City shall issue an identification badge to every vendor. Vendors shall display their badges in such a way that the badges may be easily read while doing business. If a badge becomes damaged or obscured, the vendor shall return it to the City and receive another badge.

- C. Licenses, permits and identification badges shall be used only by the person to whom they were issued and may not be transferred to any other person.

§ 141-12. Restrictions applicable to all vendors.

- A. Stands. Vendor stands shall not:
 - (1) Exceed six feet in length, four feet in width or 3.5 feet in height.
 - (2) Impede access to the entrance or driveway of any adjacent building.
 - (3) Occupy more than half of the available sidewalk width or four feet of such sidewalk, whichever is less.
- B. Hours of operation. Vendors shall be allowed to engage in the business of vending only between 9:00 a.m. and 8:00 p.m. All vending stands must be removed from public property during nonvending hours. When temporary vending permits are sought for special events, etc. (see § 141-7), the applicant may request from the City an exception to the usual hours of operation. All stands used for vending must be removed from public property during nonoperating hours.
- C. Handicapped areas. No vendor shall conduct business within 100 feet of any handicapped parking space or access ramp.
- D. Removal of trash. All trash or debris accumulating within six feet of any vending stand shall be collected by the vendor and deposited in a trash container. All vendors selling food or beverages must provide trash receptacles adjacent to or as a part of their stands.
- E. Prohibited areas. A vending license issued pursuant to this chapter is valid only on the public ways of the City of Seat Pleasant. The City shall prohibit vendors from selling on specified public ways if it determines such prohibitions are necessary for the protection of public health and safety. Vendor stands and motor vehicles are prohibited within 20 feet of a fire hydrant, fire escape, bus stop or loading zone or the driveway of a fire station or police station. Vending within 300 feet of schools between the hours of 8:00 a.m. and 4:00 p.m. on school days is prohibited.
- F. Noise. No vendor may sound any device which produces a loud and raucous noise or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract public attention.
- G. Motor vehicles. No vendor vending from a motor vehicle shall:
 - (1) Stop, stand or park the vehicle within 300 feet of any intersection, within any other prohibited area or during prohibited hours.
 - (2) Conduct business in such a way as would increase traffic congestion or delay, constitute a hazard to life or property, interfere with an abutting property owner, or obstruct access to emergency vehicles.
- H. Pushcarts. Vendors utilizing pushcarts or other mobile, nonmotorized vending stands may only conduct business in each location for a period of 30 minutes at a

time. At the end of that period, such vendors must move to a new vending location at least 500 feet from the previous location. Pushcart vendors who do not adhere to these regulations will be considered fixed-location stand vendors and will be assigned to a fixed location.

§ 141-13. Suspension or revocation of license.

- A. Any license issued under this chapter may be suspended or revoked for any of the following reasons:
- (1) Fraud or misrepresentation in the application for the license.
 - (2) Fraud or misrepresentation in the course of conducting the business of vending.
 - (3) Conducting the business of vending contrary to the conditions of the license.
 - (4) Conducting the business of vending in such a manner as to create a public nuisance or to constitute a danger to the public health, safety or welfare.
 - (5) Conviction of any crime involving moral turpitude while holding a vending license from the City of Seat Pleasant.
 - (6) Cancellation of Health Department authorization for a food or beverage vending unit due to uncorrected health or sanitation violations.
- B. Upon suspension or revocation, the City shall deliver written notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

§ 141-14. Appeals.

Persons who are denied licenses or whose licenses have been suspended or revoked may appeal by filing a written notice of appeal within 10 days of the denial with the City Council.

§ 141-15. License renewals.

Licenses may be renewed, provided that an application for renewal and license fees are received by the City no later than the expiration date of the current license. Applications received after that date shall be processed as new applications. The City shall review each application for renewal to determine that the applicant is in full compliance with the provisions of this chapter. If the City finds that the application meets the above requirements, the City shall issue a new license.

§ 141-16. Violations and penalties. [Amended 10-10-2011 by Ord. No. O-12-02]

A violation of this chapter is a municipal infraction. Any person who violates any provision of this chapter shall be punished by a fine in the amount of \$200 for each offense. A person commits a separate offense each day that the person violates a provision of this chapter. City police officers and City Code enforcement Officers may enforce the provisions of this chapter and issue citations for violations.