

1 An Ordinance pertaining to vending; repealing Section One of Ordinance 66655
2 pertaining to the definitions, codified as Section 8.108A.010 of the Revised Code of the City of
3 St. Louis (hereafter "Revised Code"), and enacting in lieu thereof a new section on the same
4 subject matter; repealing Section Three of Ordinance 65061, codified as Section 8.108A.020 of
5 the Revised Code, pertaining to prohibited vending – exceptions, and enacting in lieu thereof a
6 new section on the same subject matter; repealing Section Seven of Ordinance 65061, codified as
7 Section 8.108A.060 of the Code, pertaining to a vendor's license, and enacting in lieu thereof a
8 new section on the same subject matter; repealing Section Fifteen of Ordinance 65061, codified
9 as Section 8.108A.150 of the Revised Code, pertaining to the rules and regulations, and enacting
10 in lieu thereof a new section on the same subject matter; repealing Section Four of Ordinance
11 68603, codified as 8.108A.310, pertaining to rules and regulations for City Parks Vending
12 Districts and adding a new section in lieu thereof; adding a new section pertaining to pilot
13 programs, to be codified as Section 8.108A.300(K) of the Revised Code; and containing a
14 severability clause and an emergency clause.

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

16 **SECTION ONE.** Section Two of Ordinance 66655, codified as Section 8.108A.010 of
17 the Revised Code, is hereby repealed.

18 **SECTION TWO.** Enacted in lieu thereof is the following new section on the same
19 subject matter:

20 8.108A.010 – Definitions.

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

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

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

11 "Roadway" means that portion of the street or alley, excluding the median if any,
12 between the regularly established curbs, or that portion ordinarily used for vehicular traffic.

13 "Sampling" means to knowingly distribute, **dispense** or furnish without charge, or cause
14 to be furnished, **dispensed or distributed** without charge any goods, wares, merchandise, flowers,
15 horticultural products, food or beverages from a table, wagon, pushcart, handcart or other ~~non-~~
16 ~~motorized~~ vehicle, or from a pack, basket or similar container, or hand held display.

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

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

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

3 "Vehicle Vendor" means any person who ~~sell~~, offers for sale, distributes or
4 dispenses on any public roadway any goods, wares, merchandise, flowers, horticultural products,
5 services, food or beverages from a wagon, pushcart, handcart or other vehicle.

6 "Vend or vending" means to ~~sell~~, offer for sale, distribute or dispense any goods,
7 wares, merchandise, flowers, horticultural products, services, food or beverages whether for
8 free, a nominal fee or for consideration.

9 **SECTION THREE.** Section Three of Ordinance 65061, codified as Section
10 8.108A.020 of the Revised Code, is hereby repealed.

11 **SECTION FOUR.** Enacted in lieu thereof is the following new section on the same
12 subject matter.

13 8.108A.020 – Vending Prohibited – Exceptions.

14 No person shall ~~sell or offer for sale or permit the offering or selling of any goods,~~
15 ~~wares, merchandise, flowers, horticultural products, services, food or beverages~~ vend upon
16 any public sidewalk, street, roadway, or roadway median within the City of St. Louis except in
17 those areas designated by ordinance as Vending Districts.

18 **SECTION SEVEN.** Section Seven of Ordinance 65061, codified as Section 8.108A.060
19 of the Revised Code, is hereby repealed.

20 **SECTION EIGHT.** Enacted in lieu thereof is a new section on the same subject matter:

21 8.108A.060 – Vendor’s license –Application –Contents.

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

4 A. The full name, residence address and business address of the applicant and any
5 employee of the applicant;

6 B. The telephone number of the applicant;

7 C. The type of license sought by the applicant;

8 D. A general description of the item or items to be sold, **distributed or dispensed;**
9 **and/or services to be provided;**

10 E. A full face photograph of the applicant and a full face photograph of the applicant's
11 employees, if applicable;

12 F. A written statement of clearance certifying that no current or past earnings and/or
13 property taxes are due and payable to the City;

14 G. A statement from the Director of Revenue of the State of Missouri certifying that the
15 applicant is not delinquent in the payment of any sales tax if the list of delinquent taxpayers
16 provided to the City by the Director of Revenue indicates a delinquency on the part of such
17 person;

18 H. Any such other information as may be required by the License Collector.

19 **I. The License Collector may waive the requirements of subsections F and/or G for**
20 **non-profit or tax exempt entities that provide adequate documentation of such status to the**
21 **License Collector. However, non-profit and tax exempt entities are required to fulfill all**
22 **other requirements of Section 8.108A of the Code in order to be licensed by the License**

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

3 **SECTION NINE.** Section Fifteen of Ordinance 65061, codified as Section 8.108A.150
4 of the Revised Code, is hereby repealed.

5 **SECTION TEN.** Enacted in lieu thereof is the following new section on the same
6 subject matter:

7 8.108A.150 – Rules and regulations.

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

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

13 C. A licensed vendor may not block the passage of the public through a public area or
14 interfere with access to ramps, curb cuts or other conveniences for individuals with disabilities.
15 If a sufficient crowd gathers to transact business with or receive dispensed/distributed items or
16 services from a licensed vendor such that the passage of the public through a public area is
17 blocked or that access to ramps, curb cuts or other conveniences for individuals with disabilities
18 is blocked a police officer may disperse that portion of the crowd that is blocking the passage of
19 the public.

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

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

3 F. No licensed vendor shall conduct vending activities within 150 feet from another
4 licensed vendor or an existing business which sells ~~or~~, offers for sale, distributes or dispenses
5 comparable goods~~or~~ merchandise or services.

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

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

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

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

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

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

21 M. The Director of Streets shall formulate any additional rules and regulations necessary
22 for the proper administration of this ordinance. Rules and regulations shall be maintained in the

1 office of the Director of Streets and shall be available for public inspection during ordinary
2 business hours.

3 SECTION ELEVEN. Repealing Section Four of Ordinance 68603, codified as Section
4 8.108A.310, and enacting in lieu thereof the following new section.

5 A. Except as provided in Chapter 22.20 of the Revised Code, as amended, pertaining
6 to awarding concession contracts in City parks, no person shall **vend, dispense, or distribute or**
7 **operate a vending business** in any City park without first having obtained a license in
8 accordance with the provisions of this chapter and a permit from the Director of Parks,
9 Recreation and Forestry.

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

18 SECTION TWELVE. Adding a new section, to be codified as Section 8.108A.300(K)
19 of the Revised Code, as follows:

20 8.108A.300 (K) **No Code provisions applicable to the Downtown Vending District**
21 **shall be interpreted so as to prohibit the adoption of a Vending Pilot Program, pursuant to**
22 **the rulemaking authority of the Director of Streets. Such program would authorize other**

1 types of vending to determine its suitability, with respect to health and safety, in the
2 Downtown Vending District.

3 SECTION TWELVE. Severability Clause.

4 The provisions of this section are severable. If any provision of this ordinance is declared
5 invalid, that invalidity shall not affect other provisions of the ordinance which can be given
6 effect without the invalid provision.

7 SECTION THIRTEEN. Emergency Clause.

8 The passage of this ordinance being deemed necessary for immediate preservation of the
9 public peace, health and safety, an emergency is hereby declared to exist within the meaning of
10 Section 20 of Article IV of the Charter, and this ordinance shall be in full force and effect
11 immediately upon its passage and approval by the Mayor.