

**An Ordinance to Amend and Reordain Section 33-6
Pertaining to the Sales of Goods by Peddlers of the Code of
the City of Virginia Beach, Virginia**

Section 33-6.

Sales Conducted on or adjacent to the public right-of-way.

For purposes at this section only, "sale or exchange" shall be defined as the advertising, displaying, offering or exchanging for value of the below mentioned items. The sale or exchange of any item, including but not limited to any and all goods, wares, flowers, prepared or unprepared food or any other product by any person from any temporary structure, including but not limited to any table or stand, or from any motor vehicle, trailer, cart, tray, wagon, push-cart or any hand or pedal propelled vehicle shall be subject to the following regulations.

- (A) Sales conducted in the public right-of-way.
- (1) No such sale or exchange shall be made in any street or public right-of-way along any street for which the posted speed limit is greater than 25 miles per hour, nor shall such sale or exchange be made in any street or public right-of-way within 25 feet of any intersection.
 - (2) No person conducting such sale or exchange in any street or public right-of-way may remain within any one block for more than 15 minutes before moving to another block. Additionally, such sale or exchange may not be repeated in the same block within any 8-hour period. A block shall be understood to mean a section of a street between it's intersection within 2 adjoining streets, or a section of street 500 feet in length, whichever is shorter.
 - (3) The provisions of subsection (A) hereof shall not apply to such sales or exchanges conducted on the premises of the Virginia Beach Farmer's Market or any other commercial enterprise operated under franchise agreement or permit authorized by the City Manager.
- (B) Sales conducted on private property adjacent to the public right-of-way. Persons conducting a sale or exchange of the type described in this section on private property, and persons allowing their private property to be used for such sales or exchanges, shall be subject to the following regulations:
- (1) No sale or exchange shall take place or be conducted, and no structure used for such sale or exchange shall be located, within 50 feet of the closest edge of the nearest sidewalk pavement, or street pavement, if there is no sidewalk, of any public right-of-way.
 - (2) The person conducting the sale or exchange shall have obtained written permission to conduct such activity from the owner of the property involved, and shall have also obtained from such owner exclusive control over any area of the property, within the allowed area, sufficient to ensure that there is adequate space for the safe circulation of traffic; such area shall not be less than 800 square feet. The person conducting the sale or exchange shall not allow any other activity to be conducted within this minimal 800 square foot area.
 - (3) Such sales or exchanges shall not be conducted on or from vacant lots.

- (4) Before any person may conduct such sale or exchange, such person must have provided to and have had approved by the Department of Planning, Zoning Administration, a plat or site plan identifying the location of the property on which the activity is to be conducted and showing the location of the structure from which the sale or exchange activity will occur, the area under the control of such person, and provisions for well defined vehicular entrances and exists. Such plat or site plan shall be accompanied by a non-refundable fee of \$25.00 for processing. After review and approval of such plat or site plan by the Zoning Administration, application shall be made to the City Manager or his designee for a permit to engage in the activities covered by this section, in accordance with this section and the approved plat or site plan. Such application shall state the name, address and telephone number of the person or persons conducting the activity, the days and hours of operation, and shall include evidence of the property owner's permission to use the property, as required above, as well as a copy of the approved plat or site plan. A copy of the permit issued by the City Manager or his designee as well as a copy of the approved plat or site plan and the written permission of the property owner shall be kept at the site of the activity.
 - (5) The requirements of subsection (B) hereof shall not apply to outdoor sales and exchanges which occur as an incidental part of the retail sales activity of a merchant regularly conducting business from a permanent building where such sales are conducted on the premises of the building and in close proximity to said building; nor shall they apply the otherwise lawful sale or market produce and processed agricultural food products such as jams and jellies, nor to garage sales in residential areas.
 - (6) Nothing herein shall exempt any person conducting a sale or exchange of the type described herein from the requirements of the City Zoning Ordinance or any other applicable provision of the law.
 - (7) A person who obtains a Peddler's permit pursuant to subsection (4), above, shall be allowed one (1) sign which shall be permanently attached to a motor vehicle and which shall not exceed 10 square feet in size.
- (C) Compliance. Every person who obtains a permit under the requirements of this section shall keep the permit, approved plat or site plan and written permission of the property owner in a convenient place and, whenever requested to do so, shall exhibit the same to any Police Officer, Agent of the Commissioner of Revenue, Zoning Inspector for the Department of Planning. Violation of any of the requirements of this section shall constitute a Class One Misdemeanor. The City Manager or his designee shall revoke the permit issued to any person pursuant to subsection(B)(4) upon his conviction of violating any of the provisions of this section. (Ordinance No. 1205,7-13-81; Ordinance No. 1482, 8-27-84; Ordinance No. 1576, 1-21-86)

NOTE: A \$25.00 FEE OF CASH OR CHECK PAYABLE TO THE CITY OF VIRGINIA BEACH MUST BE SUBMITTED WITH THE APPLICATION OR IT WILL NOT BE PROCESSED



CITY OF VIRGINIA BEACH DEPARTMENT OF PLANNING ZONING ADMINISTRATION

PEDDLER'S PERMIT

Date

Applicant's Name

Mailing Address

Phone Number AND E-mail Address

Address of Sales Location

Type of Sales

Size of Sales Area (Cannot be Less Than 800 Square Feet)

Distance Vehicle or Stand will be from sidewalk or curbing (Cannot be less than 50 feet)

Number of Persons Conducting Sales

DAYS AND HOURS OF OPERATION

Monday

Friday

Tuesday

Saturday

Wednesday

Sunday

Thursday

SITE PLAN OR PHYSICAL SURVEY AND OWNER'S PERMISSION LETTER MUST BE SUBMITTED TO THIS OFFICE PRIOR TO ANY APPROVALS. A NON-REFUNDABLE FEE OF \$25.00 IS REQUIRED.

I HAVE RECEIVED, READ AND COMPLETELY UNDERSTAND THE CITY ORDINANCE, SECTION 33-6 FOR THE CITY OF VIRGINIA BEACH.

Applicant's Signature

Date

FOR OFFICE USE ONLY

Site Plan and Location Checked By

Date

Any Required Parking Spaces Being Used For Sales Area

Fee Receipt Number

Remarks

APPROVED

DISAPPROVED

AUTHORIZING AGENT SIGNATURE



CITY OF VIRGINIA BEACH DEPARTMENT OF PLANNING ZONING ADMINISTRATION

PEDDLER'S OWNER PERMISSION

Date

Department of Planning/Zoning
2875 Sabre Street, Suite 500
Virginia Beach, Virginia 23452

I, owner of

give

permission to conduct sales on my property. I give exclusive control over this assigned area until the end of the current license year, or until revoked by me in writing with copies to the Zoning Administrator of the Zoning Division, Department of Planning, City of Virginia Beach, Virginia. (Revocation of this permission revokes the permit for this site).

I certify this to be sufficient to insure adequate space for safe circulation of traffic and that the area is a minimum of 800 square feet.

Applicant's
Signature

Owner's
Signature

Address

Address

City, State
Zip

City, State
Zip

Telephone

Telephone

Authorized Signature
Department of
Planning/Zoning