

AN ORDINANCE AMENDING THE
ST. PETERSBURG CITY CODE RELATING
TO PUSHCARTS; PROVIDING FOR
HOURS OF OPERATION; PROVIDING
FOR ADDITIONAL REQUIREMENTS;
CLARIFYING EXISTING REQUIREMENTS;
AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

Section 1. Section 16.50.450.2 of the St Petersburg City Code is hereby amended to read as follows:

16.50.450.2. Private Property.

Retail sales of flowers, plants, fruits, vegetables, beverages, hot dogs, and other foods including prepared and prepackaged hamburgers, sandwiches, ice cream and snack type edibles from pushcarts shall be a permitted accessory use on property in all commercial zoning districts and on property in other districts with a principal permitted or special exception commercial use. Pushcarts shall be prohibited on vacant property and undeveloped property. Pushcarts shall have the written permission of the property owner or current tenant closest to the pushcart and shall not be placed in any location that impedes the ingress or egress of other businesses, building entrances or emergency exits. Pushcarts shall be located at least 100 feet from a previously permitted restaurant which is not located on the same lot or property. Pushcarts on private property shall be attended at all times and may operate only during the business hours of the adjacent business.

Section 2. Section 16.50.450.5 of the St. Petersburg City Code is hereby amended to read as follows:

16.50.450.5. Hours of operation for right of way locations.

A. Pushcart vending is prohibited before 7:00 a.m. and after 9:00 p.m. except as provided in this section and shall take place only at approved locations. Pushcarts may not be placed at their approved location prior to 7:00 a.m. and must be removed at the close of business each day. Pushcarts shall be attended at all times.

B. An owner of a valid pushcart permit for one or more right of way locations may apply for a permit to extend the hours of operation at either location until 1:00 a.m. The pushcart shall be required to have three inch wide reflective tape on all sides for higher visibility, the operator shall have a cellular telephone in their possession at all times, the pushcart shall be located only at highly visible, well traveled, well lit locations with sufficient direct or indirect light to conduct business, the pushcart must be visible from one hundred feet in each direction (unless buildings or parked cars block the view), and the operator shall not keep cash in plain sight. It is recommended that operators not staff the pushcart alone, that they have a cash management system to limit the available cash on hand, that they provide signage stating that

they have limited cash, and that they not keep more than twenty dollars in cash on hand at any time. The application to extend the hours will be reviewed by the POD. If all requirements are met, the POD will approve the requested extended hours or approve shorter or longer extended hours (up to the above limit) or deny the request. Extended hours shall not exempt the pushcart from any other pushcart requirements including the restrictions on pushcart operation during special events and co-sponsored events.

Section 3. Section 16.70.030.1.5.B of the St. Petersburg City Code is hereby amended to read as follows:

B. Application. An application shall include the following information in addition to the information that the POD may generally require for a zoning permit application:

1. A certificate of insurance showing the required insurance;
2. Two photographs of the pushcart and a line drawing showing dimensions;
3. A copy of the state or county health department license/permit for the pushcart.
4. An application for extended hours shall also include a copy of the valid pushcart permit, the specific right of way location requested, the requested hours of operation, and such information about the pushcart location and operation as requested by the POD.

Section 4. Section 16.70.030.1.5.H of the St. Petersburg City Code is hereby amended to read as follows:

H. Decisions of the POD to suspend, revoke, deny or approve a pushcart vending permit or a request to extend the hours of a pushcart vending permit may be appealed to the DRC, whose decision shall be deemed the final decision of the City.

Section 5. Words that are underlined are additions to, and words that are ~~struck thru~~ are deletions from, the existing St. Petersburg City Code.

Section 6. In the event this Ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the Ordinance, in which case the Ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this Ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

Approved as to form and content:

City Attorney (designee)