



MEMORANDUM

To: Mayor and Members of the City Council

From: Montre' Freeman, City Manager
Reggie Goodson, Interim Community Development Director
Kelly Hoeltzel, Planner

Date: August 25, 2023

Subj: Update - Changes to Approval Process for Peddler's License

BACKGROUND:

The City's process for obtaining a peddler's license (food trucks / pushcarts) is somewhat disjointed. The current process requires only an application, payment of a fee, and a signature from the City Manager for authorization; however, after some discussions, this would be a process best begun within the Community Development Department. There are many questions someone seeking a license may have that could not be answered within the Administrative Office and they'd need to be redirected to Community Development, so it would make sense to have them start there originally.

ANALYSIS:

The current provisions exist now within the City Code of Ordinances:

§ 113.05 PUSHCARTS AND FOOD TRUCKS AND TRAILERS; CENTRAL BUSINESS DISTRICT.

(A) For the purposes of this section, the term PUSHCART shall be defined as a manually maneuvered cart or a self-propelled cart operating within the central business district, which shall meet the design requirements pursuant to division (K) below.

(B) Pushcarts or food trucks and trailers operating under this section (all hereinafter referred to as "vehicle") utilizing street parking within the central business district shall be contained to one parking space and shall not impede either pedestrian or vehicular traffic.

(C) The operator of a vehicle at outdoor locations on public property, as described in this section, shall first apply for and obtain a specialty peddler's permit issued by the City Manager under the provisions of this section.

(D) The fee for a specialty peddler's permit shall be in an amount as set forth and made a part of the schedule of fees and charges adopted by the City Council, as amended from time to time, to be paid by the permittee at the time of issuance and annually thereafter on September 1 of each year. The initial fee shall be pro-rated to coincide with the city's billing cycle. The permittee may allow persons authorized by the permittee to sell food and/or cut flowers from the vehicle. The permittee shall maintain records of sales activities of the persons authorized by the

permittee to engage in such activity and the permittee shall collect and remit to the state's Department of Revenue the appropriate local and state sales taxes from all sales made pursuant to this permit.

(E) The City Manager is authorized to require, in accordance with the issuance of the permit under this section, evidence of adequate insurance for the protection of the general public in connection with the operation of the vehicle.

(F) The City Manager is authorized to require a refundable deposit to guarantee payment for any damages and for clean-up expenses incurred in connection with the vehicle's activities.

(G) Upon approval of the permit application and payment of the fee, the applicant shall be issued a permit which should be affixed to the vehicle in a conspicuous place at all times.

(H) Permits issued under the authority of this section shall be non-transferable either as to individuals, location or item.

(I) It shall be unlawful to sell novelties, souvenirs or any merchandise other than food or cut flowers from a vehicle.

(J) It shall be unlawful for any permittee to place or install on any street, sidewalk or other public property any of the contents of his or her vehicle for the purpose of selling or displaying same.

(K) The Director of Parks and Recreation or his or her designated representative shall have the authority to determine if the aesthetic value of the pushcart is in conformity with this regulation. The pushcart body shall not exceed six feet in length, four feet in width or five feet in height, including wheels. The bottom of the pushcart shall be at least six inches from the ground. There shall be an umbrella or canopy over the pushcart. The pushcart must have sides at least one foot high.

(L) Food containers shall remain inside the vehicle at all times and under no circumstances are to be placed on city streets or sidewalks. At no time shall cut flowers be sold from a stand, table or any other type vehicle than that described herein.

(M) The permittee shall have posted on the vehicle, on both sides, the prices of all food items or flowers being sold and no item may be sold for more than the posted price.

(N) No vehicle shall be left unattended for more than 30 minutes. If a vehicle is left unattended for more than 30 minutes, it will be subject to removal by the Police Department to a public warehouse. If the permittee wishes to claim his or her vehicle, he or she will pay a towing and storage fee in an amount established by the City Manager.

(O) Vehicles will be allowed to operate on the parking lot area of Mariners' Wharf Park and Waterfront Park. At no time shall a vehicle be located on a public street, sidewalk or grassy area of the park. If at any time a vehicle is deemed by the Police Department to be interfering with either pedestrian or vehicular traffic or creating a disturbance, the vehicle shall be immediately removed upon request of the Police Department.

(P) The City Manager is authorized to designate the number of vehicles and the location of same within the allowed geographical area.

(Q) The permittee of a vehicle shall be responsible for the removal of all garbage generated by the operation of the vehicle.

(R) Noise-making devices such as, but not limited to, bells, whistles and gongs may not be used to advertise or announce sales.

(S) Every person propelling a vehicle shall be subject to the provisions of a driver of any vehicle, except those, by which of their very nature, can have no application.

(T) In the event of a city-wide festival taking place in either Mariners' Wharf Park or Waterfront Park, the operator of a vehicle under this section will be disallowed from operating during the time of the festival unless authorized to do so by the organizers of the event.

(U) The City Manager is authorized to impose additional conditions and limitations on the issuance of such permit as may be necessary to protect the safety and well-being of the citizens of the city.

(V) Any permit issued hereunder shall be revoked by the City Manager for any violation by the holder, of any provision of this section or any other ordinance of the city or whenever there is a violation by the holder of any condition, provision or qualification set forth in this section.

(W) Operators of vehicles under this section shall comply with any and all other pertinent local, state and federal laws regulations.

(X) The fee for a permit issued under division (C) above shall be in the amount of \$250.

Although there is no request to change the language of the code itself at this time, staff suggests that original authorization and meeting with individuals interested in operating a food truck / pushcart meet with Community Development and obtain their sign off first. The City Manager's signature should be the final signature on the form after all other steps have taken place, instead of being the first signature as it currently stands. Community Development will be analyzing the current process and if it is determined that changes would be beneficial, those will be brought forward at that time for Council consideration.

STAFF RECOMMENDATION:

For Council information.