

Legislation Text

File #: 150600, **Version:** 0

Amending Section 9-206 of The Philadelphia Code, entitled “Sidewalk Vendors in Neighborhood Business Districts,” by creating the Drexel University District, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Section 9-203 of The Philadelphia Code is hereby amended to read as follows:

§ 9-203. Street Vendors.

(8) *Reserved.* [A special street vendor district is hereby created on Thirty-second street between Market street and Chestnut street. The following provisions shall apply to such special district:

(a) The Department shall designate ten (10) permitted street vendor locations within the special district. No street vendor may vend within the special district unless such vendor has been assigned by the Department to a particular location within the special district.

(b) The Department shall determine which street vendors shall be assigned to the ten (10) permitted locations within the special district by giving priority to street vendors according to the length of time they have conducted licensed street vending operations within the special district. If two (2) or more street vendors have equal seniority, the Department shall determine priority by lottery. Any street vendor displaced from the special district by this process shall be placed on a waiting list for any locations within the special district which may later become available. The Department may provide by regulation for other persons to apply for positions on the waiting list, and for a lottery system to rank such other persons who may be added to the waiting list.

(c) To reimburse the City for the loss of parking meter revenue and for the additional cost of regulation occasioned by creation of the special district, street vendors assigned to locations within the special district shall pay an annual fee of two thousand seven hundred fifty (2,750) dollars.

(d) Street vendors within the special district shall be subject to all provisions applicable to street vendors generally, as provided in this Section and any other provision of this Code or other applicable law.]

SECTION 2. Section 9-206 of The Philadelphia Code is hereby amended to read as follows:

§ 9-206. Sidewalk Vendors in Neighborhood Business Districts.

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(10) Designated Neighborhood Business Districts.

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(i) *Drexel University District.*

(.1) Boundaries. The area bounded by the west side of N. Thirtieth street from Chestnut street to John F. Kennedy boulevard, the north side of John F. Kennedy boulevard from N. Thirtieth street to N. Thirty-second street, the east side of N. Thirty-second street from John F. Kennedy boulevard to Powelton avenue, the south side of Powelton avenue to N. Thirty-first Street, the east side of N. Thirty-first street from Powelton avenue to Baring street, the north side of Baring street from N. Thirty-first

street to N. Thirty-second street, the west side of N. Thirty-second Street from Baring street to Powelton avenue, the north side of Powelton avenue from N. Thirty-second street to N. Thirty-eighth street, the west side of N. Thirty-eighth street from Powelton avenue to Filbert street, a line adjacent to the north of the boundary line of the University City District (which runs along the north side of Filbert street from N. Thirty-eighth street to N. Thirty-fourth street, a line adjacent to the east of the boundary line of the University City District (which runs along the east side of Thirty-fourth street from Filbert street to Chestnut street, the north side of Chestnut street from S. Thirty-fourth street to S. Thirtieth street, the west side of S. Thirtieth street from Chestnut street to Ludlow street, the south side of Ludlow street from S. Thirtieth street to S. Thirty-first street, the east side of S. Thirty-first street from Ludlow street to Market street, and the north side of Market street from Thirty-first street to Thirtieth Street.

(.2) Number and locations of permitted vendors. Within the Drexel University District a combined maximum of twenty-five (25) locations, for sidewalk vendors (as defined in §9-206) and street vendors (as defined in §9-203) shall be designated for vending in the public right-of-way. There shall be a limit of one (1) location per vendor/franchise owner in this district. Vending shall be permitted on the following blockfaces subject to the limits specified below:

(A) the north side of Ludlow street from N. Thirty-first street to N. Thirty-second street, up to nine (9) street vending locations numbered A1 through A9;

(B) the south side of Arch street from N. Thirty-second street to N. Thirty-third street, up to six (6) street vending locations numbered B1 through B6, and up to one (1) sidewalk vending location numbered B7;

(C) the south side of Arch street from the corner of N. Thirty-third street to a point 100 feet west of the corner of N. Thirty-third street, up to three (3) street vending locations numbered C1 through C3;

(D) the east side of N. 33rd street from Arch street to Cuthbert street, up to four (4) street vending locations numbered D1 through D4; and

(E) the west side of N. 33rd street from the corner of Arch street to a point 100 feet south of the corner of Arch street, up to two (2) sidewalk vending locations numbered E1 through E2.

Street and sidewalk vending shall be prohibited on all other blockfaces contained within the Drexel University District.

Vending locations on the permitted blockfaces shall be designated by the Department taking into account the following restrictions:

(.3) The following special provisions shall apply only within the Drexel University District, and these provisions shall supersede any conflicting general provisions set forth in this Section 9-206 or elsewhere:

(A) The Department shall promulgate regulations devising procedures to choose among applicants for a particular blockface or location, including, but not limited to, preference based on seniority. Applicants for vendor sites in the Drexel University District shall be selected by the Department in accordance with such regulations. Such regulations shall provide that there shall be a total of twenty-five (25) vendor sites and that no vendor site will remain unlicensed unless there are no applicants for that site or its blockface. All vendor spaces within this district are controlled by the City of Philadelphia and Drexel University; they are non-assignable and non-transferable. All vendors shall procure and display a current Drexel University District vending license.

(B) Vendors licensed pursuant to 9-206(10) may only use conveyances and stands that have been inspected and approved by the Department of Licenses and Inspections and are in conformance with design regulations promulgated by the Department. Such regulations shall require at a minimum that vending stands conform to the requirements of 9-206(9), but may establish additional requirements. The regulations shall also specify pursuant to 9-206(8)(a)(.1) that extensions to accommodate coolers shall be permitted, up to a distance of two feet, along one side of the stand, provided that such extensions do not rest upon the sidewalk. Regulations for street vendor conveyances shall be promulgated by the Department. Such regulations shall be consistent with 9-203 and shall address the dimensions, appearance and other design aspects of street vendor conveyances with the purpose of protecting public safety and ensuring that conveyances placed on the public right-of-way are maintained in a neat, clean and orderly fashion.

(C) All vendors shall discontinue use of electrical generators employing an internal combustion engine within one year after enactment of this Ordinance. Vendors shall have the right to seek permission by enactment of an ordinance for installation of electrical hook-ups at any vendor site. Notice shall be provided to the owner of any properties abutting

the proposed location of an electrical hook-up at the time an ordinance authorizing such a hook-up is introduced. Propane use shall be in compliance with all Commonwealth of Pennsylvania and City of Philadelphia regulations. Potable water or sewer connections are prohibited.

(D) Vendors shall not park vending conveyances or stands at the vendor sites between the hours of 12:30 a.m. and 5:30 a.m. daily.

(E) No licensee shall:

(i) conduct him/herself or his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting owner or tenant, or in such a way as would create or become a nuisance or hazard to public health, safety or welfare, or increase traffic congestion or delay, or constitute an obstruction to adequate access to fire, police, sanitation or emergency vehicles;

(ii) leave any stand or conveyance unattended for any period greater than twenty (20) minutes in duration;

(iii) load or unload merchandise for a period exceeding twenty minutes;

(iv) conduct licensed operations between the hours of midnight and 6:00 a.m.;

(v) vend within ten (10) feet of the extension of legal building lines;

(vi) vend on the medians of divided highways;

(vii) vend within twenty-five (25) feet upstream (in the direction from which vehicular traffic in the nearest curbside lane approaches) of any bus stop sign;

(viii) vend within ten (10) feet of subway entrances or exits;

(ix) vend within three (3) feet of mailboxes, telephones, benches, planters and trees;

(x) vend within fifteen (15) feet in the case of sidewalk vendors and thirty (30) feet in the case of street vendors, upstream of any pedestrian street crossing;

(xi) vend within fifteen (15) feet in the case of sidewalk vendors and thirty (30) feet in the case of street vendors, of any alley or driveway;

(xii) vend within five (5) feet in the case of sidewalk vendors and thirty (30) feet in the case of street vendors, of where curbs have been depressed to facilitate pedestrian or vehicular movement;

(xiii) vend in front of any loading dock or loading ramp;

(xiv) vend in a location other than their assigned location; or

(xv) conduct any commercial activity other than the sale of goods, wares and merchandise.

(F) No sidewalk vendor shall:

(i) conduct sidewalk sales from a motor vehicle, or park or maintain any motor vehicle in parking spaces adjacent to the vendor site;

(ii) vend at any location which would reduce the unobstructed pedestrian right-of-way to less than six and one-half (6 1/2) feet, such width not to include the width of any grate;

(iii) vend on any portion of a sidewalk directly in front of any building entrance;

(iv) vend within ten (10) feet of a fire hydrant; or

(v) vend more than eighteen (18) inches from the curb line except that with the express, written consent of the abutting owner a sidewalk vendor may place a stand at the building line.

(G) Street vendors shall be subject to all provisions and restrictions applicable to street vendors generally, as provided in Section 9-203 or other applicable law, except that the specific provisions of this Section 9-206 shall control if they conflict with other provisions applicable to street vendors.

(H) Street vendors shall remove all conveyances from the public right-of-way within thirty minutes of ceasing business operations each day.

(I) To reimburse the City for the loss of parking meter revenue, street vendors assigned to locations in the Drexel University District shall pay, in addition to the license and renewal fee imposed under subsection 9-206(5), an annual fee of two thousand seven hundred fifty dollars (\$2,750).

(J) Vendors shall remain in continuous operation; vendors may close for a period of up to one (1) month with written notification to Drexel University and the City of Philadelphia Department of Licenses and Inspections Vendor Unit. Failure to make required notifications will result in removal (towing) of truck. All associated fees will be borne by the vendor.

(K) All vendors shall maintain their vehicles/carts as required by City ordinance. In addition, all trucks and carts shall be road worthy at all times and vendors shall move their trucks/carts as required by City ordinance.

(L) All vendors shall relocate for a period of up to seventy-two (72) hours at the request of Drexel University or City of Philadelphia; this request shall be for maintenance or other City or University purpose. Vendors shall return to the spaces at the end of the seventy-two (72) hour period. There shall be no restrictions or limit to the requests; however they shall be for good cause.

(M) Vendors shall provide receptacles for and be responsible for removal of trash. No vendor shall use Drexel University trash receptacles or dumpsters.

SECTION 3. Effective Date. This Ordinance shall take effect immediately upon becoming law.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate new matter added.