

ORDINANCE #68603
Board Bill No. 324

An ordinance pertaining to street vending; amending Section One of Ordinance 66680 to adjust the boundaries of the Downtown Vending District; repealing Ordinance 68108, which established the Civic Center Vending District; repealing Section Thirty of Ordinance 65061 as amended and adopting a new section in lieu thereof, providing rules and regulations for vending businesses in the Downtown Vending District; establishing a special fund, to be known as the Downtown Vending District Parks Fund and providing that funds in such fund may be appropriated only for expenditure by the Department of Parks, Recreation and Forestry for maintaining and improving parks which are within the Downtown Vending District; amending Section Thirty-One of Ordinance 65061 to authorize the Director of Parks, Recreation and Forestry to issue up to ten (10) vehicle vendor or fixed location sidewalk vendor permits at one time for the totality of all parts of the City Park Vending District located within the Downtown Vending District; with an emergency clause.

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

SECTION ONE. Paragraph A of Section One of Ordinance 66680 is hereby deleted and the following language inserted in its place:

A. "Downtown Vending District" shall mean the area bounded by the east side of Fourth Street on the east, and the centerlines of Cole Street on the north, Eighteenth Street on the west and Chouteau Street on the south.

SECTION TWO. Ordinance 68108, approved September 24, 2008, is hereby repealed.

SECTION THREE. Section Thirty of Ordinance 65061 as amended by Section Two of Ordinance 66680 is hereby amended by deleting the existing language and the following language inserted in its place:

SECTION THIRTY. Rules and Regulations for Downtown Vending District

In addition to all other requirements of this ordinance the following provisions shall apply to every vending business in the Downtown Vending District. The provisions of this section shall supersede any other provision of Chapter 8.108A of the City Code if such provisions are inconsistent.

A. Every vending business in the Downtown Vending District must operate from a fixed location on a public sidewalk or public right of way, other than a roadway except when licensed as a Festival Vendor under the provisions of this ordinance.

B. Vendors must apply for and obtain a permit to operate a vending business in the Downtown Vending District as provided in this section prior to obtaining a vendor's license. Vendor's permits shall be issued by the Director of Streets (the "Streets Director") for locations in the Downtown Vending District which are not within the City Parks Vending District, and by the Director of Parks, Recreation and Forestry (the "Parks Director") for locations in the Downtown Vending District which are within the City Parks Vending District.

C. No person, partnership or corporation shall be issued more than two (2) vendor's permits for locations within the Downtown Vending District, including areas in the Downtown vending District which are within the City Parks Vending District, at any one time. No vendor's permit may be issued for any location which is within one block of any part of the City Parks Vending District and outside such District.

D. Vendors' permits in the Downtown Vending District shall be approved prior to issuance by the Board of Public Service. No such permit shall be approved unless it has been recommended by the Director of Streets, or in the case of locations within both the Downtown vending District and the City Parks Vending District, by the Parks Director, who shall certify in their recommendation that prior to such recommendation such director consulted with the Partnership for Downtown St. Louis concerning the matter and complied with the requirements of Subsection F of this section. This subsection does not apply to permits regulated by subsections H and I of this section.

E. The minimum annual fee for a vendor's permit shall be \$500; provided, this fee may be increased by the Board of Public Service, in its discretion, to an amount up to \$1000, after request of the Streets Director and the Parks Director, identifying increases in regulatory costs to the City justifying the proposed fee increases. All revenue derived from vendor's permit fees shall be held in the Downtown Vending District Parks Fund established by Ordinance ___ (B. B. ____).

F. When the Streets Director or the Parks Director determine that a vending permit should be issued for a location within the Downtown Vending District or for a location within part of the City Parks Vending District which is within the Downtown Vending District:

1. such director shall establish criteria, as follows:
 - i) vending location;
 - ii) items to be sold, e.g. food, beverages, clothing;
 - iii) hours of vending;
 - iv) type of vending structure, e.g. food cart; provided, the criteria shall expressly provide that no vending may be done from shopping carts ;
 - iv) contribution to diversity of products available from vendors, and diversity of appearance of vendors' facilities, within the Downtown Vending District or within the City Parks Vending District within the Downtown Vending District;
2. such director shall issue a solicitation for permit applications, which shall:
 - i) be published in two newspapers of general circulation in the metropolitan area and on the City's website for two weeks;
 - ii) identify the vending location;
 - iii) state the criteria;
 - iv) request permit applications, which shall
 - a) require applicants to indicate whether they will pay the City sums above the minimum fee;
 - b) require appropriate applicant identity information;
 - c) require photographic and other information about the vending structure, e.g. food cart;
 - d) contain detailed information about items to be sold and prices and suppliers;
 - e) require additional information as deemed appropriate; and
 - v) state the due date for applications.
3. After receipt of permit applications, the Streets Director or the Parks Director, as applicable, shall rank the applications based on completeness, desirability of product, proposed payments to the City, suitability of vending structure for the location, and contribution to diversity of products available from vendors and diversity of appearance of vendors' facilities, within the Downtown Vending District or within part of the City Parks Vending District within the Downtown Vending District;
4. Such Director shall then consult with the Partnership for Downtown St. Louis concerning the matter.
5. Such Director may reject all applications and shall retain records of his or her proceedings.

G. A sidewalk vendor shall be required to operate a vending business a minimum of ninety (90) days per year for a minimum of four (4) hours per day. No pushcart or other item related to the operation of a vending business shall be located on any City sidewalk or other public areas during non-vending hours, nor shall any such pushcart or any other item be parked, stored or left

overnight in the Downtown Vending District or in any part of the City Parks Vending District within the Downtown Vending District;

H. Vendor's permits issued pursuant to this ordinance shall be valid for three (3) years beginning on January 1 following approval of an application and ending on the third subsequent December 31, subject to payment in advance of the annual vendor's permit fee by December 31; provided, the Streets Director or the Parks Director as applicable may recommend to the Board of Public Service by December 1 of each year during the term of a permit that the permit be revoked as of the subsequent December 31 for non-compliance with this ordinance or applicable regulations or failure to maintain a vendor's license. Following the expiration or revocation of a license, the applicable Director may initiate a new solicitation process, if he or she believes continued vending at the location is in the City's interests.

I. Notwithstanding the provisions of this Section, no person shall be permitted to vend on any public sidewalk or within any public right of way within the following described area (also depicted in the diagram attached hereto as Exhibit A) in the Downtown Vending District, which includes the area known as the South Downtown Project Area as defined in Ordinance 65668, unless such person is a designated redeveloper for the South Downtown Project Area or has entered into a valid vending agreement with a designated redeveloper for the South Downtown Project Area and such person has otherwise complied with all requirements of this ordinance and Ordinance 65061:

A tract of land being located in all of Blocks 6465, 6466, 6467, 106, 6509, 1409, 160, 161, 162, 147, and 148 and part of Blocks 188, 425, 417, 418, 419, and 422 of the City of St. Louis, Missouri being more particularly described as follows:

Beginning at the intersection of the Easterly line of former 9th Street vacated by Ordinance No. 9191 and the Southerly line of Walnut Street, thence along the easterly line of former 9th Street and its direct prolongation Southerly to the Northern Line of Gratiot Street, thence along last said Northerly line to the

Westerly line of 4th Street, thence along last said Westerly Line to the Southerly line of Walnut Street, thence along last said Southerly line to the Easterly line of former 9th Street, and the Point of Beginning.

J. Notwithstanding the provisions of this Section, no person shall be permitted to vend on any public sidewalk or within any public right of way within the following described area (also depicted in the diagram attached hereto as Exhibit A) in the Downtown Vending District, unless such person has entered into valid vending agreements with the Convention and Visitors Commission:

The area bounded as follows: beginning at the intersection of the centerlines of 9th Street and Cole Street, thence east along such centerline of Cole Street to its intersection with the west right-of-way line of I-70, thence south along such west right-of-way line of I-70 to its intersection with the centerline of Convention Plaza, thence west along such centerline of Convention Plaza west to its intersection with the centerline of 7th Street, thence south along such centerline of 7th Street to its intersection with the centerline of Washington Avenue, thence west along such centerline of Washington Avenue to its intersection with the centerline of 9th Street, thence north along such centerline of 9th Street to the point of beginning.

SECTION THREE. There is hereby established a special, fund, to be known as the Downtown Vending District Parks Fund. Funds in the Downtown Vending District Parks Fund may be appropriated only for expenditure by the Department of Parks, Recreation and Forestry for maintaining and improving parks which are within the Downtown Vending District.

SECTION FOUR. Section Thirty-One of Ordinance 65061 is hereby amended by deleting Subsection B thereof, and adopting the following in lieu thereof:

B. The Director of Parks, Recreation and Forestry is authorized to establish rules, regulations and fee schedules not inconsistent with the provisions of Chapter 8.108A of the City Code and this ordinance necessary for the proper administration of operating a vending business within City Parks Vending Districts; provided, however, that the Director shall issue not more than ten (10) vehicle vendor or fixed location sidewalk vendor permits at one time for the totality of all parts of the City Parks Vending District located within the Downtown Vending District. Such rules, regulations and fee schedules shall be maintained in the office of the Director and shall be available for public inspection during ordinary business hours.

SECTION FIVE. This being an ordinance deemed necessary for the preservation of the public peace, health, and safety, it is hereby declared to be an emergency measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City of St. Louis and therefore shall become effective immediately upon its passage and approval by the mayor.

Exhibit A

**The South Downtown Redevelopment Project Area
Legal Description**

Beginning at the intersection of the North line of Walnut Street and the West line of Eighth Street; thence Southwardly along said West line of Eighth Street across all intervening streets and alleys to its point of intersection with a line parallel to and 130 feet South of Spruce Street; thence Westwardly along said line 115 feet, more or less, to its point of intersection with the Center line of a former North-South 15 foot wide alley in City Block 417; thence Southwardly along said Center line 70 feet, more or less, to its point of intersection with a line parallel to and 200 feet South of Spruce Street; thence Westwardly 135 feet, more or less, to its point of intersection with the East line of Ninth Street; thence Southwardly along said East line of Ninth Street to its point of intersection with the Eastward prolongation of the South line of a street (30 feet wide) established under provisions of Ordinance No. 9191; thence Westwardly along said Eastward prolongation to its point of intersection with the West line of former Ninth Street, vacated under provisions of Ordinance No. 9191; thence Southwardly along said West line of former Ninth Street to its point of intersection with the South line of the former Cerre Street; thence Eastwardly along said South line of former Cerre Street across all intervening streets and alleys to a point of intersection with the West line of Seventh Street; thence Eastwardly across said Seventh Street to the point of intersection with the East line of Seventh Street and the South line of Cerre Street (as it currently exists); thence Eastwardly along said South line of Cerre Street across all intervening streets and alleys to its point of intersection with the East line of South Broadway; thence Northwardly along said East line of South Broadway across all intervening streets and alleys to its point of intersection with the North line of Walnut Street; thence Westwardly along said North line of Walnut Street across all intervening streets and alleys to the point of beginning.

Said Redevelopment Area contains the following:

Exhibit D Parcel #	Parcel ID #	Exhibit D Parcel#	Parcel ID #
1	04170000100	14	01470001150
2	04170000150	15	01470001050
3	04170000200	16	01470001200
4	04170000300	17	01620000100
5	04180000700	18	01620000200
6	01470000100	19	01620000300
7	01470000200	20	64650000101
8	01470000500	21	64660000100
9	01470000601	22	64690001000
10	01470000700		
11	01470000800		
12	01470000906		
13	01470001000		

Approved: March 16, 2010