



No.

City of Pittsfield

In the Year Two Thousand

AN ORDINANCE

DRAFT

AMENDING THE CODE OF THE CITY OF PITTSFIELD CHAPTER 9, "HAWKERS, PEDDLERS AND TRANSIENT VENDORS"

Be it ordained by the City Council of the City of Pittsfield, as follows:

SECTION I

That the Code of the City of Pittsfield, Chapter 9, Article 9-I, Definitions, shall be amended by the addition of:

Mobile Food Vendors: Any truck, cart, wagon, or towable unit selling food or beverages; except as otherwise defined as an "Ice Cream Truck" under Massachusetts General Laws. A mobile food vendor may operate in the public right-of-way or in City of Pittsfield parking lots, as approved by [the Department of Community Development, and where applicable](#), the Community Development Board. For the purposes of this section of the City Ordinance, the public right-of-way shall refer streets and sidewalks located within the public way.

SECTION II

That the Code of the City of Pittsfield, Chapter 9 shall be amended with the addition of Article 9-V, Mobile Food Vendors:

Section 9-22 Permit Required.

It shall be unlawful for a mobile food vendor as defined in Article I of this chapter to engage in a temporary business within the City without first obtaining a permit therefore in compliance with the provisions of this article.

Section 9-23. Permit application requirements.

- a) Applicants for a City of Pittsfield mobile food vendor permit under this article, whether a person, firm, or corporation, shall file a written application with the Department of Community Development on a form provided for that purpose and shall provide the following documentation:
 - 1) State Hawkers and Peddlers License
 - 2) Form MT-1: Meals and All Beverages Sales Tax Registration Certificate
 - 3) Proposed location(s), whether on public or private property. If on private property, the applicant must present written confirmation from the property owner allowing the operation of the mobile food vendor.

Section 9-24. Permit issuance; application fee and expiration.

- a) If the requirements of Section 9-23 are met, the Department of Community Development shall issue an administrative approval for a mobile food vendor permit. Mobile food

Comment [HC1]: Upon further review, this should read "Department of Community Development" instead of "Community Development Board"



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vendors that request to utilize on-street parking spaces shall pay a rate of \$35 per month per space.

- b) Said permit shall expire on the 31st of December in the year in which it was issued and must be renewed annually.
- b)c) If a permit is denied by the Department of Community Development, an applicant may appeal
- e)d) Permitting of mobile food vendors under Chapter 9 does not supersede approvals required for special events on public property or within the public right-of-way. Mobile food vendors operating in the City ~~only~~ in relation to special events are exempt from the permit requirements of Chapter 9. Receiving approval to operate within the public right of way as a regular business does not entitle a mobile food vendor to that same space during a special event – the organizers of the special event will continue providing the siting of food vendors.

Section 9-25. Mobile food vendors located on sidewalks.

- a) Any permitted mobile food vendor under the provisions of this chapter must possess a City of Pittsfield permit to occupy the right-of-way issued by the Department of Public Works. No vendor may place its cart or vehicle within:
 - 1) Twenty-two feet on either side of any doorway or other means of egress.
 - 2) Eighteen inches of a curb and must maintain at least four feet of accessible space between cart/table and storefront.
 - 3) Ten feet of any fire hydrant, crosswalk, street corner or driveway.
 - 4) Five feet of any bus shelter or disabled access.
- b) No mobile food vendor shall occupy more than eight linear feet of public space parallel to the curb or occupy more than three linear feet to be measured from the curb setback as defined in Subsection (a)(2) above toward the property line.
- c) No mobile food vendor equipment or goods shall touch, lean against or be affixed permanently or temporarily to any building or structure, including, but not limited to, lampposts, parking meters, mailboxes, traffic signal stanchions, fire hydrants, tree boxes, benches, bus shelters, refuse baskets or traffic barriers.
- d) No mobile food vendor shall vend on the median strip of a divided roadway.
- e) No mobile food vendor shall vend within the City parks unless written authorization therefore has been obtained from the Parks Commission.
- f) No mobile food vendor shall vend using the surface of the sidewalk, or a blanket or board placed immediately on the sidewalk or on top of a trash receptacle or cardboard boxes to display goods. No mobile food vendor display may exceed five feet in height from ground level.
- g) Any person, entity or organization conducting a special event on or around City streets may apply to the Community Development Board ~~licensing board~~ for a temporary suspension of the provisions of this § 9-25. Any such temporary suspension shall be expressly limited with regard to time and place and shall be posted in the City Clerk's office at least five days prior to the special event.
- h) The provisions of this § 9-25 shall not apply to vendors permitted pursuant to Chapter 11, Article V, § 11-35.
- i) Mobile food vendors shall provide trash and/or recycling receptacles for the use of their customers.

Comment [HC2]: This comment was requested by a concerned party to ensure it would be the organizer of a special event to assign placement of a mobile food vendor.

Comment [HC3]: Language in this section is pulled from existing Transient Vendor license requirements but adjust for "mobile food vendors" – did not feel this needed to be reinvented.

Comment [HC4]: Should read CDB instead of licensing board



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Section 9-26. Mobile food vendors utilizing public on-street or off-street parking.

- a) Downtown Area. For the purposes of this section, the downtown area shall consist of the area identified as the Downtown Arts Overlay District, as drawn on the official City Zoning Map. Within the downtown area, mobile food vendors are allowed at the following locations:
 - 1) South Street between Park Square and West and East Housatonic Street.
 - 2) North Street between Maplewood Avenue and Wahconah Street.
 - 3) East side of North Street in the vicinity of St. Joseph's Church.
 - 4) Any City parking lot with the purchase of a parking permit.
 - 5) A mobile food vendor may apply for other locations within the downtown area. Application for locations other than 1) through 5) above requires a public hearing held by the Community Development Board and notification of property owners and businesses within 200 feet of the proposed location.
- b) Outside of the downtown area, mobile food vendors cannot be located in the City right-of-way within 50 feet of an existing restaurant unless said restaurant(s) agree to the proposed location.
- c) As long as a mobile food vendor is continuously operating, it shall not be subject to on-street parking time constraints. Mobile food vendors may not park their vehicles overnight in a City of Pittsfield parking lot or within the public right-of-way.
- d) Section 9-26 does not apply to mobile food vendors that have agreements to operate on private property.
- e) No mobile food vendor shall vend within the City parks unless authorized by the Parks Commission.
- f) Mobile food vendors shall provide trash and/or recycling receptacles for the use of their customers.

Section 9-27. Violations and penalties; enforcement; revocation and suspension of permit.

- a) Any person or business that violates any provision of this chapter may be penalized by criminal complaint or by noncriminal disposition as provided in Chapter 4 1/2 of this Code. The provisions of this article shall be enforced by the Building Inspector, the Director of Public Health and Fire Department and Inspections, or the Police Department.
- b) Any permit issued pursuant to this article may be revoked or suspended by the Community Development Board after notice and hearing for any of the following reasons:
 - 1) Any fraud, misrepresentation, or false statement contained in the application for said permit;
 - 2) Any fraud, misrepresentation, or false statement made in connection with the selling of goods, wares, or merchandise;
 - 3) Any violation of this article; or
 - 4) Conducting the business permitted under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

SECTION III

This ordinance shall become effective upon enactment.



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