

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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 the 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 licenses issued as provided herein, the person receiving the same shall pay to the Board of Licenses the sum of \$50.00.

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.

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; determine the number of out-of-doors vendors most appropriate to the zone, and the type(s) of vendors most appropriate to the zone. The Plan shall establish a minimum bid amount for a license for each designated peddler's site in each vending zone and may establish minimum license requirements for 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.

Section 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 peddlers' 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 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 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.

Section 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.

Section 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 licensed 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 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 provisions 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.

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

- (a) Any individual or corporation which holds a peddler's and hawker's 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 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) 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 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 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.

Section 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 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 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 for 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 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 Ordinance.

The Board of Licenses shall promulgate necessary rules and regulations, not inconsistent 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.

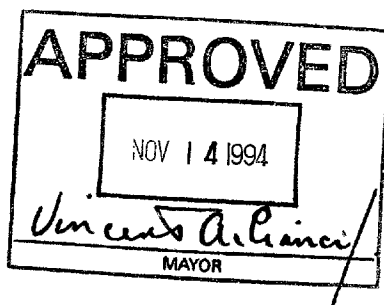
IN CITY COUNCIL
OCT. 20 1994
FIRST READING
READ AND PASSED

Michael L. Clement CLERK

IN CITY
COUNCIL

NOV 3 1994
FINAL READING
READ AND PASSED

James H. Marshall
PRESIDENT
Michael L. Clement CLERK



AN ORDINANCE AMENDING ARTICLE IX
OF THE CODE OF ORDINANCES
ENTITLED "PEDDLERS AND HAWKERS"

IN CITY COUNCIL

2/17/1994

FIRST READING

REFERRED TO COMMITTEE ON
ORDINANCES

Michael R. Ransaw
Clerk

THE COMMITTEE ON

ORDINANCES

Recommends

Barbara A. Garrison
Clerk

5/12/94

6/9/94 P.H. (Held)

10/5/94 Continued

THE COMMITTEE ON
ORDINANCES

Approves Passage of
The Within Ordinance

Barbara A. Garrison
Chairman
10/12/94 Clerk