

St. Louis City Ordinance 64712

FLOOR SUBSTITUTE

BOARD BILL NO. [99] 112

INTRODUCED BY ALDERMAN PHYLLIS YOUNG

An ordinance pertaining to vendors; repealing sections Two, Five, Ten, Thirteen, Fourteen, Eighteen, Thirty, Thirty-One and Thirty-Four of Ordinance 64569, approved February 11, 1999 and in lieu thereof enacting nine new sections pertaining to the same subject matter, and containing an emergency clause

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

SECTION ONE. Section Two of Ordinance 64569 is hereby repealed and in lieu thereof a new Section Two is enacted to read as follows:

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, excluding the median if any, 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 curblineline 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 or roadway median, 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 curblineline of Kingshighway, the south curblineline of Magnolia Avenue, the west curblineline of Grand Boulevard and the north curblineline of Arsenal Street.

◆ Vehicle Vendor ◆ means any person who sells or offers for sale on any public roadway any goods, wares, merchandise, flowers, horticultural products, services, 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.

SECTION TWO. Section Five of Ordinance 64569 is hereby repealed and in lieu thereof a new Section Five is enacted to read as follows:

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, 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 THREE. Section Ten of Ordinance 64569 is hereby repealed and in lieu thereof a new Section Ten is enacted to read as follows:

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, horticultural products, services, food or beverages upon any public roadways, or roadway medians, in the area bounding the roadways, or on public sidewalks adjacent to the roadways 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 curblines of 9th Street to Washington Avenue, thence proceeding east along the north curblines 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 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◆

H. Within 500 feet of the Soulard Market Area.

I. Within 50 feet of the area bounded on the west by 14th Street, on the north by Pine Street, on the east by 13th Street and on the south by Market Street, such area being known as Soldier◆s Memorial and the Court of Honor Plaza.

J. Within Tower Grove Park except during such periods of time and within the aforesaid area that such person has a permit, providing for such vending, issued by the Director of Tower Grove Park and is licensed as provided herein.

K. Within 50 feet of a city park or Tower Grove Park.

L. 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.

M. 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.

N. 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.

SECTION FOUR. Section Thirteen of Ordinance 64569 is hereby repealed and in lieu thereof a new Section Thirteen is enacted to read as follows:

Section Thirteen. Additional permit requirements.

The license collector shall issue the license to the applicant upon his meeting the following conditions:

A. Present proof of compliance with all requirements deemed necessary by the Department of Health, the Department of Streets, the Department of Public Safety or the Department of Parks, Recreation and Forestry; and

B. Present proof 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 on each vehicle used in the operation of the vending business.

SECTION FIVE. Section Fourteen of Ordinance 64569 is hereby repealed and in lieu thereof a new Section Fourteen is enacted to read as follows:

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. 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.

I. 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.

J. 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.

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

L. 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.

M. 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.

O. 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 SIX. Section Eighteen of Ordinance 64569 is hereby repealed and in lieu thereof a new Section Eighteen is enacted to read as follows:

Section Eighteen. Exemptions

Any vendor at a fair or festival which is three (3) calendar days or less in duration or 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. 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 SEVEN. Section Thirty of Ordinance 64569 is hereby repealed and in lieu thereof a new Section Thirty is enacted to read as follows:

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 (1) year beginning on January 1 and ending on December 31. Renewal of permits shall be permitted beginning on December 1.

SECTION EIGHT. Section Thirty-One of Ordinance 64569 is hereby repealed and in lieu thereof a new Section Thirty-One is enacted to read as follows:

Section Thirty-One. Rules and Regulations for City Parks Special Vending Districts.

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 this ordinance and a permit from the Director of Parks, Recreation and Forestry.

B. The Director of Parks, Recreation and Forestry 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 City Park Special Vending Districts; provided, however, that the Director shall issue no vehicle vendor permits and not more than three (3) fixed location sidewalk vendor permits at one time for the totality of all city parks located within the Downtown Special 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 NINE. Section Thirty-Four of Ordinance 64569 is hereby repealed and in lieu thereof a new Section Thirty-Four is enacted to read as follows:
 Section Thirty-four. The provisions of Section Three of this ordinance requiring vendors within the City of St. Louis to obtain a license 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 TEN. 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.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
06/25/99	06/25/99	STR	07/15/99	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE

07/16/99			07/23/99	07/23/99
ORDINANCE	VETOED		VETO OVR	
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