

CITY OF BEAVER FALLS
ORDINANCE NO. 1938

AN ORDINANCE OF THE CITY OF BEAVER FALLS, BEAVER COUNTY, PENNSYLVANIA REQUIRING A VENDOR'S PERMIT FOR ALL PERSONS INTENDING TO SELL FOOD AND BEVERAGES AND PROHIBITS THE SALE OF NON-FOOD AND NON-BEVERAGE ITEMS DURING THE ANNUAL CAR CRUISE EVENT WITHIN THE DESIGNATED AREA AS DETERMINED BY THE CITY OF BEAVER FALLS. SAID ORDINANCE PROVIDES FOR PENALTIES FOR VIOLATION THEREOF.

WHEREAS, Council of the City of Beaver Falls has determined that the sale of goods, food or otherwise on the sidewalks abutting and Seventh Avenue of the City of Beaver Falls during the annual car cruise has resulted in the blockage of pedestrian traffic which has caused pedestrians to travel onto Seventh Avenue itself endangering both pedestrians and participants of said car cruise; and

WHEREAS, Council has determined that it is in the best interest of the participants and the spectators involved in the annual car cruise that all vending be limited to certain areas within the City. Said areas will be designated by Council pursuant to Resolution from time to time. Ordinance No. 1938 shall be enforced by the City police in conjunction with this Ordinance except where Ordinance No. 1838 has been suspended for those areas set aside for vending in accordance with the above-mentioned Resolution.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the City of Beaver Falls, a Third Class City under the laws of the Commonwealth of Pennsylvania, and it is hereby ordained and enacted by virtue of the authority of the same as follows:

SECTION I. DEFINITION

1. **CITY:** City of Beaver Falls, Beaver County, Pennsylvania.
2. **CITY NON-PROFIT ORGANIZATION:** A non-profit organization with primary address in the City limits.
3. **CITY VENDOR/ MERCHANT:** shall mean any person owning or operating a store, restaurant or shop from a permanent structure in the City with current business license and/or mercantile license.
4. **HAPPY DAYS CAR CRUISE:** A community annual event held on the second Saturday of June on Seventh Avenue between Third Street and Twenty-First Street and City designated side streets.
5. **MERCHANDISE:** shall mean exclusively any food or beverage. No other items may be offered for sale by a permitted vendor. T-shirts and tickets may be sold by Promoter only.
6. **MOTOR VEHICLE:** Motor vehicle is defined as 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.
7. **NON-PROFIT ORGANIZATION:** Any association or organization, which in accordance with United States Internal Service Regulations, distributes no part of its income to its members, directors, or officers and which is established for a civic, educational, cultural, religious, social, political, scientific, philanthropic, or charitable purpose.

8. **PERSON:** Person is defined as any natural individual, firm, trust, partnership, association, or corporation, in his or its own capacity or an administrator, conservator, executor, trustee, receiver, or other representative appointed by a court. Whenever the word "person" is used in any Section of this Ordinance prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners (both general and limited) or members thereof and such word as applied to corporations shall include the officers, agents, or employees thereof who are responsible for any violation of said Section.
9. **PUBLIC WAY:** shall mean the entire area legally open for public use within the boundary lines of any government or municipally owned or maintained road, street, alley, sidewalk, walkway, parking lot, or park.
10. **PUSHCART:** Pushcart is defined as a wheeled vehicle propelled solely by a single human.
11. **STAND:** Stand is defined as any table, showcase, bench, booth, rack, pushcart, or any other wheeled vehicle or fixture which may be removed without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for displaying, storing or transporting of articles offered for sale by a vendor.
12. **VENDING:** Vending is defined as the act of selling, offering for sale, transferring, or offering to transfer to another for pecuniary gain.
13. **VENDING AREA:** shall mean certain streets as determined by Resolution of Council.
14. **VENDOR:** Vendor is defined as any person engaged in the selling or offering for sale of food, beverages, services or merchandise on the public streets,

sidewalks, lanes, alleys, pavements, footways or rights-of-way from a stand or motor vehicle.

15. **VENDOR PERMIT:** shall mean the approved application of a person under the conditions as set forth in Sections III and IV of this ordinance. A Vendor Permit provides a person with a license to sell, distribute or display merchandise at a designated temporary outlet in the City.

SECTION II. SIDEWALK/STREET VENDORS

1. For any vending activity on the day of the annual car cruise, it shall be unlawful to sell or offer for sale any food, beverage, service or merchandise on any City street, sidewalk, lane, alley, pavement, footway, or right-of-way from any wagon, truck, automobile, pushcart, stand, or vehicle or in any other manner if not duly permitted pursuant to this Ordinance to operate in any area designated by the City as an area for vending.
2. A merchant on Seventh Avenue choosing to sell or display merchandise outside their business, may participate by following the permit process, and sell in the area designated by the City.

SECTION III. STANDARDS AND REQUIREMENTS

A. Permit Requirements

1. The application for a vendor's permit shall be filed with the City and include the following:
 - a) The name, home and business address of the applicant and the name and address of the owner and/or operator, if other than the applicant, of the vending business.
 - b) A description of the type of food or beverage to be sold or displayed must be provided.
 - c) A description of any stand, cart, vehicle or equipment to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business. Photograph shall be of stand, cart, vehicle, or equipment in

operational mode.

- d) If vendor is selling food, vendor must include a copy of his/her food menu with pricing for each item with the application form.
- e) The place or places where the City designates to operate, which shall be limited to a commercial zoning district within the City of Beaver Falls
- f) City will only designate a 10 feet in depth by 10 feet wide vending space per permit.
- g) Any trailer, table, or tent larger than the allowed space (10 feet depth and 10 feet wide) will need an additional permit.
- h) Applicant must provide photo ID and a list of all persons working the stand and/or vending area.
- i) Vendor shall provide a copy of a Certificate of Insurance from a company acceptable to the City providing liability coverage to the vendor and naming of the City as an additional insured. The amount of the insurance coverage shall be One Million Dollars (\$1,000,000.00).

2. No more than two (2) vendor permits per person, business, and/or non-profit organization.

B. Fees

1. Every person, city vendor/merchant, and/or non-profit organization applying for a vendor permit shall supply all information requested by the City and pay a vendor permit fee as follows:

Food Vendors	\$400
Non-profit (outside City limits).....	\$300
City Vendor, City Non-profit.....	\$150

- 2. All fees payable to the City of Beaver Falls, by cash, money order or certified check, for the issuance of a permit for the exact amount.
- 3. No personal checks will be accepted.
- 4. The fee schedule in this ordinance shall be amended from time to time by resolution.

5. All fees shall be non-refundable.

C. Stand Design Standards/Vending Cart Design Standards.

1. All stands and carts must be in a clean, sanitary and attractive manner and be designed consistent with any guidelines promulgated by the City.
2. Vending area is strictly enforced to a limited area of ten (10) feet in depth by ten (10) feet width per permit.
3. Vending stand must be positioned to face the street opposite the curb.

D. Operation Standards

1. Vendors must supply their own electricity and/or water for operation.
2. No vendor will be allowed to setup the day before the car cruise event.
3. Quiet Operations. Vending shall be conducted in a quiet and peaceable manner, and there shall be no hawking of merchandise or solicitation of pedestrians or motorists.

E. Hours of Operation

1. All vendor activities involving arrival on site, unloading, setup, sales, breakdown and departure must be confined to the hours established by the City.
 - a) Setup may start no earlier than 8:00 a.m. and no later than 10:00 a.m.
 - b) Breakdown may start no earlier than 8:00 p.m. and no later than 8:30 p.m.
2. This event will be held rain or shine.

F. Removal

1. Vending stands and all related equipment, supplies and packaging materials used or resulting from the vending activities shall be removed the day of the car cruise.
2. Upon removal, area must be cleaned and trash removed from area and safely disposed of.

G. Safe and Sanitary Condition

1. Vending stands shall be maintained in a safe, clean and sanitary condition at all times.
2. If using portable heating or cooking facilities, be subject to inspection at all times by the Fire Department and shall comply with all applicable requirements of the Fire Code of the City.

H. Signs

1. No sign shall be permitted except an identification of the vendor's business name.
2. An item menu with prices must be displayed at all times.
3. Vendor permit must be displayed and visible at all times during this event. Failure to do so may result in penalties which may result in removal from the event.

I. Use and Maintenance of Vending Area

All sales and related activity shall be conducted from the vending stand during which times the vending stand shall not be removed from the assigned vending location. No products shall be stored or displayed nor trash receptacles placed on the sidewalk, street, or any adjacent outside area by the vendor. The sidewalk and street in the immediate vicinity of the vending stand shall be kept and maintained free of trash, recyclables, litter, debris or spillage by the stand vendor. Vendor shall supply a recycling container.

J. Review of Applications

1. All applications for permit shall be submitted no later than thirty (30) days prior to the annual car cruise.
2. An application shall be denied and the applicant ineligible to participate in the vending selection if:
 - a) The proposed vending stand does not comply with the applicable design criteria, standards or specifications and/or applicable health codes;
3. If an application is denied, the applicant shall be notified in writing, of the reason therefore.
4. If application is approved, vendor must pay fees and pickup permit no later

than seven (7) days prior to the event date.

SECTION IV. SUSPENSION OR REVOCATION OF PERMIT

A. General

1. A vending permit shall be subject to suspension or revocation by the City for any of the following causes:
 - a) The violation of any provisions of this article, the regulations promulgated hereunder or the orders of the City issued pursuant thereto;
 - b) Where the permit holder has knowingly made a false, or fraudulent statement of material fact in the application for a license; or
 - c) When the permit holder violates any conditions of the permit.
2. Permit holder will not be allowed to participate in the next consecutive car cruise event.

B. Regulations

1. The City may promulgate such regulations as are necessary for the proper administration and enforcement of this Article.
2. No person shall conduct any vending activity unless first having obtained a permit provided for by this Section.

C. Prohibited Acts

1. Except as otherwise provided in this Article:
 - a) No person not a permit holder shall be permitted to conduct any activities set forth in this Section.
 - b) No person shall conduct any covered activity unless first having obtained the permit provided for by this Section.
 - c) No person shall dispense alcoholic beverages unless they have been issued a Restaurant or Liquor License by the Pennsylvania Liquor Control Board and have received Pennsylvania Liquor Control Board approval for sales outside their premises.
 - d) No person in this car cruise event will be allowed promotional and/or informational booth unless approved by the City.

- e) No person is permitted to sell raffle tickets other than select members of the event promoter, the Happy Days Car Club.

SECTION V. PENALTY

Any person violating the provisions of this article shall be fined not more than Three Hundred Dollars (\$300.00) for each separate violation, together with costs, or imprisoned not more than ninety (90) days if the amount of said fine and costs should not be paid.

This ordinance shall be enforced by the City of Beaver Falls Police Department and Code Enforcement Office.

SECTION VI. SEVERABILITY

The provisions of this Ordinance are severable. If any section, clause, sentence, part, or provision of the Ordinance shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to have been the intent of the Council of the City of Beaver Falls to have adopted the balance of the Ordinance if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

SECTION VII. REPEALER

All ordinances or parts of ordinances, which are inconsistent herewith, and the same are hereby repealed.

SECTION VIII. EFFECTIVE DATE

This Ordinance shall take effect ten (10) days after enactment by the Council of the City of Beaver Falls.

PASSED AND ADOPTED by the Council of the City of Beaver Falls this 26th day of April, 2010.

ATTEST:

CITY OF BEAVER FALLS:

Paula J. Kurdine
City Clerk

Mayor Karl Boak - Absent

George D. Quay
Councilman George Quay

Leonard Chiappetta
Councilman Leonard Chiappetta

Councilman Ted Krzemienski - Absent

Marlo Cleckley, Sr.
Councilman Marlo Cleckley, Sr.

CITY OF BEAVER FALLS
RESOLUTION NO. ~~128~~

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEAVER FALLS, BEAVER COUNTY, PENNSYLVANIA ESTABLISHING THE LOCATION FOR VENDORS TO CONDUCT BUSINESS DURING THE ANNUAL CAR CRUISE AS PER ORDINANCE NO. 1938, AND SUSPENDING ENFORCEMENT OF ORDINANCE NO. 1838 WITH RESPECT TO THE STREETS WITHIN THE DESIGNATED VENDING AREA.

WHEREAS, Ordinance No. 1938 sets forth that during the annual car cruise, vendors shall be permitted to set up and sell food and beverages at certain locations as determined by the City Council by Resolution; and

WHEREAS, Ordinance No. 1838 prohibits vending on certain streets within the City of Beaver Falls.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Beaver Falls, Beaver County, Pennsylvania, and it is hereby resolved by the authority of the same, as follows:

Pursuant to and in furtherance of Ordinance No. 1938, City Council establishes the vending areas for the annual car cruise as follows:

The East side of Tenth Street from Seventh Avenue to Tank Alley; the West side of Tenth Street between Seventh Avenue and Eighth Avenue; the West side of Twelfth Street between Seventh Avenue and Eighth Avenue; the City parking lot in the 1200 block of Seventh Avenue; the West side of Fourteenth Street between Seventh Avenue and Eighth Avenue; the West side of Sixteenth Street between Seventh Avenue and Eighth Avenue, and the West side of Eighteenth Street between Seventh Avenue and Eighth Avenue.

In furtherance of Ordinance No. 1938, enforcement of Ordinance No. 1838 is hereby suspended from 8:00 A.M. the day of the car cruise, until 8:00 P.M. that same day as to those streets designated as the car cruise vending areas in the Resolution.

Any Resolution conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.

This Resolution shall be effective immediately.

PASSED AND ADOPTED BY THE COUNCIL of the City of Beaver Falls this

26th day of April, 2010.

ATTEST:

Paula J. Burdine
City Clerk

CITY OF BEAVER FALLS:

By: Thomas H. Beck
Mayor