

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 11, SECTIONS 11-377 AND 11-381, RELATIVE TO SIDEWALK VENDORS AND VENDING ON PUBLIC PARK PROPERTY.

SECTION 1. That Chattanooga City Code, Part II, Chapter 11, Sections 11-377 and 11-381, are amended by deleting said sections in their entirety and substituting in lieu thereof a new Section 11-377 and 11-381 as follows:

Sec. 11-377. Prohibited conduct.

- (a) No vendor shall:
- (1) Vend anywhere in the city without a satisfactory health permit which shall be affixed to the push-cart so as to be plainly visible to the public.
 - (2) Leave any location without first picking up, removing, and disposing of all trash, refuse, and litter surrounding his location.
 - (3) Solicit or conduct business with persons in motor vehicles unless such motor vehicles are parked in a parking area.
 - (4) Vend on any sidewalk that is not over ten (10) feet in width.
 - (5) Vend within ten (10) feet of any driveway entrance.
 - (6) Vend within twenty-five (25) feet of a crosswalk at any intersection measured from the nearest edge of a crosswalk.
 - (7) Conduct his business in such a way as would restrict or interfere with pedestrian traffic or the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.
 - (8) Vend on any public right-of-way, including but not limited to the sidewalk area, on the city block which surrounds the Ross's Landing Plaza, more particularly described as that block which is

bounded by Riverfront Parkway on the north, Chestnut Street on the west, 2nd Street on the south, and Market Street on the east.

- (9) Vend on any public right-of-way, including but not limited to the sidewalk area in the area which surrounds BellSouth Stadium, more particularly described as that area which is bounded by the eastern edge of the right-of-way of Power Alley Extended on the East, I-124 on the West, 4th Street on the South, and Riverfront Parkway on the North.
- (10) Vend on any public park property, sidewalk or public right-of-way between the hours of 12:00 a.m. and 7:00 a.m.
- (11) Vend on any public park without a permit from the Administrator of Parks and Recreation.

Sec. 11-381. Vending on public park property.

- (a) No person shall vend on any public park property or public right-of-way without a permit issued by the Administrator of Parks and Recreation, in the 21st Century Waterfront Area along Riverfront Parkway between Market Street Bridge and Olgiati Bridge; on First Street; along the sidewalk connections between Walnut Street and Market Street adjacent to First Street Steps; on the Walnut Street Bridge and its approaches on the north and south between Frazier Avenue and Second Street; on the Holmberg Bridge; and on the city owned property adjacent to the Hunter Museum, except at the following seven (7) locations as generally shown on the map attached hereto and incorporated herein by reference:
 - 1) The approach to the Walnut Street Bridge south of Frazier Avenue;
 - 2) The approach to the Walnut Street Bridge along the east side of Walnut Street;
 - 3) The approach to the Walnut Street Bridge along the south side of Walnut Street;
 - 4) The approach to the First Street Steps to the east of Market Street;
 - 5) An area to the west of “The Passage”;
 - 6) An area of Ross’s Landing Park north of the Chestnut Street intersection with Riverside Drive;
 - 7) An area north of Riverside Drive near the steps going down to the Riverboat dock.

- (b) The Administrator of Parks and Recreation shall from time to time advertise for and accept proposals from persons who desire to provide vending in the areas identified in Subsection (a). At a minimum the persons desiring to vend in the identified areas shall include within their proposals the following:
- 1) Submit that they have or shall acquire before beginning to vend all legally required licenses and permits;
 - 2) Submit with the response to a request for proposals a picture and written description of the vending cart and equipment it proposes to use;
 - 3) Submit with the response a complete listing of products it proposes to provided for sale;
 - 4) Submit with the application the proposed prices of items to be vended; and
 - 5) Submit a financial proposal to pay the City for the privilege of vending on property owned by the City.
- (c) The Administrator of Parks and Recreation shall review the responses to the requests for proposals and in addition to verifying the requirements set forth in subsection 11 shall evaluate the responses upon the following factors:
- 1) The appropriateness of the items for the locale, the uniqueness of items sold, and the reasonableness of the proposed prices, and;
 - 2) Customer service experience with the vendor or the vendor's reputation for customer service;
 - 3) Years the vendor has been in business;
 - 4) The appearance of equipment;
 - 5) The quality of merchandise;
 - 6) The availability of the proposer's preferred site or alternate sites;
 - 7) The proposed hours of operation; and
 - 8) Such other factors as the Administrator of Parks and Recreation shall deem advisable to maintain the unique character of this area and to protect the public health, safety and welfare.

- (d) The Administrator of Parks and Recreation may grant or deny a permit in his discretion. The Administrator may revoke a permit previously granted if the vendor fails to maintain all required licenses and permits; fails to properly pay the City; changes equipment, products or prices without approval of the Administrator; fails to maintain reasonable hours of operation; or becomes subject to citizen complaints about the operation of the business.

SECTION 2. That this Ordinance shall become effective two (2) weeks from and after its passage as provided by law.

PASSED on Second and Final Reading

_____, 2012.

S/ _____
CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2012

S/ _____
MAYOR

KOF/MAM/mms