

Sponsors	Commissioner Larry Dixon
	Commissioner Jamie Powell
Second Reading	April 23, 2018
Publication Date	April 26, 2018

ORDINANCE NO. 2018 - 007

AN ORDINANCE OF THE CITY OF FRANKLIN, KENTUCKY ESTABLISHING CERTAIN REGULATIONS AND RESTRICTIONS APPLICABLE TO STREET VENDORS AND PROVIDING PENALTIES FOR VIOLATIONS

WHEREAS, the Board of Commissioners of the City of Franklin, Kentucky recognizes the importance of regulating street vendors in the community at all times and, particularly, during City approved events; and,

WHEREAS, the Board of Commissioners deems it in the public interest to take further steps to provide regulations and restrictions applicable to street vendors and to provide penalties for those vendors that are in violation of this ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City of Franklin, Kentucky as follows:

There shall be a new Chapter 119 titled Street Vendors in the City of Franklin City Code of Ordinances as follows:

§ 119.01 PURPOSE AND APPLICATION.

The purpose of this ordinance is to regulate and restrict street vendors in order to promote the free flow of pedestrian traffic and in order to prevent the creation of a nuisance. The provisions of this ordinance shall apply on public sidewalks, certain pedestrian areas belonging to the city, certain areas used for community events, and rights of way belonging to the city.

§ 119.02 DEFINITIONS.

In this section, the following definitions apply:

A. Street Vendor. Any person travelling by foot, wagon, motor vehicle or any other type of conveyance from place to place, house to house, street to street, or on property owned or controlled by the City of Franklin, Kentucky carrying, conveying, or transporting goods, wares or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who without travelling from place to place, sells or offers for sale products from a wagon, handcart, pushcart, motor vehicle, stand, conveyance or from his person who submits orders, and as a separate transaction, makes deliveries to purchasers. A "street vendor" shall include any "vendor," "peddler," "hawker," "huckster," "itinerant merchant" or "transient vendor," but shall exclude any vendor licensed or allowed to operate under §119.04 of this Ordinance.

B. Goods, Wares, Merchandise shall include, but not be limited to, fruits, vegetables, garden truck, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, cosmetics and beauty aids, health products,

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medicines, household needs or furnishings, food of any kind, whether or not for immediate consumption, confections or drinks, or any other article or thing whatsoever.

C. *Conveyance* shall include any public or privately owned vehicle, method or means of transporting people, bicycle, motorized or nonmotorized vehicle, handcart, pushcart, lunch wagon or any other device or thing whether or not mounted on wheels.

D. *Streets* shall mean all that area legally open to public use as public streets and sidewalks, roadways, highways, parkways, alleys and any other public way.

E. *City sanctioned event* means an event which is sponsored by the City of Franklin, Kentucky, or an event in which the City approves streets to be closed from general public use in order for them to be used for the event. Provided, however, that the event shall only be for the duration for which the City has approved or for which the length of time the streets have been approved to be closed.

F. *Restricted vending district* shall mean the area within three (3) blocks in any direction from the Courthouse in Franklin, Simpson County, Kentucky.

§ 119.03 GENERAL REGULATIONS RELATING TO STREET VENDORS.

All street vendors shall comply with the following:

A. All laws, rules, and regulations applicable to the sale or trade of the goods, wares, or merchandise they are marketing, specifically including, but not limited to all Health Department requirements; and

B. Street vendors are required to have the applicable City of Franklin, Kentucky business license and any other applicable licenses to conduct business. Provided, however, that street vendors permitted under §119.05 of this Ordinance shall not be required to have a City of Franklin business license during City hosted or sponsored events.

§ 119.04 VENDING PROHIBITED IN CERTAIN LOCATIONS.

Vending by street vendors is prohibited in the following locations:

A. Within a restricted vending district during a City hosted or City sanctioned event, except within designated vending zones. Restricted vending districts and designated vending zones shall be those defined and/or designated by this Ordinance;

B. From a public parking lot, metered parking space, or designated loading zone;

C. Within 500 feet of any property used as a preschool, elementary school, secondary school;

D. On any sidewalk less than six feet in width;

- E. Within five feet of the entranceway to any building;
- F. Within 100 feet of any driveway entrance to a police or fire station or within five feet of any other driveway.
- G. Within 20 feet of any bus stop zone;
- H. On any street or other area designated for vehicular traffic;
- I. Within five feet of the pedestrian crosswalk at any intersection or designated pedestrian crossing point; and
- J. Within 10 feet of any handicapped parking space or access ramp.

§ 119.05 LIMITATIONS WITHIN RESTRICTED VENDING DISTRICTS.

Vending within restricted vending districts shall be subject to all rules and regulations in this ordinance, and in addition to the following:

A. No goods, wares, merchandise or services shall be sold or displayed other than those items approved by the host organization and/or City of Franklin. The host organization or City of Franklin may establish fees for vending during the event which shall be paid by the street vendor prior to being allowed to sell goods, wares, merchandise or services. If a street vendor fails to pay the fees established by the host organization or City, they shall be subject to the penalties set forth in §119.08 hereinbelow.

B. No vending shall be permitted except within designated vending zones. Vending zones shall be designated by the host organization(s) of an event hosted or sanctioned by the City of Franklin, Kentucky.

§ 119.06 SUSPENSION OF REGULATIONS DURING CITY HOSTED OR CITY SPONSORED EVENTS.

The Board of Commissioners may authorize temporary suspension of any regulation under this ordinance. Such suspension to be in effect during a City hosted or sponsored event.

§ 119.07 SEVERABILITY.

The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.

§ 119.08 PENALTY.

Any person, firm, or corporation violating any provision of this ordinance shall be fined not less than \$100, nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

If any section, subsection, sentence, clause, or phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

April 9, 2018 FIRST READING

April 23, 2018 SECOND READING

At a meeting held on April 23, 2018, on motion made by Commissioner Powell and seconded by Commissioner Dixon the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>YES</u>	LARRY DIXON
<u>YES</u>	JAMIE POWELL
<u>YES</u>	MASON BARNES
<u>YES</u>	WENDELL STEWART
<u>YES</u>	RONNIE CLARK, MAYOR

APPROVED BY:



Ronnie Clark, Mayor

ATTEST:



Cathy Dillard, City Clerk