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Title: An Ordinance adopting the Pittsburgh Code, Title Seven, Business Licensing, Article III, Sales Businesses, Chapter 719 Vendors and Peddlers, pursuant to a Sunset provision.

Sponsors: Jim Ferlo

Indexes: PGH. CODE ORDINANCES TITLE 07 - BUSINESS LICENSING

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/13/2002	3	Mayor	Signed by the Mayor	
11/4/2002	3	City Council	Passed Finally, As Amended	Pass
10/30/2002	2	Committee on Public Safety Services	Affirmatively Recommended as Amended	Pass
10/30/2002	1	Committee on Public Safety Services		Pass
10/23/2002	1	Committee on Public Safety Services	Held in Committee	Pass
10/15/2002	1	City Council	Read and referred	

Presented by Mr. O'Connor

AS AMENDED

An Ordinance adopting the Pittsburgh Code, Title Seven, Business Licensing, Article III, Sales Businesses, Chapter 719 Vendors and Peddlers, pursuant to a Sunset provision.

WHEREAS, Ordinance 26 of 2000, enacted November 3, 2000, established a vendors and peddlers program in the City of Pittsburgh; and,

WHEREAS, Section 719.09 of the Ordinance established a sunset provision providing Members of Council with an opportunity at the end of the two year period to re-evaluate the entire Ordinance, make amendments to the Ordinance, allow the Ordinance to continue in its present form, or allow the Ordinance to expire without further action.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. Pursuant to the Pittsburgh Code, Section 719.09, Sunset Provision, the Council for the City of Pittsburgh hereby permanently adopts the Pittsburgh Code, Title Seven, Business Licensing, Article III, Sales Businesses, Chapter 719 Vendors and Peddlers, in its entirety as follows:

CHAPTER 719: VENDORS AND PEDDLERS

719.01	License required
719.02	Definitions and exceptions
719.03	Information required
719.04	Loud noises, speaking devices, signs, goods, smoke and strong odors
719.05 A	Permitted locations
719.05 B	Permit application and duration
719.05 C	Use of streets, parks and trails
719.06	Licensing additional employees
719.07	Severability
719.08	Fees for vendor's, vehicular vendor's or peddler's license

§ 719.01 LICENSE REQUIRED.

No person shall engage in the business of being a vendor or peddler without first obtaining a license from the License Officer.

§ 719.02 DEFINITIONS AND EXCEPTIONS.

- (a) PEDDLER as used herein includes any person, whether a resident of the City of Pittsburgh or not, traveling by foot from place to place, from house to house, or from street to street, carrying on their person goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, ~~tickets~~ or provisions offering and exposing the same for sale, or making sales and delivering articles to purchasers. It is further provided that one who solicits orders for delivery at a later date is deemed a peddler and subject to the provisions of this chapter.
- (b) VENDOR as used herein includes any person, whether a resident of the City of Pittsburgh or not who, without traveling from place to place, sells or offers for sale goods, wares, merchandise, meats, fish, vegetables, fruits, farm products, ~~tickets~~ or provisions from an approved vending unit at an approved vendor location.
- (c) VENDOR/Sports and Entertainment Facilities (S&E) as used herein includes any person, whether a resident of the City of Pittsburgh or not who, without traveling from place to place, sells or offers for sale goods, wares, merchandise, meats, fish, vegetables, fruits, farm products, ~~tickets~~ or provisions from an approved vending unit at an approved vendor location located within ~~100 feet of~~ the boundaries set forth in Section 719.05C(c)(2) of property owned by the Stadium Authority of the City of Pittsburgh for the operation and management of ~~Three Rivers Stadium~~ Heinz Field and PNC Park or of the property owned by the Sports and Exhibition Authority of Pittsburgh and Allegheny County for the operation and management of the Mellon Arena and the David L. Lawrence Convention Center or of any other property used by professional sports franchises in which the Sports and Exhibition Authority of the City of Pittsburgh, or Allegheny County has a financial or proprietary interest; and property owned and operated by the University of Pittsburgh known as the John M. & Gertrude E. Peterson Event Center; and property owned and operated by Duquesne University known as A.J. Palumbo Center.
- (d) STATIONARY VEHICULAR VENDOR as used herein includes any person, whether a resident of the City

of Pittsburgh or not, who sells or offers for sale goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, ~~tickets~~ or provisions from an approved vending vehicle at a specific and permitted vehicular vendor location.

- (e) MOBILE VEHICULAR VENDOR as used herein includes any person, whether a resident of the City of Pittsburgh or not who, sells or offers for sale goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, ~~tickets~~ or provisions from an approved vending vehicle that shall not remain at any one location for a period greater than 30 minutes.
- (f) BLOCKFACE. As defined by the Bureau of Building Inspection, means that portion of the sidewalk which directly fronts any street or thoroughfare and shall be understood to apply to both sides so that each street or thoroughfare shall contain two blockfaces.

§ 719.03 INFORMATION REQUIRED.

In addition to information required under § 701.08, the following information is required:

- (a) A description of the nature of the business and goods to be bought, sold or rented and the name, address and phone number of the applicant.
- (b) If employed, the name, address and phone number of the employer, together with the credentials establishing the exact relationship.
- (c) The duration and hours of operation for which the right to do business is requested.
- (d) A description of any vehicle used and its license number.
- (e) Proof of registration for city business taxes and clearance that all taxes are paid.
- (f) Evidence that all required health licenses have been obtained.
- (g) The location or alternate locations for which application for permit has been made.
- (h) A signed statement that the permittee shall hold harmless the city of Pittsburgh, its officers and employees and shall indemnify the city of Pittsburgh, its officers and employees for any claims or damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee and the city from all claims for damage to property or bodily injury, including death which may arise from operations under the permit or in connection therewith. Such insurance shall provide coverage of not less than fifty thousand dollars (\$50,000) for bodily injury for each person, one hundred thousand dollars (\$100,000) for each occurrence and not less than one hundred thousand dollars (\$100,000) for property damage per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured the City of Pittsburgh, its officers and employees, and shall further provide that the policy shall not terminate or be cancelled prior to the expiration date of the permit without thirty (30) days' written notice to the Chief of the Bureau of

Building Inspection. Before conducting business at the location permitted by the Director, permittee shall name as an additional insured on the policies of insurance hereinabove required the owner of the property abutting the space between the prolongations of the boundary lines of the location which run perpendicular to the curblin to the property line of the same side of the street.

§ 719.04 LOUD NOISES, SPEAKING DEVICES, SIGNS, GOODS, SMOKE AND STRONG ODORS

- (a) No vendor, peddler, vehicular vendor, nor any person in his or her behalf, shall blow a horn, or use any device, except a ring of a bell, including any loud speaking radio or sound amplifying system upon any of the streets, alleys, parks or other public places of the city or upon any private premises in the city where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the streets, avenues, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which the licensee proposes to sell.
- (b) Vendors and vehicular vendors shall be permitted signs attached to their vehicle or vending unit in compliance with the then existing zoning ordinance regulating same. At present, signs measuring up to two feet by two feet are permitted within the zoning ordinance. Signs may not be placed on walls or on the public right of way.
- (c) Vendors and vehicular vendors shall only be permitted to sell goods that can be contained on, in or under their vehicle or vending unit. The vehicle or vending unit shall be capable of mobility at all times. The size of the vending unit shall not be larger than eight feet high, ten feet long and four feet wide except as provided for in Section E.
- (d) No vendor, peddler, vehicular vendor, nor any person in his or her behalf while on the streets or public right of way, shall create smoke or strong odors through the preparation of goods to be sold.
- (e) The Director of the Department of Public Works or his/her assign, upon approval from the Council of the City of Pittsburgh, shall review and approve each vehicle or vending unit to be used by each permitted vendor and vehicular vendor prior to the authorization and issuance of each vending permit by the Chief of the Bureau of Building Inspection or his/her assign. A picture and the size of each vehicle or vending unit must be provided to the Director of the Department of Public Works or his/her assign during the application process.
- (f) Vendors and vehicular vendors may apply to the Department of Public Works for an exception to the vending unit size constraints enumerated in Section C.

§ 719.05 A Permitted Locations

- (a) Based upon sites reviewed and approved by the Council of the City of Pittsburgh, the Director of the Department of Public Works or his/her assign shall compile a list of permitted locations where the presence of vending units on the sidewalk, park or trail would be compatible with the public interest in use of parks,

waterway shores, trails and street and sidewalk areas as public right of way. The Director may consider the width of the sidewalk; the proximity and location of existing street furniture, including but not limited to signposts, lamp posts, parking meters, bus shelters, benches, phone booths, and newspaper vending devices; the presence of bus stops, truck loading zones, and taxi stands; pedestrian and vehicular traffic patterns; and other factors he/she deems relevant. The Director may modify the list as he/she deems necessary with approval from the Council. The list may also include a description of goods and merchandise that may and may not be sold or rented at a particular vending location.

- b) No permitted location shall be used by a vendor selling an item like or similar to the primary items sold by another non-vendor business within five hundred feet (500) feet of the permitted location. This restriction may be reduced to two hundred fifty (250) feet, or waived, if approved by the Street and Sidewalk Vending Site Designation Committee and City Council as part of an appropriate vending district.
- c) At the promulgation of City Council, the Bureau of Building Inspection, or at the urging of community or business organizations, vendor districts, areas within a particular and contiguous geographic area, may be established in which the particulars of this ordinance may be lifted or amended by Council resolution. At the time vendor districts are established representatives of merchants, community groups, and vendors will be called upon in order to give input regarding appropriate vending activities.
- d) Vendors and vehicular vendors shall not park any vehicles for the purpose of vending, or place any materials in on-street metered parking spaces.

§ 719.05 B PERMIT Application and Duration

- (a) Permits shall be valid for a period of one year and may be renewed prior to expiration upon the payment of the permit fee, provided all the requirements of this Chapter are met.
- (b) The Chief of the Bureau of Building Inspection or his/her assign will issue permits to the applicant pending the appropriate approvals from the Council of the City of Pittsburgh and the Department of Public Works. In cases where there is more than one prospective permittee seeking to vend exclusively at a particular location, the Director of the Department of Public Works, or his/her assign, will hold a lottery to determine who will be allowed to hold the exclusive right to be the permittee at the particular location. The applicant or his/her assigns shall have the right to be present at the holding of the lottery and shall be appropriately informed of the site, time and date of the lottery.
- (c) Permittees located at a specific location may renew permits for that specific location unless determined by the Chief of the Bureau of Building Inspection, or his/her assign to be violators of a section of this ordinance, in which case the right to renew this Vending Permit will be suspended.
- (d) Vendors who have been operating at a particular location prior to the adoption of this Ordinance shall be provided an opportunity for first preference to continue their operation provided that they have been in compliance with all previous regulations and obligations and City Council designates the location as a permitted site.
- (e) The Director of the Department of Public Works is authorized to promulgate at his/her discretion additional regulatory guidelines in order to effectuate this ordinance.

§ 719.05 C USE OF STREETS, PARKS AND TRAILS.

- (a) No peddler shall remain more than fifteen minutes in one location. Upon the expiration of the fifteen minutes, the peddler must begin moving to a location at least two hundred and fifty (250) feet from the first location. No vendor, peddler or vehicular vendor shall be permitted to operate between the hours of 9:00 p.m. and 7:00 a.m. in residential districts and between 12:00 a.m. and 6:00 a.m. in business and commercial districts. No vendor, peddler or vehicular vendor shall be permitted to operate within 100 feet of a City of Pittsburgh specially permitted event, including Farmer's Markets, the Pittsburgh Regatta, the Three Rivers Arts Festival and community festivals, excluding parades, without the written permission of the event organizers.
- (b) Community groups, business associations and similar organizations may vend on the public right of way during the hours and within the perimeters of a permitted special event with the approval of the appropriate City of Pittsburgh departments and personnel including the Bureau of Building Inspection and the special events coordinator of the City of Pittsburgh.
- (c) No peddler, whether licensed or not, shall use any public place to sell wares or in any other way obstruct, interfere with or prevent the free flow of pedestrian or vehicular traffic in the Central Business District, except during the hours of a City of Pittsburgh permitted special event; **; and no peddler shall operate within 30 feet the boundaries set forth in subsection (2) below** of the property owned by the Sports and Exhibition Authority of Pittsburgh and Allegheny County for the operation and management of **Three Rivers Stadium Heinz Field, PNC Park,** the Mellon Arena and the David L. Lawrence Convention Center and of any other property used by professional sports franchises in which the Sports and Exhibition Authority of the City of Pittsburgh, or Allegheny County and has a financial or proprietary interest. No **vendors or** peddler shall operate within **thirty feet the boundaries set forth in subsection (2) below** of the property owned and operated by the University of Pittsburgh known as the John M. & Gertrude E. Peterson Event Center and property owned and operated by Duquesne University known as the A.J. Palumbo Center.

(1) Vendors and vending activity **within the boundaries set forth in subsection (2) below of** ~~on~~ property owned Sports and Exhibition Authority of Pittsburgh and Allegheny County for the operation and management of **Three Rivers Stadium Heinz Field, PNC Park,** the Mellon Arena, and the David L. Lawrence Convention Center or on any other property used by professional sports franchises in which the Sports and Exhibition Authority of the City of Pittsburgh, or Allegheny County has a financial or proprietary interest; **and on property owned and operated by the University of Pittsburgh known as the John M. & Gertrude E. Peterson Event Center; and property owned and operated by Duquesne University known as A.J. Palumbo Center** must be approved through agreement with the appropriate Authority or its designated management company.

(2) ~~(A m)~~ **Maps,** depicting the ~~(footprint)~~ **boundaries, set forth below, relative to** ~~of~~ the facilities in ~~(b)~~ **subsection (c)** above, shall, **upon request,** be provided to any individual who applies for a vendor's **or peddler's** license.

MAP 1 - HEINZ FIELD:

Northern boundary - Reedsdale Street
Southern boundary - North Shore Drive
Eastern boundary - Art Rooney Avenue
West boundary - Allegheny Avenue

MAP 2 - PNC PARK:

Northern boundary - General Robinson Boulevard

Southern boundary - Allegheny River

Eastern boundary - 6th Street/Federal Street

West boundary- Mazeroski Way

MAP 3 - MELLON ARENA:

Northern boundary - Bedford Avenue

Southern boundary - Centre Avenue

Eastern boundary -Mario Lemieux Place

Western boundary - Washington Place

MAP 4 - DAVID L. LAWRENCE CONVENTION CENTER:

Northern boundary - Allegheny River

Southern boundary - Penn Avenue

Eastern boundary - 11th Street

Western boundary - 9th Street

MAP 5 - PETERSON EVENT CENTER:

Northern boundary - Univ. of Pittsburgh Property Line

Southern boundary - Terrace Street

Eastern boundary - Univ. of Pittsburgh Property Line

Western boundary - Sutherland Street

MAP 6 - A.J. PALUMBO CENTER:

Northern boundary - Forbes Avenue

Southern boundary - Duquesne Univ. Property Line

Eastern boundary - Stevenson Street

Western boundary - Duquesne Univ. Property Line

(Due to developmental changes, the maps and boundary descriptions set forth above may be substituted to more accurately reflect the areas in question.)

- (d) All vendors and vehicular vendors shall be accompanied by a 30 gallon minimum capacity metal or rigid plastic trash container if the vendor is selling a product that generates trash. In addition, vendors shall also be responsible for maintaining and cleaning a 25 feet perimeter surrounding the designated location of the vending unit or vehicle.
- (e) Vendors, peddlers, and vehicular vendors shall obtain a license that shall be valid for one year from the Bureau of Building Inspection. The badge or sticker shall be attached in a conspicuous location to the vendor's apparel or vehicle and visible to police officers, building inspectors and the public as required by § 701.09(b)(2) and (3).

- (f) No vendor shall be permitted to dispose of any debris or waste products generated from the operation of their business into city owned and maintain trash receptacles.

§ 719.06 LICENSING ADDITIONAL EMPLOYEES.

- (a) Vendors, after first meeting the base licensing fees listed below, shall cover each employees with an EMPLOYEES LICENSE at an extra cost of sixty five dollars \$65 per additional employee
- (b) Vendors with additional employees shall be responsible for employees' violations of this chapter and the rules and regulations.

§ 719.07 SEVERABILITY.

The provisions of this chapter shall be severable and, if any of the provisions hereof shall be held to be invalid or unenforceable, the remaining provisions of this chapter shall remain in effect.

§ 719.08 FEES FOR VENDOR'S, VEHICULAR VENDOR'S OR PEDDLER'S LICENSE.

The fees for a vendor's, vehicular vendor's or peddler's license shall be as follows:

*Vendor	500
*Vendor/ S&E	\$1,000
*Stationary vehicular vendor	\$1,000
*--approved vendors located within an authorized Business Improvement District (BID) shall pay an additional \$100 annual fee to the appropriate local BID oversight committee.	
Mobile vehicular vendor	\$500
Peddlers	\$250
License for additional employee	

719.09 SUNSET PROVISION

This ordinance shall be effective for two years from the date of enactment. The Council of the City of Pittsburgh may at the end of said period re-evaluate this ordinance for its effectiveness and desirability any may adjust, amend, continue in its present form, or allow said ordinance to expire without further action.

SECTION 2. Notwithstanding the sunset provision contained in Ord. 26/2000, all licenses remain in effect until the expiration of the current permit.