

Legislation Text

File #: 040400, **Version:** 1

Amending Section 9-204 of the Philadelphia Code relating to Sidewalk Vendors in Center City and Section 9-205 of the Philadelphia Code relating to Sidewalk Sales to permit farmers' markets on the south side of Walnut Street on the sidewalk abutting Rittenhouse Square, and providing that provisions shall expire after a specified period of time, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-204 of the Philadelphia Code, relating to Sidewalk Vendors in Center City is amended to read as follows:

§9-204. Sidewalk Vendors in Center City.

(1) Definitions.

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(g) *Farmers' Market.* An area where on designated days and times, growers and producers of horticultural and agricultural products sell those products directly to the public.

(h) *Farmers' Market entity.* A person who organizes, manages and operates a farmers' market.

* * *

(3) License. It shall be unlawful for any person to engage in the business of a sidewalk vendor within Center City without first obtaining a license pursuant to this Section from the Department.

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(5) Identification and License Plates. Each person licensed under this Section or his employee shall, while engaged in the business of vending, carry a license on his person. In addition to the license, the Department shall issue a license plate bearing the words "Sidewalk Vendor," the year for which issued, and the number of the license plate, which shall correspond to the number which appears on the license. The words "Sidewalk Vendor" and the license plate number shall be of uniform size and plainly discernible. The license plate shall be attached to the stand in a place which is clearly visible to the public. The color of the license plate shall be changed at the beginning of each calendar year. License plates and licenses shall be used only by the person to whom they were issued or his employee and may not under any circumstances[, except as provided in subsection 9-204(13),] be transferred to any other person.

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(8) Vending Locations.

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(.2) Sidewalks abutting Rittenhouse square;

* * *

(13) *Farmers' Markets.*

(a) Permissible locations. Farmers' Markets at the following locations shall be permitted and the number and locations of such farmers' markets are not subject to the restrictions on sidewalk vending licenses provided for in subsection 9-204(8)(a):

(.1) The sidewalk of the south side of Walnut Street abutting Rittenhouse Square.

(b) Design and Maintenance of Stands. Growers and producers selling products at a farmers' market shall be exempt from the provisions of §9-204(9) relating to permitted stand designs and required stand maintenance. All growers' and producers' stands must:

(.1) have storage areas not visible to the public;

(.2) have signage limited to one sign, no larger than 6 square feet in area on one side, to identify the producer and town of origin; and other signs, each no larger than 8 1/2 inches by 11 inches, listing items sold, price, and related promotional graphics;

(.3) be readily movable by vendor;

(.4) provide at least a twenty (20) gallon capacity trash storage receptacle; and

(c) Licenses. The provisions of §9-204(3) relating to licenses do not apply to farmers' markets for which a license has been issued under the provisions of this subsection. It shall be unlawful for any person to operate a farmers' market entity within Center City without first obtaining a license pursuant to this subsection from the Department. Such farmers' markets license shall show the name and address of the farmers' market entity, the blockface on which the farmers' market is permitted, the time period or periods for which the farmers' market is licensed (Day, Evening, and/or Weekend), the number of farmers' stands, the amount of the license fee, the date of issuance and the license number. Each license shall also show the expiration date of the license and the license's plate number as issued by the Department.

(d) License Issuance. The provisions of §9-204(4) relating to license issuance shall not apply to farmers' markets for which a license has been issued under the provisions of this subsection. One license for each farmers' market shall be issued by the Department to any farmers' market entity which is in compliance with the following provisions:

(.1) The farmers' market entity furnishes the following information to the Department on an application form provided to applicant by the Department:

(.a) proof of identity and address, together with two (2) photographs of the principal owner or officer of the farmers' market entity, not less than two (2) inches square, nor more than three

(3) inches square;

(b) the applicant's selection of an approved location, as provided in §9-204(13)(a) and the dates and times during which the applicant wishes to operate a farmers' market in that location;

(c) the applicant's current and valid Philadelphia business privilege license number.

(2) The applicant pays a non-refundable application fee of fifty (\$50) dollars; and

(3) The applicant, after being notified by the Department that his application has been provisionally approved.

(a) agrees to an approved location selected pursuant to subsection 9-204(13)(a);

(b) pays the initial license fee of four hundred fifty (\$450) dollars; and

(c) attends an orientation session conducted by the Department at which the applicant will receive a booklet containing copies of this Section and applicable regulations, and at which those provisions will be explained.

(e) *Identification and License Plates.* The provisions of §9-204(5) relating to identification and license plates shall not apply to farmers' markets. Each farmers' market entity shall keep a copy of the license at the location of the farmers' market and shall distribute copies of its farmers' market license to each of the growers and producers selling products as part of the entity's farmers' market. A copy of the license must be carried on the person of each grower or producer while engaged in the business of selling products during the farmers' market. Licenses shall be used only by the entity to whom they were issued and by any grower or producer selling products as part of that entity's farmers' market and may not under any circumstances be transferred to any other person.

In addition to the license, the Department shall issue license plates in a quantity equal to the number of farmers' stands listed on the license, so that one license plate may be distributed by the farmers' market entity to each grower or producer selling products as part of the farmers' market. The license plates shall bear the words "Farmers' Market Producer", the year for which issued, and the number of the license plate, which shall correspond to the number which appears on the license issued to the entity which organizes, manages and operates the farmers' market. The words "Farmers' Market Producer" and the license plate shall be of uniform size and plainly discernable. The license plate shall be attached to the stand of each grower or producer in a place which is clearly visible to the public. The color of the license plate shall be changed at the beginning of each calendar year. License plates shall be used only by the farmers' market entity to whom they were issued and by any grower or producer selling products as part of that entity's farmers' market and may not under any circumstances be transferred to any other person.

SECTION 2. Section 9-205 of the Philadelphia Code, relating to Sidewalk Sales is amended to read as follows:

§9-205. Sidewalk Sales.

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- (2) Exemptions. The provisions of this Section shall not apply to:

* * *

(f) *Farmers' Markets licensed pursuant to §9-204(13).*

* * *

- (8) Prohibited Conduct. No vendor or person shall:

* * *

(p) exhibit, display, offer for sale or sell any goods, wares, or merchandise or place or allow any stand to remain on the sidewalks of the following streets or any other location which the Council shall from time to time ordain:

* * *

(.12) Walnut Street, between Front street and the Schuylkill River;

SECTION 3. This Ordinance shall take effect immediately and the provisions of this Ordinance shall expire one year after this Ordinance became law.

Explanation:

[Brackets] indicate matter deleted.
Italics indicate new matter added.