

**Ordinance Review Committee Members**

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Fiehrer    Wile    Moeller    Lewis    Bucheit    Hogg    Crooks

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- I. Call to Order
- II. Approval of Minutes
- III. New Business
  - a. None
- IV. Old Business
  - a. Sign Ordinance
  - b. Street Vendors – Peddlers Ordinance
- V. Public Comments
- VI. Next Meeting
- VII. Adjournment



#### 754.01 DEFINITIONS.

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

"Peddler or street vendor" means any person who goes from city-to-city, or from place-to- place, or from door-to-door, selling or offering to sell or barter, or carrying for sale or barter, or exposing ~~therefor~~herefore, any goods, wares, merchandise, food, confectionery, drink, or other commodity, carried by hand, from portable stands or tables, or by manually propelled vehicles, or by motor- or animal-drawn vehicles.

"Downtown Hamilton" is defined by a western boundary at the Great Miami River, an eastern boundary at Martin Luther King Jr. Boulevard, a northern border at Dayton Street, and a southern boundary at Sycamore Street.

(Ord. 2003-12-100. Passed 12-17-03.)

#### 754.02 STREET VENDING ~~DISTRICT~~LOCATION RESTRICTIONS

~~—"Street Vending District" means the area within the boundaries indicated on the map attached hereto and made a part of this legislation, consistent with the renewal community designation and all municipally recognized business districts. Street vending is not permissible on High Street in downtown Hamilton between the High-Main Bridge and the High Street/Martin Luther King Jr. Boulevard intersection between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday.~~

~~(Ord. 2003-12-100. Passed 12-17-03.)~~

#### 754.03 SCOPE OF CHAPTER.

The provisions of this chapter do not apply to:

- (a) Sales made to dealers by commercial travelers or selling agents in the usual course of business;
- (b) Bona fide sales of goods, wares, or merchandise by samples for future delivery;
- (c) Sales at trade shows or conventions;
- (d) Sales from City market spaces regulated under Chapter [717](#), City Market; or sales otherwise authorized by Chapter [717](#); or
- (e) Sales of tickets to an event.

(f) Sales made during a festival sanctioned by the City of Hamilton

(g) Marcum Park

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

- (Ord. 2003-12-100. Passed 12-17-03.)

#### 754.04 OPERATION WITHOUT LICENSE UNLAWFUL; FAILURE TO DISPLAY LICENSE/ IDENTIFICATION CARD.

No person shall engage in the business or trade of peddler or street vendor without first obtaining a license and identification card from the Director of Finance. The peddler or street vendor license shall be displayed conspicuously at all times upon the peddler's or street vendor's stand, cart or container. Any and all additional licenses or permits required

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pursuant to law shall be displayed conspicuously at all times upon the peddler's or street vendor's stand, cart or container. The identification card issued by the Director of Finance shall be worn conspicuously and affixed to the outer garment of the peddler or street vendor at all times. The identification card is not a license and shall so state.

(Ord. 2003-12-100. Passed 12-17-03.)

#### **754.05 LICENSE FEES.**

The license fee for engaging in the trade or business of peddler or street vendor shall be one hundred fifty dollars (\$150.00). All licenses issued hereunder shall be for a period of one year or less which shall end on December 31 of that calendar year in which they are acquired, regardless of the date such license is issued.

(Ord. 2003-12-100. Passed 12-17-03.)

#### **754.06 APPLICATION FOR LICENSE.**

Each applicant for a peddler license shall file an application with the Director of Finance in such form as prescribed by the Director of Finance. The applicant may be an individual peddler or street vendor or a person, firm or corporation on behalf of an individual peddler or street vendor. In the case where a person, firm or corporation applies for the license on behalf of an individual peddler or street vendor, the license shall be issued in the name of the applicant; the license shall also bear the name and identification card number of the peddler or street vendor on whose behalf the license is issued. The identification card shall be issued in the name of the peddler or street vendor on whose behalf the license was purchased. Each applicant for a peddler or street vendor license shall furnish two photographs of the peddler or street vendor on whose behalf the license is purchased, taken within thirty days preceding the date of application, of a size designated by the Director of Finance, one of which shall be attached to a consecutively numbered identification card. Applicants for the sale of food or beverages shall exhibit to the Director of Finance the necessary permit(s) from the Department of Health.

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

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

(Ord. 2003-12-100. Passed 12-17-03.)

#### **754.07 TRANSFER OF IDENTIFICATION CARD.**

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

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

In the event the licensee fails to surrender the original identification card because it is lost or stolen, the application for transfer shall be accompanied by a signed and sworn affidavit that the identification card was lost or in the case of theft, a

copy of the theft report submitted to any law enforcement agency. The fee for a replacement identification card shall be paid in addition to the transfer fee. (Ord. 2003-12-100. Passed 12-17-03.)

#### 754.08 STREET SALES - GENERAL.

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

(a) ~~No merchandise shall be displayed or sold by a peddler or street vendor on High Street in downtown Hamilton between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday. No merchandise shall be displayed or sold by a peddler or street vendor in any place within the City except a Street Vending District. This section shall not apply to a peddler or street vendor selling prepackaged ice cream, popsicles or frozen desserts of any kind for purposes of retail sale, or offered for retail sale, while operating a motor vehicle within the City.~~

(Ord. 2006-7-90. Passed 7-26-06.)

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

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

(d) No merchandise shall be displayed or sold at any sidewalk location where the sidewalk right-of-way is less than twelve feet in width ~~from the private property line to the curbline.~~

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

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

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

~~(h) No merchandise shall be displayed or sold within forty feet of the location at which another peddler or street vendor is already displaying or selling merchandise. In the case of a dispute between peddlers or street vendors, the peddler or street vendor who arrived first on the day involved shall be deemed to have the privilege of operating at that location on that day. A peddler must continue to be there in person with wares to claim such privilege. Such distance shall be measured from the end of one display stand, table, cart, container or other appurtenance to the beginning of the next.~~

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

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

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

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

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

(n) Peddlers or street vendors shall at all times exercise reasonable care that their merchandise, packaging material, display equipment and other paraphernalia shall not create a safety or health hazard to customers or other persons using the public highways or sidewalks or to persons on or in abutting property.

~~—(e) No food, confection or drink except prepackaged and/or containerized products shall be displayed or sold from any unimproved public property, including unimproved sidewalks or pedestrian walkways.~~

(p) No street sales shall be conducted nor shall any display stand, cart, container, or other appurtenances be permitted on any public property between the hours of ~~midnight 3:00 a.m.~~ and 7:00 a.m. daily.

(q) Each peddler or street vendor must police their own area and a ten-foot radius of same to keep it free from debris and litter.

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

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

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

(Ord. 2003-12-100. Passed 12-17-03.)

#### 754.09 INSURANCE REQUIREMENTS.

The applicant is required to post a satisfactory certificate of insurance, to be approved by the Director of Law, including general liability insurance and product liability insurance providing the City with indemnification against any claims, demands, lawsuits, or judgments arising out of the exercise of the privilege granted; such policy of liability insurance is to guarantee at one million dollars (\$1,000,000).

(Ord. 2003-12-100. Passed 12-17-03.)

#### 754.10 HOURS OF OPERATION.

All peddling or street vending done under license issued by virtue of this chapter shall be conducted between ~~97:00~~ a.m. and ~~93:00~~ p.m. on Mondays through Saturdays with the exceptions noted in 754.08.A. The City reserves the right to

(Ord. 2003-12-100. Passed 12-17-03.)

#### 754.99 PENALTY.

Whoever violates the provisions of Section 754.04, of operating as a peddler or street vendor without a license is guilty of a misdemeanor of the third degree. Each subsequent violation is a misdemeanor of the second degree. In addition, offenders will forfeit their goods upon each conviction.

Whoever violates any provisions of this chapter, even though operating with a valid license is guilty of a misdemeanor of the fourth degree. Each subsequent violation of this chapter while operating with a valid license shall be a misdemeanor of the third degree, including forfeiture of goods.

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

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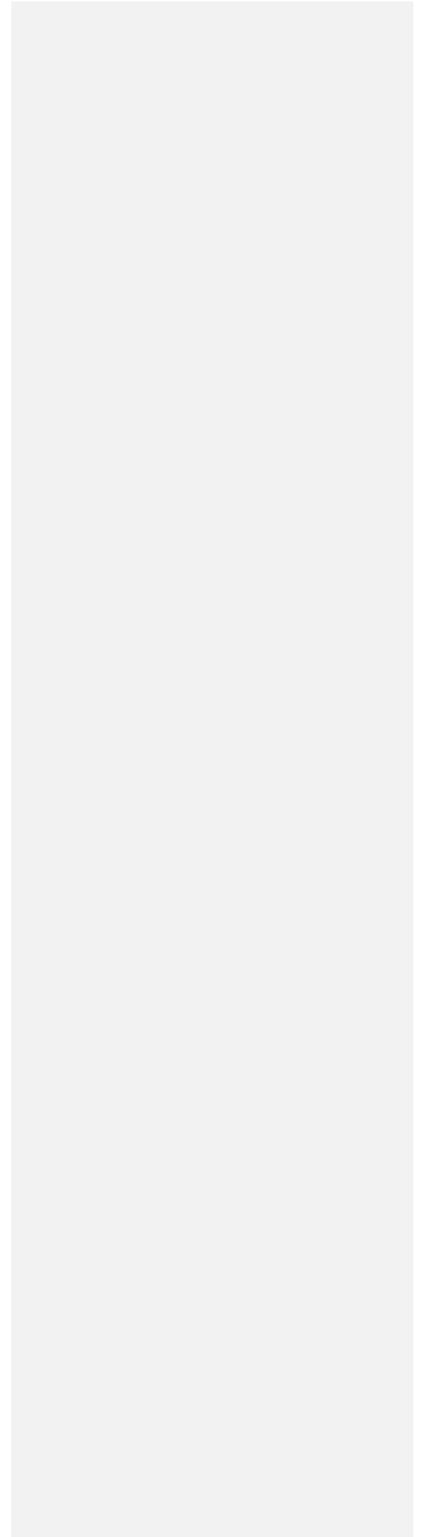
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(Ord. 2003-12-100. Passed 12-17-03.)



**1733.01 FEES AND CHARGES.**

(a) License Fees for Retail Food Establishments and Food Service Operations:

<u>Risk Level</u>	<u>License Fee For Commercial</u>	<u>License Fee for Non-Commercial</u>
1 (less than 25,000 sq. ft.)	\$81.00 plus fee remitted to State	\$40.50 plus fee remitted to State
2 (less than 25,000 sq. ft.)	\$92.00 plus fee remitted to State	\$46.00 plus fee remitted to State
3 (less than 25,000 sq. ft.)	\$178.00 plus fee remitted to State	\$89.00 plus fee remitted to State
4 (less than 25,000 sq. ft.)	\$226.00 plus fee remitted to State	\$113.00 plus fee remitted to State
1 (more than 25,000 sq. ft.)	\$119.00 plus fee remitted to State	\$59.50 plus fee remitted to State
2 (more than 25,000 sq. ft.)	\$125.00 plus fee remitted to State	\$62.50 plus fee remitted to State
3 (more than 25,000 sq. ft.)	\$449.00 plus fee remitted to State	\$224.50 plus fee remitted to State
4 (more than 25,000 sq. ft.)	\$476.00 plus fee remitted to State	\$238.00 plus fee remitted to State

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(b) <u>Plan Review Fee for Retail Food Establishments and Food Service Operations:</u>	
<u>Risk Level</u>	<u>Fee</u>
Plan Review Risk Level 1 & 2	\$80.00
Plan Review Risk Level 3	\$120.00
Plan Review Risk Level 4	\$160.00
(c) <u>Temporary Food Service Operation/ Retail Food Establishment:</u>	\$40.00
(d) <u>Vending Machines:</u>	\$28.00 plus fee remitted to State
(e) <u>Mobile Food Service Operations:</u>	\$95.00 plus fee remitted to State
(f) <u>Swimming Pools (commercial):</u>	
First pool at any site	\$95.00
Each additional pool at same site	\$45.00
(g) <u>Spas and Special Use Pools:</u>	
First spa or pool at any site	\$95.00
Each additional pool at same site	\$45.00
(h) <u>Vital Records/Vital Statistics and Functions:*</u>	
Birth Certificates (Certified)	\$25.00
Death Certificate (Certified)	\$25.00
Burial permit	\$2.50
Charge for file search	No charge
Preparation of affidavits	No charge
Handling of legal name change	No charge

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\*From and after October 1, 2005, the City Manager is hereby authorized to increase or decrease the fees charged for certified copies of Birth and Death Certificates from time to time in order to implement any future changes, relative to fees for Birth and/or Death Certificates, as required by amendments to the Ohio Revised Code.

(i) Tattoo or Body Piercing Service: \$65.00

(j) In addition to the fees and charges set forth in the foregoing paragraphs, supplemental fees therefor set by the Ohio Public Health Council pursuant to the provisions of Ohio R.C. 3732.04 and 3733.04 and the Ohio Administrative Code shall be collected from any licensee and remitted to the Treasurer of the State of Ohio.

(Ord. 2014-1-6. Passed 1-8-14.)

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