
M E M O R A N D U M

DATE: August 10, 2007
TO: City Council Members
FROM: Russell Weeks
RE: Proposed Amendments to Chapter 5.65 Regulating Sidewalk Vending Carts
CC: Cindy Gust-Jenson, Lyn Creswell, Ed Rutan, Louis Zunguze, George Shaw, John Spencer, Jennifer Bruno, Ed Butterfield, Karen Halladay, Janice Jardine

This memorandum pertains to proposed amendments to City Code Chapter 5.65 which regulates sidewalk vending carts. The proposed amendments originated from research by the Administration last year after receiving complaints about one vending cart.

The City Council is scheduled to receive a briefing at its August 14 meeting and tentatively is scheduled to set a September 4 date for a public hearing on the proposed amendments. The City Council is not required legally to hold public hearings on ordinances that affect business regulations. The Administration indicates that 16 vending carts operate in Salt Lake City.

OPTIONS

- Adopt the proposed amendments.
- Do not adopt the proposed amendments.
- Adopt some but not all of the proposed amendments.

POTENTIAL MOTIONS

City Council staff will prepare motions pertaining to the proposed amendments after the August 14 briefing. The Council will have the option of setting a date for the public hearing when it adopts the consent agenda at the August 14 formal meeting.

KEY POINTS

- The proposed amendments originated in part from complaints by a business near 800 South Main Street about activities the business's owner identified as the result of a sidewalk vendor's presence near that business. A review of the ordinance by City staff identified several issues that appeared inconsistent with current practices and difficult to enforce.
- According to the Administration, the most common complaints expressed to City staff about vending carts are as follows:

- Smoke and odors from vending carts negatively impact businesses
 - Carts operating outside the hours of their restroom agreement
 - Use of non-transparent enclosures
 - Grease on sidewalk surrounding the food carts
 - Illegal parking of vehicles on parking strips
 - Illegal parking of cart patrons in private parking lots
 - Blocked entrance(s) to private parking lots of adjoining businesses
 - Urination and defecation in doorways and parking lots of adjoining businesses
 - Garbage and trash around cart location
- The proposed amendments would:
 - Specify that vendors in their applications for revocable land-use permits to use Salt Lake City sidewalks and business license include a copy of a signed agreement between the vendor and another business or facility that allows a vendor to use a restroom there. The amendment also would limit a sidewalk vendor's hours to operate only during the hours the restroom facility is open. The current ordinance requires vendors in their applications to present "a copy of all permits state or local health authorities."
 - Limit "umbrellas or canopies" to 34 square feet – the same square footage the current ordinance allows a vending cart to operate. The current ordinance allows umbrellas or canopies to extend up to 60 square feet. Another proposed amendment would prohibit "enclosures and canopy extensions." According to the Administration, the current ordinance allows the use of transparent canopies, but County health codes prohibit them. The Police and Fire departments support banning closures to enhance public safety, according to the Administration.
 - Require operators of "vending carts whose operations involve the cooking of food which will result in suspended grease or oil particles" that fall on sidewalks or walls "shall at the permittee's sole expense" to clean the location of the vending carts "twice monthly ... in accordance with the standards set forth and approved by the Department of Public Utilities." The requirement is in addition to existing regulations which require vending cart operators to "Pick up any paper, cardboard, wood or plastic containers, wrappers, or any litter in any form which is deposited by any person within a fifty foot radius" of the vending cart "and clean up any residue from any liquids spilled upon the sidewalk within said fifty foot radius."
 - Prohibit food vending carts from being kept at a personal residence "or other location not approved by the Health Department." A proposed amendment would require that vending carts "only be kept at a commissary approved by the Health Department for the purposes of cleaning, stocking and preparation of food." The current ordinance requires that "if the

vending cart includes an area for food preparation and/or sale, it must be approved by the Salt Lake Valley Health Department.”

- In locations outside the Expanded Central Business District, the Transportation Engineer may require written verification of a parking use agreement with an adjacent business for the vending cart’s use. In many areas outside the Expanded Central Business District, pedestrian traffic cannot sustain a vending cart business. In those areas, carts rely on drive-up traffic, which appears to cause conflicts with neighboring businesses. According to the Administration, the proposed amendment is intended to mitigate the effect of vending cart businesses on neighboring properties.
- Require the Administration to notify “all property owners and licensed businesses within three hundred and thirty feet or six hundred and sixty feet” (depending on which area a vending cart is located) of its intent to issue a business license for a vending cart. The notice would provide a 21-day comment period. The current ordinance contains no public noticing provision. Locations for vending carts have been determined based solely on review by City staff, according to the Administration.
- Limit the location of a vending cart to a specific location of a sidewalk instead of an area defined by general parameters.
- Require a vending cart applicant to provide a criminal background check when applying for or renewing a business license.

ISSUES/QUESTIONS FOR CONSIDERATION

- Do all business license applications require the applicant to state his or her national citizenship?
- Is it still the City’s intent to foster an urban feel to the downtown by encouraging vending carts?
- Would the proposed amendments establish an appropriate balance between the rights of building owners and the rights of vending cart owners?
- Should vendors in the expanded central business district and secondary business district have different requirements?
- Is there any estimate available of the potential cost of the Business License Administrator’s written notice to property owners and licensed businesses before issuing a license to a vending cart operator?

BACKGROUND/DISCUSSION

According to the Administration, the current ordinance regulating vending carts does not clearly address what permits are required; who is responsible for issuing those permits; what questions are to be answered by the applicant regarding their past history; and on what grounds a business license may be denied, suspended or revoked. The Administration contends the

proposed revisions clarify the permitting process and identify on what grounds a business license can be denied, suspended, or revoked.

As indicated earlier in this memorandum, the proposed amendments to the ordinance regulating vending carts originated in part from complaints brought by a business near 800 South Main Street about activities that appeared to occur in connection with a vending cart that sold food near the business. It should be noted that an inspector from the Salt Lake Valley Health Department found no violations regarding food service in connection with the vending cart that drew the complaints. However, Business Licensing inspectors identified violations related to tarps and enclosures, signage and display of the business license. A review of the ordinance by City staff, including the Business Licensing, Police, Fire and Transportation divisions and departments, identified several issues that appeared inconsistent with current practices and difficult to enforce, according to the Administration.

The City Council last amended Chapter 5.65, which regulates vending carts, in October 2002, in part because of complaints about the conduct of customers who bought products from food vending carts.

Allowing vending carts on City sidewalks started during the Palmer DePaulis Administration as one way to help increase pedestrian activity on downtown sidewalks. Since the program started the locations where vending carts may locate has expanded geographically but continually has been restricted in terms of where vending carts can locate.

The original program included the Central Business District, which was quickly increased to an “expanded central business district bordered by:

1. North Temple Street on the north, from Sixth West Street to Third West Street
2. Third West Street on the east, from North Temple Street to South Temple Street
3. South Temple Street on the north, from Third West Street to Second East Street, on the south side of South Temple Street only
4. Second East Street on the east from South Temple Street to Sixth South Street
5. Sixth South Street (north side only) on the south from Second East Street to Sixth West Street
6. Sixth West Street on the west from Sixth South Street to North Temple Street

In October 2002 the City Council adopted an ordinance that allowed vending carts in a “secondary central business district” bordered by:

1. 600 South (south side only) on the north
2. 200 East on the east
3. 900 South on the south
4. West Temple Street on the west.

It should be noted that no vending cart in the secondary central business district can locate “within fifty feet (50') of the intersections of the sidewalk with any other sidewalk.” It also should be noted that vending carts can locate in the Sugar House Business District, city parks and Washington Square.

The proposed amendments appear to deal more with increasing the application requirements to obtain a business license to vend goods and with giving the City more authority to determine exactly where a vending cart can locate. Major proposed license requirements are listed in the *Key Points* section of this memorandum, as is the proposal to allow the Administration to determine the location of vending carts. Previous ordinances and the current one generally set broad restrictions on where vending carts may locate. The proposed ordinance appears to leave it to the Administration to specify an exact location.

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DEPT. OF COMMUNITY DEVELOPMENT
OFFICE OF THE DIRECTOR

ROSS C. "ROCKY" ANDERSON
MAYOR

CITY COUNCIL TRANSMITTAL

TO: Lyn Creswell, Chief Administrative Officer **DATE:** March 20, 2007
FROM: Louis Zunguze, Community Development Director
RE: An ordinance amending Chapter 5.65, pertaining to Vending Carts

STAFF CONTACTS: Edna Drake, Business License Administrator, at 535-6473 or edna.drake@slcgov.com

RECOMMENDATION: That the City Council hold a briefing and schedule a Public Hearing

DOCUMENT TYPE: Ordinance

BUDGET IMPACT: None

DISCUSSION:

Issue Origin: In response to citizen complaints regarding street vending carts and City Council inquiries regarding resolution of those complaints, Community Development staff met with Property Management staff to review Chapter 5.65 of the City Code. Several issues that are inconsistent with current practice and difficult to enforce were identified. The proposed changes to the ordinance address the inconsistencies and are intended to mitigate concerns expressed by constituents regarding vending carts.

Analysis: The most common complaints expressed by constituents to Council members and to City Staff about vending carts located throughout the City are as follows:

- Smoke and odors from vending carts negatively impact businesses
- Carts operating outside the hours of their restroom agreement
- Use of non-transparent enclosures
- Grease on sidewalk surrounding the food carts
- Illegal parking of vehicles on parking strips
- Illegal parking of cart patrons in private parking lots
- Blocked entrance(s) to private parking lots of adjoining businesses
- Urination and defecation in doorways and parking lots of adjoining businesses
- Garbage and trash around cart location

In addressing these concerns, Business Licensing, in cooperation with Property Management, took a two-fold approach. First, in order to resolve the immediate concerns, Enforcement Officers were sent to review cart regulations with all licensed carts in the City. Parking Enforcement and the Police Department were asked to increase their presence and monitoring of cart locations to assist in assessing the effectiveness of current practices. Second, to address issues associated with the ordinance, Property Management notified all cart operators that no new permits would be issued pending a City review of Chapter 5.65 of City Code; current permits were extended through April 30, 2007, to enable existing vendors to maintain their businesses until a review and revision of City ordinance could be accomplished.

Staff from Business Licensing subsequently met with representatives of the Salt Lake Valley Health Department, the Salt Lake City Police Department, Planning Division, Transportation Division, and Property Management to review the existing ordinance.

After a thorough review of Chapter 5.65 of City Code, site inspections of several carts, conversations with Councilmembers and constituents, and discussions with County Health and the various City Departments, Staff recommends the following changes be made to the existing ordinance:

- A copy of a signed Restroom Agreement, previously required only by the County Health Department, will now be required in order to obtain a business license. This will give the City the ability to enforce the restroom agreement if the cart is operating beyond the hours of the agreement, per Section 5.65.041(K).
- The use of enclosures and canopies will be prohibited per Section 5.65.140(H), in agreement with County health codes. City ordinance currently allows transparent enclosures, while County health codes prohibit their use. The Police Department and Fire Department support banning enclosures to enhance public safety.
- Vending cart permittees will be required to clean their assigned locations twice a month using methods approved by Salt Lake City Property Management, in cooperation with Public Utilities, per Section 5.65.170(A) 3. The current ordinance makes no such provision, which has resulted in areas of the public right-of-way becoming heavily soiled by grease and other cooking byproducts.
- In locations outside the Expanded Central Business District, as defined in Section 5.65.010(A), the Transportation Engineer may require written verification of a parking use agreement with an adjacent business for the vending cart's use, per Section 5.65.120(F). Currently, no such requirement exists. Vending carts are intended to enhance pedestrian activity on the street; however, in many areas outside the Expanded Central Business District, pedestrian traffic is insufficient to sustain a viable vending cart business. Instead, cart operators rely primarily on drive up traffic, often creating a conflict with neighboring businesses whose property is accessed and utilized by cart customers. By reviewing the availability of public parking and requiring a parking agreement with an adjacent business when sufficient public parking is not available, this

change in the ordinance will mitigate this negative impact of vending cart businesses on neighboring properties.

- Vending cart operators will no longer be allowed to park their vehicles adjacent to their cart except for the purpose of re-stocking supplies per Section 5.65.170(A) 10. In addition, no vending cart will be allowed within ten feet (10') of a driveway per Section 5.65.120(D) 7.
- Prior to the issuance of a vending cart license, the Business Licensing Office will send out written notice of the intended cart location and product to all businesses and property owners within three hundred thirty feet (330') or six hundred sixty feet (660'), whichever is applicable per Section 5.65.120, for comment. Within seven (7) days of the end of the 21day notice period the Business License Administrator shall issue the license or refer the application to be reviewed by the Building Services and Licensing Director and/or the Community Development Director, who shall make a determination within seven (7) days to approve or deny the license. The current ordinance contains no public noticing provision, and locations for vending carts have been determined based solely on the review of City Staff. This change to the ordinance will provide neighboring businesses and property owners an opportunity to express concerns about any potential conflicts prior to the issuance of a business license, and enable City Staff to make more informed determinations of appropriate vending cart locations.
- Current ordinance allows the vending cart to be located anywhere along the assigned block face. New language in Section 5.65.120(A) will restrict the cart to a specific site on the block. Not only will this make enforcement of City regulations more easy to administer, it will also enhance the relationship between vending carts and neighboring businesses by enabling the notification process outlined above.
- The current ordinance does not clearly address what permits are required, who is responsible for issuing those permits, what questions are to be answered by the applicant regarding their past history, and on what grounds a business license may be denied, suspended or revoked. Revisions to Section 5.65.040 and 5.65.041 clarify the permitting process, while Section 5.65.190 identifies on what grounds a business license can be denied, suspended, or revoked.

In the process of evaluating the current City Ordinance there were several areas that required a general text cleanup. These recommended text changes have no salient effect on the intent of the ordinance. The proposed ordinance does reassign the responsibilities for administration of the process for permitting and licensing of the vending carts. Business Licensing and Property Management are responsible for permitting and licensing, with input from the Transportation Engineer. Previously the Planning Division and Engineering had some responsibility for design and location approvals.

PUBLIC PROCESS:

The City Council is required to hold a Public Hearing prior to adopting any ordinance change.

RELEVANT ORDINANCES:

Salt Lake City Code Chapter 5.65 – Vending Carts

Attachment A:
Proposed Ordinance (Clean)

SALT LAKE CITY ORDINANCE
No. _____ of 2007
(Amending Vending Carts)

AN ORDINANCE AMENDING CHAPTER 5.65, *SALT LAKE CITY CODE*,
PERTAINING TO VENDING CARTS.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Chapter 5.65, *Salt Lake City Code*, pertaining to vending carts be, and the same hereby is, amended to read as follows:

5.65.010 Definitions:

For the purpose of this chapter, the following words shall have the meanings as defined in this section:

A. "Expanded central business district" means the following streets within the city and all areas bounded within such streets:

1. North Temple Street on the north, from Sixth West Street to Third West Street;
2. Third West Street on the east, from North Temple Street to South Temple Street;
3. South Temple Street on the north, from Third West Street to Second East Street, on the south side of South Temple Street only;
4. Second East Street on the east from South Temple Street to Sixth South Street;
5. Sixth South Street (north side only) on the south from Second East Street to Sixth West Street;
6. Sixth West Street on the west from Sixth South Street to North Temple Street.

B. "Permit operating location" means a portion of a sidewalk which has been designated by the city for the conduct of business.

C. "Sidewalk vending cart" means a mobile device or pushcart meeting all of the requirements of this chapter for the conducting of business in a specified permit operating location approved by the city.

D. "Sidewalk vendor" means a person meeting all of the requirements of this chapter and being issued the appropriate business license and revocable land use permit to conduct business in a specified permit operating-area location by the use of a sidewalk vending cart.

E. "Special event" means the Days of '47 parade, Christmas parade, children's parades or other special events which the mayor shall so designate.

F. "Sugar House business district" means those streets within Salt Lake City as follows:

1. Twenty First South Street from Ninth East Street to Thirteenth East Street;
2. Highland Drive between Ramona Avenue and the I-80 Freeway;
3. Wilmington Avenue from Highland Drive to Thirteenth East Street.

G. "Secondary central business district" means the following streets within the city and all areas bounded within such streets:

1. 600 South (south side only) on the north;
2. 200 East on the east;
3. 900 South on the south; and
4. West Temple Street on the west.

5.65.020 Sidewalk Vending Allowed:

Vendors of products specified in this chapter may conduct business by use of sidewalk vending carts within the expanded central business district, the secondary central business district, the

Sugar House business district, city parks and Washington Square, in accordance with the provisions of this chapter. It shall be unlawful for any person to sell any goods or services, for profit, on any sidewalk within the city, except as provided by this chapter or by subsection 5.64.010C of this title pertaining to sidewalk sales by abutting property owners or possessors. The provisions of this chapter notwithstanding, nothing in this chapter shall pertain to newsracks, telephone or telex booths or stands, post boxes, nor to the sale by nonprofit organizations of merchandise which is inextricably intertwined with a statement carrying a religious, political, philosophical or ideological message.

5.65.030 Business License, Revocable Land Use Permit, And Fees Required:

No person shall conduct business on any city sidewalk, without first obtaining a valid base business license and entering into a revocable land use permit for the use of city property, and paying the required fees. In addition to the base business license fee, the annual revocable land use permit payment shall be one hundred seventy five dollars (\$175.00).

5.65.040 Application For Revocable Land Use Permit:

Application for a revocable land use permit to conduct business at a particular permit operating location shall be made with Property Management on forms prepared by Property Management.

Such application shall require the following information:

- A. The applicant's true and correct legal name, including any former names or aliases used during the last ten (10) years.
- B. The applicant's and present residence address, and telephone number, and mailing address, if different of the applicant.

- C. Type of product to be sold.
- D. If the vending cart includes an area for food preparation and/or sale, a copy of all permits required by state or local health authorities, including:
 - 1. A copy of signed restroom agreement for a restroom that must be accessible to the cart operator during all hours of the applicant's food service cart operations. The food service portion of applicant's vending cart operations will only be permitted to operate during the hours that the restroom facility is open. The restroom facility must be within five hundred feet (500') of the vending cart site. Restroom agreement must be submitted annually.
 - 2. A copy of the signed commissary agreement.
- E. The proposed permit operating location for conducting applicant's business, including a diagram showing the proposed area in proximity to nearby streets, intersections, and property owners, and adjacent ground level tenants.

5.65.041 Application for Business License:

Application for a business license shall be made with the licensing office on forms prepared by the Business Licensing Administrator. Such application shall require the following information:

- A. The applicant's true and correct legal name, including any former names or aliases used during the last ten (10) years.
- B. The applicant's present residence address, telephone number, and mailing address, if different.
- C. The applicant's national citizenship.

- D. A list of three (3) persons who can attest to the applicant's honesty, good reputation and good moral character.
- E. A statement affirming or denying whether the applicant has any felony or misdemeanor convictions or pleas of nolo contendere for a crime involving moral turpitude, narcotic or dangerous drugs, or offenses against persons or property, except those which have been expunged, and the disposition of all such arrests for the applicant for ten (10) years prior to the date of the application. Traffic offenses need not be disclosed unless a felony.
- F. A statement affirming or denying whether there are any criminal charges currently pending against the applicant for a crime involving moral turpitude, narcotic or dangerous drugs, or offenses against persons or property
- G. The expiration date of applicant's base business license, if any.
- H. Type of product to be sold.
- I. A copy of all permits required by state or local health authorities.
- J. A copy of signed restroom agreement for a restroom that must be accessible to the cart operator during all hours of cart operations. Vending cart operations will only be permitted to operate during the hours that the restroom facility is open. The restroom facility must be within five hundred feet (500') of the vending cart site. Restroom agreement must be submitted annually.
- K. A signed statement that the permittee shall hold the city and its officers and employees harmless from any and all liability and shall indemnify the city and its officers and employees for

any claims for damage to property or injury to persons arising from any activity carried on under the terms of the permit.

L. A description of the means to be used in conducting business including, but not limited to, a description of any mobile container or device, to be used for transport or to display products or services to be offered for sale. The description of the container or device may be in the form of detailed scale drawings of the device to be used, material specifications, and an isometric drawing in color of at least two (2) views showing all four (4) sides of the vending device and any logos, printing or signs which will be incorporated and utilized in the color scheme. Said description may include any additional items (e.g., color and material samples, layouts of signage and graphics, or photographs) which may reasonably be necessary to clearly visualize the proposed design.

5.65.042 Notification for Vending Cart Approval:

Prior to the approval of an administrative decision to issue a business license for a vending cart, the Business Licensing Administrator shall provide written notice of the intent to issue the business licensee to all property owners and licensed businesses within three hundred and thirty feet (330') or six hundred and sixty feet (660'), whichever is applicable per Section 5.65.120 or its successor. The notice shall provide a twenty one (21) day comment period. The Business Licensing Administrator shall, within seven (7) days of the expiration of the comment period, either issue the license or refer the application to the Building Services and Licensing Director and/or Community Development Director who shall determine within seven (7) days to either issue or deny the application. For vending carts located on private property, written notice of the

intent to issue the business license shall not be required. Adjacent property owners will be notified through the applicable land use process per Section 21.A of this title.

5.65.043 Criminal Background Check:

At the time of application or renewal, the person desiring to obtain a vending cart license pursuant to this Chapter, or its successor, shall furnish the Business Licensing Administrator an original, dated no older than thirty (30) days prior to the date of application of either (1) a verified criminal history report personal to the applicant or (2) verification from the Utah Department of Public Safety Bureau of Criminal Identification, that no criminal history exists. Said verification shall be presented in a sealed envelope from the Utah Department of Public Safety Bureau of Criminal Identification.

5.65.050 Separate Applications:

Separate revocable land use permit and business license applications shall be required for each mobile container or device to be used for transportation or display. Individual applications shall be accepted for one primary permit operating location. In order to allow a single cart mobility to coincide with daily changes in activity, the city may authorize, per administrative policy, up to four (4) additional secondary locations, based upon availability after awarding primary locations. Multiple operating locations may not be contiguous. A separate revocable land use permit must accompany each operating location. No application shall be accepted for a permit operating location for a term of which a current sidewalk vendor permit has been issued, remains unexpired or otherwise is not terminated or for which an application is pending. The permit operating

location may be changed upon written application therefor accompanied by an additional application fee.

5.65.060 Insurance Required:

No sidewalk vending permit shall be issued or continued in operation, unless there is on file with the city recorder a certificate of insurance executed by an insurance company or association authorized to transact business in this state, approved as to form by the city attorney, that there is in full force and effect public liability, food products liability and property damage insurance covering the operation of applicant's business operations with minimum limits of two hundred fifty thousand dollars/five hundred thousand dollars (\$250,000.00/\$500,000.00) for personal injury and one hundred thousand dollars (\$100,000.00) for property damage or such greater amounts as set forth in section 63-30d-34, Utah Code Annotated, 1953, as amended, or its successor. An original certificate of insurance shall be kept on file with the city's recorder at all times that a sidewalk vending permit is held verifying such continuing coverage and naming the city as an additional insured. The certificate shall contain a statement that the city will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage without reservation of nonliability for failure to so notify the city. Cancellation shall constitute grounds for revocation of the sidewalk vending permit issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of the cancellation/termination.

5.65.070 License Issuance Conditions:

A. The Business Licensing Administrator shall approve the issuance of a business license to the applicant, unless the Business Licensing Administrator finds one or more of the following:

1. The applicant has failed to provide the information on the application required by this chapter;
2. The applicant has falsely answered a material question or request for information as authorized by this chapter;
3. The applicant has failed to meet any of the provisions of this chapter;
4. There are grounds for denial as set forth in section 5.02.250 of this title, or its successor section, or in any other city ordinance or state or federal law or regulation;
5. The applicant has failed to provide a copy of his or her revocable land use permit required under Section 5.65.040, or its successor.

5.65.080 Form And Conditions of Revocable Land Use Permit:

The revocable land use permit issued shall be on a form deemed suitable by Property Management. In addition to naming the permittee, the permit shall contain the following conditions:

- A. The city will issue permits first to vendors seeking renewal of existing permits.
- B. Each permit issued shall expire at twelve o'clock (12:00) midnight on December 31 of the year so issued.
- C. The permit issued shall be personal only and not transferable in any manner.
- D. The permit shall be valid only when used at the permit operating location designated on the permit.
- E. The permit is valid for one cart only.

F. The City Transportation Engineer shall consider the need for parking to accommodate patrons of carts operating in locations outside the expanded central business district and may require written verification of a parking use agreement with an adjacent business that provides a reasonable number of parking spaces, as determined by the City Transportation Engineer, for the vendor's use without compromising the main businesses compliance with minimum parking requirements.

G. The permit operating location may be changed, either temporarily or permanently, by written notice from Property Management to permittee, in the event of construction or remodeling of any nearby structure or of a force majeure which, in the opinion of the City Transportation Engineer, renders permittee's continued operation at the original permit operating location unsafe for any person. The term "force majeure", as used in this section, means acts of God, acts of public enemy, blockades, wars, insurrections or riots, epidemics, landslides, earthquakes, fires, storms, floods or washouts, civil disturbances, or explosions.

H. The permit is subject to the further restrictions of this chapter.

I. The permit as it applies to a given permit operating location may be suspended by the mayor for periods of not to exceed ten (10) days for special events, as defined by section 5.65.010 of this chapter.

5.65.090 Use, Site And Design Review Required:

Prior to issuance of a sidewalk vending revocable land use permit, all applications therefor shall be reviewed and approved by Property Management to assure the proposed vendor meets the use

and design criteria and by the Transportation Engineer to assure compliance with the location criteria as set forth in this chapter.

5.65.100 Items For Sale:

A. Items approved for sale from sidewalk vending carts shall be limited to the following:

1. Food for immediate consumption, including beverages;
2. Inflated balloons;
3. Fresh cut flowers; and
4. Daily or monthly news publications.

B. The performance of personal services for sale shall not be provided from a sidewalk vending cart except as such may be necessary in connection with the sale of items allowed for sale under this section.

5.65.110 Location Review:

A. The permit operating location must be located within the expanded central business district, the secondary central business district, the Sugar House business district, city parks or Washington Square.

B. The use of the permit operating location for sidewalk vending must be compatible with the free flow of pedestrian and other traffic and with public safety. In making such determination, the City Transportation Engineer shall consider the width of sidewalk, the presence of bus stops, truck loading zones, taxi stands or hotel zones, the proximity of entrances to nearby business establishments, and the proximity and location of existing street furniture, including, but not limited to, signposts, lampposts, fire hydrants, parking meters, bus shelters, benches, phone

booths, street trees and newsstands. Property Management may modify an approved permit operating location at any time a change is deemed necessary to ensure safe and reasonable operating conditions for all users of the public right-of- way.

5.65.120 Location Requirements:

A. The permit shall be issued for a specific location and no more than one vending permit shall be issued for each three hundred thirty feet (330') 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 (660'), one permit shall be allowed for each additional six hundred sixty feet (660') of block frontage.

B. The number of vendors in city parks and Washington Square shall be determined by administrative policy.

C. 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 (40,000) 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 (24) square feet.

Vending carts on private property are subject to all of the requirements of this chapter except for the requirement of a revocable land use permit from the city under section 5.65.030 of this chapter or its successor. Use of private property by sidewalk vendors hereunder shall be arranged with the real property owner.

D. No person may conduct business from a sidewalk vending cart in any of the following places:

1. Within ten feet (10') of the intersection of the sidewalk with any other sidewalk or midblock crosswalk. In the secondary central business district, within fifty feet (50') of the intersections of the sidewalk with any other sidewalk. The City Transportation Engineer may waive this restriction in writing for any location upon finding that construction of extra width sidewalks makes such use consistent with the standards established by section 5.65.110 of this chapter;
2. Any location which would reduce the clear, continuous sidewalk width to less than four feet (4');
3. Within five feet (5') of an imaginary perpendicular line running from any building entrance or doorway to the curb line;
4. Within five feet (5') of any parking space for persons with disabilities, or access ramp;
5. Within ten feet (10') of any bus stop;
6. Within five feet (5') of any office or display window; or
7. Within ten feet (10') of any driveway.

E. Vending cart customers shall not block driveways of existing businesses.

F. No food vendor shall operate within one hundred feet (100') on the same linear block face of a door to a restaurant, city authorized special event selling food (outside public right of way), Gallivan Plaza (during events), or fruit or vegetable market, with direct access to the sidewalk. No flower or balloon vendor shall operate within one hundred feet (100') on the same linear block face of a door to a flower or balloon shop or city authorized special event selling

flowers/balloons (outside public right of way), Gallivan Plaza (during events), with direct access to the sidewalk. No newspaper/magazine vendor shall operate within one hundred feet (100') on the same linear block face of a door to a newspaper/magazine shop or city authorized special event selling newspapers/magazines (outside public right of way), Gallivan Plaza (during events), with direct access to the sidewalk. In the event of multiple entries/spacing requirements, the above requirement does not invalidate a legally authorized vending permit location. The vendor will still be authorized to operate at a maximum available spacing from all affected entries. The above requirement may be waived if the application is submitted with the written consent of the proprietor of such restaurant or shop. The consent shall be on forms deemed appropriate by the Business License Administrator. Payment of any consideration to a proprietor of such restaurant or shop or receipt of such consideration by a proprietor for such written consent is prohibited. Such waiver shall not except the permittee from compliance with the other location and distance restrictions of this chapter.

5.65.140 Design Requirements:

- A. The location occupied by the mobile device or pushcart, together with the operator and any trash receptacle, cooler or chair, shall not exceed thirty four (34) square feet of sidewalk space.
- B. The mobile device or pushcart shall not exceed three feet (3') in width and eight feet (8') in length including the hitch.
- C. The height of the mobile device or pushcart, excluding canopies, or umbrellas, shall not exceed five feet (5').

- D. Umbrellas or canopies shall be a minimum of seven feet (7') above the sidewalk if they extend beyond the edge of the cart.
- E. Umbrellas or canopies shall not exceed thirty four (34) square feet in area.
- F. The mobile device or pushcart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without any auxiliary power. The device or cart shall not be motorized so as to move on its own power.
- G. The vendor shall be limited to three (3) coolers (stacked), one beverage container, one trash receptacle and one chair external to the cart. Coolers shall not exceed 3.75 square feet each in size.
- H. Enclosures and canopy extensions are prohibited.

5.65.150 Fire Marshal Inspection:

Prior to the issuance of any permit, the fire marshal shall inspect and approve any mobile device or pushcart containing cooking or heating equipment to assure the conformance of any such equipment with the provisions of the city fire code.

5.65.160 Approved Kitchen:

If the vending cart includes an area for food preparation and/or sale, it must be approved by the Salt Lake City Valley Health Department. Vending carts shall only be kept at a commissary approved by the Health Department for the purposes of cleaning, stocking and preparation of food. The keeping of vending carts at a personal residence or other location not approved by the Health Department is strictly prohibited.

5.65.170 Operational Regulations:

A. All persons operating under a sidewalk vendor revocable land use permit issued by the city shall comply with the following regulations:

1. Display in a prominent and visible manner the business license issued by the city under the provisions of this chapter and conspicuously post the price of all items sold;
2. Pick up any paper, cardboard, wood or plastic containers, wrappers, or any litter in any form which is deposited by any person within a fifty foot (50') radius of the place of conducting business; and clean up all residue from any liquids spilled upon the sidewalk within said fifty foot (50') radius. 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;
3. Vending carts whose operations involve the cooking of food which will result in suspended grease or oil particles that end up as deposits on the immediate sidewalks or adjacent walls shall at the permittee's sole expense be required to clean their assigned location twice monthly, except during the months of December 1 through March 31, in accordance with the standards set forth and approved by Department of Public Utilities. The cleaning method must use a solution which dissolves the grease, and contains the wastewater while the cleaning process takes place so that the cleaning water or solution is not allowed to drain into the street or storm drain. A plan for cleaning shall be submitted to the city before a revocable land use permit is issued.

4. Obey any lawful order of a police officer to move temporarily to a different location to avoid congestion or obstruction of the sidewalk or to remove the vending cart entirely from the sidewalk, if necessary, to avoid such congestion or obstruction;
5. Conduct no sidewalk vendor business at a location other than that designated on his/her permit;
6. Make no loud or unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his/her wares;
7. Leave no permitted cart or device unattended on a sidewalk;
8. Except for the day of the days of '47 parade, vending carts shall not remain on the sidewalk between twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. of any twenty four (24) hour period;
9. Conduct no business in violation of the provisions of any ordinance or mayor's executive order providing for a "special event", as defined by section 5.65.010 of this chapter.
10. Park no vehicles adjacent to the assigned location, except temporarily for purposes of restocking cart supplies. Permittee's vehicle will not violate city parking regulations or block private parking access at any time.

5.65.180 Special Events:

The restrictions of this chapter notwithstanding, nothing herein shall prohibit the city from authorizing vendors, other than those licensed under this chapter, to conduct concurrent sidewalk vending operations within the expanded central business district, or such other areas as the city may deem appropriate, during special events (special event vendors). The special event vendors

shall not be governed by this chapter, but shall be governed by such other ordinance, city policy, or executive order as may be applicable. However, as long as the public right of way remains open to the general public, such authorization of special event vendors shall not require removal of a permittee under this chapter from operating within his/her designated permit operating location or a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under the city's ordinances. If the city is closing a public right of way to general access, either partially or fully, in order to accommodate a special event, the city may relocate the vendor to an adjacent location outside the special event boundary, subject to the spacing requirements of subsection 5.65.120D of this chapter.

5.65.190 Denial, Suspension Or Revocation Of Business License:

A. The Business License Administrator may revoke or suspend the business license or deny renewal thereof, of any person to conduct business on the sidewalks of Salt Lake City if he/she finds:

1. That such person has violated or failed to meet any of the provisions of this chapter;
2. That there are grounds for denial, suspension or revocation as set forth in section 5.02.250 of this title, or its successor section, or in any other city ordinance or state or federal law or regulation.
3. That such person has been convicted within the last seven (7) years of any crime involving moral turpitude, narcotic or dangerous drugs, or offenses against a person or property.
4. Any required license or permit has been suspended, revoked or canceled; or

5. The permittee does not have a currently effective insurance policy in the minimum amount provided in this chapter; or

6. That the permittee has abandoned the use of the permit operating location for the conducting of business. The failure of a permittee to vend from a vending cart within the permittee's permit operating location for thirty (30) continuous calendar days or more, except during the period December, January, and February, shall constitute abandonment;

B. Upon denial, suspension or revocation, the business license supervisor shall give notice of such action to the permit holder or applicant, as the case may be, in writing stating the action he/she has taken and the reasons therefor. Such notice shall contain the further provision that it shall become final and effective within ten (10) days, unless such action is the result of a failure of the permittee to maintain liability insurance as required by this chapter, or is the result of a threat to the public health, safety or welfare in which case the action shall be effective immediately upon issuance of such notice. Any person receiving such notice, other than a notice effective upon issuance, shall have ten (10) days from the date of receipt thereof to file a written request with the Business License Administrator for a hearing thereon before a hearing examiner appointed by the mayor. Upon receipt of such request the Business License Administrator shall schedule a hearing in accordance with the procedures set forth in chapter 5.02 of this title, or its successor chapter. If the notice of denial, suspension or revocation is effective upon issuance thereof, as provided in this section, a hearing shall be held within five (5) business days of the date of issuance without any requirement of a request for such hearing from the permit holder.

5.65.200 Penalty For Violation:

Any person convicted of violating any of the provisions of this chapter shall be guilty of a class B misdemeanor, and shall be punished as provided by section 1.12.050 of this code, or its successor section.

5.65.210 Violation A Nuisance-Summary Abatement:

The placement of any cart or device on any sidewalk in violation of the provisions of this chapter is declared to be a public nuisance. The Business Licensing Administrator may, as provided by law, cause the removal of any cart or device found on a sidewalk in violation of this chapter and is authorized to store such cart or device until the owner thereof shall redeem it by paying the removal and storage charges.

5.65.220 Vending Carts On Private Property Outside The Expanded Central Business

District:

A. Permits for vending carts on private property outside the expanded central business district may be approved pursuant to the applicable district regulations in title 21A, "Zoning", of this code, where they conform to the requirements below:

1. Vending carts on private property are subject to all of the requirements of this chapter except for the requirement of a revocable land use permit with the city under section 5.65.030 of this chapter; the requirement of a signed statement of liability and indemnity with the city under subsection 5.65.040E of this chapter; the requirement of insurance under section 5.65.060 of this chapter; the requirement of location review under section 5.65.110 of this chapter; the suspension

or revocation of business license due to a lack of use under subsection 5.65.190A5 of this chapter, and geographic location limits under section 5.65.020 of this chapter;

2. Use of private property by vendors shall be arranged with the real property owner and proof of such property owner authorization shall be required prior to the issuance of a business license;
3. Allowed only in zoning districts that permit vending carts as a permitted use, as defined by individual zoning district land use tables;
4. Allowed only on sites two (2) acres or larger and only as a secondary use to another primary commercial, office or industrial use. Vending carts on vacant or residentially used lots, regardless of zoning district, is prohibited;
5. No vending cart or device shall occupy required parking stalls;
6. No vending cart or device shall interfere with the internal parking lot circulation; and
7. Vending carts adjacent to residential zones shall be subject to site review to ensure compatibility.

SECTION 2. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2007.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

APPROVED AS TO FORM
Salt Lake City Attorney's Office
Date 3/15/07
By Jana Pini

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2007.

Published: _____.

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**Attachment B:
Proposed Ordinance (Legislative)**

SALT LAKE CITY ORDINANCE

No. _____ of 2007
(Amending Vending Carts)

AN ORDINANCE AMENDING CHAPTER 5.65, *SALT LAKE CITY CODE*,
PERTAINING TO VENDING CARTS.

Be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. That Chapter 5.65, *Salt Lake City Code*, pertaining to vending carts be, and the same hereby is, amended to read as follows:

5.65.010 Definitions:

For the purpose of this chapter, the following words shall have the meanings as defined in this section:

- A. "Expanded central business district" means the following streets within the city and all areas bounded within such streets:
1. North Temple Street on the north, from Sixth West Street to Third West Street;
 2. Third West Street on the east, from North Temple Street to South Temple Street;
 3. South Temple Street on the north, from Third West Street to Second East Street, on the south side of South Temple Street only;
 4. Second East Street on the east from South Temple Street to Sixth South Street;
 5. Sixth South Street (north side only) on the south from Second East Street to Sixth West Street;
 6. Sixth West Street on the west from Sixth South Street to North Temple Street.
- B. "Permit operating arealocation" means a portion of a sidewalk which has been designated by the city for the conduct of business.

C. "Sidewalk vending cart" means a mobile device or pushcart meeting all of the requirements of this chapter for the conducting of business in a specified permit operating ~~area~~location approved by the city.

D. "Sidewalk vendor" means a person meeting all of the requirements of this chapter and being issued the appropriate business license and ~~regulatory permit~~revocable land use permit to conduct business in a specified permit operating-~~area~~ location by the use of a sidewalk vending cart.

E. "Special event" means the ~~d~~Days of '47 parade, Christmas parade, children's parades or other special events which the mayor shall so designate.

F. "Sugar House business district" means those streets within Salt Lake City as follows:

1. Twenty First South Street from Ninth East Street to Thirteenth East Street;
2. Highland Drive between Ramona Avenue and the I-80 Freeway;
3. Wilmington Avenue from Highland Drive to Thirteenth East Street.

G. "Secondary central business district" means the following streets within the city and all areas bounded within such streets:

1. 600 South (south side only) on the north;
2. 200 East on the east;
3. 900 South on the south; and
4. West Temple Street on the west.

5.65.020 Sidewalk Vending Allowed:

Vendors of products specified in this chapter may conduct business by use of sidewalk vending carts within the expanded central business district, the secondary central business district, the Sugar House business district, city parks and Washington Square, in accordance with the provisions of this chapter. It shall be unlawful for any person to sell any goods or services, for profit, on any sidewalk within the city, except as provided by this chapter or by subsection 5.64.010C of this title pertaining to sidewalk sales by abutting property owners or possessors. The provisions of this chapter notwithstanding, nothing in this chapter shall pertain to newsracks, telephone or telex booths or stands, post boxes, nor to the sale by nonprofit organizations of merchandise which is inextricably intertwined with a statement carrying a religious, political, philosophical or ideological message.

5.65.030 ~~Regulatory Permit~~Business License, Revocable Land Use Permit, And Fees

Required:

No person shall conduct business on any city sidewalk, without first obtaining a valid base business license and entering into a revocable land use permit for the use of city property, and paying the required fees. In addition to the base business license fee, the annual revocable land use permit payment shall be one hundred seventy five dollars (\$175.00).

5.65.040 Application For ~~Regulatory Permit~~Revocable Land Use Permit:

Application for a ~~regulatory permit~~revocable land use permit to conduct business at a particular permit operating area location shall be made with ~~the permits and licensing office~~Property Management on forms prepared by ~~the business license supervisor~~Property Management. Such application shall require the following information:

A. The applicant's true and correct legal name, including any former names or aliases used during the last ten (10) years.

B. The applicant's and present residence address, and telephone number, and mailing address, if different of the applicant.

C. Type of product to be sold.

D. If the vending cart includes an area for food preparation and/or sale, a copy of all permits required by state or local health authorities, including:

1. A copy of signed restroom agreement for a restroom that must be accessible to the cart operator during all hours of the applicant's food service cart operations. The food service portion of applicant's vending cart operations will only be permitted to operate during the hours that the restroom facility is open. The restroom facility must be within five hundred feet (500') of the vending cart site. Restroom agreement must be submitted annually.

2. A copy of the signed commissary agreement.

FE. The proposed permit operating location for conducting applicant's business, including a diagram showing the proposed area in proximity to nearby streets, intersections, and property owners, and adjacent ground level tenants.

~~Such application shall require the following information:~~

5.65.041 Application for Business License:

Application for a business license shall be made with the permits and licensing office on forms prepared by the Business Licensing Administrator. Such application shall require the following information:

A. The applicant's true and correct legal name, including any former names or aliases used during the last ten (10) years.

B. The applicant's and present residence address, and telephone number, and mailing address, if different of the applicant.

C. The applicant's national citizenship.

D. A list of three (3) persons residing in the City who can attest to the applicant's honesty, good reputation and good moral character.

E. A statement affirming or denying whether the applicant has any felony or misdemeanor convictions or pleas of nolo contendere for a crime involving moral turpitude, narcotic or dangerous drugs, or offenses against persons or property, except those which have been expunged, and the disposition of all such arrests for the applicant for ten (10) years prior to the date of the application. Traffic offenses need not be disclosed unless a felony.

F. A statement affirming or denying whether there are any criminal charges currently pending against the applicant for a crime involving moral turpitude, narcotic or dangerous drugs, or offenses against persons or property.

GB. The expiration date of applicant's base business license, if any.

HC. Type of product to be sold.

ID. A copy of all permits required by state or local health authorities.

J. A copy of signed restroom agreement for a restroom that must be accessible to the cart operator during all hours of the applicant's food service cart operations. The food service portion of applicant's Vending cart operations will only be permitted to operate during the hours that the restroom facility is open. The restroom facility must be within five hundred feet (500') of the vending cart site. Restroom agreement must be submitted annually.

KE. A signed statement that the permittee shall hold the city and its officers and employees harmless from any and all liability and shall indemnify the city and its officers and employees for any claims for damage to property or injury to persons arising from any activity carried on under the terms of the permit.

LF. A description of the means to be used in conducting business including, but not limited to, a description of any mobile container or device, to be used for transport or to display products or services to be offered for sale. The description of the container or device may be in the form of detailed scale drawings of the device to be used, material specifications, and an isometric drawing in color of at least two (2) views showing all four (4) sides of the vending device and any logos, printing or signs which will be incorporated and utilized in the color scheme. Said description may include any additional items (e.g., color and material samples, layouts of signage and graphics, or photographs) which may reasonably be necessary to clearly visualize the proposed design.

MG. — The proposed permit operating location area for conducting applicant's business, including a diagram showing the proposed area in proximity to nearby streets, intersections and property owners and adjacent ground level tenants.

5.65.042 Notification for Vending Cart Approval:

Prior to the approval of an administrative decision to issue a business license for a vending cart, the Business Licensing Administrator shall provide written notice of the intent to issue the business licensee to all property owners and licensed businesses within three hundred and thirty feet (330') or six hundred and sixty feet (660'), whichever is applicable per Section 5.65.120 or its successor. The notice shall provide a fourteen (14) day twenty one (21) day comment period.

The Business Licensing Administrator shall, within seven (7) days of the expiration of the comment period, either issue the license or refer the application to the Building Services and Licensing Director and/or Community Development Director who shall determine within seven (7) days to either issue or deny the application.

For vending carts located on private property, written notice of the intent to issue the business license shall not be required. Adjacent property owners will be notified through the applicable land use process per Section 21.A of this title.

5.65.043 Criminal Background Check:

At the time of application or renewal, the person desiring to obtain a vending cart license pursuant to this Chapter, or its successor, shall furnish the Business Licensing Administrator an original, dated no older than thirty (30) days prior to the date of application of either (1) a verified criminal history report personal to the applicant; or (2) verification from the Utah

Department of Public Safety Bureau of Criminal Identification, that no criminal history exists.

Said verification shall be presented in a sealed envelope from the Utah Department of Public Safety Bureau of Criminal Identification.

5.65.050 Separate Applications:

~~A s~~Separate revocable land use permit and business license applications shall be required for each mobile container or device to be used for transportation or display. Individual applications shall be accepted for one primary permit operating ~~area~~location. In order to allow a single cart mobility to coincide with daily changes in activity, the city may authorize, per administrative policy, up to four (4) additional secondary locations, based upon availability after awarding primary locations. Multiple operating ~~areas~~locations may not be contiguous. A separate revocable land use permit must accompany each operating ~~area~~location. No application shall be accepted for a permit operating ~~area~~location for a term of which a current sidewalk vendor permit has been issued, remains unexpired or otherwise is not terminated or for which an application is pending.

The permit operating ~~area~~location may be changed upon written application therefor accompanied by an additional application fee ~~and upon approval of the planning official.~~

5.65.060 Insurance Required:

No sidewalk vending permit shall be issued or continued in operation, unless there is on file with the city recorder a certificate of insurance executed by an insurance company or association authorized to transact business in this state, approved as to form by the city attorney, that there is in full force and effect public liability, food products liability and property damage insurance covering the operation of applicant's business operations with minimum limits of two hundred

fifty thousand dollars/five hundred thousand dollars (\$250,000.00/\$500,000.00) for personal injury and one hundred thousand dollars (\$100,000.00) for property damage or such greater amounts as set forth in section 63-30d-34, Utah Code Annotated, 1953, as amended, or its successor. A ~~current~~ original certificate of insurance shall be kept on file with the city's recorder at all times that a sidewalk vending permit is held verifying such continuing coverage and naming the city as an additional insured. The certificate shall contain a statement that the city will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage without reservation of nonliability for failure to so notify the city. Cancellation shall constitute grounds for revocation of the sidewalk vending permit issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of the cancellation/termination.

5.65.070 License ~~And Permit~~ Issuance Conditions:

A. The ~~city~~ Business Licensing Administrator ~~supervisor~~ shall approve the issuance of a business license and a regulatory permit to the applicant, unless the Business Licensing Administrator ~~supervisor~~ finds one or more of the following:

1. The applicant has failed to provide the information on the application required by this chapter;
2. The applicant has falsely answered a material question or request for information as authorized by this chapter;
3. The applicant has failed to meet any of the provisions of this chapter;

4. There are grounds for denial as set forth in section 5.02.250 of this title, or its successor section, or in any other city ordinance or state or federal law or regulation;

5. The applicant has failed to provide a copy of his or her revocable land use permit required under Section 5.65.040, or its successor.

~~B.—— Prior to December 1 of each year, the zoning administrator, in consultation with the city's planning division, shall set a maximum on the number of permits to be issued for the following year based upon the success of the vending program in prior years, including a review of: 1) the percentage of applications received by the city which ultimately resulted in permits and business licenses actually obtained, 2) the percentage of licensed vendors which ultimately commenced operations at their permit operating areas, 3) the percentage of vendors which commenced operations and subsequently ceased operations because of market conditions.~~

~~C.—— The city will issue permits first to vendors seeking renewal of existing permits. Additional permits shall be issued up to the maximum number set by the city. The additional permits may be awarded by chance drawing, if the number of applications warrant and it is deemed necessary by the zoning administrator.~~

5.65.080 Form And Conditions ~~o~~Of Regulatory Permit~~Revocable Land Use Permit:~~

The ~~regulatory~~revocable land use permit issued shall be on a form deemed suitable by the ~~business license supervisor~~Property Management. In addition to naming the permittee, the permit shall contain the following conditions:

A. The city will issue permits first to vendors seeking renewal of existing permits.

AB. Each permit issued shall expire at twelve o'clock (12:00) midnight on December 31 of the year so issued.

BC. The permit issued shall be personal only and not transferable in any manner.

CD. The permit shall be valid only when used at the permit operating ~~area~~location designated on the permit.

~~D. The permit shall be openly displayed on the permitted vending cart during all times of operation.~~

E. The permit is valid for one cart only.

GF. The City Transportation Engineer shall consider the need for parking to accommodate patrons of carts operating in locations outside the expanded central business district and may require written verification of a parking use agreement with an adjacent business that provides a reasonable number of parking spaces, as determined by the City Transportation Engineer, for the vendor's use without compromising the main businesses compliance with minimum parking requirements.

FG. The permit operating ~~area~~location may be changed, either temporarily or permanently, by written notice from ~~the traffic engineer~~Property Management to permittee, in the event of construction or remodeling of any nearby structure or of a force majeure which, in the opinion of the City Transportation~~traffic~~ Engineer, renders permittee's continued operation at the original permit operating ~~area~~location unsafe for any person. The term "force majeure", as used in this section, means acts of God, acts of public enemy, blockades, wars, insurrections or riots,

epidemics, landslides, earthquakes, fires, storms, floods or washouts, civil disturbances, or explosions.

GH. The permit is subject to the further restrictions of this chapter.

HI. The permit as it applies to a given permit operating ~~area~~location may be suspended by the mayor for periods of not to exceed ten (10) days for special events, as defined by section 5.65.010 of this chapter.

5.65.090 Use, Site And Design Review Required:

Prior to issuance of a sidewalk vending ~~regulatory~~revocable land use permit, all applications therefor shall be reviewed and approved by ~~the planning official~~City Transportation Engineer~~Property Management~~ to assure the proposed vendor meets the use and design criteria and by the ~~T~~transportation en~~g~~ineer to assure compliance with the location criteria as set forth in this chapter.

5.65.100 Items For Sale:

- A. Items approved for sale from sidewalk vending carts shall be limited to the following:
1. Food for immediate consumption, including beverages;
 2. Inflated balloons;
 3. Fresh cut flowers; and
 4. Daily or monthly news publications.
- B. The performance of personal services for sale shall not be provided from a sidewalk vending cart except as such may be necessary in connection with the sale of items allowed for sale under this section.

5.65.110 Location Review:

A. The permit operating ~~area~~location must be located in ~~nonresidentially zoned areas~~location within the expanded central business district, the secondary central business district, the Sugar House business district, city parks or Washington Square.

B. The use of the permit operating ~~area~~location for sidewalk vending must be compatible with the free flow of pedestrian and other traffic and with public safety. In making such determination, the ~~traffic~~City Transportation eEngineer shall consider the width of sidewalk, the presence of bus stops, truck loading zones, taxi stands or hotel zones, the proximity of entrances to nearby business establishments, and the proximity and location of existing street furniture, including, but not limited to, signposts, lampposts, fire hydrants, parking meters, bus shelters, benches, phone booths, street trees and newsstands. The City Transportation EngineerProperty Management may modify an approved permit operating location at any time a change is deemed necessary to ensure safe and reasonable operating conditions for all users of the public right-of-way.

~~C. In the event the applicant is dissatisfied with the traffic~~City's Transportation eEngineer's decision regarding a certain application, he/she may appeal the decision by filing a written request with the business license supervisor for a hearing before a hearing examiner appointed by the mayor in accordance with the procedures set forth in chapter 5.02 of this title, or its successor chapter.

5.65.120 Location Requirements:

A. The permit shall be issued for a specific location and ~~No~~ no more than one vending permit ~~operating area shall be allowed for~~ issued for each three hundred thirty feet (330') 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 (660'), one permit shall be allowed for each additional six hundred sixty feet (660') of block frontage.

B. The number of vendors in city parks and Washington Square shall be determined by administrative policy.

C. Vending carts may be located on private plazas and private open space ~~on nonresidentially zoned property~~ within the expanded central business district. No more than one sidewalk vending cart shall be allowed per every forty thousand (40,000) 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 (24) square feet.

Vending carts on private property are subject to all of the requirements of this chapter except for the requirement of a revocable land use permit from the city under section 5.65.030 of this chapter or its successor. Use of private property by sidewalk vendors hereunder shall be arranged with the real property owner.

D. No person may conduct business from a sidewalk vending cart in any of the following places:

1. Within ten feet (10') of the intersection of the sidewalk with any other sidewalk or midblock crosswalk. In the secondary central business district, within fifty feet (50') of the intersections of the sidewalk with any other sidewalk. ~~The traffic~~ City Transportation eEngineer may waive this

restriction in writing for any location upon finding that construction of extra width sidewalks makes such use consistent with the standards established by section 5.65.110 of this chapter;

2. Any location which would reduce the clear, continuous sidewalk width to less than four feet (4');

3. Within five feet (5') of an imaginary perpendicular line running from any building entrance or doorway to the curb line;

4. Within five feet (5') of any parking space for persons with disabilities, or access ramp;

5. Within ten feet (10') of any bus stop; ~~or~~

6. Within five feet (5') of any office or display window; or

7. Within ten feet (10') of any driveway.

E. ~~No permittee shall allow any of his or her Vending cart customers to~~ shall not block driveways of existing businesses.

~~E~~F. No food vendor shall operate within one hundred feet (100') on the same linear block face of a door to a restaurant, city authorized special event selling food (outside public right of way),

Gallivan Plaza (during events), or fruit or vegetable market, with direct access to the sidewalk.

No flower or balloon vendor shall operate within one hundred feet (100') on the same linear

block face of a door to a flower or balloon shop or city authorized special event selling

flowers/balloons (outside public right of way), Gallivan Plaza (during events), with direct access

to the sidewalk. No newspaper/magazine vendor shall operate within one hundred feet (100') on

the same linear block face of a door to a newspaper/magazine shop or city authorized special

event selling newspapers/magazines (outside public right of way), Gallivan Plaza (during events), with direct access to the sidewalk.

In the event of multiple entries/spacing requirements, the above requirement does not invalidate a legally authorized vending permit ~~area~~location. The vendor will still be authorized to operate at a maximum available spacing from all affected entries. The above requirement may be waived if the application is submitted with the written consent of the proprietor of such restaurant or shop.

The consent shall be on forms deemed appropriate by the Business License supervisor~~Administrator~~. Payment of any consideration to a proprietor of such restaurant or shop or receipt of such consideration by a proprietor for such written consent is prohibited. Such waiver shall not except the permittee from compliance with the other location and distance restrictions of this chapter.

~~G. The City Transportation Engineer shall consider the need for parking to accommodate patrons of carts operating in locations outside the expanded central business district and may require written verification of a parking use agreement with an adjacent business that provides a reasonable number of parking spaces, as determined by the City Transportation Engineer, for the vendor's use without compromising the main businesses compliance with minimum parking requirements.~~

5.65.130 Design Review:

The planning official shall examine the sidewalk vending application to determine if the proposed design meets the design requirements of section 5.65.140 of this chapter applying current urban planning standards. In addition, the planning official shall consider whether or not

~~the proposed design, materials, colors, signage and graphics are compatible with the immediate surroundings of the proposed installation.~~

5.65.140 Design Requirements:

A. The ~~area~~location occupied by the mobile device or pushcart, together with the operator and any trash receptacle, cooler or chair, shall not exceed thirty four (34) square feet of sidewalk space.

B. The mobile device or pushcart shall not exceed three feet (3') in width and eight feet (8') in length including the hitch.

C. The height of the mobile device or pushcart, excluding canopies, or umbrellas, ~~or transparent enclosures~~, shall not exceed five feet (5').

D. Umbrellas or canopies shall be a minimum of seven feet (7') above the sidewalk if they extend beyond the edge of the cart.

E. Umbrellas or canopies shall not exceed thirty four (34) ~~sixty (60)~~ square feet in area.

F. The mobile device or pushcart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without any auxiliary power. The device or cart shall not be motorized so as to move on its own power.

G. The vendor shall be limited to three (3) coolers (stacked), one ~~water~~beverage container, one trash receptacle and one chair external to the cart. Coolers shall not exceed 3.75 square feet each in size.

H. Enclosures and canopy extensions are prohibited.

5.65.150 Fire Marshal Inspection:

Prior to the issuance of any permit, the fire marshal shall inspect and approve any mobile device or pushcart containing cooking or heating equipment to assure the conformance of any such equipment with the provisions of the city fire code.

5.65.160 Approved Kitchen:

If the vending cart includes an area for food preparation and/or sale, it must be approved by the Salt Lake City County Valley department of Health Department. Vending carts shall only be kept at a commissary approved by the Health Department for the purposes of cleaning, stocking and preparation of food. The keeping of vending carts at a personal residence or other location not approved by the Health Department is strictly prohibited.

5.65.170 Operational Regulations:

A. All persons operating under a sidewalk vendor ~~regulatory permit~~ revocable land use permit issued by the city shall comply with the following regulations:

1. Display in a prominent and visible manner the business license issued by the city under the provisions of this chapter and conspicuously post the price of all items sold;
2. Pick up any paper, cardboard, wood or plastic containers, wrappers, or any litter in any form which is deposited by any person within a fifty foot (50') radius of the place of conducting business; and clean up all residue from any liquids spilled upon the sidewalk within said fifty foot (50') radius. 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;

3. Vending carts whose operations involve the cooking of food which will result in suspended grease or oil particles that end up as deposits on the immediate sidewalks or adjacent walls shall at the permittee's sole expense be required to clean their assigned location twice monthly, except during the months of December 1 through March 31, in accordance with the standards set forth and approved by Department of Public Utilities. The cleaning method must use a solution which dissolves the grease, and contains the wastewater while the cleaning process takes place so that the cleaning water or solution is not allowed to drain into the street or storm drain. A plan for cleaning shall be submitted to the city before a revocable land use permit is issued. ~~the~~

34. Obey any lawful order of a police officer to move temporarily to a different location to avoid congestion or obstruction of the sidewalk or to remove the vending cart entirely from the sidewalk, if necessary, to avoid such congestion or obstruction;

45. Conduct no sidewalk vendor business at a location other than that designated on his/her permit;

56. Make no loud or unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his/her wares;

7. Leave no permitted cart or device unattended on a sidewalk;

~~687. Except for the day of the days of '47 parade, leave no permitted cart or device unattended on a sidewalk nor~~ vending carts shall not remain on the sidewalk between twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. of any twenty four (24) hour period;

~~798. Conduct no business in violation of the provisions of any ordinance or mayor's executive order providing for a "special event", as defined by section 5.65.010 of this chapter.~~

109. Park no vehicles adjacent to the assigned location, except temporarily for purposes of restocking cart supplies. Permittee's vehicle will not be allowed to violate city parking regulations or block private parking access at any time.

5.65.180 Special Events:

The restrictions of this chapter notwithstanding, nothing herein shall prohibit the city from authorizing vendors, other than those licensed under this chapter, to conduct concurrent sidewalk vending operations within the expanded central business district, or such other areas as the city may deem appropriate, during special events (special event vendors). The special event vendors shall not be governed by this chapter, but shall be governed by such other ordinance, city policy, or executive order as may be applicable. However, as long as the public right of way remains open to the general public, such authorization of special event vendors shall not require removal of a permittee under this chapter from operating within his/her designated permit operating ~~area~~location or a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under the city's ordinances. If the city is closing a public right of way to general access, either partially or fully, in order to accommodate a special event, the city may relocate the vendor to an adjacent location outside the special event boundary, subject to the spacing requirements of subsection 5.65.120D of this chapter.

5.65.190 Denial, Suspension Or Revocation Of Business License ~~And Regulatory Permit:~~

A. The ~~b~~Business ~~l~~License ~~supervisor~~Administrator may revoke or suspend the business license ~~and sidewalk vendor regulatory permit~~, or deny renewal thereof, of any person to conduct business on the sidewalks of Salt Lake City if he/she finds:

1. That such person has violated or failed to meet any of the provisions of this chapter;

2. That there are grounds for denial, suspension or revocation as set forth in section 5.02.250 of this title, or its successor section, or in any other city ordinance or state or federal law or regulation.

3. That such person has been convicted within the last seven (7) years of: any crime involving moral turpitude, narcotic or dangerous drugs, or offenses against a person or property.

34. Any required license or permit has been suspended, revoked or canceled; or

45. The permittee does not have a currently effective insurance policy in the minimum amount provided in this chapter; or

56. That the permittee has abandoned the use of the permit operating area/location for the conducting of business. The failure of a permittee to vend from a vending cart within the permittee's permit operating area/location for thirty (30) continuous calendar days or more, except during the period December, January, and February, shall constitute abandonment;

B. Upon denial, suspension or revocation, the business license supervisor shall give notice of such action to the permit holder or applicant, as the case may be, in writing stating the action he/she has taken and the reasons therefor. Such notice shall contain the further provision that it shall become final and effective within ten (10) days, unless such action is the result of a failure of the permittee to maintain liability insurance as required by this chapter, or is the result of a threat to the public health, safety or welfare in which case the action shall be effective immediately upon issuance of such notice. Any person receiving such notice, other than a notice effective upon issuance, shall have ten (10) days from the date of receipt thereof to file a written

request with the ~~Business License supervisor~~Administrator for a hearing thereon before a hearing examiner appointed by the mayor. Upon receipt of such request the ~~Business License supervisor~~Administrator shall schedule a hearing in accordance with the procedures set forth in chapter 5.02 of this title, or its successor chapter. If the notice of denial, suspension or revocation is effective upon issuance thereof, as provided in this section, a hearing shall be held within five (5) business days of the date of issuance without any requirement of a request for such hearing from the permit holder.

5.65.200 Penalty For Violation:

Any person convicted of violating any of the provisions of this chapter shall be guilty of a class B misdemeanor, and shall be punished as provided by section 1.12.050 of this code, or its successor section.

5.65.210 Violation A Nuisance-Summary Abatement:

The placement of any cart or device on any sidewalk in violation of the provisions of this chapter is declared to be a public nuisance. The ~~planning official~~Business Licensing Administrator may, as provided by law, cause the removal of any cart or device found on a sidewalk in violation of this chapter and is authorized to store such cart or device until the owner thereof shall redeem it by paying the removal and storage charges.

5.65.220 Vending Carts On Private Property Outside The Expanded Central Business

District:

A. Permits for vending carts on private property outside the expanded central business district may be approved pursuant to the applicable district regulations in title 21A, "Zoning", of this code, where they conform to the requirements below:

1. Vending carts on private property are subject to all of the requirements of this chapter except for the requirement of a revocable land use permit with the city under section 5.65.030 of this chapter; the requirement of a signed statement of liability and indemnity with the city under subsection 5.65.040E of this chapter; the requirement of insurance under section 5.65.060 of this chapter; the requirement of location review under section 5.65.110 of this chapter; the suspension or revocation of business license due to a lack of use under subsection 5.65.190A5 of this chapter, and geographic location limits under section 5.65.020 of this chapter;
2. Use of private property by vendors shall be arranged with the real property owner and proof of such property owner authorization shall be required prior to the issuance of a business license;
3. Allowed only in zoning districts that permit vending carts as a permitted use, as defined by individual zoning district land use tables;
4. Allowed only on sites two (2) acres or larger and only as a secondary use to another primary commercial, office or industrial use. Vending carts on vacant or residentially used lots, regardless of zoning district, is prohibited;
5. No vending cart or device shall occupy required parking stalls;
6. No vending cart or device shall interfere with the internal parking lot circulation; and
7. Vending carts adjacent to residential zones shall be subject to site review to ensure compatibility.

SECTION 2. This ordinance shall take effect immediately upon the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2007.

CHAIRPERSON

ATTEST:

CHIEF DEPUTY CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CHIEF DEPUTY CITY RECORDER

(SEAL)

Bill No. _____ of 2007.

Published: _____.