

## *St. Louis City Ordinance 64569*

FLOOR SUBSTITUTE

BOARD BILL NO. [98] 196

INTRODUCED BY ALDERMAN PHYLLIS YOUNG

An ordinance pertaining to vendors; repealing Ordinance 34889, approved on April 21, 1926, Section 29-104 of Ordinance 52030, approved on June 1, 1963, Ordinance 53070, approved on March 10, 1965, Ordinance 54719, approved on April 5, 1967, Ordinance 55785, approved on January 7, 1971, Ordinance 56640, approved on December 20, 1973, Ordinance 57583, approved on April 3, 1978, Ordinance 58086, approved on June 12, 1980, Ordinance 58514, approved on March 1, 1982, Ordinance 59090, approved on March 23, 1984, Ordinance 59454, approved on June 4, 1985, Ordinance 59533, approved on September 24, 1985, Ordinance 59923, approved on June 27, 1986, Section Two of Ordinance 64166, approved on October 24, 1997, Ordinance 64327, approved on March 13, 1998 and Chapter 8.48 of the Revised Code of the City of St. Louis; establishing comprehensive rules and regulations for vendors within the City of St. Louis, setting the fees to be collected by the License Collector for the operation of a vending business; establishing different classifications of vendors, creating special vending districts; containing definitions, a severability clause, a penalty clause and an emergency clause.

WHEREAS, for more than 70 years the City of St. Louis has regulated peddlers, hawkers and street vendors in an effort to promote the public safety, health and welfare of the residents of the City and the many thousands of individuals who visit the City of St. Louis each year; and

WHEREAS, the nature of street vending has significantly changed since the early part of this century and there is a need to update the rules and regulations applicable to street vendors and to provide for an effective and efficient means of licensing these businesses; and

WHEREAS, the City of St. Louis, through the Office of the License Collector, is authorized by statute to regulate the issuance of licenses and to charge a reasonable fee for such license in order to offset the cost of the administration and enforcement of the licensing program; and

WHEREAS, it is the intention of this Board of Aldermen that a procedure be established by ordinance which will promote street vending within the City of St. Louis while allowing for the reasonable regulation of such businesses in

order to safeguard the peace, safety, health and convenience of the general public;

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

SECTION ONE. Ordinance 34889, approved on April 21, 1926, Section 29-104 of Ordinance 52030, approved on June 1, 1963, Ordinance 53070, approved on March 10, 1965, Ordinance 54719, approved on April 5, 1967, Ordinance 55785, approved on January 7, 1971, Ordinance 56640, approved on December 20, 1973, Ordinance 57583, approved on April 3, 1978, Ordinance 58086, approved on June 12, 1980, Ordinance 58514, approved on March 1, 1982, Ordinance 59090, approved on March 23, 1984, Ordinance 59454, approved on June 4, 1985, Ordinance 59533, approved on September 24, 1985, Ordinance 59923, approved on June 27, 1986, Section Two of Ordinance 64166, approved on October 24, 1997, Ordinance 64327, approved on March 13, 1998 and Chapter 8.48 of the Revised Code of the City of St. Louis are hereby repealed.

**SECTION TWO. Definitions.**

"City park" means any area maintained by the Director of Parks, Recreation and Forestry including any sidewalk immediately adjacent to such area but not extending past the curbline of such sidewalk.

"Festival vendor" means any person who sells or offers for sale any goods, wares, merchandise, flowers, horticultural products, services, food or beverages from a booth, stall, stand, table, wagon, pushcart, handcart or other vehicle, or from a pack, basket or similar container, or hand held display at a parade, fair or festival for which the City has issued a permit.

"Itinerant vendor" means any person who engages in a temporary or transient business in the City, selling goods, wares, merchandise, flowers, horticultural products, services, food or beverages, and who for the purpose of carrying on such business, hires, leases or occupies any building or enclosed structure, or any portion thereof, for the exhibition or sale of goods, wares or merchandise.

"Roadway" means that portion of the street or alley between the regularly established curbs, or that portion ordinarily used for vehicular traffic.

"Sidewalk" means that portion of a street, intended for the use of pedestrians, between the curbline or lateral boundary of a roadway and the adjacent property line.

" Sidewalk Vendor"means any person who sells or offers for sale on any public sidewalk or public right of way, other than a roadway, any goods, wares, merchandise, flowers, horticultural products, services, food or beverages from a booth, stall, stand, table, wagon, pushcart, handcart or other non-motorized vehicle, or from a pack, basket or similar container, or hand held display.

"Soulard Market Area" means the area bounded by Lafayette Street on the south, Seventh Street on the east, Marion Street on the north and Interstate highway 55 on the west.

"Tower Grove Park" means the public park bounded by the east curblin of Kingshighway, the south curblin of Magnolia Avenue, the west curblin of Grand Boulevard and the north curblin of Arsenal Street.

" Vehicle Vendor"means any person who sells or offers for sale on any public street, public roadway or roadway median any goods, wares, merchandise, horticultural products, services, flowers, food or beverages from a wagon, pushcart, handcart or other vehicle.

"Vend or vending" means to sell or offer for sale any goods, wares, merchandise, flowers, horticultural products, services, food or beverages.

## PART I VENDORS LICENSE

### SECTION THREE. Vending business - Permitted - License required

No person shall operate a business as a sidewalk vendor, vehicle vendor, itinerant vendor, or festival vendor within the City of St. Louis without first having obtained a license according to the provisions of this ordinance. No person shall act as an agent or an employee for any person licensed under the provisions of this ordinance unless such person has first obtained an identification certificate from the License Collector. No licensee shall permit any other person to act as agent or employee for such licensee unless such person has first obtained an identification certificate from the License Collector.

### SECTION FOUR. Vendor's License-Application-contents

Application for a license shall be made in writing on a form provided by the License Collector, and signed by the applicant. If the applicant is a corporation, a duly authorized agent shall sign the application. The application shall contain the following information:

- (a) The full name, residence address and business address of the applicant and any employee of the applicant
- (b) The business telephone number of the applicant;
- (c) The type of license sought by the applicant;
- (d) A general description of the item or items to be sold;
- (e) A full face photograph of the applicant and a full face photograph of the applicant's employees, if applicable;
- (f) a written statement of clearance certifying that no current or past earnings and /or property taxes are due and payable to the City;
- (g) a statement from the Director of Revenue of the State of Missouri certifying that the applicant is not delinquent in the payment of any sales tax if the list of delinquent taxpayers provided to the City by the Director of Revenue indicates a delinquency on the part of such person.
- (h) Any such other information as may be required by the License Collector.

Subsequent to the issuance of a license, the licensee shall be required to notify the License Collector within 10 days of any changes in the information made part of the application.

#### SECTION FIVE. Issuance of license - Contents - Exhibition

Upon the filing of the completed application, the payment of the proper license fee as prescribed in this ordinance and proof of a policy of insurance in the amount of twenty-five thousand dollars/fifty thousand dollars bodily injury coverage and property damage in the amount of ten thousand dollars with an insurance company of good standing, the License Collector shall deliver to the licensee a license.

Every license shall be numbered consecutively, and shall show the name, occupation and place of residence of the licensee and the period for which the license is issued.

Every license shall be color-coded in a manner to be determined by the License Collector.

Each licensee shall carry the license with him and shall exhibit it whenever required by any police officer or other officer authorized under the laws or ordinances to make arrests.

#### SECTION SIX. Identification Certificate-Application-contents

Application for an employee identification Certificate shall be made in writing on a form provided by the License Collector, and signed by the applicant. The application shall contain the following information:

- (a) The full name, residence address and business address of the applicant;
- (b) The name of the applicant's employer;
- (c) A full face photograph of the applicant;
- (d) Any such other information as may be required by the License Collector.

The License Collector is authorized to charge a non-refundable application processing fee of \$20.00 to be collected at the time of application. Subsequent to the issuance of an identification certificate, the certificate holder shall be required to notify the License Collector within 10 days of any changes in the information made part of the application. Each certificate holder shall carry the certificate with him and shall exhibit it whenever required by any police officer or other officer authorized under the laws or ordinances to make arrests.

#### SECTION SEVEN. Corporate applicant qualifications.

Each corporate applicant for a vending license shall be qualified to do business under the laws of the state of Missouri.

#### SECTION EIGHT. Applicability of Health Code-Inspection.

All licensees and their employees shall be subject to and comply with all applicable requirements and standards for dispensing and purveying food contained in Title Eleven of the Revised Code, as amended, and rules and regulations promulgated thereunder by the Health Commissioner. All food held, offered for sale, sold or given away by licensees shall be subject to and comply with all applicable requirements for such food of the Revised Code and the rules and regulations promulgated thereunder by the Health Commissioner.

#### SECTION NINE. Health Inspections and analysis.

It shall be the duty of every licensee to permit inspections to be made and, when required, to furnish samples of any foods kept, offered for sale or given away by the licensee as often as may be deemed necessary to determine that the foods are free from adulteration, are not misbranded, and do not contain an excessive number of microorganisms or their toxins. The licensee shall answer all reasonable and proper questions and furnish records of the sampled product. Samples shall be examined or analyzed by or under the direction of the City's Department of Health, and a record of each such examination or analysis shall be made and kept in its office.

#### SECTION TEN. Vending prohibited districts.

No person shall sell or offer for sale or permit the offering or selling of any goods, wares, merchandise, flowers, food or beverages upon any public streets, in the area bounding the streets, or on public sidewalks adjacent streets within the following areas:

A. the area bounded by Leonor K. Sullivan Boulevard on the east, Dr. Martin Luther King Drive on the north, Interstate Highway 70 on the west and Washington Avenue on the south except during the periods of time and within the aforesaid area that such person is a party to an agreement providing for such street vending, with the Laclede's Landing Redevelopment Corporation entered into pursuant to the approved Redevelopment Plan and is licensed as provided herein.

B. Within the area bounded by the point of intersection of the east curb line of Broadway with the south curb line of Walnut Street, thence westwardly along the south curb line of Walnut Street to a point of intersection thereof with the west curb line of Eighth Street, thence southwardly along the west curb line of Eighth Street to a point of intersection thereof with the south curb line of Spruce Street, thence eastwardly along the south curb line of Spruce Street to a point of intersection thereof with the west curb line of Seventh Street, thence southwardly along the west curb line of Seventh Street to a point of intersection thereof with the north curb line of Poplar Street, thence eastwardly along the north curb line of Poplar Street to a point of intersection thereof with the east curb line of Broadway to the point of intersection with the south curb line of Walnut Street except during the periods of time and within the aforesaid area that such person is a party to an agreement providing for such street vending, with the Civic Center Corporation and is licensed as provided herein.

C. Beginning at the intersection of Broadway and Cole Street proceeding west along the south curblines of Cole Street to 9th Street, thence proceeding south

along the east curbline of 9th Street to Washington Avenue, thence proceeding east along the north curbline of Washington Avenue to 7th Street, thence proceeding north along the west curbline of 7th Street to Convention Plaza Street, thence proceeding east along the north curbline of Convention Plaza Street to the west curbline of 4th Street, thence proceeding along the north curbline of 4th Street to Cole Street; thence proceeding west along the curbline of Cole Street to the point of beginning.

D. Within an area bounded by Sixth Street on the west, Convention Plaza on the north, Broadway on the east, and Lucas Avenue on the south except during the periods of time and within the aforesaid area that such person is a party to an agreement providing for such street vending with Lipton Associates, a partnership, or their successors, entered into pursuant to the approved Development Plan and is licensed as provided herein.

E. Within an area bounded by the east curb line of Eighteenth Street, the north curb line of Market Street, the west curb line of Twenty-First Street, and a railroad track commonly referred to as Track No. 52, except during the periods of time and within the aforesaid area that such person is party to an agreement providing for such activities, with Union Center Redevelopment Corporation or its agent and is licensed as provided herein.

F. Within the area bounded by Kingshighway Boulevard on the west, Forest Park Avenue on the south, Taylor Avenue on the east and Washington boulevard on the north.

G. Within the geographical areas created in Ordinance 62476, approved on December 20, 1991, for the 10th Ward, the 20th Ward, and the 27th Ward; with the exception that licensed vendors may sell agricultural products and flowers along the west curb line of South Broadway south from the south curb line of Meramec Street to the southernmost part of the lot numbered 2247 South Broadway; and on Ohio Street from the south curb line of Meramec Street to the north curb line of South Broadway provided such vendors are licensed as provided herein.

H. This section shall not be construed to forbid merchants occupying with their goods, wares, merchandise, flowers, food or beverages, a limited portion of the sidewalk adjacent to the property occupied by them in conformity with the conditions of a permit obtained from the Department of Streets or the Board of Public Service.

I. This section shall not be construed to prevent or prohibit the sale or offering for sale any goods, wares, merchandise, flowers, food or beverages

(i) by merchants pursuant to Ordinance 60950, approved on July 18, 1988; or

(ii) the delivery of any goods, wares, merchandise, flowers, food or beverages to any residence or business within the aforementioned geographical areas;

(iii) during any period of time for which a festival, fair or parade permit has been issued by the Street Department or the Board of Public Service for a festival, fair or parade to be conducted within any of the aforementioned areas.

## PART II SIDEWALK AND VEHICLE VENDORS

### SECTION ELEVEN. Sidewalk and Vehicle Vendor's License-Application

Every individual who desires a license as a sidewalk or vehicle vendor shall make application therefor in conformity with the provisions of this ordinance relating to applications for licenses. The fee for a sidewalk or vehicle vendor's license shall be \$200.00 per year. A non-refundable application processing fee of \$25.00 shall be collected at the time of application; provided, however, that upon the granting of a license, the amount of the application fee shall be credited to the fee for said license.

### SECTION TWELVE. Sidewalk or vehicle vendor's License-Term.

Any sidewalk or vehicle vendor's license issued according to the provisions of this ordinance shall be valid until December 31 of the year in which this ordinance is enacted. Thereafter all licenses shall be valid for one (1) year beginning on January 1 and ending on December 31. Renewal of licenses shall be permitted beginning on December 1.

No license shall be issued under this ordinance except for the full license period and the full license fee.

### SECTION THIRTEEN. Additional permit requirements.

Every sidewalk or vehicle vendor licensed under the provisions of this ordinance shall be required to obtain any additional license or permit deemed necessary by the Department of Health, the Department of Streets, the Department of Public Safety or the Department of Parks, Recreation and Forestry. Such permits shall be issued and displayed in accordance with the

rules and regulations promulgated by the department authorized to issue such rules and regulations.

#### SECTION FOURTEEN. Rules and Regulations.

A. The business of sidewalk or vehicle vending shall only be permitted between the hours of 6:00 a.m. and 11:00 p.m.

B. No pushcart or other vehicle related to the operation of a vending business shall be located on any City sidewalk or other public way during non-vending hours, nor shall any such pushcart or other item be parked, stored or left overnight;

C. A licensed vendor may not block the passage of the public through a public area or interfere with access to ramps, curb cuts or other conveniences for individuals with disabilities. If a sufficient crowd gathers to transact business with a licensed vendor such that the passage of the public through a public area is blocked or that access to ramps, curb cuts or other conveniences for individuals with disabilities is blocked a police officer may disperse that portion of the crowd that is blocking the passage of the public.

D. A licensed vendor may not conduct a vending business in a public area so as to obstruct access to private property, except with the prior written consent of the owner or manager of the property.

E. The conduct and behavior of all licensed vendors shall comply in all respects with existing noise ordinances.

F. No licensed vendor shall conduct a vending business within 150 feet from another licensed vendor or an existing business which sells or offers for sale comparable goods or merchandise.

G. No licensed vendor shall conduct a vending business within 300 feet of a fair or festival unless such vendor has first obtained the written permission of the permit holder of the fair or festival and has been issued a festival vendor's license under the provisions of this ordinance.

H. No licensed vendor shall conduct a vending business within 200 feet of the area bounded on the west by 16th Street, on the south by Clark Street, on the east by 14th Street, and on the north by Market Street, such area known as the "Kiel Center".

I. No licensed vendor shall conduct a vending business within 500 feet of the Soulard Market Area.

J. Licensed vendors shall keep the sidewalks, street and other spaces adjacent to their vending sites or locations clean and free of paper, peelings and refuse of any kind. All trash or debris accumulating within fifteen (15) feet of any vending stand shall be collected and disposed of by the vendor each day of operation.

K. Persons engaged in food or beverage vending shall affix to their pushcart a receptacle for litter that shall be maintained and emptied regularly and marked as being for litter.

L. Licensed vendors may not put refuse from the operation of their pushcart in or beside any public trash container or in any drain along or in the streets or sidewalks.

M. Licensed vendors may not leave their pushcart unattended at any time.

N. A pushcart shall not be motor powered. Nothing in this paragraph shall prohibit the transportation of a licensed vendor's pushcart to and from the licensed vendor's authorized location by a motor powered vehicle.

O. No person when selling any products upon any street, sidewalk or alley within the City shall be within two hundred feet of any church, school or hospital, excepting schools when such are not in use.

P. The Director of Streets shall formulate any additional rules and regulations necessary for the proper administration of this ordinance. Rules and regulations shall be maintained in the office of the Director of Streets and shall be available for public inspection during ordinary business hours.

SECTION FIFTEEN. License transferral prohibited.

No transfer of ownership shall be allowed on any license issued hereunder.

SECTION SIXTEEN. Licensed vendor's vehicles.

A. Every wagon, cart or other vehicle used by a licensed vendor in or about his business shall have the name of the owner and his address plainly, distinctly, and legibly painted in letters and figures at least two inches in height in a conspicuous place on the outside of each side of every such wagon, cart or other vehicle, and such name and address shall be kept so painted plainly and

distinctly at all times while such wagon, cart or other vehicle is in use during the continuance of the license covering the use of such wagon, cart or other vehicle.

B. No vehicle used for vending, selling or peddling within the City shall interfere with or impede the flow of traffic on any City street. No vending vehicle shall violate any traffic or parking laws, including the prohibition of double parking of the City.

C. Whenever the vehicle is stopped for the purpose of making a sale, it shall be stopped at the right hand curb of the street at the extreme right hand edge of the pavement and shall be legally parked. No sale shall be made from any such vehicle from other than the curb side when said vehicle is legally parked or to any person who is standing in the normally traveled portion of a City street or alley. At such stops the vehicle's motor shall be turned off unless its operation is essential to producing the product sold.

D. No vehicle may be parked or stored in a restricted parking area.

E. Each vending vehicle subject to the provisions of this chapter shall be equipped with:

(i) A mechanical and electrical signaling device which while the vehicle is stopped to make sales, will display flashing signals plainly visible from the front and rear, during the day or night, indicating that sales therefrom are being made;

(ii) A receptacle for the disposal of wrappers, papers, containers and other trash.

F. All vehicles used in the sale of the products described in this ordinance must be kept in a clean and sanitary condition at all times, and when containing loads or parts of loads of such products, they must be kept only in sanitary places that meet with the rules and regulations of the City Health Department.

## PART II - FESTIVAL VENDORS

### SECTION SEVENTEEN. Festival Vendor License-Application.

Every individual who desires to operate a vending business at a festival, fair or parade shall make application for a festival vendor license in conformity with the provisions of this ordinance relating to applications for licenses. The fee for a festival vendor's license shall be \$75.00. A non-refundable application

processing fee of \$25.00 shall be collected at the time of application; provided, however, that upon the granting of a license, the amount of the application fee shall be credited to the fee for said license. The sponsor of the fair, festival or parade and the vendor shall be jointly and severally liable for obtaining a festival vendor's license from the License Collector.

#### SECTION EIGHTEEN. Exemptions

Any vendor at a fair or festival which is two (2) calendar days or less in duration and any vending business which is operated at any fair, festival or parade solely for the benefit of a not-for-profit organization as defined by Section 501 (c) (3) of the Internal Revenue Code shall be exempt from the payment of a festival vendor license fee. Exempted festival vendors shall not be required to obtain employee identification certificates for individuals who assist the licensee in the operation of a festival vending business. Exempted festival vendors shall be required to comply with all other provisions of this ordinance.

#### SECTION NINETEEN. Festival Vendor's License - Term.

A festival vendor's license shall only be valid for the period of time during which the fair, festival or parade is held.

#### SECTION TWENTY. Festival vendor's license - contents.

In addition to any other requirement contained in this ordinance, the festival vendor's license shall include name and address of sponsor of fair, festival or parade, name and address, social security number and federal identification number of organization or vendor, type of article to be sold, days of vending, and other information deemed necessary by the License Collector.

#### SECTION TWENTY-ONE. Registration in advance.

All festival vendors shall be registered at least twenty-one (21) days prior to the fair, festival or parade at which they intend to sell goods or merchandise. The License Collector may waive this provision for good cause shown.

#### SECTION TWENTY-TWO. Additional license and permit requirements.

No festival vendor offering any goods, wares, merchandise, food or beverage exclusively at a fair, festival or parade pursuant to the provisions of this ordinance, is required to have any additional business or merchants license except for a license or permit required by the excise laws of the City.

### PART III - ITINERANT VENDORS

#### SECTION TWENTY-THREE. Itinerant Vendor License-Application.

Every individual who desires a license as an itinerant vendor shall make application therefor in conformity with the provisions of this ordinance relating to applications for licenses, and shall state the class of license sought. The fee for an itinerant vendor's license shall be \$25.00 per day. A non-refundable application processing fee of \$25.00 shall be collected at the time of application; provided, however, that upon the granting of a license, the amount of the application fee shall be credited to the fee for said license.

#### SECTION TWENTY-FOUR. Itinerant vendor's license - term

Any itinerant vendor's license issued according to the provisions of this ordinance shall only be valid on the day issued.

No itinerant vendor's license shall be issued under this ordinance except for the full license period and the full license fee.

#### SECTION TWENTY-FIVE. License transferral prohibited.

No transfer of ownership shall be allowed on any license issued hereunder.

#### SECTION TWENTY-SIX. Temporary association with local dealer.

Any person engaged as an itinerant vendor shall not be relieved from the provisions of this ordinance by reason of temporary association with any local dealer, trader, merchant or auctioneer, or by conducting a temporary or transient business in connection with, or as a part of, the business of, or in the name of any local dealer, trader, merchant or auctioneer.

#### SECTION TWENTY-SEVEN. Applicability of part.

The provisions of this ordinance shall not apply to sales made to dealers by commercial travelers or selling agents in the usual course of business, nor to bona fide sales of goods, wares or merchandise by sample for future delivery.

#### SECTION TWENTY-EIGHT. Limitations on applicability.

The provisions of this ordinance shall not apply to any person who hires, leases or occupies any part of a building or enclosed structure, or portion thereof, for the exhibition or sale of goods, wares or merchandise for a period of more than

two consecutive days and less than ten consecutive days on less than three occasions in any calendar year.

#### PART IV SPECIAL VENDING DISTRICTS

##### SECTION TWENTY-NINE. Special vending districts - established

The following special vending districts are hereby established:

A. "Downtown Special Vending District" shall mean the area bounded by the Mississippi River on the east, Cole Street on the north, Tucker Boulevard on the west and Interstate highway 40 on the south.

B. "City Park Special Vending Districts" shall mean any area maintained by the Director of Parks, Recreation and Forestry.

##### SECTION THIRTY. Rules and Regulations for Downtown Special Vending District

In addition to all other requirements of this ordinance the following provisions shall apply to every vending business in the Downtown special vending district. The provisions of this section shall supercede any other provision of this ordinance if such provisions are inconsistent.

A. Every vending business in the Downtown Special 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 a permit to operate a vending business in the Downtown Special Vending District.

C. No more than ten (10) Sidewalk Vendors permits may be in use within the Downtown Special Vending District at any time. The Director of Streets shall be authorized to issue seven (7) such permits and the Director of Parks shall be authorized to issue three (3) such permits. These permits shall be issued on a first come basis. Spaces shall not be assigned or reserved in any manner. No person, partnership or corporation shall be issued more than two (2) permits to operate a vending business within the Downtown Special Vending District at any one time.

D. A sidewalk vendor shall be required to operate a vending business a minimum of three days per week 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 way during non-vending hours, nor shall any such pushcart or other item be parked, stored or left overnight in the Downtown Special Vending District;

E. Downtown Special Vending District permits shall be valid for one year from the date issued and may be renewed five days prior to expiration.

#### SECTION THIRTY-ONE. Rules and Regulations for vending in City parks

(A) Except as provided in Chapter 22.20 of the Revised Code, as amended, pertaining to awarding concession contracts in City parks, no person shall vend or operate a vending business in any City park without first having obtained a license in accordance with the provisions of the ordinance and a permit from the Director of Parks.

(B) The Director of Parks is authorized to establish rules, regulations and fee schedules not inconsistent with the provisions of this ordinance necessary for the proper administration of operating a vending business within the City Park Special Vending District. Such rules and regulations shall be maintained in the office of the Director of Parks and shall be available for public inspection during ordinary business hours.

#### PART V GENERAL PROVISIONS.

SECTION THIRTY-TWO. The provisions of this ordinance shall not apply to any person operating a business within the Soulard Market Area under an agreement with the Director of Public Utilities or any person who has entered into a concession contract with the City of St. Louis.

SECTION THIRTY-THREE .The provisions of this ordinance shall not be construed as prohibiting the distribution or sale of newspapers, pamphlets, handbills or other written or printed matter sold or distributed for the purpose of disseminating news and information.

SECTION THIRTY-FOUR .The provisions of this ordinance shall not apply to the sale of any farm produce or farm products including but not limited to any horticultural products, fruits, vegetables, garden products, butter, eggs, or poultry by any farmer or producer, or any employee of any farmer or producer, who shall grow or process such farm produce or farm products.

#### SECTION THIRTY-FIVE. Penalty

Any person who is found guilty or enters a plea of guilty to a violation of any provision of this ordinance, or who knowingly furnishes false information on any license or permit application required by this ordinance, shall be subject to a fine of not less than \$50.00 nor more than \$500.00 or to a term of imprisonment of not more than ninety (90) days or both a fine and imprisonment.

**SECTION THIRTY-SIX. Revocation of license.**

The License Collector shall revoke any vendor's license issued herein if the licensee is found guilty or enters a plea of guilty to a violation of any provision of this ordinance or violates any license regulation promulgation under the authority of this ordinance. A licensee shall not be entitled to a refund of the fees paid for any license which is subsequently revoked as provided herein.

**SECTION THIRTY-SEVEN. SEVERABILITY**

The provisions of this ordinance shall be severable. In the event that any provision of this ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this ordinance are valid unless the court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

**SECTION THIRTY-EIGHT. EMERGENCY CLAUSE.**

This being an ordinance for the preservation of 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.

<b>Legislative History</b>				
<b>1ST READING</b>	<b>REF TO COMM</b>	<b>COMMITTEE</b>	<b>COMM SUB</b>	<b>COMM AMEND</b>
<b>11/13/98</b>	<b>11/13/98</b>	<b>STR</b>	<b>01/13/99</b>	

<b>2ND READING</b>	<b>FLOOR AMEND</b>	<b>FLOOR SUB</b>	<b>PERFECTN</b>	<b>PASSAGE</b>
<b>01/15/99</b>			<b>01/22/99</b>	<b>01/22/99</b>
<b>ORDINANCE</b>	<b>VETOED</b>		<b>VETO OVR</b>	
<b>64569</b>				