

Drafted by City Clerk/Law/DID
Sponsored by/Referred by Law/ DID
Introduced on October 12, 2015
Advertised on October 19, 2015

BILL NO. 61 -2015
A N O R D I N A N C E

**AMENDING THE CITY OF READING CODIFIED ORDINANCES
CHAPTER 453 PART 2 SIDEWALK VENDORS BY ADDING DEFINITIONS
AND FURTHER DEFINING THE PERMIT REQUIREMENTS, PERMIT
APPLICATION PROCESS AND DESIGN STANDARDS OF VENDING
CARTS, MACHINES AND TRAILERS AS WELL AS RENAMING THE
APPLICABLE APPEALS BOARD TO THE CODE AND LICENSE APPEALS
BOARD.**

SECTION 1. Amending the City of Reading Codified Ordinances Chapter 453 Part 2 Sidewalk Vendors by adding definitions and further defining the permit requirements, permit application process and design standards of vending carts, machines and trailers as well as renaming the applicable appeals board to the Code and License Appeals Board, as attached in Exhibit A.

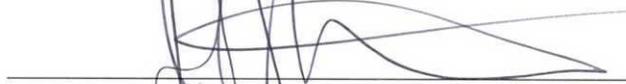
SECTION 2. All other parts of the Ordinance remain unchanged.

SECTION 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the City that the remainder of this Ordinance shall remain in full force and effect.

SECTION 4. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

SECTION 5. This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted Oct 24, 2015

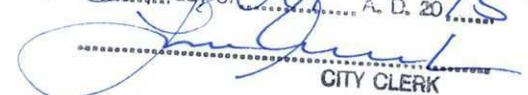


President of Council

Attest:



City Clerk

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 26 day of Oct A. D. 20 15. Witness my hand and seal of the said City this 27 day of Oct A. D. 20 15

CITY CLERK

Submitted to Mayor: _____

Date: 10/27/15

Received by the Mayor's Office: _____

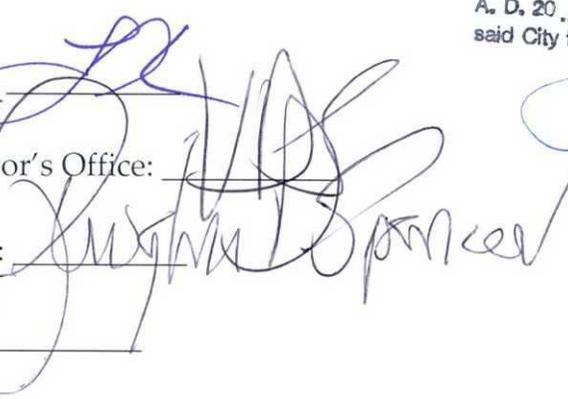
Date: 10/27/15

Approved by Mayor: _____

Date: 10/27/15

Vetoed by Mayor: _____

Date: _____



**EXHIBIT A
PART 2
SIDEWALK VENDORS**

§453-201. Purpose

The purpose of this Part is to provide for the regulation of sidewalk vendors in the City of Reading to promote an active and attractive pedestrian environment. The City of Reading has the responsibility to provide public safety for pedestrians and to protect residential neighborhoods and public facilities. Reasonable regulation of sidewalk vendors is necessary to protect the public health, safety, and welfare in the public right of way. It is the finding of City Council that the regulation of sidewalk vendors on public and private property is necessary to promote the orderly and efficient use of sidewalks, to promote commerce in the downtown area in a manner that prevents undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services.

(Ord. 63-2007, 8/13/2007, §1)

§453-202. Title

This Part shall be known as the "Sidewalk Vendor Ordinance."

(Ord. 63-2007, 8/13/2007, §1)

§453-203. Interpretation

The provisions of this Part shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Part, the provisions of such statute, ordinance or regulation shall govern.

(Ord. 63-2007, 8/13/2007, §1)

~~§10-1704~~ **§453-204. Definitions**

For the purpose of this Part, certain terms shall be defined as follows:

CODE AND LICENSE APPEALS BOARD - Board authorized to hear, among other things, appeals of and render decisions in matters concerning aggrieved applicants whose sidewalk vendor permits have been denied, suspended, revoked or is not renewed and/or whose location has been selected by the DID Board, pursuant to §452-206.

DOWNTOWN IMPROVEMENT DISTRICT (DID) AUTHORITY AREA – the City’s Central Business District, in which services are provided by the Reading Downtown Improvement District Authority as created through the enactment of Bill No. 41-2005 on June 27, 2005, which re-established the Downtown Improvement District. Please see the map located at www.downtownreading.com. The mapped area does not include areas in which services are provided by the DID Authority under contract.

DOWNTOWN IMPROVEMENT DISTRICT (DID) AUTHORITY BOARD– as defined and established by Ord. 134-94, titled "An Ordinance Authorizing the City of Reading to Organize an Authority to be Known as the 'Reading Downtown Improvement District Authority,' Pursuant to the Provisions of the Municipality Authorities Act of 1945, P.L. 382, As Amended, Under Certain Terms and Conditions," as amended by subsequent enactments, including Ord. 11-95, Ord. 66-95, Res. 706-95, and Ord. 20-2000, all of which are hereby incorporated by reference, is hereby re-established pursuant to the Municipality Authorities Act and the Neighborhood Improvement District Act, pursuant to the terms set forth herein.

~~**KIOSK** - a freestanding structure upon which temporary information and/or posters, notices and announcements are posted; an open gazebo, pavilion or similar structure used as a newsstand, refreshment booth or the like.~~

~~**MOBILE VENDOR** - a vendor or seller of food and/or goods from a vehicle or other conveyance upon the public streets or alleys of the city that does not typically remain stationary for more than approximately 10 minutes each hour.~~

OFFICIAL MAP - the topographical survey of the City of Reading, Pennsylvania on file in the Engineering Office.

PASSABLE - free of any impediment or obstruction, whatsoever, that would hinder the travel of the public.

PRIVATE PROPERTY - property owned by a person or jointly by a group of persons, legal persons or business entities.

PROPERTY MAINTENANCE DIVISION - a division of the City of Reading administration under the Managing Director of *Community Development Department* charged with enforcing the City of Reading Codified Ordinances governing issues including, but not limited to, housing and property maintenance, *health and blight*.

PUBLIC RIGHT-OF-WAY - any place of any nature which is legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks, and roadways, but excluding any public property of the City of Reading. The official topographic survey map of Reading, Pennsylvania, on file in the Engineering Office shall be the final authoritative document should the existence of any street dedicated or not be disputed.

PUBLIC OUTDOOR PAY TELEPHONE - any outdoor publicly accessible pay telephone any portion of which or its enclosure is situated on, projects over, or hangs over a portion of the public right-of way; or is situated such that it can be used by a person standing on the public right-of way.

PUBLIC PROPERTY - all real and personal property, whether within or outside the corporate City limits, belonging to the City of Reading, excluding that which is used and/or intends for use by vehicular or pedestrian traffic and defined herein as a public right-of-way.

~~**SANDWICH BOARD**—any portable sign which is intended, by design, use or construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse.~~

SIDEWALK - that portion of a public right-of-way for which paving is required under this Part of the Codified Ordinances of the City of Reading and which is used primarily for pedestrian travel.

SIDEWALK AREA - that portion of the public right-of-way occurring between the curb line and the topographical building line.

SIDEWALK VENDOR - person or persons who exhibits, displays, or sells any food, beverage, goods, printed materials or merchandise from any stand, cart vending machine or trailer while on or about the sidewalk area.

SIDEWALK VENDOR LICENSE PERMIT- the written authorization, issued by the City of Reading, to construct, install, erect, or place any obstruction within the public right-of-way. The *license permit* must be displayed prominently on each stand, cart, trailer and/or obstruction.

~~**STATIONARY VENDOR**—an itinerant vendor who conducts business (a) from a vehicle or other conveyance, or (b) in or about a structure that is not permanently affixed to real property and that is located upon privately owned property and not on a public street, sidewalk, alley or public way of the city.~~

TRAILER - vehicle designed to be towed by a motor vehicle.

VEHICLE - a device or structure for transporting persons or things; a conveyance that is self-propelled and runs on tires.

VENDING – the act of exhibiting, displaying or selling any food, beverage, goods, newspapers, or other printed materials either in bulk or in package or from a vending cart as defined herein.

VENDING CART – *a non-motorized vehicle with at least two wheels moved by hand for the purpose of conducting food or merchandise sales.*

~~**VENDING LICENSE BOARD of Appeals**—Board authorized to hear appeals of and render decisions in matters concerning aggrieved applicants whose Sidewalk Vendor License *Permit* has been denied, suspended, revoked or is not~~

~~renewed and/or whose location has been selected by the DID Board, pursuant to §10-1706 §452-206.~~

~~**VENDING MACHINE** any self-service device that provides for the sale or distribution of food, beverages, goods, newspapers, or other printed materials either in bulk or in package, or an Automated Teller Machine (ATM) without the necessity of replenishing the device between each vending operation.
(Ord. 63-2007, 8/13/2007, §1)~~

~~§10-1705~~§453-205. **Permit Required**

1. *Vending on public property is prohibited in all areas outside the Downtown Improvement District Authority (DID) area.*

Vending is prohibited on private property as per the Zoning Ordinance, City of Reading Codified Ordinances Chapter 27, Section 902 §600-902, – Limit of One Principal Use states “No more than one principal use shall be permitted on a lot, unless specifically permitted by this Chapter. A principal use shall not be located in an accessory building or structure.”

It shall be unlawful for any person to engage *in the business of vending* within the City of Reading without first obtaining a ~~license~~ *permit* pursuant to this Section. ~~Such sidewalk~~ *vending* activities are only permitted within the DID area and between the southern right- of-way line of Franklin Street, the northern right- of-way line of Washington Street, the western right- of-way line of Front Street and the eastern right- of-way line of 11th Street, *as shown by the DID Area Map contained in the latest Final Plan for the Downtown Improvement District.*

Pre-existing vendors operating inside the Downtown Improvement District (DID) area are required to comply with all regulations contained herein ~~and shall not be “grandfathered”~~ *and are subject to all licensing and health/safety requirements contained in this Ordinance.*

Location, Type and Number. A sidewalk vendor ~~license~~ *permit* shall only be issued for and restricted to vendor sales from an approved *vending cart* at specific and fixed locations within the DID area. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Up to a maximum of ~~fifteen (15)~~ *twenty (20)* sidewalk vending ~~licenses~~ *permits* shall be issued for food, *beverage, goods, printed materials or merchandise* related sales annually for the

DID area as determined by the Property Maintenance Division ~~City Ordinances.~~

~~The **DID Board** Property Maintenance Division shall determine location of each vendor or vending machine in the Downtown Improvement District (DID) area. City Council may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The Property Maintenance Division shall issue the submit the approved permits to the DID Board within five (5) business days. The DID Board shall issue the permit to the owner of the vending cart or machine within five (5) business days after the DID Board selects the location. The Property Maintenance Division shall issue a temporary license permit to the potential sidewalk vendor indicating a location and notify the DID Board of the assignment. The **DID Board** Property Maintenance Division shall determine the exact final approved location of each vendor in the Downtown Improvement District (DID) area. City Council may increase or decrease the number and locations of the sidewalk vendors at any time with proper notification to the vendors. The Property Maintenance Division will then issue the permanent license permit to the owner of the vending cart once approved by the DID Board. The location selection criteria shall be as follows:~~

- ~~1) the goods being sold or offered by the vendor;~~
- ~~2) the goods sold, offered and/or services provided by adjacent businesses and those within 200 feet;~~
- ~~3) expected impacts from the vendor which could have a detrimental effect on existing adjacent and nearby establishments; and~~
- ~~4) the goods being sold by sidewalk vendors in the same block, in order to avoid oversaturation of the block with too many of the same type of vendor (e.g., more than one ice cream vendor in the same block).~~

~~City Officials may, if necessary, temporarily or permanently relocate any or all vendor(s) by giving the vendor(s) 24- hour notice due to the DID Board's request, special events, or because of natural or man-made phenomena which would cause vending activities to be unsafe, impractical or incompatible with new or existing businesses within two hundred feet (200) feet of the vendors' location.~~

The DID Board shall approve, deny and/or revoke permits for vending machines in the DID area including vending machines for printed materials.

B. More than Two Licenses-Permits Prohibited. A person who holds or has an interest in two sidewalk vendor licenses *permits* as an owner, partner or shareholder shall not have any additional interest, either directly or indirectly, as an owner, partner or shareholder in any other sidewalk vendor license *permit*. *Each vending cart must have an individual license permit. One license permit cannot apply to more than one vending cart.*

C. License Permit Nontransferable. A sidewalk vendor license *permit* shall not be transferable to another holder ~~except upon the permanent disability of the holder,~~ and any prohibited transfer of the license *permit* shall work as an automatic forfeiture thereof. If the license *permit* holder is not a natural person, the transfer of any ownership interest in the holder of the license *permit* shall be deemed a prohibited transfer. (Ord. 63-2007, 8/13/2007, §1)

2. ~~The restrictions of~~ This Section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus, authorities or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

~~§10-1706~~§453-206. License-Permit Application

- 1. Notice of License Permit Availability.** Applications for sidewalk vending *permits* will be available ~~between~~ beginning ~~March 1 and March 15~~ *March 1st and March 31st* for each calendar year in the Property Maintenance Division. *Each calendar year will extend from April 1st to March 31st.*
- 2. Application.** Any person interested in applying for a sidewalk vendor's license *permit* may, ~~after public notice listed above,~~ make application by filing such forms containing the required information with the Property Maintenance Division with a nonrefundable *processing* fee \$50 ~~no later than 4 p.m. on March 15~~ *March 31st* as per the City of Reading Fee Schedule §212. *Existing permit holders completing applications shall receive priority in the grant of a permit, however, the City does not guarantee any particular location as DID retains the right to approve vending locations.* The application shall set forth:

- A. True name and address of the applicant. P.O. Boxes will not be permitted.
- B. Photographs and specifications, *including the dimensions* of the proposed sidewalk vendor cart(s), stand(s) or trailer(s) to be used in sufficient detail showing compliance with the design criteria, standards, and specifications in ~~§10-1707~~§453-207 herein.
- C. Sufficient detail about the proposed sidewalk vendor, *the cart features* and *a complete list of* the products proposed for sale must be submitted with the application for evaluation and compliance with applicable City and State Health Codes, ~~along with copies of the required City and State health permits.~~ *A complete list of products to be sold is needed to determine the best and most suitable location for the vendor cart.*
- D. ~~A copy of the applicant's business privilege license.~~ *Applicant must also submit either copies of the required City and State health permit or, in the event that applicant has applied for but not yet procured those permits, the applicant may submit a copy of the completed permit application. The vending cart permit will not be issued until all health permits have been procured.*
- E. ~~A copy of the permit allowing for the use of on-unit heating, cooking, water, electrical or cooling devices.~~ Utility connections to neighboring properties shall be prohibited. *The vendor cart must be 100% self-contained.*
- F. The locations the sidewalk vendor would like to operate.

Applications will be initially reviewed by the Property Maintenance Division for completeness. ~~Incomplete applications may be amended one time and resubmitted on or before March 15 as stated above.~~

3. Review of Applications. Not more than 45 days following application deadline, the Director ~~Manager~~ of the Property Maintenance Division ~~Department of Community Development~~ or his designee shall complete the review of all applications filed and notify the applicants of the results thereof in writing. *Final approval of the location will be determined by DID.* An application shall be denied and the applicant shall be ineligible for a sidewalk vendor license if:

- A. The application is incomplete ~~in any material respect~~ *in any material respect* ~~As set forth in Paragraph 1706.2~~ §453-206.2 above.
- B. The proposed vending cart does not comply with the cart design criteria, standards or specifications and/or applicable health *or safety* requirements.

- C. The applicant does not have a business privilege license.
- D. The applicant, or any natural person having an interest in the entity making the application, has:
- (1) An interest in more than two sidewalk vendor licenses *permits*.
 - (2) Within the past 5 years held or had an interest in a sidewalk vendor license that has been revoked.
 - (3) Within the past 10 years been convicted of selling, offering to sell or possession with intent to sell a controlled substance or convicted of a felony.
- E. If an application is denied, the applicant shall be notified in writing of the reason(s) therefore within ten (10) days.

Note: In the event two or more sidewalk vendors apply to operate in the same location, a lottery system will be used to make the determination.

4. Each *permit* shall be issued for one calendar year, ~~April 1 through March 31~~ *April 1st through March 31st*, and shall be subject to review *and inspection by City officials* during the calendar year for adherence to the requirements of this Part.

(Ord. 63-2007, 8/13/2007, §1)

~~§10-1707~~§453-207. Design Standards.

1. Design and Appearance.

A. **General Requirements.** All sidewalk vendor carts, trailers or stands shall be ~~designed to be attractive, easily maintained~~ *kept* in a *clean and* sanitary condition, and ~~mobile. In addition, vending~~ *must all vendors* shall comply with State and local health and sanitation requirements on such matters as refrigeration, cooking, utensils and appliances, materials and food storage. *Conditions such as discoloration, food and beverage stains, rust, and peeling/cracking/faded exterior surfaces are not permitted and may cause the suspension and/or revocation of the vending permit.*

A *City* health permit must be obtained by all vendors selling food before operation of sales begins.

B. Required Physical Features.

(1) **Dimensions.** The dimensions of the vending cart shall not exceed 4 feet x 8 feet. This is the largest in operation size and states the largest exterior dimensions permitted (including wheels, handles and similar parts). Fold-out shelves for the display of larger merchandise are permitted, provided there will be no interference with pedestrian

movement. Fold out shelves ~~cannot~~ *shall not be* used to provide space for customers to consume the products dispensed by the vendor. ~~Awnings and canopies, both attached and unattached from the cart, are prohibited.~~

(2) **Mobility.** Vending carts must have at least two wheels. They must permit easy movement and maneuverability in the event of emergency and required relocation.

(3) **Permit Display.** The vending *permit* must be *clearly* displayed on the cart in such a manner and location as to be *clearly* visible to customers.

4) **Trash Receptacles.** Each vending cart will have provisions for vendor and customer trash disposal. Vendors are responsible for proper disposal of this trash whenever the container becomes full or, at a minimum, at the conclusion of the day's operation.

(5) **Covers.** Umbrellas or canopies are desirable. The umbrella must not conflict with public passage on the right of way, nor be obtrusive to vendors' signs or neighboring business. The cover must be well maintained, *so as not to become faded, torn, cracked, or soiled.*

(5) (6) **Carts Self-Contained.** All sidewalk vendor carts shall be so designed that all ~~sales~~ *vending related* activities, including trash disposal ~~facilities~~, can be conducted totally from the vending cart. Use of the sidewalk by a vendor for product display, storage, or disposal of trash shall be prohibited.

(6) (7) **Utility Connections.** Utility connections for water, cooking, cooling, electric, heating, etc., must be contained in the unit. Utility connections to neighboring properties shall be prohibited.

(7) (8) **Fire.** A 5 pound ABC type dry chemical fire extinguisher is required for all vending carts utilizing a flame for any purpose.

(8) (9) **Hand Washing Facilities.** Each vending cart that serves *unwrapped or unbagged food* must have a hand wash sink with hot and cold water, a posted sign indicating ~~"Employees must wash hands, and comply with the standards as~~ *the exact regulations required* by the Pa. Dept of Agriculture

(9) (10) **Refuse.** All vending carts must have a refuse receptacle with a tight fitting lid on the unit and a separate refuse receptacle for customers as required by the Pa. Dept of Agriculture. Receptacles must be properly emptied when full or at a minimum at the close of business. *All refuse must be disposed of at the vendor's expense.*

(10) (11) **Cold and Hot Holding Units.** Refrigeration and cold holding units must be capable of reaching and maintaining 41° F or below when in use. Hot holding units must be capable of holding foods at 135° F or above, as required by the Pa. Dept of Agriculture.

(11) (12) **Dishwashing.** Single service articles must be used unless adequate dishwashing facilities are available and used. Adequate facilities will include a three compartment sink (separate from the hand washing sink) set up for accomplishing a 3-step method of dishwashing; *wash, rinse and sanitize*. Where only spatulas, tongs, and similar devices are washed and sanitized, and only stationary equipment must be cleaned, a two-compartment sink may be approved – ~~as required by~~ *in accordance with the regulations of* the Pa. Dept of Agriculture.

(12) (13) **Food and Ice.** All food and *beverages* must be clean, wholesome, free from spoilage, free from adulteration and safe for human consumption, as ~~required~~ *set forth in the regulations of* the Pa. Dept of Agriculture. All food and beverages shall be from approved sources. Food prepared in a private home ~~can only be used~~ *may only be sold* if that facility is licensed, registered and inspected by the Pa. Dept of Agriculture and the City of Reading *Property Maintenance Division*.

(13) (14) **Sign.** No sign shall be permitted except an identification of the vendor's business name and the listing of items available to sale and the price thereof. The sign *which may include a Sandwich Board sign, attached or separate from the vending cart and in accordance with the City of Reading Zoning Ordinance Sections §§600-1705 (NEW Code effective soon—old Code Section 27-1706)* must not be obtrusive to the public way or conflict with neighboring businesses *by obstructing the view of said businesses or their signage, or blocking any entrance or exit to the building.* (Ord. 63-2007, 8/13/2007, §1)

(14) (15) **Food Employee Certificate.** All *food* vendors are required to obtain and maintain a Food Employee Certificate from the Department of Agriculture, as required by the State Food Employee Certification Act, within three months of the approval of their Sidewalk Vendor Permit. New vendors will have 90 days to comply with said requirement; existing vendors which are not in compliance due to lack of current certification, employee turnover or other loss of certified person shall have 90 days from the effective date of this ordinance or the date of loss to comply.

C.—**Prohibited Features.**

(1) Advertising other than the name of the vendor's business or suppliers. (Advertising must ~~appear to be based on #14 above, that the sign may include items for sale.~~ *the sensibilities of the general public.*) *Advertising must not contain obscene language, profanity or images offensive to the sensibilities of the general public.*

(2) Propulsion systems other than manual.

- (3) Gas cylinders larger than 20 pounds.
- (4) Vending directly from a motor vehicle, *other than a licensed food truck* is prohibited.
- (5) Tables, chairs, benches, stools and any other device that would allow the consumption of the product dispensed by the vendor.
- (6) Fold out shelves ~~cannot~~ **shall not** be used to provide space for customers to consume the products dispensed by the vendor.
- ~~(7) Awnings and canopies, both attached and unattached from the cart, are prohibited.~~

D. **Waivers.** Waivers will not be permitted for any requirement based on health, safety or sanitation considerations.

E. **Mandatory Compliance.** All carts shall comply with standards and specifications described herein and adopted by the City and the State. Failure to comply shall be sufficient grounds for rejection of a vending license ~~license~~ *permit* application or suspension or revocation of any license issued.

F. **Maintenance.** All sidewalk vendor carts shall at all times be maintained in good condition and repair. Any repairs to or replacements of sidewalk vendor carts shall comply fully with the existing design criteria, standards and specifications. No replacement cart may be placed into operation until approved *by the Property Maintenance Division and the DID Authority.*

~~§10-1708~~§453-208. Sidewalk Vendor Operation Standards

1. **Days and Hours of Operation.** Sidewalk vendor sales inside the Downtown Improvement District may be conducted between the hours of 6:00 a.m. to 8 9 p.m. during the permit year.

2. **Daily Removal.** Sidewalk *carts* and accouterments shall be removed from the sidewalk daily, not later than ½ hour after the close of business or and not returned thereto earlier than ½ hour before the time permitted for opening, unless otherwise provided by the regulations adopted by the City. Any item not removed from the sidewalk at the close of business may be removed and stored by the City of Reading *or the Downtown Improvement District.* The vendor will be charged for costs, storage and the penalty prescribed under ~~§10-1714~~ §453-214 herein.

3. **Safe and Sanitary Condition.** Sidewalk vendor carts and vending areas shall be maintained in a safe, broom-clean and sanitary condition at all times.

Sidewalk vendor carts *permitted* hereunder to sell food products shall:

A. Be subject to inspection at any time by a City of Reading Property Maintenance Inspector and shall at all times be *permitted* under and be in compliance with all applicable State and local codes.

B. If using portable heating or cooking facilities, subject to inspection at all times by the City of Reading Fire Marshal and ~~Codes~~ *Property Maintenance Division* and shall comply with all applicable codes of the City of Reading. A permit must be obtained from the Fire Marshal before operation of sales begins.

4. **Quiet Operations.** Sidewalk vendors shall conduct business in an orderly fashion and shall not make loud or raucous noises or use sound amplifying devices to attract attention, nor verbally hawk or solicit product sales. ~~to pedestrians or motorists.~~

5. **Use and Maintenance of Sidewalk.** All sales and related activity shall be conducted from the vending area during which times the vending cart shall not be moved from the assigned vending location, *unless the vending cart is required to move by City or DID officials or for emergency response personnel.* No products shall be stored or displayed, on the sidewalk or any adjacent outside area. The sidewalk vendor shall be solely responsible to keep the sidewalk area free of trash, litter, debris or spillage generated by the vendor's business.

The vending cart shall be placed so as not to impede the free movement of pedestrian traffic. The use of tables, chairs, benches, etc., around the vending cart is strictly prohibited.

6. **Display.** The sidewalk vendor *permit*, the City of Reading health permit and the State "Serve Safe" certificate shall be posted in plain view of the customers at all times the vendor is operating.

7. **Public Liability Insurance.** Each *permit* holder shall maintain and provide the City of Reading ~~and the Executive Director of the DID~~ with proof thereof, insurance for public liability *and having the City named as an interested party* with minimum coverage of \$100,000 per individual and \$500,000 per incident. *The Property Maintenance Division and the Executive Director of the DID shall be informed by the vendor of any change in or notice of cancellation of coverage during the permit year.*

8. **Prohibitions.** An object, device or structure as regulated under the terms of this Part shall be expressly prohibited when its construction, erection, installation or placement would result in any of the following conditions:

- A. A passable sidewalk width less than 5 horizontal feet.
- B. A horizontal projection from the building line in excess of 5 feet.
- C. A reduction in *the street* sight triangle.

(Ord. 63-2007, 8/13/2007, §1)

~~§10-1709~~§453-209. **Suspension or Revocation of Permit**

A sidewalk vendor permit shall be subject to suspension or revocation by the City for violation of any provision of this Part or any regulations promulgated or enacted hereunder, or violation of applicable State or local, including but limited to all health or safety regulations, zoning and taxation.

(Ord. 63-2007, 8/13/2007, §1)

~~§453-210. Vending License Board of Appeals Code and License Appeals Board~~

1. Any person aggrieved by a decision of the Property Maintenance Division including suspension, nonrenewal, denial or revocation of a Sidewalk Vendor Permit may appeal to the ~~Vending License Board of Appeals Code and License Appeals Board as per Chapter 1, Section 23, Part 4.~~ *Any person aggrieved by a decision of the DID Board relating to the location of a vending cart or vending machine may appeal to the Code and License Appeals Board.* Such appeal must be filed, in writing, with the ~~Administrator~~ *Manager Director of the Department of Community Development* of the ~~Property Maintenance Division~~, with the appropriate filing fee, within 10 working days from the date of receipt of the decision of the Property Maintenance Division *or DID Board.*

2. ~~Organization~~ **Fees and Costs**

A. ~~Membership.~~ The Vending License Board of Appeals shall consist of one member of the Board of Directors of the Reading DID or their designee, one member of the City of Reading Planning Commission or their designee, one representative from the Greater Reading Chamber of Commerce, one employee from the Property Maintenance Division, Reading Police Traffic Enforcement and Public Works. *The fee for filing of an appeal to the Vending Board of Appeals Code and License Appeals Board shall be Two Hundred Seventy Five Dollars and 00/100 (\$275.00), as per the City of Reading Fee Schedule §212. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the Appellant shall be*

responsible for all costs incurred to conduct a hearing beyond that covered by the fee.

- B. ~~Oaths and Subpoenas.~~ The Board shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- C. ~~Quorum and Majority Vote.~~ Four members shall constitute a quorum of the Board. A majority of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.
- 3. **Powers.** The Board shall have the following powers:
 - A. ~~Hear and Decide Appeals.~~ To hear and decide appeals where it is alleged there is error in any decision of the Property Maintenance Division in the enforcement of this Part.
 - B. ~~Grant Modification or~~ To modify any notice of violation or order and to authorize a variance from the terms of this code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.
 - C. ~~Grant Extension of Time.~~ To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code [Chapter 5, Part 6] and other applicable sections of the City of Reading Codified Ordinance of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.
 - D. ~~Timeliness.~~ In exercising the above mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within 10 working days after the appeal hearing.
 - E. ~~Recommend amendments to this Part to the Council of the City of Reading.~~

4. ~~The Property Maintenance Division decision and all records of final disposition of the matter outlined in the appeal shall be public and available for inspection; provided, however, that the Property Maintenance Division may prescribe reasonable regulation regarding the time and manner of inspection.~~

5. ~~**Effect of Filing of Appeal.** Any decision issued under, per and in accord with this Part, shall be held in abeyance upon the timely filing of an appeal thereof with the Vending License Board of Appeals.~~

6. ~~**Fee and Costs.** The fee for filing of an appeal to the Vending Board of Appeals *Code and License Appeals Board* shall be *Two Hundred Seventy Five Dollars and 00/100* (\$275.00). *as per the City of Reading Fee Schedule.* Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal. In addition to said fee, the Appellant shall be responsible for all costs incurred to conduct a hearing beyond that covered by the fee.~~

~~§10-1711~~ §453-211. **Appeal to Court of Common Pleas**

Any person aggrieved by any decision of the respective Board, may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be illegal, in whole or in part. Such petition shall be filed with the Court of Common Pleas and a notice thereof served upon all parties to the appeal, including the ~~Vending License Board of Appeals City of Reading *Code and License Appeals Board*~~ and the DID Board.

~~§10-1712.~~ §453-212. **Enforcement**

This Part will be enforced under the jurisdiction of the Property Maintenance Division and the Reading Police Department.

~~§10-1713.~~ §453-213. **Construction and Severability**

In the event any provision, Section, sentence, clause or part of this Part shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining provision, Section, sentence, clause or part of this Part, it being the intent of the Council of the City of Reading that such remainder shall remain in full force.

(Ord. 63-2007, 8/13/2007, §1)

~~§10-1714.~~ §453-214. Penalty

Any person violating any provision of this Part or of the regulations promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of \$75 - \$1,000 for each and every offense, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than 90 days or both. Each day during which the person violated any provision of this Part shall constitute a separate offense. Institution of a prosecution for the imposition of the foregoing penalty shall not be construed to limit or deny the right of the City to such equitable or other remedies as may be allowed by law.

(Ord. 63-2007, 8/13/2007, §1)