

## AN ORDINANCE No 85 - 185 - 180

ADOPTED AUG 12 1985

To amend and reordain Article VII, consisting of sections 7-166 through 7-173, inclusive, of Chapter 7, Business and Business Regulations, of the Code of the City of Richmond, 1985, concerning Sidewalk Vendors.

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Patrons - Messrs. Leidinger and Kenney

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Approved as to form and legality  
by City Attorney

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1. THE CITY OF RICHMOND HEREBY ORDAINS:
2. § 1. That Article VII, Sidewalk Vendors, consisting of
3. sections 7-166 through 7-173, inclusive, of Chapter 7, of
4. the Code of the City of Richmond, Virginia (1985) be amended
5. and reordained as follows:
6. ARTICLE VII. SIDEWALK VENDORS
7. Sec. 7-166. Definitions.
8. The following words and terms, when used in this
9. article, shall have the meanings indicated below:
10. Central business district shall mean that area of the
11. city bounded by Belvidere Street, the Richmond-Petersburg
12. Turnpike and the James River.
13. Sidewalk shall mean any portion of a street between the
14. curb line, including but not limited to the planting strips,
15. or the lateral lines of a roadway where there is no curb,
16. and adjacent property line.
17. Vendor shall mean any person engaged in the selling, or
18. offering for sale, of food, beverage or merchandise on
19. public sidewalks within the city.

1. (4) Within fifteen (15) feet of any entranceway to or  
2. exitway from any building;

3. (5) Within five (5) feet of any driveway or inter-  
4. section of any alley with a street;

5. (6) Within five (5) feet of the crosswalk at any  
6. intersection;

7. (7) Within any bus, taxicab or other passenger or  
8. commercial loading zone;

9. (8) Within ten (10) feet of any fire hydrant;

10. (9) Within five (5) feet of any fire escape;

11. (10) Within ten (10) feet of any other location for  
12. which a permit has been issued;

13. (11) On a block face that already contains five (5)  
14. locations designated for vending; or

15. (12) Situated so that the vending operation will deny  
16. reasonable access to or use of any trash receptacle, mail  
17. box, parking meter or other public facility on the  
18. sidewalk.

19. Sec. 7-169. Same -- Issuance of vendor's permit.

20. (a) Not later than thirty (30) days after the filing  
21. of an application for a vendor's permit the applicant shall  
22. be notified as to the decision on the issuance of the  
23. permit.

24. [~~(b) -- For purposes of awarding a permit from July 1,~~  
25. ~~1983, until July 1, 1985, the director of public works shall~~

1. Sec. 7-167. Vending in central business district --  
2. Prohibited without permit.

3. It shall be unlawful to sell, or offer for sale, any  
4. food, beverage or merchandise on any sidewalk within the  
5. central business district without obtaining a permit  
6. pursuant to section 7-168.

7. Sec. 7-168. Same -- Application for vendor's permit.

8. A person holding a valid license to do business as a  
9. peddler or itinerant merchant in the city may apply to the  
10. city for a vendor's permit to be authorized to vend at a  
11. specific location on the sidewalk in the central business  
12. district. A vendor's permit shall be valid for up to one  
13. year from the date of issuance and shall expire on December  
14. 31 of the year of issuance. Upon application for a vendor's  
15. permit the [~~director of public works~~] department of finance  
16. shall investigate to determine whether the requested  
17. location meets the criteria of this section. No location  
18. shall be:

19. (1) Within one hundred (100) feet of the grounds of  
20. any elementary or secondary school;

21. (2) On a sidewalk that is less than ten (10) feet in  
22. width;

23. (3) More than five (5) or less than one (1) foot from  
24. the curb line of any street;

1. ~~give first consideration to a vendor who can demonstrate~~  
2. ~~satisfactorily to the Director that the vendor was operating~~  
3. ~~at the specific location at least twelve (12) months prior~~  
4. ~~to applying for the vendor's permit and is operating at that~~  
5. ~~specific location at the time the application is being~~  
6. ~~considered. -- An existing permit to vend at the specific~~  
7. ~~location applied for shall be prima facie evidence of such~~  
8. ~~prior and current operation at that location. --~~

9.           ~~(e) -- If there is, in the opinion of the Director of~~  
10. ~~Public Works insufficient evidence of such prior and current~~  
11. ~~operation at the requested location, the earliest applica-~~  
12. ~~tion received shall be given first consideration. -- After~~  
13. ~~July 17, 1985, all].~~ All vendor's permits shall be issued  
14. according to the time and date of receipt of the application  
15. for any available location. A location shall be considered  
16. available only if there is no permit issued for the  
17. location, or if the holder of a permit for a location in  
18. writing releases the location, or if a permit for a location  
19. is not renewed in the thirty-day period before the permit  
20. expires. Each available location shall be assigned to the  
21. first vendor who applies for that location. If the permit  
22. is denied, the applicant shall be provided with a written  
23. statement as to the reasons for denial.

24.           ~~[(d) -- A vendor who holds a permit for a specific~~

1. ~~location may give written consent to any other vendor who~~  
2. ~~holds a valid vendor's permit to operate at that location on~~  
3. ~~a temporary basis.]~~

4.  
5. Sec. 7-170. Same -- General regulations.

6. No vendor shall:

7. (1) Leave any stand or cart unattended for longer  
8. than fifteen (15) minutes.

9. (2) Store, park or leave unattended any stand or  
10. cart between 12:00 midnight and 6:00 a.m. on any sidewalk;

11. (3) Sell food or beverages for immediate  
12. consumption unless he has available for public use his own  
13. ~~[or-a-public]~~ litter receptacle;

14. (4) Leave any location without first picking up,  
15. removing and disposing of all trash or refuse attributable  
16. to his vending;

17. (5) Allow any items relating to the operation of  
18. the vending business to be placed anywhere outside the  
19. permissible vending area;

20. (6) Solicit or conduct business with persons in a  
21. motor vehicle while the vehicle is in a lane of traffic on a  
22. public street.

23.

24.

1. (7) Use any loudspeaker, public address system,  
2. radio, sound amplifier or similar device to attract the  
3. attention of the public;
4. (8) Vend from a stand, cart or area which exceeds  
5. four feet in width (perpendicular to the street), nine feet  
6. in length (parallel to the street) or eight feet in height;
7. (9) Vend without first obtaining any required  
8. vendor's permit [~~from the department of public works~~] and  
9. business license from the department of finance, and permit  
10. from the department of public health;
11. (10) Vend without conspicuously displaying any  
12. vendor's permit, business license and health permit required  
13. by the city and the department of public health;
14. (10.1) Vend without wearing an identification badge  
15. issued by the department of social services. The badge  
16. shall include a photograph of the vendor, the name of the  
17. business, the vendor's permit number and the first initial  
18. and last name of the vendor. For vending operations with  
19. stands operated by employees, the employer shall sign the  
20. application for a badge. The department of social services  
21. shall establish a fee for the badge, which fee shall be the  
22. amount that the department of social services determines is  
23. necessary to cover the cost of producing the badge;  
24.

1. (11) Vend without having in force an insurance  
2. policy, issued by an insurance company licensed to do  
3. business in the state, protecting the vendor and the city  
4. from all claims for damages to property and bodily injury,  
5. including death, which may arise from operation of the  
6. vending business in the city. Such insurance shall name the  
7. city as an additional insured and shall provide that the  
8. policy shall not terminate or be cancelled without thirty  
9. (30) days' advance, written notice to the city. Limits of  
10. liability shall be a minimum of three hundred thousand  
11. dollars (\$300,000.00).

12. Sec. 7-171. Regulation of vending in the city outside  
13. of central business district.

14. It shall be lawful to sell, or offer for sale, food,  
15. beverage or merchandise on sidewalks in the city outside the  
16. central business district, subject to the regulations listed  
17. below. No vendor shall:

18. (1) Vend within one hundred (100) feet of the grounds  
19. of any elementary or secondary school;

20. (2) Vend on the sidewalks within public parks;

21. (3) Vend within fifteen (15) feet of any entranceway  
22. to or exitway from any building;

23. (4) Vend within five (5) feet of any driveway or  
24. intersection of an alley with a street;

1. (5) Vend within five (5) feet of the crosswalk at any
2. intersection;
3. (6) Vend within any bus, taxicab or other passenger or
4. commercial loading zone;
5. (7) Vend within ten (10) feet of any fire hydrant;
6. (8) Vend within five (5) feet of any fire escape;
7. (9) Vend between 12:00 midnight and 6:00 a.m.;
8. (10) Sell food or beverages for immediate consumption
9. unless he has available for public use his own [~~or a public~~]
10. litter receptacle;
11. (11) Leave any location without first picking up,
12. removing and disposing of all trash or refuse attributable
13. to his vending;
14. (12) Solicit or conduct business with persons in a
15. motor vehicle while the vehicle is in a lane of traffic on a
16. public street;
17. (13) Use any loudspeaker, public address system, radio,
18. sound amplifier or similar device to attract the attention
19. of the public;
20. (14) Vend without first obtaining any required business
21. license from the department of finance and permit from the
22. department of public health;
23. (15) Vend without conspicuously displaying any business
24. license and health permit required by the city and the
25. department of public health;

1.           (15.1) Vend without wearing an identification badge  
2.   issued by the department of social services. The badge  
3.   shall include a photograph of the vendor, the name of the  
4.   business, the vendor's business license number and the  
5.   first initial and last name of the vendor. For vending  
6.   operations with stands operated by employees, the employer  
7.   shall sign the application for a badge. The department of  
8.   social services shall establish a fee for the badge, which  
9.   fee shall be the amount that the department of social  
10. services determines is necessary to cover the cost of  
11. producing the badge;

12.

13.           (16) Vend without having in force an insurance  
14. policy, issued by an insurance company licensed to do  
15. business in the state, protecting the vendor and the city  
16. from all claims for damages to property and bodily injury,  
17. including death, which may arise from operation of the  
18. vending business in the city. Such insurance shall name the  
19. city as an additional insured and shall provide that the  
20. policy shall not terminate or be cancelled without thirty  
21. (30) days' advance, written notice to the city. Limits of  
22. liability shall be a minimum of three hundred thousand  
23. dollars (\$300,000.00).

24.

1. Sec. 7-172. Exceptions.

2. The provisions of this article shall not apply to:

3. (1) Special events or festivals for which a permit has  
4. been issued by the director of public safety or the director  
5. of recreation and parks;

6. (2) The sale of newspapers from vending machines;

7. (3) Sales in the market area as provided in article  
8. III of this chapter;

9. (4) Sales in public parks pursuant to a valid con-  
10. cession agreement.

11. Sec. 7-173. Enforcement.

12. The provisions of this article shall be enforced by the  
13. ~~[department of public safety]~~ department of finance. Any  
14. person convicted of a violation of any provision of sections  
15. 7-167 through 7-171 shall be guilty of a misdemeanor and  
16. punished as follows:

17. First conviction, \$25.00 fine;

18. Second conviction, \$75.00 fine;

19. Third conviction, \$150.00 fine;

20. Each conviction thereafter, \$150.00 fine.

21. Each day any violation of this article shall continue  
22. shall constitute a separate offense.

23. Upon a vendor's second conviction within a twelve-month  
24. period, under this article, the director of finance shall

1. notify the vendor that his badge is revoked. The vendor  
2. may schedule a hearing on the revocation with the director  
3. of finance. If the director of finance or his designee  
4. determines that the vendor has been convicted of two  
5. violations within a twelve-month period then the revocation  
6. shall remain effective. An individual whose badge is  
7. revoked shall not vend on city sidewalks for two years from  
8. the date of the second conviction.

9.           § 2. This ordinance shall be in force and effect  
10. thirty days from the date of adoption.

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**ORDINANCE OR RESOLUTION SUMMARY**  
CITY OF RICHMOND, VIRGINIA

|   |                            |
|---|----------------------------|
| Resolution Ordinance No. .... 85-185 .....    | Subject                    |
| Requested by Councilmen Leidinger & Kenney    | To Amend City Code/Vendors |
| Received City Manager's Office ..... -- ..... |                            |
| Summarized ..... 8/1/85 .....                 |                            |

**SUMMARY**

This Ordinance would amend Section 7-166 through 7-173, inclusive, of Chapter 7, Business and Business Regulations, of the Code of the City concerning Sidewalk Vendors.

**COUNCIL ACTION**

|                               |
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| On Docket ..... 8/12/85 ..... |
| Amended .....                 |
| Adopted .....                 |
| Rejected .....                |