



Legislation Details (With Text)

**File #:** 2003-2113      **Version:** 4

**Type:** Ordinance      **Status:** Passed Finally

**File created:** 7/14/2003      **In control:** Committee on Public Safety Services

**On agenda:**      **Final action:** 8/4/2003

**Enactment date:** 8/4/2003      **Enactment #:** 24

**Effective date:** 8/14/2003

**Title:** An Ordinance amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article III, Sales Businesses, Chapter 719 Vendors and Peddlers, by amending Section 719.5A Permitted Locations, 719.5B Permit, Application and Duration, and by adding Sections 719.09 Street and Sidewalk Vending Site Designation Committee and 719.10 List of Sites Approved by Council.

**Sponsors:** Alan Hertzberg

**Indexes:** PGH. CODE ORDINANCES TITLE 07 - BUSINESS LICENSING

**Code sections:**

**Attachments:**

| Date      | Ver. | Action By                           | Action                               | Result |
|-----------|------|-------------------------------------|--------------------------------------|--------|
| 8/15/2003 | 4    | Mayor                               | Signed by the Mayor                  |        |
| 8/4/2003  | 4    | City Council                        | Passed Finally, As Amended           | Pass   |
| 8/4/2003  | 4    | City Council                        | AMENDED                              | Pass   |
| 8/4/2003  | 3    | City Council                        | Passed Finally                       | Pass   |
| 7/30/2003 | 2    | Committee on Public Safety Services | AMENDED                              | Pass   |
| 7/30/2003 | 3    | Committee on Public Safety Services | Affirmatively Recommended as Amended | Pass   |
| 7/23/2003 | 1    | Committee on Public Safety Services | AMENDED                              | Pass   |
| 7/23/2003 | 2    | Committee on Public Safety Services | Held in Committee                    | Pass   |
| 7/16/2003 | 1    | Committee on Public Safety Services | Held in Committee                    | Pass   |
| 7/14/2003 | 1    | City Council                        | Read and referred                    |        |
| 7/14/2003 | 1    | City Council                        | Waived under Rule 8                  | Pass   |

Presented by Mr. Hertzberg

**AS AMENDED**

An Ordinance amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article III, Sales Businesses, Chapter 719 Vendors and Peddlers, by amending Section 719.5A Permitted Locations, 719.5B Permit, Application and Duration, and by adding Sections 719.09 Street and Sidewalk Vending Site Designation Committee and 719.10 List of Sites Approved by Council.

**Be it resolved by the Council of the City of Pittsburgh as follows:**

**Section 1.** Amending and supplementing the Pittsburgh Code, Title Seven, Business Licensing, Article III, Sales Businesses, Chapter 719 Vendors and Peddlers.

**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          |
| <u>719.09</u> | <u>Street and Sidewalk Vending Site Designation Committee</u>       |
| <u>719.10</u> | <u>List of sites approved by Council</u>                            |

**§ 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. The list shall also include a description of goods and merchandise that may and may not be sold or rented at a particular vending location. If a Council Ordinance adopting a vending site or sites pursuant to Section 719.09 specifies a description of the goods and merchandise to be sold or rented at a particular site, the Director is bound to follow the Ordinance relative to the goods and merchandise at the particular site.

**§ 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. Following adoption of an ordinance by Council that adds a site or sites, the Director of the Department of Public Works, or his/her assign, shall announce the availability of the site or sites by public advertisement and communication to those involved in the business of street and sidewalk vending. 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) Prior to the renewal or approval of new vending locations a public notification placard shall be posted for a period of no less than 15 days prior to formal approval.

### **719.09 STREET AND SIDEWALK VENDING SITE DESIGNATION COMMITTEE**

- (a) The Council of the City of Pittsburgh hereby establishes a seven member committee to be titled the "Street and Sidewalk Vending Site Designation Committee" to be composed of the following members or their designees:

An appointee of the Mayor

The Director of the Department of Public Works

The Director of the Department of City Planning

The Director of the Public Parking Authority

The Director of the Department of Parks, Recreation and Youth Policy

Two (2) individuals selected by the President of City Council.

- (b) The Chief of the Bureau of Building Inspection shall act as scheduler of Committee meetings. The Director of the Department of Public Works or a designee shall maintain the official record and record and verify all communications to the Committee from the general public.

- (c) The activities of the Committee shall include, but not be limited to, the following:

i.) Prepare for public advertising and general notification to the community a formal announcement that City Council is requesting recommendations for specific vending and vehicular vending locations within the boundaries of the City of Pittsburgh from the general public and those directly involved in the business of street and sidewalk vending. The public notice shall reference where members of the public can obtain a copy of Council's Ordinance on street and sidewalk vending.

ii.) The Committee shall compile a list of all recommendations for vending and vehicular vending sites and submit to City Council, a report including exact locations and the Committee's evaluation of site appropriateness. When any vending district is proposed the committee shall organize a meeting with representatives of local merchants, community organizations and vendors to seek advisory input regarding vendor activities.

iii.) City Council shall conduct a formal cablecast Public Hearing to inform the general public and the vending community of this report and to solicit testimony regarding the appropriateness of each location.

- (d) City Council shall adopt an ordinance specifically listing each site where street and sidewalk vending shall be permitted by licensed vendors pursuant to the guidelines and requirements of the new Ordinance establishing sidewalk and street vending opportunities in the City of Pittsburgh.

- (e) The Committee shall conduct semi-annual meetings, as scheduled by the Chief of the Bureau of Building Inspection or a designee, to evaluate additional recommendations for specific vending and vehicular vending

locations within the boundaries of the City of Pittsburgh. The Bureau of Building Inspection shall advertise the dates of the semi-annual meetings requesting applications for site nominations be submitted no later than thirty (30) days prior to the scheduled meetings of the Committee. At least 15 days before a meeting of the Committee, the District City Council member for each site nomination shall be notified of each nomination within his/her City Council District. These additional recommendations shall be addressed in accordance with the procedures set forth in this Ordinance.

(f) City Council may accept, reject or modify any sites recommended by the Committee. Upon receipt of site recommendations from the Committee, City Council may, without any review, recommendation or report on a site or sites from the Committee, add a site or sites, by amending the ordinance to specify the additional site or sites, subject however to the ability of the Director of the Department of Public Works to modify or reject such site or sites if not compatible with the public interest considering the factors specified in Section 719.05A(a) above.

### **§719.10 LISTS OF SITES APPROVED BY COUNCIL**

City Council has approved the following sites as locations for street and sidewalk vending. Where indicated, a specified number of vendors greater than one is permitted at a site. Otherwise, only one vendor is permitted per site. In the event that the Director of the Department of Public Works determines that a site that is being utilized has become unavailable as a result of community development, the Director of the Department of Public Works shall either refund the vendor's license fee on a prorata basis or, subject to City Council approval if not provided previously, relocate the Vendor to a nearby comparable site.

(2) CORNERS OF FORBES AV & BIGELOW BL

(2) CORNERS OF FIFTH & DESOTA (Side of Graduate School of Public Health)

(2) CORNERS OF OHARA & DESOTA (North & South)

(2) CORNERS OF FIFTH & CRAIG (PNC Side)

(5) FORBES & BIGELOW (Schenley Parking Plaza inner side)

(6) SCHENLEY PLAZA/UNIVERSITY OF PGH Mobile District

(2) BIGELOW BLVD NR FORBES AV (1/2 block up)

(6) TECH ST-MARGARET MORRISON/CMU Mobile District

(2) CORNERS OF TECH ST & FREW ST

5513 WALNUT ST

CCB - GRANT & FOURTH

CCB - GRANT & FORBES

MARKET SQUARE (CLOCK/STAGE)

MARKET SQUARE (1ST BASE)

MARKET SQUARE (2ND BASE) This site is designated as a Produce Stand

MARKET SQUARE (3RD BASE)

(2) MELLON SQUARE PARK - WM. PENN PL

CORNER OF WOOD ST & FIFTH AVE

"T" STATION - WOOD ST

"T" STATION - STANWIX ST

"T" STATION - FIFTH & GRANT

(2) FT. DUQUESNE BLVD - CORNERS OF 6TH (BRIDGE SIDE)

(2) FT. DUQUESNE BLVD - CORNERS OF 6TH (DT SIDE)

(2) FT. DUQUESNE BLVD - CORNERS OF 7TH (BRIDGE SIDE)

(2) FT. DUQUESNE BLVD - CORNERS OF 7TH (DT SIDE)

GATEWAY CENTER (OLD NAVY- PENN & STANWIX)

7TH & PENN - OPPOSITE KATZ PLAZA

4503 PENN AVE (in front of St. Mary's Cemetery)

6105 PENN AVE

(12) PENN & HIGHLAND (VENDING DISTRICT)

NORTH ST. CLAIR @ BUNKER HILL (next to city tennis courts)

WEST PARK, WEST OHIO (tennis courts)

EAST PARK - CIRCLE FLOWERBED (Cedar & E North)

(2) MOORE PARK

BROOKLINE BLVD & WEST LIBERTY

BROOKLINE MEMORIAL PARK

(3) CORNERS OF TONY DORSETT & REEDSDALE (formerly Martindale & Merchant)

(4) CORNERS OF TONY DORSETT & GEN ROBINSON (formely Martindale & Gen Robinson)

(2) CORNERS OF EASTERN SIDE OF SANDUSKY & ISABELLA @ 7TH ST BRIDGE

BUNKER HILL AT HIGHLAND PARK ENTRANCE

TONY DORSETT DRIVE BETWEEN REEDSDALE & WEST GENERAL ROBINSON

TONY DORSETT DRIVE BETWEEN NORTH SHORE DRIVE AND WEST GENERAL ROBINSON

(2) SOUTH WEST CORNERS OF ALLEGHENY AVENUE AND RIDGE IN NORTH SIDE

(4) WEST GENERAL ROBINSON AT BRIDGE PIERS BETWEEN TONY DORSETT DRIVE AND BILL MAZEROSKI WAY