Ordinance amending the City Code at Title Seven, Business Licensing, Article III, Sales Businesses, Chapter 719, Vendors and Peddlers, by repealing Chapter 719 in its entirety and replacing it with a new Chapter 719 to update Pittsburgh's vending program.

title

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body

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. **The Pittsburgh Code, Title 7, Business Licensing, Article III, Sales Businesses, is hereby amended at Chapter 719 as follows:**

719.01 Purpose and Intent.

The intent of this Chapter is to define the vending program within the City of Pittsburgh, and the Department of Permits, Licenses, and Inspections as the authority for the program's administration.

719.02 Definitions.

As used in this Chapter, the following terms and words shall have the following meanings, unless the context clearly indicates that a different meaning is intended. The definitions of § 701.01 of the Pittsburgh City Code apply to this chapter unless modified by this section.

(a) CITY

Means the City of Pittsburgh. To the extent that this Article requires filings or submissions, City shall refer to the Department of Permits, Licenses, and Inspections, Department of Finance, City Planning or other entity that the City has legally designated to perform a function on its behalf.

(b) EMPLOYEE

For purposes of this Chapter, an individual who renders services at a vending stand at the direction and under the control of the licensee of that stand. Workers compensation insurance is required to cover any vending employee during the license period.

(c) LICENSE

The whole or any part of any permit, certificate, approval or other form of permission required by law, special ordinance, or any provisions of the Code to be obtained from the City or any agency as a prerequisite for carrying on a business, trade or profession or for doing any act, or for using any property.

(d) PEDDLER

Any person, whether a resident of the City of Pittsburgh or not, traveling by foot from place to place, from house to house, or from street to street, carrying on their person, by push cart or wagon, goods, wares, services, or merchandise and offering and exposing the same for sale, or making sales and delivering articles to purchasers. It is further provided that one who solicits orders for delivery at a later date is deemed a peddler and subject to the provisions of this chapter.

(e) PERSON

Means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation or receiver, executor, person representative, trust, trustee, conservator or other representative appointed by order of any court.

(f) TAX COMPLIANCE LETTER

Certification from the Department of Finance that the applicant either is not delinquent on any taxes under Title 1 or is in compliance with current payment agreements. A Tax Compliance Letter shall be valid for one (1) year from its date of issuance, unless otherwise determined, at the discretion of the Department of Finance.

(g) VENDOR

Any person, whether a resident of the City or not, travelling by foot from place to place, from house to house, or from street to street, providing goods, services, wares or merchandise and offering and exposing the same for sale, or making sales and delivering articles to purchasers. When the term "vendor" is used by itself in this Chapter with no other descriptor, it shall be interpreted to include all types of vendors that are regulated in this Chapter.

(h) VENDING UNIT

Any non-motorized vehicle, cart, towable trailer, table/stand, or other such property used by a vendor, includes bicycle, handcart, pushcart, wagon, or other device or thing whether or not mounted on wheels, as delineated by program guidelines.

(i) VENDING VEHICLE

Any motorized vehicle used by a vendor that includes self-contained vending operations. Must be a readily movable motorized vehicle with wheels or a vehicle with wheels capable of being towed by a motorized vehicle.

(j) STATIONARY VENDOR

Any person, whether a resident of the City or not, who sells or offers for sale goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions from an approved vending station unit or vehicle at a permitted fixed location.

(k) MOBILE VENDOR

Any person, whether a resident of the City of Pittsburgh or not who, sells or offers for sale goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or provisions from an approved vending unit or vehicle that shall not remain at any fixed location. Mobile vendors must remove all vending materials during non-operating hours.

719.03 General Provisions.

The general provisions of Article 1 of this Title apply to this chapter unless excluded or modified by this Chapter.

719.04 License Requirement.

(a) Valid License Required. No person shall engage in the business of being a vendor without having a valid license from the License Officer. It shall be unlawful for any person to engage in business of being a vendor within the City unless a license has been issued by the License Officer and such license has not expired or is suspended or revoked.

(b) Non-Transferrable. No license holder may transfer, to another person, the right to operate under an issued license.

(c) Issuance and Display. Licenses will be issued according to regulations established by the License Officer and as required per § 701.02. Verification of a valid license shall be on display in a conspicuous location to the vendor's apparel, unit, and vehicle and visible to police officers, inspectors and the public as required by § 701.09(b)(2) and (3).

719.05 Additional Permitting

In addition to a vending license, vendors may be required to obtain and display a permit for vending activity in the public right of way, parks, other public property, and private property, when applicable and as determined by the License Officer.

(a) The Department of Mobility and Infrastructure is authorized to regulate the use of public right of way and will review any applications for stationary permits.
(b) The Department of City Planning is authorized to regulate the use of private property and will review any applications for Record of Zoning Approval, per the requirements outlined in Chapter 922, Development Review Procedures.

719.06 Term of License.

A license issued under the provisions of this Chapter shall be valid for a term of one (1) year from the date of the issuance, unless otherwise indicated, and shall be renewed yearly, including

the registration of all employees. License holders may renew a license unless determined by the License Officer to be violators of a section of this ordinance, in which case the right to renew a license may be suspended or revoked. A listing of all active licenses shall be maintained and available publicly.

719.07 Information Required.

In addition to the information required by 701.08, the applicant shall provide the following information or documents:

(a) Applicant. The name, address, and phone number of the applicant.

(b) Business Scope. A description of the nature of the business and goods to be bought, sold or rented.

(c) Operating Standards Affirmation. The vendor shall affirm they will perform regulated activities per the operating standards of this chapter.

(d) Employee(s). The name and contact information for all employees employed by the vendor for the licensing period. The vendor must pay a fee for each vendor employee listed. Licenses must be amended to add additional employees during the licensed period, where applicable. Vendors with additional employees shall be responsible for employees' violations of this Chapter and the rules and regulations.

(e) Health Department Permits. Documentation of Allegheny County Health Department permits, unless the vendor’s goods, services, wares, or merchandise are exempt.

(f) Operating Hours. The duration and hours of operation for which the right to do business is requested.

(g) Tax Compliance. Proof of registration for city business taxes and clearance that all taxes are paid.

(h) Unit or Vehicle. A description, including its dimensions, current pictures of any vending unit or vehicle used, and its license plate number, if applicable.

(i) Additional Requirements. Documentation confirming compliance with any other county, state, federal, or otherwise applicable regulations, registrations, and certifications for general business operations, guidelines as well as specific requirements for the product or service sold or distributed, or other requirements, as established by the License Officer.

(j) Selected location. Selection of an approved vending location, if applicable.

719.08 Operating Standards.

(a) Appearance and Maintenance. The vending unit or vehicle shall meet all regulations regarding maintenance and appearance to receive and retain a license. While operating in the City, the equipment, safety standards, visual appearance, and basic maintenance must be kept in good repair, as defined by the License Officer.

(b) Competition. No vendor shall operate within (100 feet) of a non-vendor or permitted stationary vendor offering for sale the same or similar primary goods, services, wares or merchandise, unless otherwise permitted by the competitive business, except where:

i. A stationary vendor holds a permit in a given location before the opening of a non-vendor business selling an item like or similar to the primary items sold by the vendor. The vendor shall be permitted to continue operations.

ii. Breweries, bars, and other establishments authorized to serve alcoholic beverages in the Commonwealth of Pennsylvania host vendors who may sell competitive products immediately adjacent to their establishments.

iii. Vending operations occur outside the operating hours of the competitive business or businesses.

(c) Containment. Vendors shall only be permitted to sell goods that can be contained on, in or under their vending unit or vehicle. No vendor shall set up, maintain or permit the use of any tables, crates, cartons, racks, devices or thing of any kind to increase the selling or display capacity of their vending unit or vehicle. Vendors must ensure no tripping hazards, such as cables and cords in pedestrian or customer paths, are present. If requested by the License Officer or a designee, vendors must provide any necessary barriers, cones, or signs establishing the vending perimeter or notifying oncoming traffic.

(d) Fumes & Emissions. Vending units and vehicles shall comply with all applicable Allegheny County Health Department regulations regarding smoke and odor control, and all food safety rules and regulations.

(e) Generators. No generators shall be operated on the exterior of a vending unit or vehicle, unless they are permanently mounted on the unit or vehicle.

(f) Good standing. The license officer considers compliance with the requirements of this section as necessary for vendors to remain in good standing.

(g) Loud Noises. Noise(s) emitted by vendors shall comply with applicable noise standards per the City's Zoning Code and according to regulations established by the License Officer.

(h) Mobility. The vending unit or vehicle, including all its contents, vehicle or vending unit shall be capable of movement at all times. At the request of a city official or a city designee, the vending unit or vehicle must be available to move at any time.

(i) Parking.

i. Vendors operating an approved vending vehicle may park their vehicles in legal on-street parking spaces for the purpose of vending or place any materials in these parking spaces if they pay the meters, when applicable, and these locations meet the safety and distance requirements established in the rules and regulations.

ii. If the vending vehicle occupies more than one (1) metered spot at a time (in areas without multi-space meters), they must pay all meters occupied by their vending vehicle. Vendor Vehicles that exceed 22 feet in length may be required to obtain parking permits or variances, as determined by the Pittsburgh Parking Authority, City, or its designee. The vendor must follow all laws regarding metered parking and parking area time limits.

(j) Permitted Operating Hours. Permitted Operating Hours will be set by the License Officer and be published in the program rules and regulations.

(k) Private Property. Vendors locating on private property, such as privately owned parking lots shall obtain a license to operate in the City and must follow all other applicable laws to operate a business, including but not limited to, securing any required permits and approvals.

(l) Signage. Vendors shall be permitted signs attached to their vending unit or vehicle or located on the ground within the customer service area or in compliance with the program rules and regulations, which shall be informed by and updated with the City of Pittsburgh Zoning Code. Portable signs shall be removed from the sidewalk and stored away at the end of operating hours.

(m) Size. The vending unit or vehicle shall meet all size requirements, including limitations to operations on public sidewalks and streets, and may seek approval for an exception from the License Officer.

(n) Trash. No vendor shall be permitted to dispose of any debris or waste products generated from the operation of their business into City owned and maintained trash receptacles. All vendors shall be accompanied by a metal or rigid plastic trash container(s) with a thirty-gallon combined minimum capacity if the vendor is selling a product that generates trash, and must be:

i. Attached externally to the vending unit or vehicle during operating hours and removed from public access during non-operating hours.

ii. Clearly marked and maintained; the vendor shall pick up, remove, and dispose of all trash or refuse, including maintaining a perimeter of at least twenty-five (25) feet surrounding the vending unit or vehicle, and any outdoor seating.

719.09 Peddlers.

In addition to the requirements of all vendors, peddlers shall be subject to requirements in this section.

(a) Peddler Location(s). No peddler shall remain more than fifteen (15) minutes in one (1) location. Upon the expiration of the fifteen (15) minutes, the peddler must begin moving to a location at least two hundred fifty (250) feet from the first location.

(b) Peddler Operating Hours. Permitted Operating Hours. Permitted Operating Hours will be set by the License Officer and be published in the program rules and regulations.

(c) Peddlers using a pushcart, wagon, or similar vending unit to sell their product must only operate in locations as defined in § 719.10.

719.10 Permitted Locations.

The City will permit vending on public and private property in accordance with Chapter 9, Article V, Use Regulations. A list of current permitted districts, including public streets, sidewalks, and parks, within the City, shall be maintained and available publicly.

(a) Districts with Approved Use. Vendors shall be permitted to operate on the street and sidewalk if the following conditions are met:
   i. The Zoning Code would allow vending or Outdoor Retail Sales & Services, on the adjacent private property as an Accessory or Primary use, either due to Zoning district or current use of the lot.
   ii. Traffic safety, spacing, accessibility, and stormwater provisions established in the program rules and regulations.

(b) Districts with Additional Considerations.
   i. Downtown. Within the boundaries of the Central Business District neighborhood, vendors may only operate in parking spots pre-approved for vending but may use sidewalk spaces that would otherwise be permissible. Parking spots shall be approved for vending in accordance with § 175, Public Art & Civic Design Commission.
   ii. Strip District. A vending license is not required to operate in the Strip District. Vendors in the Strip must seek written permission from the adjacent building and/or property owner to use a specific/predetermined area for vending. The building and/or property owner may charge a fee for vending on their property.
   iii. City parks. Within the boundaries of City parks, vendors may only operate in approved vending locations. These shall be established and updated in accordance with Chapter 175, Public Art & Civic Design Commission.
   iv. Major Public Destination Facilities. Vendors may not locate directly adjacent to or within a radius defined in program rules and regulations from a Major Public Destination Facility as defined in §919.01.C of the Code.

(c) Group Sites. Group sites allocate a portion of the Right-of-Way for vending activity where some particulars of this ordinance and program rules and regulations, such as spacing requirements, may be waived. Applications for group sites shall be approved in accordance with Chapter 175, Public Art & Civic Design Commission.

(d) Pre-existing Locations. Locations approved prior to the adoptions of this ordinance shall remain available to its current license holder, unless:

i. It is determined by the City that the condition or use of the right-of-way has changed;
ii. The permitted activity negatively impacts public safety or the operations of the right-of-way;
iii. The use of the right-of-way is required for the public good; or,
iv. The license holder does not renew their license, resulting in vacation of the location. If a location is vacated, any allowance for such location will be subject to current approval rules and regulations.

(e) Otherwise Permitted Events. Community groups, business associations and similar organizations may vend on the public right-of-way during the hours and within the perimeters of a permitted special event with the approval of the City. Vendors participating in a special event, farmers market, or event otherwise permitted do not require a Vending License to operate unless the timing and/or footprint extend beyond the permitted events.

719.11 Enforcement and Inspections.

The License Officer shall enforce the provisions of this Chapter in accordance with § 701.12 of this Title.

The License Officer may suspend or revoke a license in accordance with § 701.14 and § 701.09 of this Title.

719.12 License Fees.

Unless otherwise indicated in any provision of this Code, license fee requirements per § 701.07 are applicable.

719.13 Notice.

When the License Officer determines that there has been a violation of any provision of the Chapter, the License Officer or their designee shall send the person engaging in unlawful vending activity a written notice of said violation(s). Such written notice shall identify specific violation(s), any corrective actions required to resolve the violation(s), and the right to appeal per this Chapter.

719.14 Appeals.

Any person aggrieved by any action of the License Officer shall have the right to appeal such action in accordance with § 701.16 of this Title.

719.15 Penalty.

Engaging in the business of vending within the City without a valid license from the License Officer as required by this Chapter shall be a summary offense. Penalties and fines will be assessed in accordance with § 701.18 of this Title.

This penalty section shall not limit the rights of the City or any other person with legal standing to take any lawful action or seek any remedy available to them at law or in equity.

719.16 Severability.

This Chapter and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Chapter shall not be affected thereby.

719.17 Repeal.

All resolutions, ordinances, or parts thereof in conflict in whole or in part with any of the provisions of this Chapter are, to the extent of such conflict, hereby repealed.

719.18 Authority.

This Code shall be enforced by the License Officer, or such other officer of the City, as designated. The License Officer is authorized at their discretion to promulgate additional regulatory guidelines in order to effectuate this ordinance.