

## ORDINANCE NO. 9 - 21

### AN ORDINANCE AMENDING SECTIONS 719.01, 719.08, 719.09, AND 719.10 OF THE CODIFIED ORDINANCES OF THE CITY OF PORT CLINTON AND DECLARING AN EMERGENCY

WHEREAS, the City has previously adopted an Ordinance regulating Street and Sidewalk Vendors in the City of Port Clinton, and

WHEREAS, this Council finds and determines that amendments need to be made to Sections 719.01, 719.08, 719.09, and 719.10 of the Codified Ordinances to change the times and locations where vending will and will not be permitted in the City along with updated definitions and updated prohibited conduct when doing business in the City.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

**Section 1.** Sections 719.01, 719.08, 719.09, and 719.10 of the Codified Ordinances of the City of Port Clinton, as enacted by Ordinance 45-12, are hereby amended to read as follows:

#### **719.01 DEFINITIONS.**

For purposes of this chapter, the following definitions shall apply:

- (a) "Motor vehicle" means any vehicle used for the displaying, storing or transporting of articles offered for sale by a vendor which is required to be licensed and registered by the Department of Motor Vehicles.
- (b) "Stand" means any table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor.
- (c) "Vendor" means any person, firm, partnership, corporation or other business engaged in the selling or offering for sale, of food, beverages or merchandise from a stand or motor vehicle or from his person.
- (d) "Public streets or sidewalk" includes all public streets, sidewalks, roadways, highways, parkways, alleys, public parks, public parking lots or any other public way.
- (e) "Downtown Waterfront Overlay District" means the geographical area established by Ordinance No. 25-04 by the Port Clinton City Council adopted on October 12, 2004. The boundaries of the Downtown Waterfront Overlay District are as follows: the east boundary is Fulton Street including its imaginary extension to the waters of Lake Erie, the west boundary is Harrison Street extended to the south side of the Portage River, the north boundary is the waters of Lake Erie up to the mouth of the Portage River at which point the north boundary becomes the south shore of the Portage River as it heads westerly to Harrison Street extended, and the south boundary is the first alley south of Perry Street that runs from Fulton Street to Harrison Street.

(f) "Street Vending" or "Vending" means selling, offering or displaying for sale, or soliciting another to purchase, for present delivery, food, drink, or other merchandise, or any combination thereof, from, in, upon, along, the streets or sidewalks, or upon private property, from a motor vehicle; a trailer; or a stand, table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor.

#### **719.08 VENDING PERMITTED IN CERTAIN LOCATIONS.**

(a) Street Vendors shall not conduct business in the Downtown Waterfront Overlay District.

(b) Street Vendors shall not conduct business in any public park in the City of Port Clinton during scheduled events.

(c) Street Vendors shall not conduct business at Lakeview Park during scheduled events and during concession stand hours of operation.

(c) Street Vendors shall not conduct business in the following areas in the City:

(1) Within fifty (50) feet of a property occupied by a residence, excluding residences with ground floor retail space and excluding residences located on the opposite side of a public street;

(2) Within ten (10) feet of a fire hydrant, mailbox, taxi stand, telephone booth, building entrance, fire exit or escape or loading zone;

(3) In a location that restricts the free passage of pedestrians in the lawful use of the public sidewalks by leaving an unobstructed sidewalk area of less than six (6) feet, or as otherwise determined by the Safety Service Director;

(4) Within fifty (50) feet of another Street Vendor on the public sidewalk, where the other Street Vendor is located on the other side of a public street;

(5) Within one hundred (100) feet of a food service business operating from a fixed and permanent location during the operating hours of such business;

(6) Within seven hundred fifty (750) feet of a special event or community event, except for a Street Vendor that has been authorized to participate in such event;

(7) Within one hundred (100) feet of a school or church;

(8) Sell food items, display food items, or other merchandise, or conduct vending operations to occupants of vehicles stopped in traffic;

(9) Display food items, or merchandise, or place lines or other devices for the display of food items or merchandise on any building or on any utility pole, planter, tree, trash container or other sidewalk fixture;

(10) Leave a motor vehicle; a trailer; or a stand, table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor unattended at any time;

(11) Make any loud or unreasonable noise for the purpose of advertising or drawing attention to its operations or for any other purpose;

(12) Conduct business without making available a container suitable for the placement of litter;

(13) Within twenty (20) feet of an intersection with a street, road or alley;

(14) So as to obstruct the display windows or doorways of any merchant without the merchant's permission;

(15) Pushcarts shall be positioned on sidewalks between the flow of pedestrian

traffic and the street as near as possible to the curb;

(d) A Street Vendor may conduct business on private property from a motor vehicle; a trailer; or a stand, table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor, subject to the following regulations:

(1) No vending will be permitted on any property occupied by a residence, excluding residences with ground floor retail space;

(2) No vending is permitted within ten (10) feet of a property occupied by a residence;

(3) No vending is permitted within ten (10) feet of a driveway or driveway apron;

(4) No vending is permitted within ten (10) feet of a building entrance, fire exit or escape;

(5) No vending is permitted within twenty (20) feet of another Street Vendor;

(6) No vending is permitted within ten (10) feet from any public sidewalk;

(7) No vending is permitted on private property not zoned for a commercial use;

(8) No vending is permitted within seven hundred fifty (750) feet of a special event or community event, except for a Street Vendor that has been authorized to participate in the event;

(9) No vending is permitted that encroaches into any public sidewalk or public street;

(10) No vending is permitted at any location that will interfere with the safe movement of vehicles or pedestrians on the subject property;

(11) No vending is permitted on property not owned by the applicant without first obtaining written permission from the property owner.

### **719.09 PROHIBITED CONDUCT.**

No Street or Sidewalk Vendor shall:

(a) Sell food or beverages for immediate consumption unless he has available for public use his own or a public litter receptacle which is available for his patrons use.

(b) Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by him.

(c) Solicit or conduct business with persons in motor vehicles.

(d) Sell anything other than that which he is licensed to vend.

(e) Set up, maintain or permit the use of any table, crate, carton, rack or any other device to increase the selling or display capacity of his stand or motor vehicle where such items have not been described in his application.

(f) Vend without the insurance coverage specified in Section 719.05.

(g) No Street Vendor vending from a motor vehicle, vehicle, pushcart, wagon or any wheeled vehicle shall:

(1) Operate a vehicle at a speed more than fifteen miles per hour or more when cruising neighborhoods or attempting to make a sale.

(2) Make a "U" turn on any street.

(3) Operate his vehicle backwards in making or attempting to make a sale.

(4) Double park or park in any manner contrary to any ordinance about parking when attempting to make a sale.

(5) Stop and park his vehicle in a stationary position for a period longer than

necessary to make a sale after having been approached or stopped for that purpose.

(6) Permit any person except an employee of the licensee to ride in or on the vehicle.

(7) Refuse to remove this vehicle from any public street or sidewalk in the City upon the request of a police officer, during periods of congested traffic, accident or public emergency.

(8) Make or attempt to make a sale within twenty-five feet of any intersection.

(9) Make or attempt to make a sale to any person standing in a street of the City.

(h) Use a noise producing device on a motor vehicle or stand when it is not in motion.

(i) Dump anything into the City's storm sewers.

(j) Connect their motor vehicle, trailer, stand, table, showcase, bench, rack, pushcart, wagon, or any other wheeled device to City utilities

**719.10 HOURS OF OPERATION.**

Street Vendors shall be allowed to engage in the business of vending only between 6:00 a.m. and 11:00 p.m., except Vendors who conduct their business by going door to door shall be allowed to operate only between 9:00 a.m. and 5:00 p.m. daily.

**Section 3.** Existing Sections 719.01, 719.08, 719.09, and 719.10 of the Codified Ordinances of the City of Port Clinton as currently enacted are hereby repealed.

**Section 4.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

**Section 5.** This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the new times and locations where vending will and will not be permitted in the City can take effect immediately upon its passage and approval by the Mayor; **wherefore**, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: \_\_\_\_\_, 2021

\_\_\_\_\_  
President of Council

Attest: \_\_\_\_\_  
Clerk of Council

Approved \_\_\_\_\_, 2021

\_\_\_\_\_  
Mayor

