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**M E M O R A N D U M**

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**DATE:** August 30, 2002  
**TO:** City Council Members  
**FROM:** Russell Weeks  
**RE:** Sidewalk Vending Ordinance Amendments  
**CC:** Cindy Gust-Jenson, Rocky Fluhart, David Nimkin, Margaret Hunt, Stephen Goldsmith, Lynn Pace, Doug Dansie, David Dobbins, Alison McFarlane, Gary Mumford, Janice Jardine

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This memorandum accompanies the Administration's transmittal regarding amendments to City Code Chapter 5.65. The chapter regulates sidewalk vending carts and their operation. The City Council has scheduled a public hearing on the proposed amendments for its September 3 meeting before considering adoption of the proposed amendments. The Administration briefed the City Council about the amendments on August 7.

The proposed ordinance transmitted by the Administration contains the two changes suggested by the City Council on June 13 when it adopted a motion to reconsider Ordinance No. 23 of 2002. That ordinance also amended Chapter 5.65 of the City Code.

The two changes are:

1. The proposed amendments restore the original southern boundary of the "Expanded Central Business District" to 900 South Street between 200 East and West Temple streets in the definitions section of the ordinance. Between West Temple Street and 600 West Street the southern boundary would be 600 South Street under the proposed amendments.
2. Language "to promote economic development in the City's expanded Central Business District" has been added to the proposed ordinance's prolog so that the second paragraph now reads: "WHEREAS, it is proposed that the regulations regarding such vending carts be modified *to promote economic development in the City's expanded Central Business District*, and to better reflect the needs of the City and of such vendors ..."

POTENTIAL MOTIONS

- I move that the City Council adopt the proposed ordinance amending Chapter 5.65 of the City Code relating to the regulation of sidewalk vending carts.
- I move that the City Council not adopt the proposed ordinance amending Chapter 5.65 of the City Code relating to the regulation of sidewalk vending carts.

## ITEM D-4

- I move that the City Council receive a report from the Administration one year from this date listing the number of complaints received involving violations of Chapter 5.65 and the resolution of those complaints either through enforcement of the ordinance or through a determination that the complaints had no factual basis.

### **DISCUSSION/BACKGROUND**

The City Council adopted Ordinance No. 23 of 2002 on May 14. The Council adopted the ordinance with an amendment that changed the definition of “Expanded Central Business District” from having a southern boundary at 900 South between State Street and 400 West streets to having a southern border on 600 South Street between 200 East and 600 West streets.

The City Council then adopted a motion on June 13 to reconsider Ordinance No. 23 with the two amendments that now appear in the proposed ordinance. After the August 7 briefing the City mailed notices about the public hearing to about 720 property owners and vending cart operators. According to the City Recorder’s Office, 63 notices were returned undelivered.

To recap, the proposed ordinance would regulate vending carts in the Expanded Central Business District, the Sugar House Business District, all City parks, and private property.

The proposed ordinance requires vendors to obtain a base business license fee and a revocable land use permit from the City. The base business license fee is \$70 and is collected by the Building Services and Licensing Division. The revocable land use permit fee is \$175 and is collected by the Property Management Division.

Cart vendors also are limited in where they can locate. According to Section 5.65.120:

- A. No more than one vending permit operating area shall be allowed for each three hundred thirty feet of block frontage on Main Street between South Temple and 400 South. On other blocks, one permit shall be allowed per block face except that if the block face exceeds six hundred sixty feet, one permit shall be allowed for each additional six hundred sixty feet of block frontage.
- B. Vending carts may be located on private plazas and private open space within the expanded central business district. No more than one sidewalk vending cart shall be allowed per every forty thousand square feet of private plazas and private open space. At least one vending permit may be awarded for any private open space larger than twenty-four square feet.

The proposed ordinance also would amend the City’s zoning ordinance to allow vending on private property “only in zoning districts that permit vending carts as a permitted use, as defined by individual zoning district land use tables.” It also would limit the temporary use of a vending cart on private property “only ... in zones where vending carts are allowed as a permitted use and only where the vending carts are associated with an Outdoor Sales Event or Special Event.”

The zoning districts where vending carts would be allowed as a permitted use are M1 and M2 manufacturing zones, all Downtown zones, the Sugar House Business District, Research Park, Business Park and G-MU Gateway mixed-use zones. (Please see attached map from an earlier Administration transmittal.)

## ITEM D-4

In addition, the proposed ordinance would:

- Allow vending only on sites two acres or larger and only as a secondary use to another primary commercial, office or industrial use.
- Prohibit vending carts on vacant or residentially used lots, regardless of zoning district.
- Prohibit vending carts from occupying required parking stalls on private property.
- Prohibit locating a vending cart from interfering with the internal circulation of a parking lot.
- Require that vending carts next to residential zones be subject to site review to insure compatibility.

The proposed ordinance would allow vendors also to sell “daily or monthly news publications” as well as food, flowers, or balloons or any combination of the four from one cart.

Since the August 7 briefing City Council staff has received some telephone calls pertaining to violations of the sidewalk vending cart ordinance. The telephone calls involved complaints about the presence of trash and stains on sidewalks around sidewalk vending carts. The telephone calls also involved complaints about people selling items from card tables and the backs of automobiles in some areas, particularly after 5 p.m. or on weekends.

It should be noted that the current ordinance regulating sidewalk vending carts is specific about the kind and size of vending cart allowed. It also should be noted that Section 5.65.170 titled *Operational Regulations* includes the following paragraph:

All persons operating under a sidewalk vendor regulatory permit issued by the city shall comply with the following regulations:

Pick up any paper, cardboard, wood or plastic containers, wrappers, or any litter in any form which is deposited by any person on the sidewalk within twenty-five feet of the place of conducting business; and clean up all residue from any liquids spilled upon the sidewalk within said twenty-five-foot area. Each person conducting business on a public sidewalk under the provisions of this chapter shall carry a suitable container for the placement of such litter by customers or other persons;

The City Council may wish to consider how effective enforcement of the ordinance is and whether complaints involving sidewalk vending have a factual basis. The City Council may wish to consider adopting a motion to have the Administration keep a record for one year on the number of complaints received about sidewalk vending, how the complaints were resolved, how many complaints resulted in enforcement of the ordinance, and how many complaints had no factual basis.

If, after one year, the record indicates a need for more enforcement of the ordinance, the City Council may wish to consider methods to increase the effectiveness of existing enforcement personnel or to fund additional personnel to enforce the ordinance.