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## CHAPTER 754 – STREET VENDING

### **Sec. 754.01: Definitions.**

For the purpose of this chapter, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them, unless a different meaning is clearly indicated by the context.

“Street vending” means the sale, or offer for sale, of goods, wares, merchandise, food, confectionery, drink, or other commodities, on the City of Hamilton’s streets, highways, sidewalks, or other outdoor City-owned property, from temporary displays, portable stands or tables, manually propelled vehicles, or from motor or animal-drawn vehicles.

### **Sec. 754.02: Street Vending Location and Operation Restrictions.**

Licensed street vending may be conducted within the City of Hamilton, except as follows:

(a) No street vending shall be conducted on, and no street vendor’s display stand, table, cart, container or other appurtenance or paraphernalia shall be set up on, private property, or on the sidewalks adjacent to private property, without prior written consent of such property owner and of the owners of any property adjoining or abutting such property.

(b) Street vending is not permitted on High Street between the west side of the High-Main Bridge and the intersection of High Street and Martin Luther King Jr. Boulevard, Monday through Friday, between the hours of 7:00 a.m. and 6:00 p.m.

(c) Street vending is not permitted at any City Market established pursuant to Chapter 717, except for such sales permitted by, and so long as the street vendor is in complete compliance with, the provisions of all laws, regulations, and City ordinances governing said City Markets.

(d) Except by written permission granted by the organizer of a special event, which permission shall not be withheld based upon any political, religious, ethnic, race, disability, sexual orientation or gender related grounds, street vending is not permitted within the following areas during the period one hour before and one hour following a special event held:

(1) At RiversEdge Amphitheater: the area enclosed by Linden Street to the North, North Third Street to the East, Market Street to the South, and the East bank of Great Miami River to the West.

(2) At Third Street Plaza: the area enclosed by Race Street to the North, North Martin Luther King Jr. Boulevard to the East, Market Street to the South, and North Second Street to the West.

(e) Except by written permission granted by the holder of a permit issued pursuant to Chapter 315, which permission shall not be withheld based upon any political, religious, ethnic, race, disability, sexual orientation or gender related grounds, street vending is not permitted within streets and intersections blocked for purposes related to the permit, or on any street within one city block of the permitted event and any street designated by the Chief of Police as a detour for the blocked streets and intersections.

**Sec. 754.03: Scope of Chapter.**

The provisions of this chapter do not apply to:

- (a) Sales made to dealers by commercial travelers or selling agents in the usual course of business;
- (b) Bona fide sales of goods, wares, or merchandise by samples for future delivery;
- (c) Sales at trade shows or conventions;
- (d) Sales of tickets to an event; or
- (e) Any person conducting a garage sale, lawn sale, yard sale, or basement sale at or within reasonable proximity of his/her garage, lawn, yard, or basement.

**Sec. 754.04: Operation Without License Unlawful; Failure to Display License/ Identification Card.**

No person shall engage in the business or trade of street vending without first obtaining a license and identification card from the Director of Finance. The street vendor license shall be displayed conspicuously at all times upon the street vendor's stand, cart or container. Any and all additional licenses or permits required pursuant to law shall be displayed conspicuously at all times upon the street vendor's stand, cart or container. The identification card issued by the Director of Finance shall be worn conspicuously and affixed to the outer garment of the street vendor at all times. The identification card is not a license and shall so state.

**Sec. 754.05: License and Parking Fees.**

- (a) The license fee for engaging in the trade or business of street vending shall be one hundred fifty dollars (\$150.00). All licenses issued hereunder shall be for a period of one year or less which shall end on December 31 of that calendar year in which they are acquired, regardless of the date such license is issued.
- (b) Except as otherwise prohibited by Chapter 754, street vendors may use the City's parking spaces for up to twelve (12) consecutive hours, and except that no disability parking spaces or spaces providing time-limited parking of thirty (30) minutes or less may ever be used. Street vendors' use of any metered parking space or time-limited parking space at any time between 9:00 a.m. and 5:00 p.m., Monday through Friday, shall require a permit. Such permits shall be issued upon application to and approval by the Director of Public Works and payment of the appropriate fee. The fee for such permits shall be ten dollars (\$10.00) per day, or two hundred fifty dollars (\$250.00) per year.

**Sec. 754.06: Application for License.**

Each applicant for a street vending license shall file an application with the Director of Finance in such form as prescribed by the Director of Finance. The applicant may be an individual street vendor or a person, firm or corporation on behalf of an individual street vendor. In the case where a person, firm or corporation applies for the license on behalf of an individual street vendor, the license shall be issued in the name of the applicant; the license shall also bear the name and identification card number of the street vendor on whose behalf the license is issued. The identification card shall be issued in the name of the street vendor on whose behalf the license was purchased. Each applicant for a street vending license shall furnish two photographs of the street vendor on whose behalf the license is purchased,

taken within thirty days preceding the date of application, of a size designated by the Director of Finance, one of which shall be attached to a consecutively numbered identification card. Applicants that intend to sell food or beverages shall exhibit to the Director of Finance the necessary permit(s) from the Department of Health.

Each applicant for a street vending license must provide evidence of having established a City income tax account with the application.

In the case of loss of an identification card, the licensee shall file with the Director of Finance a signed and sworn affidavit that the identification card was lost or in the case of theft, a copy of the theft report submitted to any law enforcement agency and upon payment of twenty- five dollars (\$25.00) shall receive a replacement identification card. Each applicant for a replacement identification card shall furnish two photographs of the street vendor on whose behalf the license was issued, of a size designated by the Director of Finance, which photographs shall have been taken within thirty days of the date of application. The replacement identification card shall expire on the same date as the original being replaced.

**Sec. 754.07: Transfer of Identification Card.**

The street vending license is nontransferable. When the license is issued to a person, firm or corporation on behalf of another street vendor, the licensee may make application with the Director of Finance to transfer the identification card from one street vendor to another. The licensee must exhibit the original license receipt and surrender the identification card to the Director of Finance at the time of application for transfer. Each applicant for transfer of the identification card shall furnish two photographs of the street vendor on whose behalf the identification card is to be issued of a size designated by the Director of Finance, which photographs shall have been taken within thirty days of the date of application for transfer.

A fee of fifteen dollars (\$15.00) shall be charged for the transfer of an identification card. The transferred identification card shall expire on the same date as the original being transferred.

In the event the licensee fails to surrender the original identification card because it is lost or stolen, the application for transfer shall be accompanied by a signed and sworn affidavit that the identification card was lost or in the case of theft, a copy of the theft report submitted to any law enforcement agency. The fee for a replacement identification card shall be paid in addition to the transfer fee.

**Sec. 754.08: Street Sales - General.**

No person licensed as a street vendor shall demonstrate, sell or offer for sale or barter any goods, wares, merchandise, food, confection or drink upon any highway or sidewalk or any other City-owned property within the City except in accordance with all of the following provisions:

(a) All street vendors must abide by all safety and health regulations as defined by the City of Hamilton Health Code, the City of Hamilton Fire Prevention Code, and the Ohio Fire Code. All food vendors must abide by all rules and regulations pertaining to the Ohio Uniform Food Safety Code Chapter 3717-1, Ohio Administrative Code Chapters 901:301-4-01 and the Ohio Revised Code Chapter 3717.

(b) No merchandise shall be displayed or sold to the occupants of vehicles stopped in traffic.

(c) No street vendor shall park or locate any motor vehicle, trailer, or motor-drawn vehicle on any sidewalk within the City.

(d) Each street vendor selling from a motor or animal-drawn vehicle must comply with all traffic regulations at the location the vehicle is parked or standing.

(e) No merchandise shall be displayed or sold at any sidewalk location where the right-of-way is less than twelve feet in width.

(f) No merchandise shall be displayed or sold within twenty feet from the point of intersection of the curblines (except alleys), crosswalks or bus stop or stairway leading to or from any overhead walkway.

(g) No merchandise shall be displayed or sold within ten feet of a fire hydrant, a standpipe, a sprinkler intake, a doorway or other access point to abutting property, or a sidewalk elevator.

(h) No merchandise shall be displayed, or sold at a location which hinders or restricts access to a telephone booth, mailbox, parking meter, fire alarm call box or traffic-control box.

(i) No merchandise shall be displayed or sold in a manner that blocks, obstructs or restricts the free passage of pedestrians or vehicles in the lawful use of the sidewalks or highways or ingress or egress to the abutting property.

(j) All merchandise shall be displayed or sold from portable stands or containers. Each street vendor shall remove all merchandise, packaging, paper, containers, display stands or tables, or other materials brought to the vending location at the termination of sales each day. No permanent stands or displays will be permitted.

(k) No street vendor's display stand, cart, container or other appurtenances, paraphernalia, merchandise, supplies or signage shall occupy more than fifty inches of lateral sidewalk width, nor more than seventy-two inches of longitudinal sidewalk area.

(l) Each street vendor during the period of selling shall keep the area within ten feet of the location where the street vendor sells or displays merchandise free from all litter and debris arising from the operations, including the litter which arises from actions of customers in disposing of wrapping or packaging materials on merchandise sold by the street vendor.

(m) No street vendor's display stand, cart, container, or other appurtenance or paraphernalia shall be set up along street plantings or street furniture.

(n) Street vendors shall at all times exercise reasonable care that their merchandise, packaging material, display equipment and other paraphernalia shall not create a safety or health

hazard to customers or other persons using the public highways or sidewalks or to persons on or in abutting property.

(o) In the event a street vendor sells food, confectionery, or drink items, the street vendor shall be positioned at least 100 feet from the customer entrance of an existing restaurant during its hours of operation, unless the street vendor provides documentation that the restaurant owner supports a closer proximity.

Nothing herein shall be construed to prohibit the distribution of noncommercial handbills, cards, leaflets, other literature or the sale of newspapers and magazines on the sidewalks.

**Sec. 754.09: Insurance Requirements.**

Each applicant for a street vending license is required to post a satisfactory certificate of insurance, to be approved by the Director of Law, including general liability insurance and product liability insurance, which shall be endorsed to include the City as additional insured, providing indemnification against any claims, demands, lawsuits, or judgments arising out of the exercise of the privileges granted by the license; such policy of liability insurance is to guarantee at one million dollars (\$1,000,000).

**Sec. 754.10: Enforcement.**

In addition to any City Department authorized to enforce any provisions of the Codified Ordinances of the City of Hamilton, Ohio as they pertain to the activities set out in this Chapter 754, the Division of Police is hereby authorized to enforce Chapter 754.

**Sec. 754.99: Penalty.**

Whoever violates the provisions of Section 754.04 is guilty of a misdemeanor of the third degree. Each subsequent violation is a misdemeanor of the second degree.

Whoever violates any other provision of this chapter is guilty of a misdemeanor of the fourth degree. Each subsequent violation of this chapter shall be a misdemeanor of the third degree.

Whoever is convicted of violating any provision of this chapter shall surrender to the court all licenses and identification cards issued by the Director of Finance pursuant to this chapter for return and revocation by the Director of Finance for a period of one year from date of conviction.