

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2004-17

No. 158 **AN ORDINANCE** IN AMENDMENT OF ARTICLE IX, CHAPTER 14 OF THE CODE OF ORDINANCES ENTITLED "PEDDLERS AND HAWKERS", AS AMENDED

EFFECTIVE ~~XXXXXX~~ April 25, 2004

Be it ordained by the City of Providence:

SECTION 1. Article IX of the Code of Ordinances is hereby amended to read as follows:

Sec. 14 - 169. Peddlers and Hawkers -- Purpose. The purpose of this ordinance is to define peddlers and hawkers, to establish rules and regulations for their operation within the city and to establish licensing requirements for anyone who wishes to sell or offer for sale any goods, wares or merchandise, including any food or beverage on any public street, highway, or public right of way from a stationary location or from a vehicle, cart or any other conveyance which is not stationary.

Sec. 14 - 170. Peddlers and Hawkers -- Definitions. For the purpose of this section the following definitions shall apply:

- (a) Entertainment Venue -- ~~An Entertainment venue means is any establishment that offers theatrical-Providence Performing Arts Center, and Providence Civic Center d/b/a Dunkin' Donuts Center, Rhode Island Convention Center~~ Entertainment venue means is any establishment that offers
- (b) Farmers' markets/arts-and-crafts shows: A management organization that coordinates and manages the sale of goods, wares, merchandise, food or other articles by a number of individuals or businesses at a set location at specific times and days of the week.
- (c) Hawker -- A hawker is any person, licensed in accordance with this section, who is selling or offering for sale any goods, wares, or merchandise, including any food or beverage, on any public street, highway, or public right of way in the city from a designated vending site. A hawker sells from a stationary location.
- (d) Lunch Cart Restaurants -- See the applicable definition in Section 10-21 of the city ordinances.
- (e) Peddler -- A peddler is any person, licensed in accordance with this section, who is selling or offering for sale any goods, wares, or merchandise, including any food or beverage, from a vehicle, cart, or any other conveyance which is not stationary.
- (f) Traveling Restaurant -- See the applicable definition in Section 10-21 of the city ordinances.
- (g) Vending Sites -- A vending site is a location identified by the vending plan where a licensed hawker is authorized to sell any goods, wares, or merchandise, including any food or beverage.

Sec. 14-171. Peddlers and hawkers--License required. Except as herein provided, all hawkers and peddlers desiring to sell or offer for sale as hawkers or peddlers, any article or substance within the city, and all persons selling, desiring to sell, or offering for sale, any goods, wares, merchandise, food or other articles or substances on any public way in the city, shall first obtain a license therefore to be issued by the board of licenses, and to that end shall make application to said board for such license, to sell the articles or substances herein mentioned, for a period from a date of issue a such license until the first day of May next ensuing such date. Any license granted hereunder shall be subject to the provisions of this article.

Sec. 14-172. License fees. For licenses issued as provided herein, the person receiving the same shall pay to the Board of Licenses the sum

No.

CHAPTER
AN ORDINANCE

IN CITY COUNCIL

FEB 19 2004

And Referred Back
To The Committee on

Ordinances

Michael R. Clement CLERK

IN CITY COUNCIL

MAR 18 2004

And Referred Back
To The Committee on

Ordinances

Michael R. Clement CLERK

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance, As Amended

Ann M. Steen

Clerk

3-9-04

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance, As Amended

Ann M. Steen

Clerk

3-23-04

IN CITY COUNCIL

SEP 18 2003

FIRST READING
REFERRED TO COMMITTEE ON
ORDINANCES

Michael R. Clement CLERK

THE COMMITTEE ON

Ordinances

Recommends

Ann M. Steen

Clerk

10-9-03 - Cor 4
10-20-03 - Schedule P Hwy
11-12-03 - P. Hwy held

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance, As Amended

Ann M. Steen

Clerk

2/10/04

established as follows:

- (a) Hawkers -- - \$50.00
- (b) Peddlers -- - \$50.00
- (c) Vending Site -- - To be determined.

Sec. 14-173. Licensee to wear badge. Every person licensed as herein provided, shall also obtain from the board of licenses a badge at least two and one half (2 1/2) inches in diameter and shall, at all times while engaged in the business for which he/she is licensed, wear said badge conspicuously on the outside of his/her outermost garment. The number on said badge shall correspond to the badge number marked on the license, and shall be issued upon the deposit of a sum to be required by the board of licenses to such person as shall obtain the license bearing such badge number.

Sec. 14-174. Misuse of badge. No person shall wear any badge provided for in section 14-173 after the expiration or revocation of the license represented by it. No licensed person shall suffer any such badge, issued to him/her as aforesaid, to be used by another person for any purpose.

Sec. 14-175. Refusal to exhibit license and badge. Any person, who shall refuse, after lawful demand by any police officer, to exhibit to him or her his/her license and/or badge, shall be deemed for the purposes of this article to be unlicensed.

Sec. 14-176. Unnecessary noise prohibited. Hawkers and peddlers may make reasonable announcement of the merchandise which they have for sale. But, loud outcries or the use of sound amplification equipment, radios, stereos, television sets or similar devices is not permitted. and is regulated by Section 16 - 91 through 109 inclusive.

Sec. 14-177. Provisions not applicable to newspapers. Nothing herein contained shall apply to newspapers.

Sec. 14-178. Findings. In order to limit congestion, to ensure the safe passage of pedestrian and vehicular traffic and to improve the quality of life of the citizenry, it is necessary to control the number, location and operation of hawkers, traveling restaurants and lunch carts, farmers' markets and arts-and-crafts shows licensed in accordance with the provisions of this article.

Sec. 14-179. Vending sites --Establishment and purpose. Vending sites are hereby established in order to control the placement, duration, location, number and out-of-doors operation of hawkers licensed in accordance with this article and traveling restaurants and lunch carts licensed in accordance with the provisions of section 10-21, et seq., and farmers' markets and arts-and-crafts shows.

Sec. 14-180. Vending sites--Creation. The city plan commission shall, after appropriate study, prepare a "Vending Plan" based on the commission's consideration of the totality of the circumstances affecting hawking in the city, including but not limited to (a) daytime and evening populations, (b) intensity of vehicular traffic, (c) vehicular traffic patterns, (d) existing traffic control devices, (e) existing parking, (f) intensity of pedestrian traffic, (g) pedestrian traffic patterns, (h) roadway and/or sidewalk size and condition, (i) commercial-residential-industrial mix of the area, and (j) established zoning regulations applicable to the area. The plan shall designate vending sites and shall describe the same and it shall determine the number and type of out-of-doors vendors most appropriate. The Plan shall establish a minimum bid amount for a license for each designated vending and may establish minimum license requirements for farmers' markets and arts-and-crafts shows. In addition, the plan may establish rules relating to cart design, product mix, proximity of hawkers to similar existing outlets, and to each other, and other controls deemed necessary. The city plan commission shall review and shall revise, if necessary, said plan, not less frequently than once in every five (5) years. Upon completion of the "Vending Plan" by the city plan commission, the commission shall hold at least one (1) public hearing thereon. After making such changes as it deems necessary, the commission shall adopt the plan by a majority vote of its members and thereafter submit it to the city council for approval by ordinance.

Sec. 14-181. Licensing.

- (a) Upon the adoption of the vending plan and at the end of each calendar year thereafter, the board of licenses shall solicit bids for the designated vending sites. The bids shall be submitted on the forms provided by the board of licenses, and shall require:
- (1) The name of the bidder;
 - (2) The name(s), home and business address(es), of any person(s) having a financial interest in the proposed vending operation.
 - (3) A statement of the nature, character and quality of the goods, wares or merchandise to be offered for sale;
 - (4) The past vending experiences of the bidder, noting items sold and location;
 - (5) The type and design of cart to be used;
 - (6) The amount bid for each designated vending site in a specific; and
 - (7) Such other information reasonably necessary to evaluate the bid.
- Any bid(s) submitted which does not meet the minimum bid amount for each designated vending site offered shall be eliminated from the bidding process. The board of licenses shall award each designated vending site to the highest qualified bidder for that site. Among the factors to be utilized in determining the highest qualified bidder shall be the similarity of the goods to be offered by the bidder to the goods offered by others in close proximity to that site.
- (b) The board of licenses shall issue to each successful bidder a hawker license and a vending site license for the designated vending site. These licenses shall be valid from May first to April thirtieth of the following year. These licenses, along with the badge required by section 14-173, or the transient restaurant or such cart license, shall be incorporated as part of the cart design and shall be displayed at all times of operation as proof of license in the city.
- (c) Until a vending plan is adopted, all hawkers and peddlers licenses shall be deemed to be peddler licenses as defined in Section 14 - 170. These licenses shall adhere to the regulations set forth in Section 14 - 183.
- (d) The failure to adopt a vending plan shall not permit the issuance of hawker licenses.

Sec. 14-182. Vending site regulations. Hawkers shall adhere to the following conditions and any other conditions established by the vending plan:

- (a) Hawkers shall be restricted to designated vending sites.
- (b) Each designated vending site shall require a separate license;
- (c) Hawkers shall maintain, per vending site, liability insurance for bodily injury and property damage in an amount not less than five hundred thousand dollars (\$500,000.00) per accident. Proof of insurance must be submitted at the time of application for a license. Any license holder who shall fail to maintain the required insurance for the duration of the license shall be deemed, for the purposes of these Sections, to be uninsured.
- (d) All carts shall maintain the requirements of the cart construction specification as set forth in the vending plan.

Sec. 14-183. Peddlers. Any individual or corporation which holds a peddler's license in accordance with this article or a traveling-restaurant or lunch cart license in accordance with section 10-21, et seq. of this Code, may sell merchandise in any location not otherwise restricted by this article provided that:

- (a) The vehicle is legally registered;
- (b) The vehicle is licensed by the department of health, if necessary;
- (c) The peddler shall not stop on public property or in a public right-of-way for more than – sixty (60) minutes;
- (d) The peddler shall not offer for sale any goods, wares or merchandise, including food and beverages, within 300 feet of an Entertainment Venue for the period from two hours prior to any event at such venue to two hours following such event. The vending plan may modify this distance or establish explicit boundaries within which such sales are prohibited. Under special circumstances, for an individual event, the Entertainment Venues may submit a resolution to the Providence City Council to request an expansion of the 300 foot radius. This subsection (d) shall remain in effect for one year following the issuance of the new licenses described in Sec. 14-172.
- (e) A peddler shall not set up in a metered parking space or a parking space defined by painted lines to sell any goods, wares or merchandise, including food and beverage. Purchasing the use of a metered space through placing money in the meter or by parking in a legal un-metered space shall not permit the peddler to use the space to operate as a hawker. Peddlers shall be allowed to set up at curbside, so long as it is not designated a "No Parking" zone, and even if time-limited parking is designated there, so long as the given location conforms to the other specifications outlined above.

- (f) A peddler shall not be stationary on private property unless:
- (1) The private property is located in commercially or industrially-zoned area
 - (2) The peddler, if other than the owner of the realty, has written and notarized permission from the property owner; and
 - (3) The peddler has applied for and has received a hawkers license in accordance with the provisions of the article for a specified site on private property. The application for a hawkers license shall specify the site. The fee for said license shall be equivalent to the winning bid for the highest priced designated vending site.

Sec. 14-184. Farmers' markets/arts-and-crafts shows.

- (a) Any individual or corporation may apply for a hawker's license in accordance with section 14-171 of this article to operate a farmers' market or arts-and-crafts show at a site designated for the same in the vending plan. The application for said license shall be submitted on the forms provided by the board of licenses and as a minimum shall require:
- (1) The name(s), address(es) of the individual(s) or corporation(s) making application;
 - (2) The site(s) for which the application is being submitted and the proposed days and hours of operation;
 - (3) A statement of the nature, character and quality of the goods, wares or merchandise to be offered for sale;
 - (4) The past experiences of the individual or corporation, noting items sold and location;
 - (5) The technique to be used to display produce and merchandise to be sold; and
 - (6) Such other information reasonably necessary to evaluate the application.
- (b) Farmers' markets and arts-and-crafts shows shall:
- (1) Require a separate license for each site;
 - (2) Maintain liability insurance for bodily injury and property damage in an amount of not less than five hundred thousand dollars (\$500,000.00) per accident. Proof of insurance must be submitted at the time of application for a license. Any license holder who shall fail to maintain the required insurance for the duration of the license shall be deemed, for the purposes of these sections, to be uninsured.
 - (3) Meet the requirements for all displays set forth in the vending plan;
 - (4) Meet any regulations established in the vending plan.
 - (5) Not operate on private property unless:
 - i. The private property is located in a commercially- or industrially-zoned area;
 - ii. The individual or corporation has written and notarized permission from the property owner; and,
 - iii. The individual or corporation has applied for and has received a farmers' market and arts-and-crafts show license in accordance with the provisions of this article for a specified site on private property. The application for a license shall specify the proposed site.
- (c) Fees for farmers' market or an arts-and-crafts show shall be specified in the vending plan but shall consider the number of crafts persons and/or farmers participating therein.

Sec. 14-185. Violation, penalties and revocation of license.

- (a) Every person who shall sell or offer for sale any goods, wares or merchandise including food and beverages:
- (1) Without a hawker's or peddler's license;
 - (2) Without a vending site license;
 - (3) Without a vending site license for the specific site at which he/she is vending;
 - (4) Without a farmers' market/arts-and-crafts license; shall be fined two hundred dollars (\$200.00) or imprisoned up to ten (10) days for each offense and if the holder of a license, such license shall be subject to revocation and if not the holder of a license, such persons shall be ineligible to obtain a license under the Sections for a period not to exceed one (1) year.
- (b) Every individual sale or offer for sale made contrary to the provisions of this article shall be deemed and construed as a distinct and separate offense.
- (c) In the event an individual is not the holder of a license in accordance with this section and is found to have violated this section, he/she shall not be eligible for any license granted hereunder for a period of one (1) year from the date of violation.

Sec. 14-186. Vending plan. In the event that a designated vending site becomes available after May first in any year, the board may accept bids for the same in like manner to the procedure provided above.

No department, board, bureau, commission, agency or other municipal entity, other than the board of licenses, shall grant any license, permission, grant or lease to any cart, farmers' market, or arts-and-crafts show.

Nothing herein shall supersede any portion of existing zoning or land-use ordinances, as the same may be amended.

Parking regulations are specifically limited, to the extent necessary, to effect the purposes of this article.

The board of licenses shall promulgate necessary rules and regulations, not inconsistent herewith, to effect the purposes of this article.

No license granted under this section shall be transferable nor automatically renewable and no property interest shall attach beyond the expiration date of any license.

In the event that any portion of this article is deemed to be invalid by a court of competent jurisdiction such ruling shall not invalidate the remainder of this article.

SECTION 2. This Ordinance shall take effect upon passage.

IN CITY COUNCIL

APR 1 2004

**FIRST READING
READ AND PASSED, AS AMENDED**

Michael R. Clement
CLERK

**IN CITY
COUNCIL**

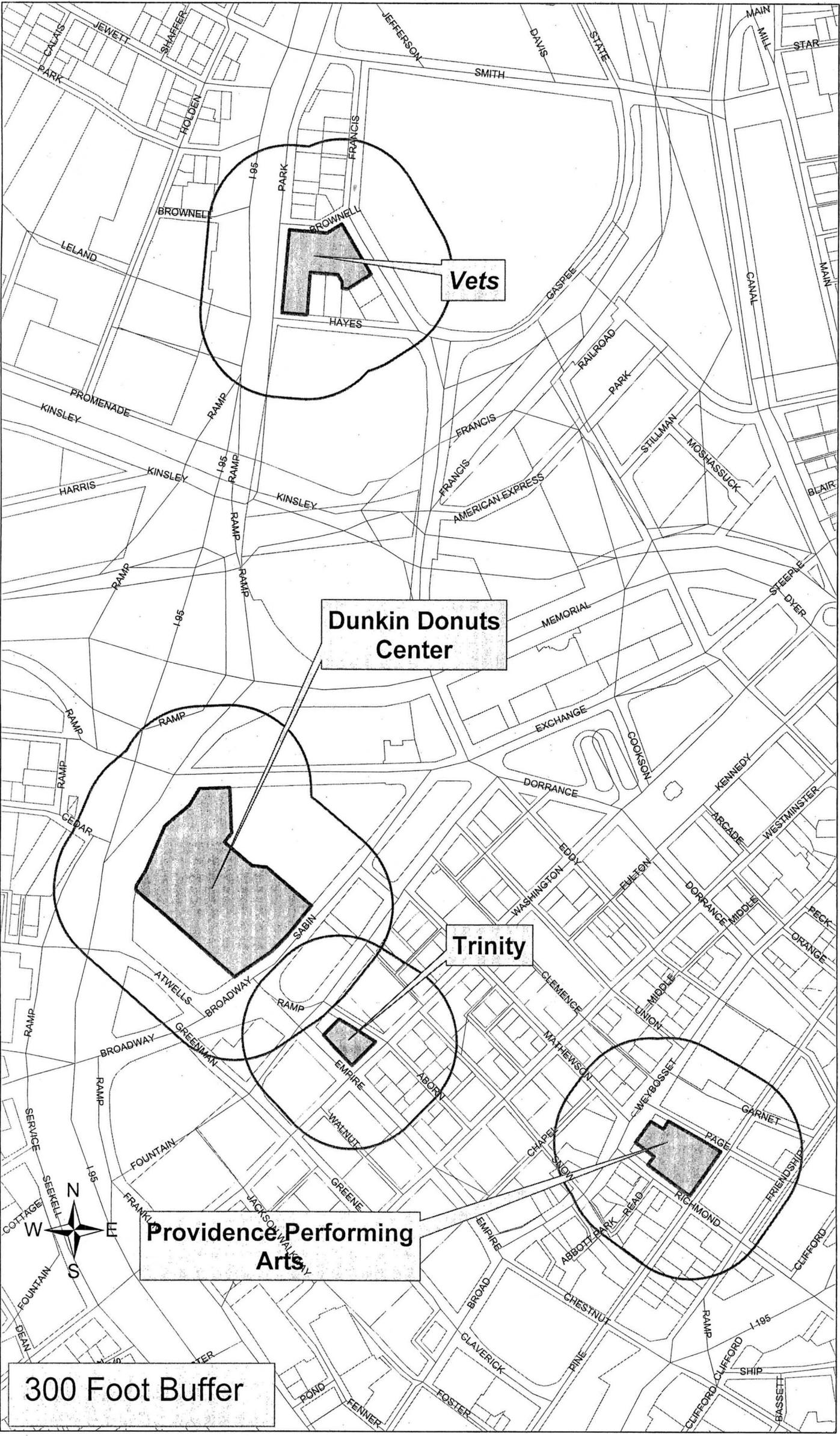
APR 15 2004

**FINAL READING
READ AND PASSED, AS AMENDED**

John Ireland
PRESIDENT
Michael R. Clement
CLERK (cb)

Effective without the
Mayor's Signature:

Michael R. Clement
Michael R. Clement (cb)
City Clerk



Vets

Dunkin Donuts Center

Trinity

Providence Performing Arts

300 Foot Buffer

THE VENDING ZONE PLAN

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DRAFT

INTRODUCTION

Purposes

This Vending Zone Plan (Plan) is established to limit congestion on public streets and sidewalks, to ensure the safe passage of pedestrians and vehicles, and to improve the quality of life of the citizens of Providence. Its purpose is to set up a procedure to license *stationary vendors* in predetermined locations in the downtown and neighborhood commercial districts. This Plan does not change, in any way, the licensing and enforcing of regulations for *mobile peddlers* and hawkers.

The need for this Plan arose from concerns expressed by street vendors themselves, as well as store merchants and neighborhood residents. Presently, local law requires that licensed peddlers remain mobile, although many prefer to establish a consistent, stationary location. Poor enforcement of peddler licensing requirements allowed illegal stationary peddlers to prosper at the expense of licensed mobile peddlers. Neighborhood residents complained that unlicensed stationary vendors often blocked sidewalks, endangering pedestrians and increasing congestion. Store merchants worried about unfair competition from street vendors (who lack store rental or ownership expenses) selling similar goods at lower prices. Finally, a lack of regulations for merchandise display contributed to an unsightly assortment of tables, chairs, strung wires, carts and vehicles in many areas throughout the City.

Authority

The legal basis for this Plan is an ordinance (Chapter 1994-39, No. 715, adopted by the Providence City Council and signed by the Mayor on November 14, 1994) controlling the number, location and operation of out-of-doors vendors within the City of Providence. (See Appendix A for complete text of the Ordinance). The ordinance allows the City to create specific vending zones in downtown and in the neighborhoods, and establishes licensing requirements for stationary peddlers, mobile peddlers and lunch carts, and farmers markets and arts-and-crafts shows.

Strategy

Following passage of the ordinance, a practical, efficient strategy to regulate peddler activity and to reduce intrusions into the retail and pedestrian environment was needed. After researching successful strategies developed in other New England communities, the Department of Planning and Development devised this Plan. The Plan identifies vending zones in downtown and neighborhood commercial areas, and addresses four basic objectives for each zone:

- (1) limit peddlers to specific sites;
- (2) insure that only licensed stationary peddlers are utilizing vendor sites;
- (3) eliminate the problem of temporary peddlers in inappropriate places; and
- (4) insure that peddler carts and sites are adequately maintained and pose no danger to the public.

Through the adoption of a reasonable permitting process and peddler and cart regulations, vending can be controlled to preserve the public health and welfare, and at the same time enhance the retail climate and pedestrian environment in the downtown and other commercial areas throughout the City of Providence.

VENDING ZONES

In order to limit congestion, to ensure the safe passage of pedestrian and vehicular traffic, and to improve the quality of life of the citizenry, it is necessary to control the number, location and operation of licensed peddlers, traveling restaurants and lunch carts, farmers markets and arts and crafts shows. Vending zones are hereby established to control the placement, duration, location, number and out-of-doors operation of such businesses.

These zones sites are established to settle any past disputes between merchants and peddlers, to maintain the aesthetic condition and safety of downtown and neighborhood streets, and for the purpose of setting site fees. Vendor zones shall be located throughout the City, but limited to protect the areas in which the zones are established.

Vending zones are classified as follows, based on both the level of pedestrian activity and the commercial character of the area:

Zone A - Downtown District Zones

Zone B - Neighborhood Commercial District Zones

Zone C - Farmers Market/Arts and Crafts Shows

Zones and specific sites therein, are shown on the *Official Vendor Site Location Map*. The purpose of an official map is to designate vendor sites, depict zone boundaries and show limits for minimum bids. The City Plan Commission may, after a public hearing, amend the boundaries of vending zones annually based upon subsequent changes in vending

patterns and commercial activities within the City of Providence. The *Official Vendor Site Location Map* shall be valid from May 1 through April 30 of the following year. The City Plan Commission shall vote on the annual re-adoption of the *Official Vendor Site Location Map* at its April Meeting, whether or not a change is proposed.

Zone A - Downtown District Zones

Downtown's offices, hotels, churches, arts and entertainment venues, restaurants, universities, residences and stores attract significant daytime, evening and weekend populations, who come from within the city as well as other Rhode Island communities and out of state. Both pedestrians and vehicles must circulate smoothly on downtown's narrow and often crowded streets. Current zoning requirements are intended to attract 24-hour activity into downtown, to make it a comfortable and inviting pedestrian environment, and to preserve the 19th century character of the old retail core. Therefore, stationary vendors shall be permitted only in seventeen (17) sites located in the Downtown District Zone A, and shown on the *Official Vendor Site Location Map*, attached as part of this Plan.

Specific vendor locations are spaces measured at 19 feet in length, typically located along the Public Right-of-Way at a curbed sidewalk, but not on the sidewalk. These 17 spaces are:

◦ *Roger Williams National Memorial*

1. Canal Street
2. North Main Street

Superior Court House

3. South Main Street
4. South Main Street

Old Stone Bank Plaza

5. South Main Street

Hospital Trust Plaza

6. Westminster Street
7. Westminster Street

Fleet Bank

8. Westminster Street

City Hall

9. Fulton Street

AAA Travel Center

10. Westminster Street

Johnson and Wales University

11. Dorrance Street

Garrahy Court House

12. Dorrance Street

13. Dorrance Street

Former Shepard's - University of Rhode Island - CCE

14. Westminster Street

Gladdings Dept. Store

15. Westminster Street.

Citizens Bank

16. Empire Street

AS220 Restaurant

17. Empire Street

Richmond Street

18. Club Baby Head

19. Recess Pub

Zone B - Neighborhood Commercial District Zones

Established neighborhood commercial areas have high-volume pedestrian and vehicular traffic, with businesses patronized by both local residents and others outside the neighborhood. The proximity of these commercial activities to residential uses requires particular attention to issues of traffic, parking, noise, operating hours, and type of business. To preserve the residential character of neighborhoods, peddlers and hawkers shall be limited to major thoroughfares

where commercial activity is permitted by the Providence Zoning Ordinance. These are C-1, C-2, C-4, or M-1 zoning districts.

Stationary vendors shall be permitted only in thirteen (13) sites located in Neighborhood District Zone B, and shown on the *Official Vendor Site Location Map*, attached as part of this Plan.

Specific vendor locations are spaces measured at 19 feet in length, typically located along the Public Right-of-Way at a curbed sidewalk, but not on the sidewalk. These 13 spaces are:

College Hill

1. Brown Bookstore - Thayer Street

Fox Point

2. Wickenden Street

Elmwood

4. St. Josephs Hospital

Elmwood/Lower So. Providence

5. Broad and Thurbers

South Elmwood/ Washington Park

6. Roger Williams Park Entrance

Federal Hill/Upper So. Providence

7. Conanicus Square

Olneyville

8. Olneyville Square

Hartford

9. Hartford and Killingly

Federal Hill

10. DePasquale Plaza

11. Atwells and Erickson Place

Olneyville/Mount Pleasant

12. Manton and Atwells

Wanskuck

13. Admiral and Douglas

India Point

3. Hot Club

14. RI Fish Company

15. Shooters

Zone C - Farmers Markets/Arts and Crafts Shows

Groups of street vendors, assembled at a predetermined location, at specific times and/or days of the week, and managed by an organization, such as a farmers market or an arts and crafts show, may be permitted on public or private property only where sufficient space exists to accommodate the group of vendors comfortably without interfering with public rights-of-way for pedestrians or vehicles. Areas identified as Zone C on the *Official Vendor Site Location Map* indicate where such licensed groups may be located.

[NEED LIST OF SITES. DO STREET FAIRS FALL INTO THIS CATEGORY - e.g. THAYER STREET ART FESTIVAL?]

INDIVIDUAL VENDOR SITES

Each Vending Zone contains designated individual vendor sites for the use of a stationary vendor, farmers markets or arts-and-craft shows. Within each Zone A, B or C, individual sites shall be classified as follows:

CLASS 1 Site - Vending of prepared foods (cooked on site), fresh fruits and vegetables, fashion merchandise/accessories, clothing, gifts, balloons, flowers, etc. shall be permitted.

CLASS 2 Site - Vending of fresh fruits and vegetables, fashion merchandise/accessories, clothing, gifts, balloons, flowers, etc. shall be permitted. The vending of prepared foods (cooked on site) shall not be permitted.

Cigarettes, liquor, drugs and pharmaceuticals shall not be sold by any vendor.

Each site designation will apply only to stationary vendors with applicable limits set for neighborhood and downtown zones.

BID PROCESS

Stationary Vendors

Stationary vendors shall bid for a site by first submitting a Bid Application Form from the Board of Licenses with one bid amount per site. Bid amounts shall not be less than the amounts shown below:

Zone A - Downtown: \$2,000 per year

Zone B - Neighborhoods: \$1,000 per year

Zone C - Farmers Market/Arts and Crafts Shows: \$2,000 per year

The application shall specify all products which the applicant intends to sell. Also a drawing of the cart showing the merchandise display method shall accompany the Bid Application Form. If the applicant later wishes to add items to the list of products, that change must be requested in writing and approved by the Board.

Applications shall include the following information, which shall be displayed on the license:

- * description of vending apparatus;
- * type of goods to be sold;

* home and business address.

Farmers Markets and Arts-and-Crafts Shows

Farmers Markets and Arts-and-Crafts Shows will be assigned to privately owned lots or designated public spaces. In such cases the individual or corporation must petition the City Plan Commission to request an available zone and site. The Commission during a regular meeting will survey the Official Site Location Map to determine a qualified in accordance with Section 14-180. Vending zones - creation.

Permission from adjacent abutting property owners must then be presented to the Board of Licenses as part the license application process. Bids are not necessary for farmers market or show space. However, spaces will be awarded on a first come first serve basis by the Board of Licenses as in accordance with Section 14-184. Farmers Markets/Arts-and-Crafts Shows.

Mobile Peddlers

Mobile Peddlers who sell their wares from registered motorized vehicles will also have sites displayed on the Official Map. However mobile vendors are not required to bid for location nor are they restricted to sell merchandise only within a vendor zone area provided all provisions of Article IX are satisfied. (see Section 14-183. Mobile Peddlers.)

All Vendors and Peddlers

In order to operate a street vending cart the following licenses are required:

A sidewalk/right of way license issued by the Board of Licenses. The application must be filled out completely. The fee in the sum of \$50.00 is paid to the Board of Licenses, is the responsibility of the individual cart operator and must be paid at the time of receipt of the application.

All carts selling food products require an additional license by the Rhode Island Department of Health. Arrangements for the inspection and application can be made by contacting the Department.

Bid Period

At the end of each calendar year, either the first day of January or on the last day of the year (January 1 or December 31), the Board of Licenses shall advertise a request for Bids from vendors for three (3) consecutive

weeks in the Providence Journal Bulletin. Also, a "Request For Bids" notice shall be conspicuously posted within all City workplace buildings for the duration of the time period.

During the time of advertisement bid applications shall be made available at the following location:

Board of Licenses
City Hall, 1st Floor
Providence, Rhode Island 02903
Between 8:30 and 4:30, Monday through Friday

All completed applications must be submitted on or before the close of the workday to the Board of Licenses in order for bids to be read at a meeting of the Board of Licenses for its Vendor Review Meeting.

Applications with incomplete or questionable information will be dealt with by the Board and determinations will be made by the Boards' own discretion. It will be the responsibility of the applicant to ensure complete and timely submission of the application.

The exact date, time, and location of the Vendor Review Meeting shall be sent to all bidders by certified mail, at least two weeks in advance. The applicant should attend the meeting to answer any questions or concerns.

CART DESIGN

During the Vendor Review Meeting the Board will review samples or descriptions, as the Board deems appropriate, of all materials which the applicant intends to incorporate or has incorporated into the cart. The samples or descriptions will be maintained with the applicants other records in the Board of Licenses.

Where the cart has not yet been constructed, the Board will also require precise drawings showing all four (or more) sides of the cart. These drawings must show all dimensions, all features, and any signage which the applicant intends to incorporate into the cart.

If the cart is already constructed, the Board will require clear photographs of all four (or more) sides of the cart with an explanation of all dimensions and any signage which the applicant intends to incorporate into the display.

REVIEW

Bids shall be forwarded to the Board of Licenses for its Vendor Review Meeting. When the Vendor Review Meeting is in

session the following information shall be reviewed before the Board of Licenses:

Investigations of the applicant's character or business responsibility will be the primary purpose of the meetings.

*If such is found not to be in compliance with the ordinance and this plan the applicant shall be notified that his/her application is disapproved and that no permit and license will be issued.

*If the character and business responsibility of the applicant is *satisfactory*, The Board shall endorse approval of the application.

Upon payment of the prescribed license fee one badge, one license and a map of the vendors' site assignment will be issued and delivered to the applicant. A permanent record of all issued licenses shall be kept by the Board of Licenses.

Please note, response from the vendor review should take no more than four weeks. The response will be either an acceptance of your application or a denial of your application. Any application which is denied will be accompanied by an explanation of the reasons for such denial. The license fee of \$50 will be held uncashed until you application has been processed. If the application is accepted, the deposit will be applied as part of your bid.

ENFORCEMENT

Any licenses may be denied, suspended or revoked in accordance with the procedure contained in for any of the following causes:

- * Fraud or misrepresentation contained in the application for the license.
- * Fraud or misrepresentation made in the course of carrying on the business of vending.
- * Conduct of the licensed business in such manner as to create a public nuisance, or constitute a danger to the public health, safety, welfare or morals.
- * Conduct which is contrary to the provisions of this ordinance.

Licenses will be considered to have been issued only to the successful applicants and may not be transferred without

Committee approval. *Transfers will not be allowed for the first six months after a license is issued.*

Any person violating any provision of this ordinance shall be guilty of an offense and upon conviction, shall be punished by a fine not to exceed \$200 or by imprisonment for a period not to exceed ten (10) days.

It will be the duty of the Providence Police Department to enforce the provisions of this ordinance against any person found to be violating the same. Reports of violations and convictions for this ordinance shall remain within the records of the Board of Licenses.

INSURANCE

Prior to receiving a License, the applicant must submit proof of insurance. Submit proof that applicant maintains liability insurance for bodily injury and property damage in the amount not less than \$500,000 per accident. A license holder must maintain the required insurance for the duration of the licence or otherwise be deemed uninsured.

DEFINITIONS

Board of Licenses: The board is made up of five members who are appointed by the Mayor and approved by the City Council and serve a three year term. Its duties and responsibilities involve the legal licensing process for activities and services within the City as such this may include but is not limited to the following:

- Make and receive applications for licenses.
- Require inspection, investigation and reporting by the Police Department where the Police Department has an interest.
- Receive from the Police Department notification of the violation of the terms of any license.
- Suspend, cancel or revoke any license issued by the Board of License for any reason which the Board may deem to be in the public interest.

Downtown District: Three zones make up what is called the Downtown District they are Hospital Trust/Westminster Zone, Westminster Street, Garrahy Court House.

Farmers Markets/Arts and Crafts Shows: A management organizations that coordinates and manages the sale of goods, wares, merchandises, food or other articles by a number of individual or businesses at a set location at specific times and day of the week.

Food Peddler: Food peddlers are those persons engaged in on-site food preparation as defined by the State Department of Health.

Hawker: A peddler who announces the sale of wares by calling out in the street.

Mobile Peddler: A peddler, hawker or lunch cart which sells merchandise from a motorized vehicle that travels along public rights-of-way through out the city and cannot stop at any location for more than five (5) minutes.

Neighborhood District: All other vendor zones will fall within the neighborhood district of vendor zones. Generally these districts will be distinguished as having a major thoroughfare running through it, its established zoning districts are (C-1), (C-2), (C-4) and (M-1) also features such as extensive pedestrian flow, wide sidewalks and significant peddler and hawker activity in the past are part of its characteristics.

Peddler: A person who offers for sale wares along the street.

Peddler Zones: A peddler zone is marked by the characteristics as determined by the City Plan Commission to be an area suitable to peddle and hawk wares, foods or goods to the public-at-large in a legal, safe, healthy as in accordance with Article IX of the Code of Ordinances.

Peddler Zone Plan: The City Plan commission is charged with the creation of a Vending Zone Plan. The Plan's purpose is to control the placement, duration, location, and number of out-of-doors peddlers and hawkers, traveling restaurants and lunch carts.

Prepared Food: Any food product (including beverages) other than unprepared food, as defined in this section.

Stationary Peddler: A peddler, hawker or lunch cart which sells from a peddler's site on a public sidewalk, public right-of-way or private property in a designated peddler zone.

Street Artist: An individual who produces works of art for immediate sale - portrait painters and the like.

Street Artisan: A person who sells "arts and crafts" items of his or her own creation.

Types of Peddlers: There are three types of peddlers as distinguished and defined in the code of ordinances. It is the purpose of the code of ordinances to separate large vendors from small vendors, stationary from traveling vendors, individual vendor from the organized market. Because of these differences certain types of peddlers are allowed on private lots or others may only utilize public spaces such as city sidewalks, public right of way and even parking spaces.

Stationary Peddler: a peddler, hawker lunch cart which sells from a peddler designated site on a public sidewalk, or a public right-of-way or from private property in a designated peddler zone.

Mobile Peddler: a peddler, hawker or lunch cart which sells merchandise from a motorized vehicle.

Farmers Markets/Arts-and-Crafts Shows: A management organization that coordinates and manages the sale of goods, wares, merchandise, food or other articles by a number of individuals or businesses at a set location at specific times and days of the week.

Unprepared Food: Any raw or unprocessed food product including, but not limited to, fruits, vegetables, produce, meats, fish, poultry, or seafood.

Vendor: Any individual selling merchandise from a stationary cart on a public sidewalk. Vendors shall include those individuals selling food, non-alcoholic beverages, and dry goods, as well as street performers. Vendors in the City of Providence shall be restricted to specific Vending Zones and specific, assigned sites, in accordance with the Official Vendor Site Location Map.

APPENDIX - A: "Peddlers and Hawkers Ordinance"

CHAPTER 1994-39 No. 715 An Ordinance amending article IX of the code of ordinances entitled "Peddlers and Hawkers," as amended. Approved November 14, 1994.

Be it ordained by the City of Providence:

Section 1. Section 14-171, of Code of Ordinances is hereby amended as follows:

Sec. 14-171. Peddlers and Hawkers - license required.
Except as herein provided, all hawkers and peddlers desiring to sell or offer for sale as hawkers and peddlers, any article or substance within the City, and all persons selling, desiring to sell, or offering for sale, any goods, wares, merchandise, food or other articles or substances on any public way in the City, shall first obtain a license therefor to be issued by the Board of Licenses, and to that end shall make application to said Board for such license, to sell the articles or substances herein mentioned, for a period from the date of issue of such license until the first day of May next ensuing such date. Any license granted hereunder shall be subject to the provisions of this Article.

Sec. 14-172. License fees.
For peddlers and hawkers license issued as provided herein, the person receiving the same shall pay to the Board of Licenses the sum of \$50.00.

Sec. 14-173. License to wear badge.
Every person licensed as herein provided, shall also obtain from the Board of Licenses a badge at least two and one-half (2 1/2) inches in diameter and shall, at all times while engaged in the business for which he/she is licensed, wear said badge conspicuously on the outside of his/her outermost garment. The number on said badge shall correspond to the badge number marked on the license, and shall be issued upon the deposit of a sum to be required by the Board of License to such person as shall obtain the license bearing such badge number.

Sec. 14-174. Misuse of badge.
No person shall wear any badge provided for in Section 14-173 after the expiration or revocation of the license represented by it. No licensed person shall suffer any such badge, issued to him/her as aforesaid, to be used by another person for any purpose.

Sec. 14-175. Refusal to exhibit license and badge.

Any person who shall refuse, after lawful demand by any police officer, to exhibit to him or her his/her license and /or badge, shall be deemed for the purposes of this Article to be unlicensed.

Sec. 14-176. Unnecessary noise prohibited.

Hawkers and peddlers may make reasonable announcement of the merchandise which they have for sale. But, loud outcries or the use of sound amplification equipment, radios, stereos, television sets or similar devices is not permitted.

Sec. 14-177. Provisions not applicable to newspapers.
Nothing herein contained shall apply to newspapers.

Sec. 14-178. Findings.

In order to limit congestion, to ensure the safe passage of pedestrian and vehicular traffic, and to improve the quality of life of the citizenry, it is necessary to control the number, location and operation of peddlers, traveling restaurants and lunch carts, so-called farmers markets and arts-and-crafts shows licensed in accordance with the provisions of this Article.

Sec. 14-179. Vending zones - establishment and purpose.

Vending zones are hereby established in order to control the placement, duration, location, number and out-of-doors operation of peddlers and hawkers licensed in accordance with this Article, and traveling restaurants and lunch carts licensed in accordance with the provisions of Section 10-21, et seq., and farmers markets and arts-and crafts shows.

Sec. 14-180. Vending zones - creation.

- (a) The City Plan Commission shall, after appropriate study, prepare a "Vending Zone Plan" based on the Commission's consideration of the totality of the circumstances affecting hawking and peddling in the city, including but not limited to (a) daytime and evening populations, (b) intensity of vehicular traffic, (c) vehicular traffic patterns, (d) existing traffic control devices, (e) existing parking, (f) intensity of pedestrian traffic, (g) pedestrian traffic patterns, (h) roadway and/or sidewalk size and condition, (i) commercial-residential-industrial mix of the area, and (j) established zoning regulations applicable to the area. The Plan shall designate vending zones and shall describe the same; and shall determine the number of out-of-doors vendors most appropriate to the zone. The Plan shall establish a minimum bid amount for a license for each designated peddlers

site in each vending zone and may establish minimum license requirements of farmers markets and arts-and crafts shows. In addition, the Plan may establish rules relating to peddler cart design, product mix in a zone, proximity of peddlers to similar existing outlets and to each other, times of operation, operation guidelines, and other controls deemed necessary. The City Plan Commission shall review and shall revise, if necessary, said Plan, not less frequently than once in every five (5) years. Upon completion of the "Vending Zone Plan" by the City Plan Commission, the Commission shall hold at least one public hearing thereon. After making such changes as it deems necessary, the Commission shall adopt the Plan by a majority vote of its members and thereafter submit it to the City Council for approval.

- (b) The following types of peddling shall be regulated by this ordinance:
- (1) Stationary Peddler - a peddler, hawker or lunch cart which sells from a peddler's designated site on a public sidewalk, or a public right-of-way or from private property in a designated peddler zone.
 - (2) Mobile Peddler - a peddler, hawker or lunch cart which sells merchandise from a motorized vehicle.
 - (3) Farmers Markets/Arts-and-Crafts Shows - a management organization that coordinates and manages the sale of goods, wares, merchandise, food or other articles by a number of individuals or businesses at a set location at specific times and days of the week.

Sec. 14-181. Licensing.

- (a) Upon the adoption of this Ordinance and at the end of each calendar year thereafter, the Board of Licenses shall solicit bids for the designated peddler sites in the various vending zones. The bids shall be submitted on the forms provided by the Board of Licenses, and shall require:
- (1) the name of the bidder;
 - (2) the name(s), home and business address(es), of any person(s) having a financial interest in the proposed vending operation.

- (3) a statement of the nature, character and quality of the goods, wares or merchandise to be offered for sale;
- (4) the past vending experiences of the bidder, noting items sold and location;
- (5) the type and design of cart to be used;
- (6) the amount bid for each designated peddler's site in a specific vending zone; and
- (7) such other information reasonably necessary to evaluate the bid.

Any bid(s) submitted which does not meet the minimum bid amount for each designated peddler's site offered in a specified vending zone shall be eliminated from the bidding process. The Board of Licenses shall award each designated peddler's site in vending zones to the highest qualified bidder of that site. Among the factors to be utilized in determining the highest qualified bidder shall be the similarity of the goods to be offered by the bidder to the goods offered by others in close proximity to that site in the vending zone.

- (b) The Board of Licenses shall issue to each successful peddler a license for the designated peddler site assigned in a vending zone. This license shall be valid from May 1 to April 30 of the following year. This license, along with the peddlers and hawkers badge, or the transient restaurant or lunch cart license, shall be incorporated as part of the cart design and shall be displayed at all times of operation as proof of license in the City.

Sec. 14-182. Stationary Peddlers - Regulations.

Stationary peddlers shall, in addition to such other need for conditions, adhere to the following conditions:

- (a) stationary peddlers shall be restricted to designated vending zones and to a designated site within that zone.
- (b) each designated site in a zone shall require a separate license;
- (c) peddlers shall maintain, per site, liability insurance for bodily injury and property damage in

an amount not less than \$500,000 per accident. Proof of insurance must be submitted at the time of application for a license. Any license holder who shall fail to maintain the required insurance for the duration of the license shall be deemed, for the purposes of these Sections, to be uninsured.

- (d) all carts shall maintain the requirements of the cart construction specification as set forth in the Vending Zone Plan.

Sec. 14-183. Mobile Peddlers.

Any individual or corporation which holds a peddler's and hawker's license in accordance with this Ordinance, or a traveling-restaurant or lunch-cart license in accordance with Section 10-24, et seq., of this Code, may sell merchandise in any location not otherwise zoned by this Ordinance provided that:

- (a) the vehicle is legally registered;
- (b) the vehicle is license by the Department of Health, if necessary;
- (c) the peddler does not stop on public property or in a public right-of-way for more than five (5) minutes; and:
- (d) a peddler shall not be stationary on private property unless:
 - (1) the private property is located in a commercially or industrially-zoned area;
 - (2) the peddler, if other than the owner of the realty, has written and notarized permission from the property owner; and
 - (3) the peddler has applied for and has received a stationary peddler's license in accordance with the provides of this Ordinance for a specified site on private property. The application for a stationary peddler's license shall specify the site. The fee for said license shall be equivalent to the winning bid for the highest priced designated peddler's site in that vending zone.

Sec. 14-184. Farmers Markets/Arts-and-Crafts Shows

- (a) Any individual or corporation which holds a peddler's and hawkers license in accordance with Section 14-171 of this Ordinance may apply to operate a farmers market or arts-and-crafts show at a site

designated for the same. The application for said license shall be submitted on the forms provided by the Board of Licenses and as a minimum shall require:

- (1) the name(s), address(es) of the individual(s) or corporation(s) making application;
 - (2) the site(s) for which the application is being submitted and the proposed days and hours of operation;
 - (3) a statement of the nature, character and quality of goods, wares or merchandise to be offered for sale;
 - (4) the past experiences of the individual or corporation, noting items sold and location;
 - (5) the technique to be used to display produce and merchandise to be sold; and
 - (6) such other information reasonable necessary to evaluate the application.
- (b) Farmers markets and arts-and-crafts shows shall:
- (1) be restricted to specific sites for which a license is held;
 - (2) require a separate license for each site;
 - (3) maintain liability insurance for bodily injury and property damage in an amount of not less than \$500,000 per accident. Proof of insurance must be submitted at the time of application for a license. Any license holder who shall fail to maintain the required insurance for the duration of the license shall be deemed, for the purposes of these Sections, to be uninsured.
 - (4) meet the requirements for all displays set forth in the Vending Zone Plan.
 - (5) meet any regulations established in the Vending Zone Plan.
 - (6) not operated on private property unless:
 - i. the private property is located in a commercially or industrially zoned area;

- ii. the individual or corporation has written and notarized permission from the property owner; and,
- iii. the individual or corporation has applied for and has received a farmers market and arts-and-crafts show license in accordance with the provision of this Ordinance for a specified site on private property. The application for a license shall specify the proposed site.

(c) Fees for a farmers market or an arts-and-crafts show shall be specified in the Vending Zone Plan but shall consider the number of crafts persons and/or farmers participating therein.

Sec. 14-185. Violation, Penalties and Revocation of License.

(a) Every person who shall sell or offer for sale any goods, wares or merchandise including food and beverages:

- (1) without a hawker's and peddler's license;
- (2) without a Vending Zone license;
- (3) without a Vending Zone license for the specific site at which he/she is vending; or,
- (4) without a Farmers Market/Arts-and-Crafts License;

shall be fined two hundred dollars (\$200.00) or imprisoned up to ten (10) days for each offence and if the holder of a license, such License shall be subject to revocation and if not the holder of a License, such persons shall be ineligible to obtain a License under the Sections for a period not to exceed one (1) year.

(b) Every individual sale or offer for sale made contrary to the provisions of this Ordinance shall be deemed and construed as a distinct and separate offense.

(c) In the event an individual is not the holder of a license in accordance with this Section and is found to have violated this Section, he/she shall not be eligible of any license granted hereunder for a period of one year from the date of violation.

Sec. 14-186. Vending Zone Plan.

In the event that a designated peddler's site in a Vending Zone becomes available after May 1 in any year,

the Board may accept bids for the same in like manner to the procedure provided above.

No Department, board, bureau commission, agency or other municipal entity other than the Board of Licenses, shall grant any license, permission, grant or lease to any cart, farmers market, or art and crafts show.

Nothing herein shall supersede any portion of existing zoning or land-use ordinance, as the same may be amended.

Parking regulations are specifically limited, to the extent necessary, to effect the purposes of the Ordinance.

The Board of Licenses shall promulgate necessary rules and regulations, not inconstant herewith, to effect the purposes of this Ordinance.

No license granted under this Section shall be transferable nor automatically renewable and no property interest shall attach beyond the expiration date of any license.

In the event that any portion of this Ordinance is deemed to be invalid by a Court of competent jurisdiction such ruling shall not invalidate the remainder of this Article.

Section 2. This Ordinance shall take effect upon passage.

APPENDIX B - APPLICATION FORMS

APPENDIX - B: Application Forms

APPLICATION FORMS

If you wish to apply please carefully fill out the application on the back and return it to Board of Licenses, City Hall, 1st Floor, 25 Dorrance Street, 20903. Please complete the application fully (as incomplete applications will be returned) accompanied by the license fee. Personal checks, money order, cashiers' checks or cash will be accepted.

VENDING ZONE SITE FEES

Vendors shall pay an annual fee for use of a specific site within a Vending Zone. Site fees vary depending on location within downtown or a neighborhood vending zone; the fee for farmers markets and arts and crafts shows is set separately.

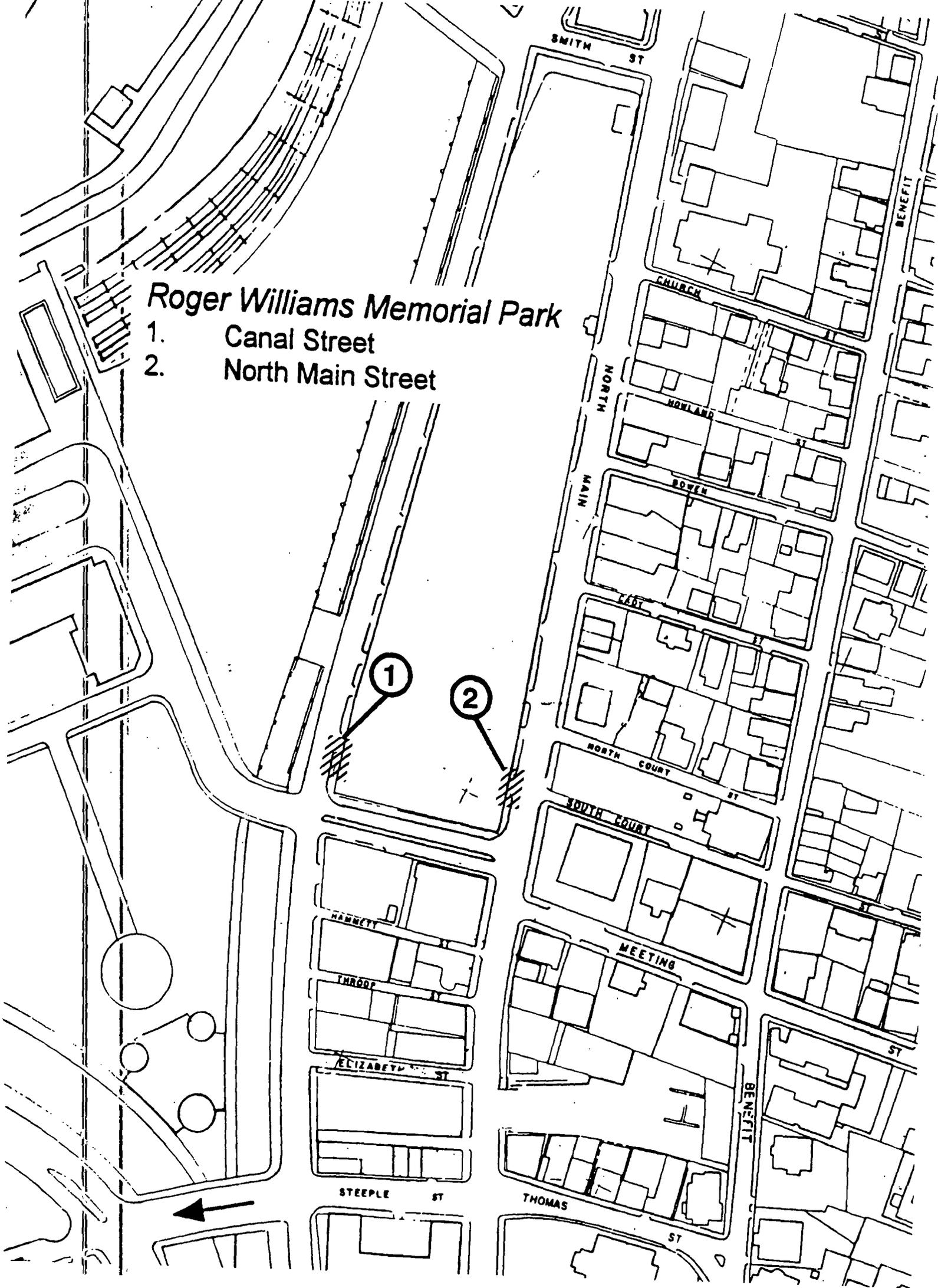
The fee structure for the Downtown District has been designed to provide quality vending carts, quality merchandise and advertising support.

Site bid fees are paid once in advance of the upcoming year (beginning May 1 of the application year). If a site bid fee is not paid within 30 days of a site assignment then that particular site will be offered to the next in line vendor site bid.

APPENDIX C - MAPS: ZONES AND SITES

Roger Williams Memorial Park

- 1. Canal Street
- 2. North Main Street



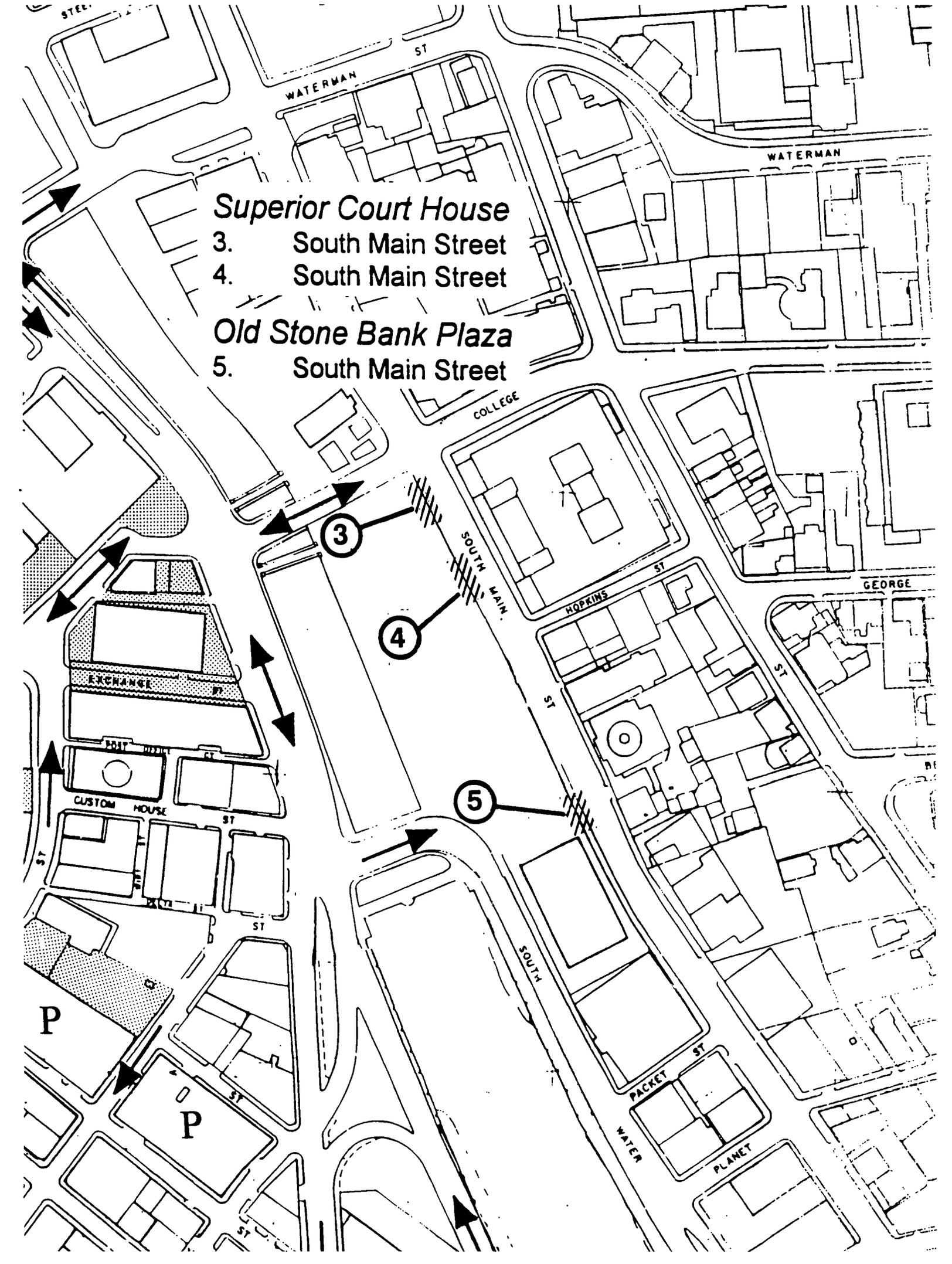
Superior Court House

3. South Main Street

4. South Main Street

Old Stone Bank Plaza

5. South Main Street



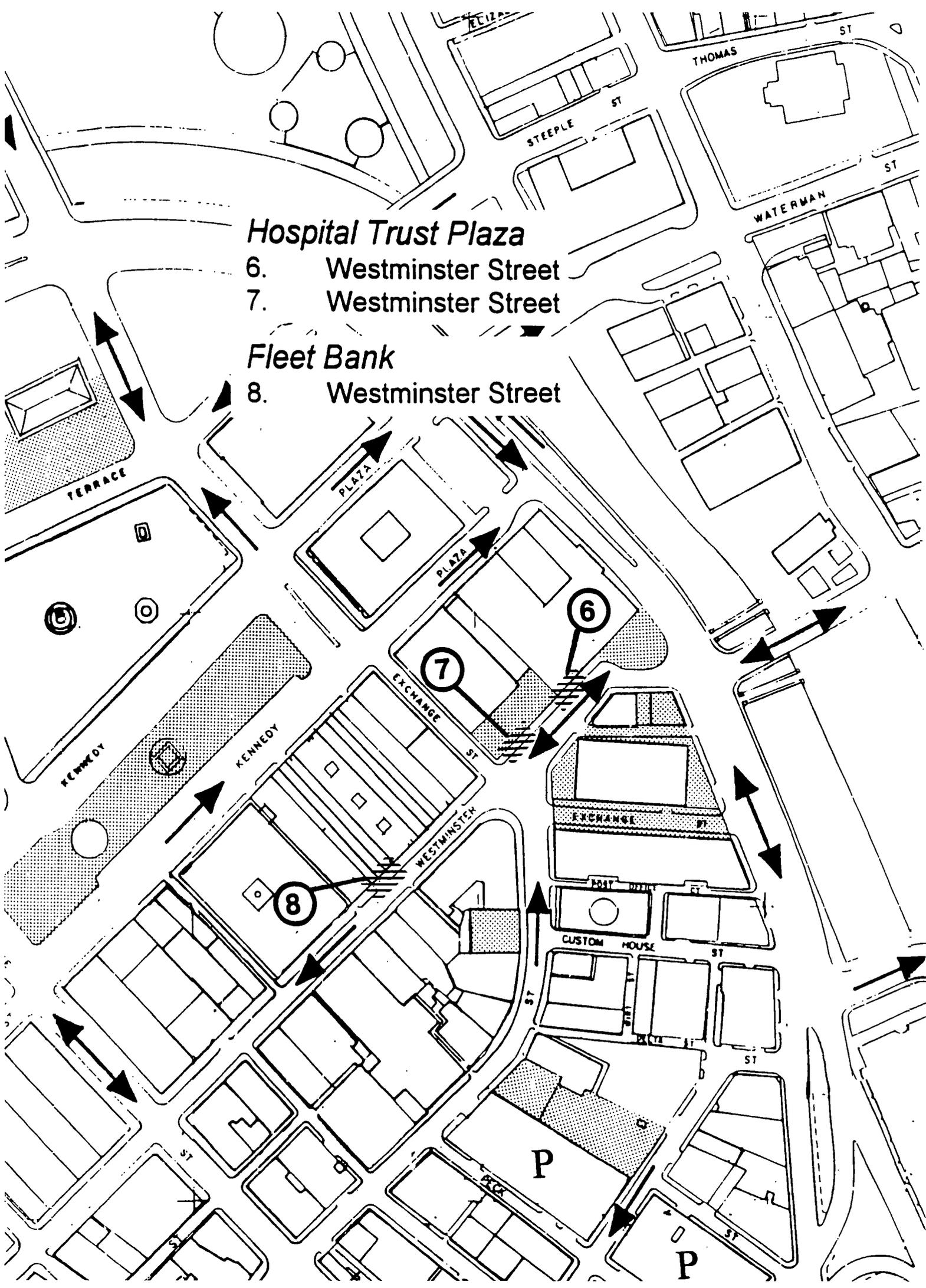
Hospital Trust Plaza

6. Westminster Street

7. Westminster Street

Fleet Bank

8. Westminster Street

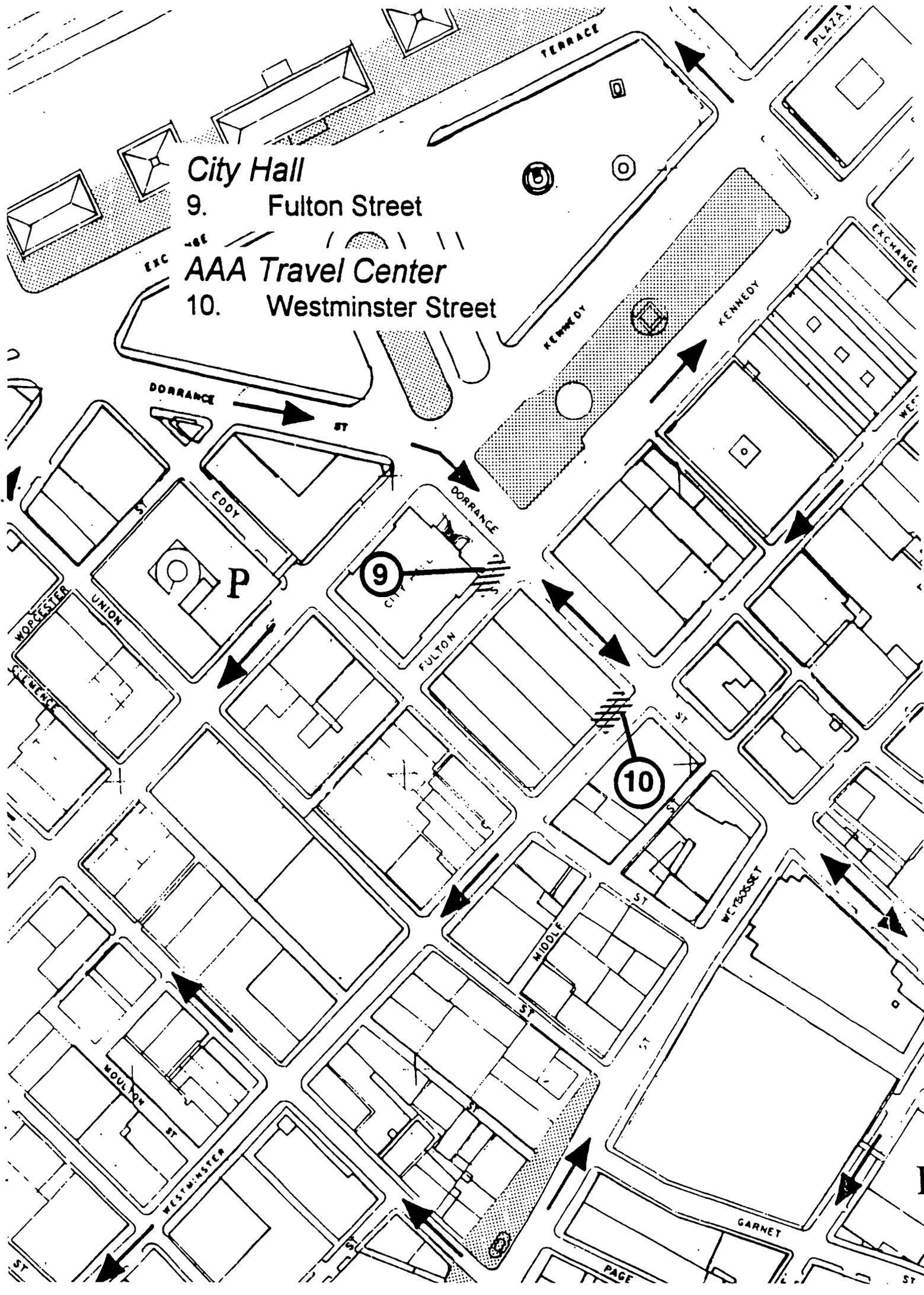


City Hall

9. **Fulton Street**

AAA Travel Center

10. **Westminster Street**



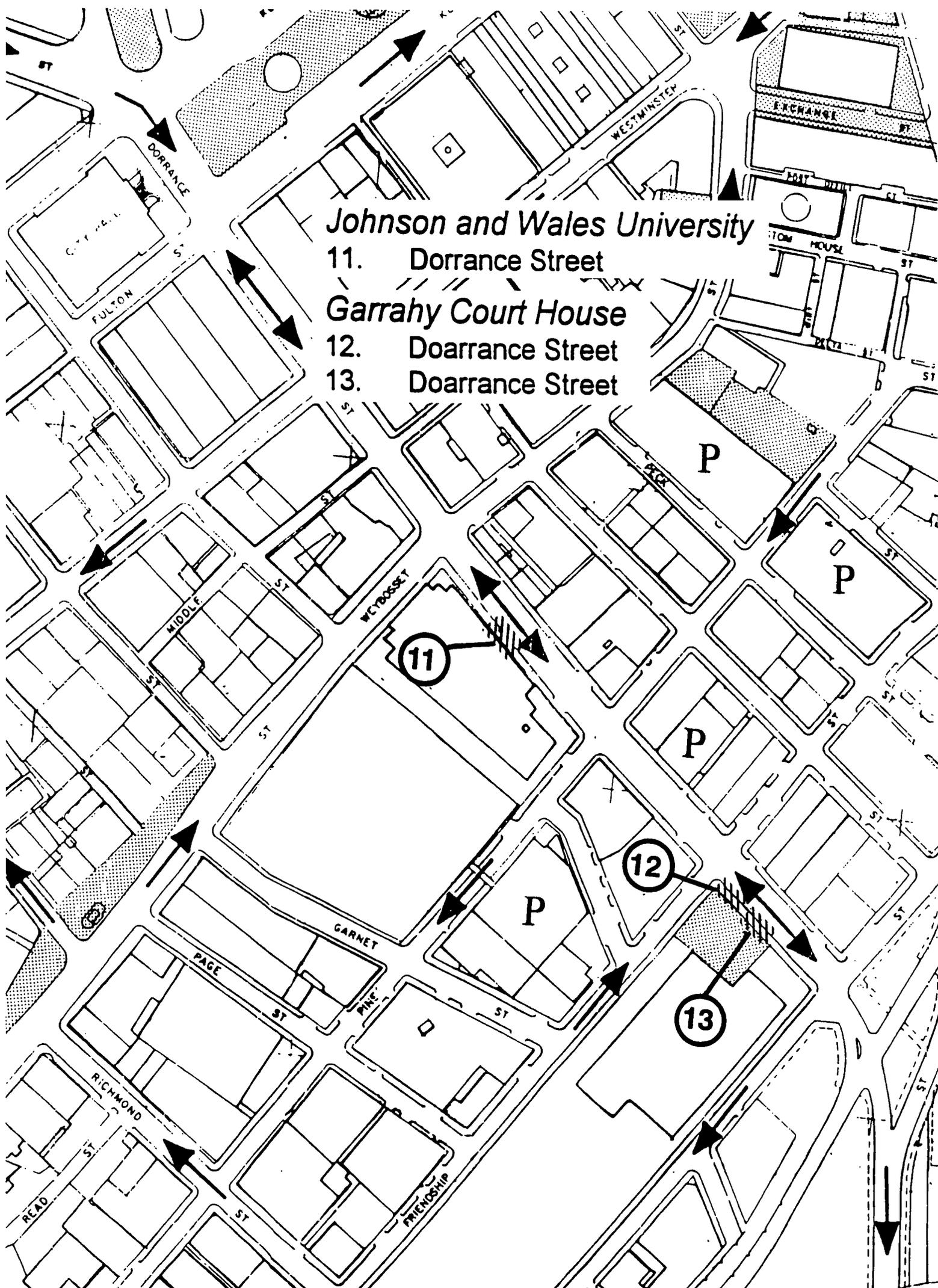
Johnson and Wales University

11. Dorrance Street

Garrahy Court House

12. Dorrance Street

13. Dorrance Street

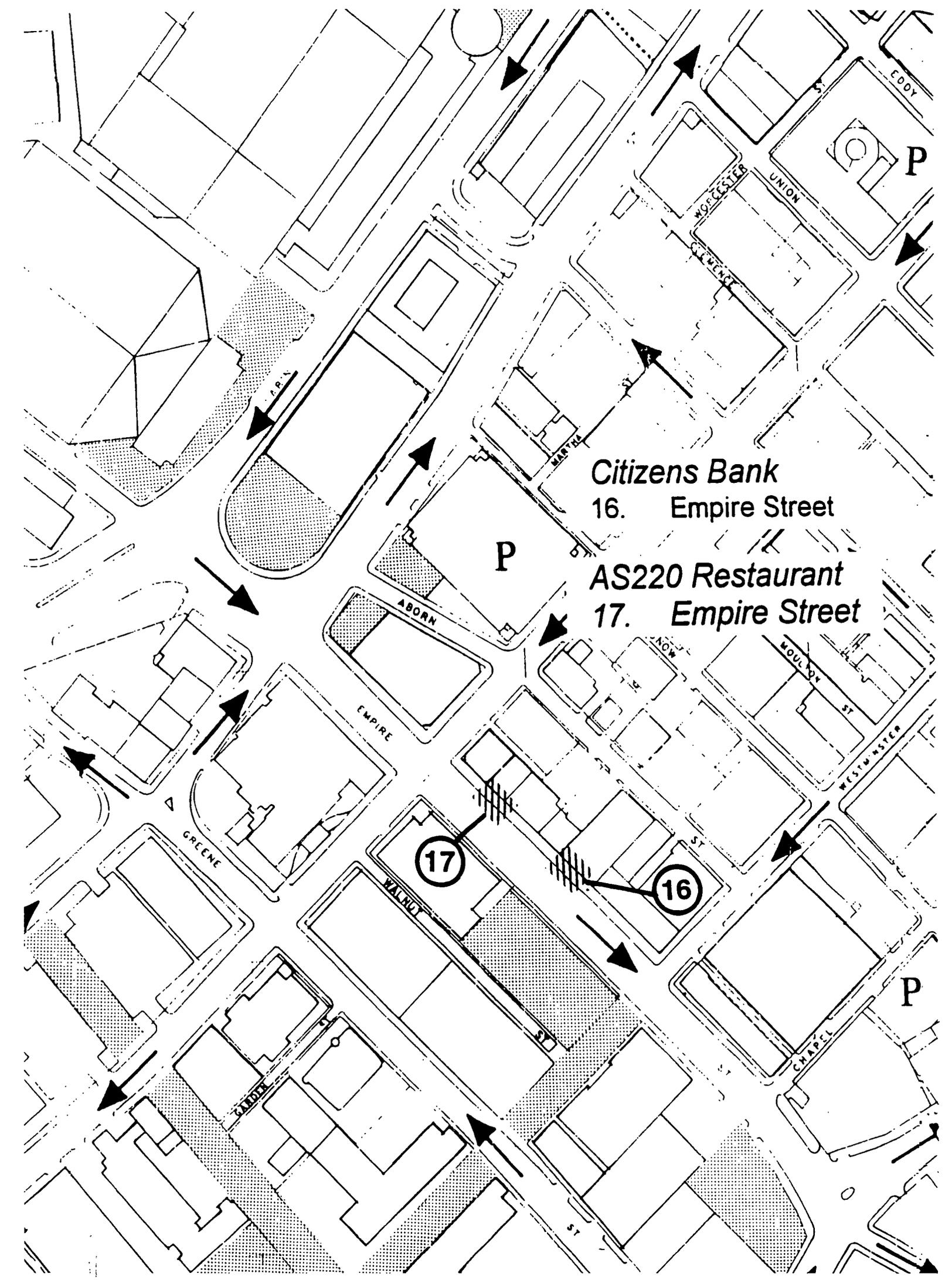


University of Rhode Island - CCE

14. Westminster Street

Gladdings - Johnson and Wales

15. Westminster Street



Citizens Bank

16. Empire Street

AS220 Restaurant

17. Empire Street

Richmond Street

18. Club Baby Head

19. Recess Pub

