ARTICLE 740
STREET AND SIDEWALK VENDORS

740.01 Definitions
740.02 License Required
740.03 Special Events and Programs
740.04 Applications
740.05 Fee
740.06 Issuance
740.07 Vending Prohibited in Certain Locations
740.08 Limitations on Vending
740.09 Prohibited Conduct
740.10 Health and Sanitation Requirements for Food Vending
740.11 Renewal
740.12 Denial, Suspension and Revocation
740.13 Appeal to Council; Notice and Hearing
740.14 Expiration of License
740.98 Severability
740.99 Penalty

740.01 DEFINITIONS

For the purposes of this ordinance the following definitions shall apply:

1. **Food** is defined as solid food and beverages allowed to be sold in accordance with this ordinance.

2. **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.

3. **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 offices, agents, or employees thereof who are responsible for any violation of said section.

4. **Pushcart** is defined as a wheeled vehicle propelled solely by a single human.

5. **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.

6. **Vending** is defined as the act of selling, offering for sale, transferring, or offering to transfer to another for pecuniary gain.

7. **Vendor** is defined as any person engaged in the selling or offering for sale of food, beverages, services or merchandise on the public streets, or sidewalks from a stand or motor vehicle. (12870 §1 10/5/88)

740.02 LICENSE REQUIRED

It shall be unlawful to sell or offer for sale any food, beverage, service or merchandise on any street, alley, sidewalk, or public park within the City from any wagon, truck, auto, pushcart, stand or vehicle upon the streets, sidewalks, alleys or parking lots of the City until the proper license has been issued by the Department of Administration and Finance, at which time a tag shall be furnished, upon which tag shall be the words describing the kind of vendor, and the year or part of the year for which the license is paid. Such tag shall be, at all times during the period for which the license is paid, securely affixed and attached in a conspicuous place upon the stand, wagon, truck, auto, pushcart, or other vehicle used in the business by the vendor. (12876 §1 10/5/88)

740.03 SPECIAL EVENTS AND PROGRAMS

A. Licenses issued to vendors shall not be applicable within certain areas of the City designated by the Mayor and Director of Community Development during specific time periods designated for authorized special events. The areas so designated shall not encompass more than five (5%) percent of the total land area of the City; the total of the time periods so specified shall not exceed thirty (30) days in any year.

B. For specific City authorized events and programs the Director of Community Development and the Mayor may grant written permission for exceptions to the provisions of Section 710.07 regarding vending locations, Section 710.05, regarding vending fee and Section 710.08, regarding merchandise vended and vending hours according to written guidelines for the specific event. (12876 §1 10/5/88)

740.04 APPLICATIONS

The application for a vendor's license shall include:

1. Name, home and business address of the applicant and the name and address of the owner, if other than the applicant, of the vending business, stand, or motor vehicle to be used in the operation of the vending business. If employed, the applicant together with credentials establishing the exact relationship.

2. A description of the type of food, service, or merchandise to be sold.

3. The place or places where applicant proposes to vend.

4. A description and photograph of any stand or motor vehicle 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 standard motor vehicle in operational mode.

5. Three (3) two-inch (2") by two-inch (2") prints of a full-face photograph, taken not more than thirty (30) days prior to the date of the application, of any person who will sell, or offer for sale, any food, service, or merchandise on any street or sidewalk within the City. (12870 §1 10/5/88)

740.05 FEE

A. The license fees as required herein are to be established in accordance with the requirements of the Charter.

B. None of the license fees provided for by this ordinance shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the Department of Administration and Finance for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. The application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume or estimated gross volume of business and such other information as the officer may deem necessary in order to determine the extent, if any, of the undue burden on such commerce. The Department shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make finds of fact from which he shall determine whether the fee fixed by this ordinance is unfair, unreasonable or discriminatory as to applicant's business, and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the officer shall have the power to base the fee upon a percentage of gross sales or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed by subsection (a) hereof. Should the Department determine the gross sales measure of the fee to be the fair basis, he may required the applicant to submit, either at the time of termination of applicant's business in the City or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor. However, no additional fee during any one calendar year shall be required after the licensee has paid an amount equal to the annual license as prescribed in Section 710.05(a).

C. No fee shall be charged of any member of a chartered nonprofit charitable service or youth organization for vending at City authorized events or programs, but any such member engaged in vending as defined herein shall obtain a license as aforesaid. (12870 §1 10/5/88)

740.06 ISSUANCE

Not later than thirty (30) days after the filing of a completed application for a vendor's license, the applicant shall be notified by the Department of Administration and Finance of the decision on the issuance or denial of the license. Failure of the Department to place notification of said decision in the mail or personally notify the applicant with acknowledgment shall require immediate issuance of the requested license to the applicant. The Director or his designee shall consider the standards set forth in Sections 710.07 through 710.10, in determining whether to grant a license. If the issuance of the license is approved, the Department shall issue the license. If the license is denied, the applicant shall be provided with a statement of the reason therefore, which reasons shall be entered in writing on the application. The applicant shall be entitled to a hearing, pursuant to Section 710.12. (12870 §1 10/5/88)

740.07 VENDING PROHIBITED IN CERTAIN LOCATIONS

Vending is prohibited in the following locations:

1. Within a City park.

2. On the streets adjacent to or bordering a City park which is designated by the Mayor and the Director of Community Development.

3. From a publicly-owned parking lot or metered or controlled parking space.

4. Within one hundred (100') feet of any property used for school purposes (elementary and secondary) during school hours.

5. On any sidewalk less than six (6') feet in width.

6. Within fifty (50') feet of any driveway entrance to a police or fire station, or within fifteen (15') feet of any other driveway.

7. Within fifteen (15') feet of any bus stop zone.

8. Within five (5') feet of the pedestrian crosswalk at any intersection, or designated pedestrian crossing point.

9. Within five (5') feet of any handicapped parking space, or access ramp.

10. Within any private property without the written approval of the property owner.

11. Within any sidewalk six (6') feet or more in width without the written approval of the property owner responsible for maintenance of the sidewalk and/or right-of-way area to be obstructed.

12. Within the boundaries of the Hamilton Mall except under the provisions of Article 961, as amended, of the Codified Ordinances of the City of Allentown, Hamilton Mall Ordinance. (12870 §1 10/5/88)

740.08 LIMITATIONS ON VENDING

Vending shall be subject to all rules and regulations in this ordinance and in addition:

1. No merchandise or service shall be vended or displayed other than food and fresh cut flowers except upon written permission by the Director of Community Development and the Mayor.

2. No vending shall be permitted except between the hours of 9:00 A.M. and thirty (30) minutes after sunset. (12870 §1 10/5/88)

740.09 PROHIBITED CONDUCT

No vendor shall:

1. Leave any stand or motor vehicle unattended.

2. Store, park, or leave any stand overnight on any street or sidewalk, or park any motor vehicle other than in a lawful parking space, in conformance with City and State parking regulations.

3. Sell food for immediate consumption unless he has available for public use his own litter receptacle, which is available for his patrons' use.

4. Allow or keep any animals in motor vehicles or stands.

5. Leave any location or vending zone without first picking up, removing, and disposing of all trash and refuse remaining within a thirty (30') foot radius. Each vendor shall be responsible for maintaining a thirty (30') foot radius trash and refuse clear area around himself. Said area shall overlap other vendor clean-up areas and no vendor shall leave a location, or vending zone, without cleaning up as required.

6. Allow any items relating to the operating of the vending business to be placed anywhere other than in, on, or under the stand or motor vehicle.

7. Set up, maintain, or permit the use of any table, crate, carton, rack, or any other device to increase the selling of displaying capacity of his stand, or motor vehicle, where such items have not been described in his/her application.

8. Solicit or conduct business with persons in motor vehicles located on traffic lanes of public streets and highways.

9. Sell anything other than that for which he is licensed to vend.

10. Use any noise-making device.

11. Allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property.

12. Allow any animals to remain within twenty-five (25') feet of a stand for a period longer than necessary to complete a sale to the person having possession, or control of said animal.

13. No vendor vending from a motor vehicle shall:

A. Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police or sanitation vehicles.

B. Stop, stand or park his/her motor vehicle upon any street, or permit to remain there except on the roadway at the curb for the purpose of vending therefrom; or

Stop, stand or park his/her motor vehicle upon any street for the purpose of selling, or sell on any street under any circumstances during the hours when parking, stopping or standing has been prohibited by signs or curb markings or is prohibited by statute or ordinance, except by special permission for City-sponsored or supported events that result in the closing of that thoroughfare.

C. Stop, stand or park his/her motor vehicle within thirty (30') feet of any intersection, except that vehicles vending products likely to attract children as customers shall park curbside when stopping to make a sale, as close as possible to a pedestrian crosswalk without entering the intersection or otherwise interfering with the flow of traffic.

D. Vend anywhere prohibited by Section 710.07. (12870 §1 10/5/88)

740.10 HEALTH AND SANITATION REQUIREMENTS FOR FOOD VENDING

Vendors of food shall comply with the requirements and standards of the Bureau of Health. (12876 §1 10/5/88)

740.11 RENEWAL

Subject to the provisions of Section 710.03, all licenses are valid for the entire licensing period unless revoked or suspended prior to expiration. Application to renew a license shall be made not later than thirty (30) days before the expiration of the current license. (12870 §1 10/5/88)

740.12 DENIAL, SUSPENSION AND REVOCATION

A. Any license or permit may be denied, suspended or revoked after notice and hearing for any of the following causes:

1. Fraud or misrepresentation contained in the application for the license or permit.

2. Fraud or misrepresentation made in the course of carrying on the business of vending.

3. Conduct of the licensed or permitted business in such manner as to create a public nuisance, or constitute a danger to the public health, safety, welfare or morals.

4. Conduct which is contrary to the provisions of this ordinance.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing. (12870 §1 10/5/88)

740.13 APPEAL TO COUNCIL; NOTICE AND HEARING

Any person aggrieved by the action of the Department in the denial of the license as provided in Section 710.06 or the action of the Department of Administration and Finance in the assessing of the fee as provided in Section 710.05 shall have the right of appeal to Council. An appeal shall be taken by filing with Council, within fourteen (14) days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the

appeal. Council shall set a time and place for a hearing on such appeal and notice of the hearing shall be given to the appellant in the same manner as provided in Section for notice of hearing on revocation. The decision and order of Council on such appeal shall be final and conclusive. (12870 §1 10/5/88)

740.14 EXPIRATION OF LICENSE

All annual licenses issued under the provisions of this ordinance shall expire on December 31 in the year of issue. (12870 §1 10/5/88)

740.98 SEVERABILITY

The provisions of this ordinance are declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this article shall stand notwithstanding the invalidity of any part. (12870 §2 10/5/88)

740.99 PENALTY

Any person violating any provision of this ordinance shall, upon conviction, shall be punished by a fine not to exceed Three Hundred ($300.00) Dollars or imprisonment not more than ninety (90) days or by both fine and imprisonment. (12870 §1 10/5/88)

ARTICLE 741
STREET AND SIDEWALK REGULATIONS

741.01 Definitions
741.02 Obstructing Crossings by Trains
741.05 Removal of Snow and Ice
741.06 Spitting on Sidewalk
741.08 Consumption of Alcohol on Streets and Sidewalks
741.09 Enforcement
741.10 Regulations
741.11 Violation Ticket Appeals Process
741.12 Severability (14365 § 3/7/06)
741.99 Fines and Penalties

CROSS REFERENCES

Power to Prohibit Streets Obstructions - 3rd Class §2403 (16) - (53 P.S. §37403 (16)

Article 741.01, Parades or Assemblages; Permits was deleted by Ordinance No. 13352 passed on the 22nd day of September, 1995. (2598 §1 4/1/30; 13352 §1 9/22/95; 15003 §1 6/20/12)

741.01 DEFINITIONS

The following words, terms and phrases when used in this article shall be defined as follows, unless the context clearly indicates otherwise:

1. **Notice of violation** is a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action.

2. **Person** means every natural person, firm, corporation, partnership, association, or institution.

3. **Private Property** means any land and the improvements thereon owned by any person and includes front, side and rear yards; vacant lots, buildings and other structural improvement; walkways and alleyways; and parking areas, designed or used either wholly or in part for private residential, industrial or commercial purposes, whether inhabited or temporarily or continuously uninhabited or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

4. **Public Officer** means any police officer, authorized inspector, or public official sworn to enforce the City Ordinances.

5. **Sidewalk Area** means the public right-of-way between the property line and the curbline or the established edge of the roadway.

6. **Violation Ticket** is issued by a police officer or public officer to a person who violates a provision of this Article. (14365 §1 3/7/06; 15003 §1 6/20/12)

741.02 OBSTRUCTING CROSSINGS BY TRAINS

No person shall obstruct any street crossing within the City limits by locomotives or cars standing, moving or shifting upon any railroad track for a longer period than five (5) minutes. No person shall keep any gates erected at grade crossings closed for a longer period at any one time than five (5) minutes. Before again closing, full opportunity shall be given to all persons and vehicles to cross the railroad tracks that may be waiting to do so. (509 §1 5/29/17)

741.05 REMOVAL OF SNOW AND ICE

A. All persons owning, controlling or occupying any private property, premises, lot or tract of land adjoining or fronting upon any of the streets of the City shall remove snow and ice from the sidewalk area or footway of such premises within ten (10) hours after it shall have ceased snowing, sleeting or raining as reported by the National Weather Service at the ABE Airport. It shall be considered compliance with this section if a cleared portion three (3') feet in width shall have been made upon such sidewalk or footpath. (12616 §1 8/15/84; 14365 §1 3/7/06; 15003 §1 6/20/12)

B. No person shall remove snow or ice from private property and put, place, deposit or cause to be put, placed or deposited, snow or ice so removed upon the right-of-way of any street. (15003 §1 6/20/12)

C. No person shall remove or cause to be removed snow or ice from any sidewalk or footway and put, place, deposit or cause to be put, placed or deposited, snow or ice so removed upon that portion of the street normally used for the travel of vehicles. (15003 §1 6/20/12)

D. This section shall not be in force and effect in areas where curbside parking is prohibited, provided it is not a vehicle travel lane or there is no available private property upon which to put, place or deposit snow or ice so removed. (15003 §1 6/20/12)

741.06 SPITTING ON SIDEWALK

No person shall spit upon any paved sidewalk or footpath within the City. (Ordinance passed 5/14/08)

741.08 CONSUMPTION OF ALCOHOL ON STREETS AND SIDEWALKS

A. No person shall drink or consume an alcoholic beverage or possess, with the intent to drink or consume, an open container containing an alcoholic beverage in any public place except at a party, function or activity for which a special activity or sidewalk cafe permit has been obtained from the City of Allentown, and where in the case of the special activity permit, such permit authorizes the consumption of alcoholic beverages at said party, function or activity. Possession of an open container containing an alcoholic beverage by any person shall create a rebuttable presumption that such person did intend to consume the contents thereof in violation of this section. (13675 §4 5/21/98)

B. Definitions, for the purpose of this section, are as follows:

1. **Alcoholic Beverage** means any liquid intended for human consumption containing more than one-half of one (.05%) percent of alcohol by volume.

2. **Public Place** means any place to which the public has access and includes any public street or public sidewalk, as well as the front of and the area immediately adjacent to any parking lot, store, restaurant, tavern of other place of business but shall not include those premises duly licensed for the sale and consumption of alcoholic beverages on the premises or within their own private property.

C. Nothing in this section shall be deemed to prohibit the consumption of an alcoholic beverage in any duly licensed establishment whose certificate of occupancy extends upon a sidewalk.

D. Any person guilty of a violation of this section shall be subject to the penalties prescribed in Section 711.99. (12410 §1 2/6/80)

741.09 ENFORCEMENT

A. The provisions of this Article shall be enforced by police officers or any other public officer. (15003 §1 6/20/12)

B. Any violation of the provisions of this Article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator (15003 §1 6/20/12)

C. A notice of violation or violation ticket shall be served upon a violator by handing it to the violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.

D. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.

E. A public officer is authorized and empowered to cause a violation to be corrected.

F. If the City has affected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the Director of Public Works or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred. (14365 §1 3/7/06;15003 §1 6/20/12))

741.10 REGULATIONS

The City may publish and post any regulations governing the procedures and enforcement of any provisions of this Article. (14365 §1 3/7/06)

741.11 VIOLATION TICKET APPEALS PROCESS

A. A person in receipt of a violation ticket may appeal to the Bureau of Recycling & Solid Waste by filing a request within ten (10) days of receipt of the violation ticket.

B. A Hearing Officer, designated by the Manager of the Bureau of Recycling & Solid Waste and in consultation with the Bureau of Engineering, may uphold the Appeal, deny the Appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts. (14365 §1 3/7/06)

741.12 SEVERABILITY

If any provision, paragraph, word, section or subsection of this Article is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, or subsection shall not be affected and shall remain in full force and effect. (14365 §1 3/7/06)

741.99 FINES AND PENALTIES

A. Violation Ticket Fines

1. Violation tickets may be issued in the amounts of Twenty-five ($25) Dollars or One Hundred ($100) Dollars.

2. Any person who receives a violation ticket for any violation of this Article, may within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction of Twenty-five ($25) Dollars or One Hundred ($100) Dollars, as indicated on the violation ticket.

B. Violation Ticket Penalties

1. If the person in receipt of a Twenty-five ($25) Dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a Ten ($10) Dollar penalty for days eleven (11) through twenty (20).

2. If the person in receipt of a One Hundred ($100) Dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a Twenty-five ($25) Dollar penalty for days eleven (11) through twenty (20).

3. Failure of the person to make payment within twenty (20) days shall make the person subject to a citation. (14365 §1 3/7/06)

C. Citation Fines (14365 §1 3/7/06)

Any person violating any of the provisions of this article shall be fined not more than Six Hundred ($600) Dollars or imprisoned more than ninety (90) days, or both. (11995 §1 2/21/73; 13034 §4 3/6/91; 14169 §1 4/8/04; (14365 §1 3/7/06;15003 §1 6/20/12)

ARTICLE 743
SKATEBOARDS

743.01 Purpose
743.02 Definitions
743.04 Skateboards Prohibited on Mall
743.06 Skateboards Prohibited at Night
743.08 Notice of Prohibited Riding Places
743.10 Pedestrian Right-of-Way on Sidewalks
743.12 Reckless Riding
743.99 Penalty

743.01 SKATEBOARDS

The escalating usage of skateboards within the City is creating substantial hazards, obstacles and threats to pedestrians and traffic. The purpose of this ordinance is to protect the public and the "skateboards" by preventing the dangerous use of skateboards on public streets, sidewalks, and other public property.

743.02 DEFINITIONS

The following words, terms and phrases when used in this article shall be defined as follows, unless the context clearly indicates otherwise:

1. **Skateboard** means a narrow board or platform mounted on wheels designed to be operated by the rider standing thereon and propelled by human power or gravity.

2. **Center City** area means the area on and abutting Hamilton Street, the southern property line of Walnut and northern property line of Linden Streets between the eastern property line of North and South Fourth Streets and the western property line of North and South Twelfth Streets.

743.04 SKATEBOARDS PROHIBITED ON HAMILTON STREET

The operation, riding or coasting of skateboards on any sidewalks or streets in Center City is hereby prohibited. The location and boundaries of the Center City area are delineated in Section 727.02.

743.06 SKATEBOARDS PROHIBITED AT NIGHT

The operation, riding or coasting of skateboards in the public right-of-way during hours of darkness, defined as one-half hour after sunset and one-half hour before sunrise, is hereby prohibited.

743.08 NOTICE OF PROHIBITED RIDING PLACES

The operation, riding or coasting of skateboards upon any public or private property as to which notice against such activity is given by posting thereof in a conspicuous manner, is hereby prohibited. (14426 §1 10/6/06)

743.10 PEDESTRIAN RIGHT-OF-WAY ON SIDEWALKS

Where the operation or riding of skateboards is permitted on sidewalks, the rider shall yield the right-of-way to pedestrians using the sidewalk. Due and proper care for pedestrians must at all times be exercised by the riders.

743.12 RECKLESS RIDING

It shall be unlawful for any person to operate, ride, or coast upon any skateboard in a reckless manner, i.e., in a manner that disobeys common signs regulating vehicular traffic or in a manner that is careless and dangerous to the operator of the skateboard and/or the general public be they vehicular or pedestrian and/or that causes destruction of any property, public or private.

This section shall apply but not be limited to public streets and sidewalks. (14426 §1 10/6/06)

743.99 PENALTY

Any person violating any provision of this article shall be fined at least Twenty-five ($25) Dollars, but not more than Six Hundred ($600.00) Dollars. (12996 §1 8/15/92; 14156 §1 2/20/04)