



Legislation Details (With Text)

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File created: 5/24/2019 **In control:** Committee on Public Works
On agenda: 6/12/2019 **Final action:** 7/16/2019
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Effective date: 6/24/2019

Title: Ordinance amending and supplementing the Pittsburgh Code of Ordinances at Title Seven: Business Licensing, Chapter 719: Vendors and Peddlers, by amending the existing language of Sections 719.02, 719.04, 719.09, and 719.10 and adding Section 719.04BA, to better align Peddler licensing with Allegheny County Health Department food regulations, to add the City of Pittsburgh Department of Mobility and Infrastructure (“DOMI”) to the Street and Sidewalk Vending Site Designation Committee, to add the City of Pittsburgh Department of Permits, Licenses and Inspections as a voting member of the Street and Sidewalk Vending Site Designation Committee.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Summary 2019-1730.docx

Date	Ver.	Action By	Action	Result
7/16/2019	2	City Council	Motion	Pass
7/16/2019	2	City Council	Passed Finally, As Amended	Pass
6/24/2019	1	Mayor	Signed by the Mayor	
6/18/2019	1	City Council	Passed Finally	Pass
6/12/2019	1	Standing Committee	Affirmatively Recommended	Pass
6/5/2019	1	Standing Committee	Held in Committee	Pass
5/28/2019	1	City Council	Read and referred	

Ordinance amending and supplementing the Pittsburgh Code of Ordinances at Title Seven: Business Licensing, Chapter 719: Vendors and Peddlers, by amending the existing language of Sections 719.02, 719.04, 719.09, ~~and 719.10~~ and adding Section 719.04BA, to better align Peddler licensing with Allegheny County Health Department food regulations, to add the City of Pittsburgh Department of Mobility and Infrastructure (“DOMI”) to the Street and Sidewalk Vending Site Designation Committee, to add the City of Pittsburgh Department of Permits, Licenses and Inspections as a voting member of the Street and Sidewalk Vending Site Designation Committee.

WHEREAS, the City of Pittsburgh has a strong interest in ensuring the health, safety, and welfare of persons and property within the City’s jurisdiction, including but not limited to the provision and sale of goods, merchandise, and food within the City;

WHEREAS, the provision and sale of goods, merchandise, and food within or near the City’s right-of-ways directly affect the use of those right-of-ways and the health, safety, and welfare of persons and property within

the City's jurisdiction;

WHEREAS, the City recognizes the Allegheny County Health Department's interest in regulating the provision and sale within Allegheny County;

WHEREAS, the City of Pittsburgh Department of Mobility and Infrastructure has a strong interest in and expertise and jurisdiction regarding the use of right of ways within the City to ensure the health, safety, and welfare of persons and property within the City's jurisdiction;

WHEREAS, the City of Pittsburgh Department of Permits, Licenses has a strong interest in and expertise and jurisdiction regarding the licensing of businesses and trades within the City to ensure the health, safety, and welfare of persons and property within the City's jurisdiction; and

WHEREAS, the City wishes to maintain updated, comprehensive, and cooperative regulation of the provision and sale of goods, merchandise, and food within the City;

Be it resolved that the Council of the City of Pittsburgh enacts as follows:

Section 1.

§ 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, ~~or~~ merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions **and** 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, or provisions from an approved vending unit at an approved vendor location.~~ **When the term "vendor" is used by itself in this chapter with no other descriptor, it shall be interpreted to include all types of vendors that are regulated in this Chapter.**
- (c) **VENDOR EMPLOYEE.** An employee without partial ownership of the business working at a licensed establishment. Workers compensation insurance is required to cover any vendor employee during the license period.
- (d) **~~VENDOR~~ AT 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, or provisions from an approved vending unit at an approved vendor location located within 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 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 Consol Energy Center 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. and Gertrude E. Peterson Event Center; and property owned and operated by Duquesne University known as A.J. Palumbo Center.
- (e) **STATIONARY 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, or provisions from an approved vending station.

- (f) **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, or provisions from an approved vending vehicle that shall not remain at any one (1) location for a period greater than four (4) hours.
- (g) **BLOCKFACE**. As defined by the Department of Permits, Licenses and 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 (2) blockfaces.
(Ord. 31-2002, § 1, eff. 11-4-02; Ord. No. 61-2015, § 1, eff. 12-18-15; Ord. No. 27-2018, § 1, eff. 8-6-18)

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§ 719.04A - LOUD NOISES, SPEAKING DEVICES, SIGNS, GOODS, SMOKE, STRONG ODORS AND DISPOSAL OF TRASH.

- (a) No vendor, peddler, ~~vehicular vendor~~, nor any person on 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 (2) feet by two (2) 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 eleven (11) feet high, twenty-four (24) feet long shall comply with all applicable Allegheny County Health Department regulations regarding smoke and odor control, and all food safety rules and regulations. **This includes but is not limited to the definition of "Food."**
- (d) The Director of the Department of ~~Public Works or his/her assign~~, upon approval from the Council of the City of Pittsburgh, **Permits, Licenses, and Inspections or their assignee** 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 **license 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 **Department of Mobility and Infrastructure** ~~Public Works or his/her~~ **their assignee during and Permits, Licenses, and Inspections or their assignee as part of** the application process.
- (e) Vendors ~~and vehicular vendors~~ may apply to the Department of ~~Public Works~~ **Mobility and Infrastructure** as part of the licensing requirements established by PLI for an exception to the vending unit size constraints enumerated in subsection (c).
- (f) All **stationary** vendors ~~and vehicular vendors~~ shall be accompanied by a metal or rigid plastic trash container (s) with a thirty-gallon combined minimum capacity if the vendor is selling a product that generates trash. In addition, vendors shall also be responsible for maintaining and cleaning a twenty-five (25) foot perimeter surrounding the designated location of the vending unit or vehicle.
(Ord. 31-2002, § 1, eff. 11-4-02; Ord. No. 61-2015, § 1, eff. 12-18-15; Ord. No. 30-2016, § 1, eff. 11-1-16; Ord. No. 27-2018, § 1, eff. 8-6-18)

§ 719.09 - STREET AND SIDEWALK VENDING SITE DESIGNATION COMMITTEE.

- (a) The Council of the City of Pittsburgh hereby establishes a ~~seven (7)~~ **nine (9)** 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.
 - **The Director of the Department of Mobility and Infrastructure.**
 - **The Director of the Department of Permits, Licenses, and Inspections.**
 - Two (2) individuals selected by the President of City Council who are licensed vendors under Section 719.01 above.
- (a) The Director of the Department of Permits, Licenses and Inspections **or a designee** shall act as scheduler of Committee meetings. The Director of the Department of ~~Public Works~~ **Permits, Licenses, and Inspections** or a designee shall maintain the official record and record and verify all communications to the Committee from the general public.
- (b) The activities of the Committee shall include, but not be limited to, the following:
- (i) **The Department of Permits, Licenses, and Inspections will** prepare for public advertising and general notification to the community a formal announcement **sixty 60 days prior to the bi-annual meeting** 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.
 - (iii) 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)~~ (iv) 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.
- (c) 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.
- (d) The Committee shall conduct biannual meetings, as scheduled by the Director of the Department of Permits, Licenses and Inspections or a designee, to evaluate additional recommendations for specific vending and vehicular vending locations within the boundaries of the City of Pittsburgh. The Department of Permits, Licenses and Inspections shall advertise the dates of the biannual meetings requesting applications for site nominations be submitted no later than **three (3) business days** ~~thirty (30) days~~ prior to the scheduled meetings of the Committee. These additional recommendations shall be addressed in accordance with the procedures set forth in this Resolution.
- (e) City Council may accept, reject or modify any sites recommended by the Committee. City Council may, without any review, recommendation or report on a site or sites from the Committee, add a site or sites, at any time by adoption of an ordinance specifying the additional site or sites, subject however to the ability of the Director of the Department of ~~Public Works~~ **Mobility and Infrastructure** 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.
- (Ord. 31-2002, § 1, eff. 11-4-02; Ord. 24-2003, eff. 8-4-03; Ord. No. 27-2018, § 1, eff. 8-6-18)