

REVISED

**MEMORANDUM
CITY OF ST PETERSBURG**

To: Members of the City Council

From: Julie Weston, Development Services Director

Date: October 6, 2009

Subject: Additional information for Agenda item J.8., 10/15/09 City Council meeting regarding hours of operation for pushcarts in rights of way

This memo provides the language from the draft ordinance regarding pushcart hours of operation which was discussed last Thursday with the PSI committee report, and three alternatives to that language developed by Administration, based on the issues expressed at that meeting, for consideration by Council. Discussion among the City Attorney's office, Development Services and the Police Chief identifies Alternative #1 as the recommended alternative, most closely addressing the safety issues outlined by the Police Chief at the September 17th Council workshop regarding this issue.

CURRENT PROPOSAL (REVIEWED WITH PSI REPORT ON 10/1/09)

16.50.450.5. Hours of operation for right of way locations.

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 application to extend the hours will be reviewed by the POD and approved if all requirements are met. 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 POD may 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.

ALTERNATE LANGUAGE: ONE

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 until 1:00 a.m. at a location. The application to extend the hours will be reviewed by the POD. The pushcart shall be required to have three inch wide reflective tape on all sides for higher visibility, 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. If all requirements are met, the POD will approve the requested extended hours. 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, that they not keep more than twenty dollars in cash on hand at any time, that they have a cellular telephone in their possession at all times, and take other lawful safety measures they feel appropriate. 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.

ALTERNATE LANGUAGE: TWO

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 a location until 1:00 a.m. 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. 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.

ALTERNATE LANGUAGE: THREE

Pushcart vending is prohibited before 7:00 a.m. and after 1:00 a.m. 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.

ALTERNATE LANGUAGE: FOUR

Pushcart vending is prohibited before 7:00 a.m. and after 1:00 a.m. The pushcart shall be required to have three inch wide reflective tape on all sides for higher visibility 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, that they not keep more than twenty dollars in cash on hand at any time, that they have a cellular telephone in their possession at all times, and take other lawful safety measures they feel appropriate. 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.