

Hi, I know Ken said last night that Sec. 4.3.12 wasn't supposed to be on the Agenda, as it had already been discussed (or something like that). But I had some issues with it for your consideration:

- A. (1) and (2) defines "Temporary roadside vendors" as a person . . . who sells goods as follows: (1) from a ROADSIDE STAND . . . ; AND (2) from a FDBPR . . . approved "HOT DOG CART OR MOBILE FOOD DISPENSING VEHICLE (aka "Food Truck")
- COMMENT: So, this definition says Temporary roadside vendors sell from a specific location (1) "roadside stand"; and (2) from "hot dog carts" or "food trucks." ---- unless "roadside STAND" is not a location but a particular type of dispensing apparatus. But the way the definition goes, the Temporary roadside vendor has to satisfy BOTH (1) and (2). So, if a "roadside STAND" is a dispensing apparatus, rather than a location, then the definition says that the sales have to occur from BOTH the roadside STAND and from a HOT DOG CART. But, if (1) refers to LOCATION rather than dispensing apparatus, then the question arises, what is the definition of "roadside"? It does say affirmatively, but it does say what roadside IS NOT: "C. Temporary roadside vendor sales are PROHIBITED within the PUBLIC RIGHT OF WAY or PUBLIC EASEMENT." So, even though the title says, "Roadside," it doesn't mean "Edge-of-pavement-side," even though a lot of "laypeople" would visualize "roadside" as being close to the edge of pavement. NEXT, although the Section does not say it, apparently the intent is that the "sales" are to occur on PRIVATE PROPERTY outside of the right-of-way line, but it doesn't say anything about the vendors having a legal right to be on private property to conduct such sales. NEXT, the last new lines of D state, "Temporary roadside vendors conducting sales FROM A TENT, POLE-BARN TYPE FACILITY, or other temporary structure shall obtain all applicable building department approvals. So, this seems to be adding a location or facility that is not mentioned in the definition in A.(1) and (2).
- Then, C says that "Services such as electric, water and sewer" are not permitted on vacant land . . . but F. (4) REQUIRES temporary restroom facilities. And (5) says, "Water and Soap" for washing of hands shall be available on site.
- THEN, back to A. (1) and (2), because the use of the word "and" between the end of (1) and the beginning of (2) means that the vendor must satisfy BOTH requirements, then the way this is written LITERALLY MEANS THAT a vendor who under (1) sells Christmas trees, and firewood and homemade crafts . . . MUST DO SO under (2) FROM A Hot Dog Cart or Food Truck. And, ironically, among the items that (1)says the vendor will be selling ARE NOT LISTED "hot dogs" or "tacos" or pizza slices.
- Finally, A. (1) deleted "fireworks" from the definition, but then B says that "Seasonal fireworks" are an EXCEPTION to temporary roadside vendor Regulations." If they are not included in the definition, do we have to say they are an exception? Then it concludes with, "These [fireworks] sales require a TEMPORARY USE PERMIT from the zoning department and a building permit." [So, is that sentence the totality of regulation of Fireworks sales? For instance, F lists the zoning classifications where Temporary Roadside Vendors are "allowed by right." But what about Fireworks sales? Can they operate in ANY zoning category as long as they have a temporary use permit and a building permit?

Commented [RVB1]: Changed this to "or"

Commented [RVB2]: Section 4.3.12 has always been called "Roadside Vendors" and we did not change that terminology.

Commented [RVB3]: The use of the work Roadside was not changed; I did not think that keeping that term would give someone a right to be actually adjacent to the edge of pavement, and there is discussion in the section about where they can be.

Commented [RVB4]: I suppose that it is expected that you must have permission from a property owner to operate a roadside vendor operation on private property. I didn't read this section to give people rights to occupy someone else's property.

Commented [RVB5]: I think this still says they are a 'roadside vendor', it just alerts them that some types of structures require building permits.

Commented [RVB6]: This does not mean they have to have a utility hookup.

Commented [RVB7]: Kathleen - this was edited per your staff to account for the special permitting needed for fireworks sales. Please edit as you see fit.

I think we have an OPPORTUNITY here to eliminate some sources of ambiguity and unnecessary disputes with citizens and vendors over the meaning and intent of this section