

## ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, AMENDING CHAPTER 5.38 OF THE RIVERSIDE MUNICIPAL CODE REGARDING SIDEWALK VENDORS.

The City Council of the City of Riverside does ordain as follows:

Section 1: Chapter 5.38 of the Riverside Municipal Code entitled “Pedestrian Food Vendors” is hereby amended and replaced with the title “Pedestrian Food Sidewalk Vendors.”

Section 2: Section 5.38.015 of the Riverside Municipal Code is hereby amended as follows:

## **“Section 5.38.015 Definitions.**

For the purposes of this chapter, the following terms have the following respective meanings:

*Pushcart* means any wagon, cart or similar wheeled container, not a "vehicle" as defined in the Vehicle Code of the State of California, from which food or beverage is offered for sale to the public.

...

*Downtown business district* means that area of the City of Riverside bounded on the west by Brockton Avenue, on the east by Lime Street, on the north by Third Street and on the south by Fourteenth Street, from the centerline of each street.

*Roaming sidewalk vendor* means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

*Sidewalk vendor* means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.

*Stationary sidewalk vendor* means a sidewalk vendor who vends from a fixed location.”

Section 3: Section 5.38.030 of the Riverside Municipal Code is hereby amended as follows:

## “Section 5.38.030 Permit requirement.

1 No person shall act as a sidewalk vendor sell or offer for sale any food or beverage from a  
2 pusheart, nor employ, direct or otherwise cause any other person to do so, without having first  
3 obtained a sidewalk pedestrian food vendor's permit for the pushcart from the Permit Officer."

4       Section 4:   Section 5.38.040 of the Riverside Municipal Code is hereby amended as  
5 follows:

6       **"Section 5.38.040   Permit application.**

7       A.      Every applicant for a sidewalk pedestrian food vendor's permit shall file with the Permit  
8 Officer a written application on a form provided by the Permit Officer which shall contain the  
9 following:

10       1.     The name, address, telephone number and California driver's license or  
11 identification number, or social security number, or individual taxpayer identification number, or  
12 municipal identification number in lieu of a social security number, or a consular identification  
13 card or national identification card issued as photo identification to citizens of their respective  
14 country or similar identification, of the applicant and of each person, if any, to be employed or  
15 retained by the applicant. to sell food or beverages from pushcarts.

16       2.     The number of pushcarts, stands, displays, pedal-driven carts, wagons, showcases,  
17 racks, or other nonmotorized conveyances to be operated by the applicant, either directly or  
18 through employees or subcontractors, and the design of each pusheart, including signage.

19       3.     The character, location, hours and routing (as applicable) of sidewalk vendor  
20 pusheart operations.

21       ...

22       C.     Prior to issuance of a sidewalk pedestrian food vendor's permit, the applicant shall show  
23 proof to the Permit Officer that he has obtained the business license required by Chapter 5.04 of  
24 this code."

25       Section 5:   Section 5.38.050 of the Riverside Municipal Code is hereby amended as  
26 follows:

27       **"Section 5.38.050   Indemnity agreement.**

28       As a condition to receiving a sidewalk pedestrian food vendor's permit, every permittee shall

1 execute an agreement holding the City and its employees and agents harmless from any liability  
2 arising from the use of the permit.”

3       Section 6:    Section 5.38.070 of the Riverside Municipal Code is hereby amended as  
4 follows:

5       **“Section 5.38.070   Permit issuance.**

6 The   Permit   Officer   shall   issue   the   permit   if   the   requirements   of  
7 Sections 5.38.040, 5.38.050, 5.38.060, and other pertinent sections are complied with.\_, and the  
8 Permit Officer is reasonably satisfied that the operations of the applicant will conform to the  
9 regulations set forth in Sections 5.38.115 and 5.38.120; otherwise the Permit Officer shall deny the  
10 permit. One written permit shall be issued for each pushcart, stand, display, pedal-driven cart,  
11 wagon, showcase, rack, or other nonmotorized conveyance to be operated by the applicant, either  
12 directly or through employees or subcontractors. Such written permit shall be in a form approved  
13 by the Permit Officer.”

14       Section 7:    Section 5.38.080 of the Riverside Municipal Code is hereby amended as  
15 follows:

16       **“Section 5.38.080   Transfer prohibited.**

17 Permits issued under this chapter shall not be sold, assigned or transferred, and shall cover only  
18 the named permittee and pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or  
19 other nonmotorized conveyance to whom they are issued.”

20       Section 8:    Section 5.38.100 of the Riverside Municipal Code is hereby amended as  
21 follows:

22       **“Section 5.38.100   Permit revocation.**

23 A.       The Permit Officer may revoke any permit or permits for any of the following reasons:

24       ...

25       2.       Failure of the permittee to promptly notify the Permit Officer within five business  
26 days of any change occurring subsequent to the issuance of the permit in the information supplied  
27 by the permittee upon which issuance of the permit was based;

28       ...

1           4. Violation by the permittee, or any employee or subcontractor of the permittee, of  
2 any State, County or municipal law in the course of conducting sidewalk food vending operations  
3 pursuant to the permit.

4           ..."

5           Section 9: Section 5.38.110 of the Riverside Municipal Code is hereby amended as  
6 follows:

7           **"Section 5.38.110 Permit appeal.**

8           B. Any person whose application for a permit is denied or whose permit is suspended or  
9 revoked by the Permit Officer may appeal such decision to the Land Use, Sustainability &  
10 Resilience Committee City Manager by filing a written notice of appeal in the City Manager's  
11 Office within ten days after receipt of the notice of denial, suspension or revocation. The Land  
12 Use, Sustainability & Resilience Committee City Manager shall review and determine the appeal  
13 and the decision of the Committee City Manager shall be final."

14           Section 10: Section 5.38.115 of the Riverside Municipal Code is hereby amended as  
15 follows:

16           **"Section 5.38.115 Sidewalk vendor location regulations.**

17           A. No sidewalk vendor shall be located in a fixed location on any residential street, including  
18 parkways or sidewalks. Sales may be made on residential streets from sidewalk vendors that  
19 continually move from place to place and stop only for the period of time, not to exceed thirty ten  
20 minutes at any one place, necessary to make bona fide sales to purchasers, subject to the  
21 provisions of this Code.

22           ..."

23           E. No sidewalk vendor shall be located within 15 feet of any loading zone, bus stop, or  
24 parking space or access ramp designed for persons with disabilities.

25           F. Sidewalk vending is prohibited within any designated bikeway, bike lane, or bicycle  
26 parking area.

27           G. No sidewalk vendor shall obstruct access to public infrastructure, including parking meters,  
28 parking pay stations, shared mobility parking zones, waste receptacles, crosswalk pedestrian push

1 buttons, and public furniture.

2 H. Sidewalk vending shall be prohibited adjacent to any portion of the curb designated as a  
3 passenger, commercial, or school loading zone via signage and/or curb markings.

4 I. Sidewalk vendors shall maintain an unobstructed four-foot walking path at all times.

5 J. Sidewalk vending is prohibited in the center median of any street.”

6 Section 11: Section 5.38.120 of the Riverside Municipal Code is hereby amended as  
7 follows:

8 **“Section 5.38.120 Other sidewalk vendor pusheart regulations.**

9 A. Each pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other  
10 nonmotorized conveyance shall have affixed to it in plain view the permit required by this chapter  
11 and the permit required by Chapter 5.04 of this Code.

12 B. Permittees, owners, or users of pushcarts, stand, display, pedal-driven cart, wagon,  
13 showcase, rack, or other nonmotorized conveyance shall not operate his or her business in any way  
14 as to cause a public or private nuisance.

15 C. The maximum dimensions of any pusheart shall be six feet in length and four feet in width.

16 CD. The only signs used in conjunction with a pushcart, stand, display, pedal-driven cart,  
17 wagon, showcase, rack, or other nonmotorized conveyance shall be signs affixed to or painted on  
18 the device pusheart or its canopy.

19 DE. A refuse container of at least four cubic feet capacity shall be provided near the sidewalk  
20 vendor pusheart.

21 EF. No sidewalk vendor shall use a loudspeakers, or, public address system, —bells, chimes or  
22 other sound making devices shall be affixed to or used in conjunction with a pusheart.

23 FG. No artificial lighting for or on any pushcart, stand, display, pedal-driven cart, wagon,  
24 showcase, rack or other nonmotorized conveyance is permitted.

25 GH. No sale of any merchandise or food food or beverage to any person who is in a motor  
26 vehicle at the time of sale.

27 HI. There shall be no more than one table, measuring no more than 16 square feet, affixed to,  
28 adjacent, or near a sidewalk vendor selling food the pusheart. The table may only be used for  
displaying food or beverages for sale, condiments, and napkins.

1 **II.** There shall be no more than one ice chest or comparable container affixed to, adjacent, or  
2 near the sidewalk vendor pusheart for purposes of offering food or beverages for sale.

3 **JK.** No benches, chairs, or tables shall be affixed to, adjacent, or near the sidewalk vendor  
4 pusheart for purposes of supplying customers a place to eat or drink.

5 **KL.** Each sidewalk vendor pusheart may have one awning or umbrella over the pushcart, stand,  
6 display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance. Each  
7 sidewalk vendor pusheart may have no more than one additional awning or umbrella affixed to,  
8 adjacent, or near the vending operation.pusheart.

9 **LM.** Sidewalk vendors Permittees, owners, and users of pushearts are responsible for ensuring  
10 that the area immediately surrounding the pushcart, stand, display, pedal-driven cart, wagon,  
11 showcase, rack, or other nonmotorized conveyance is kept clean and free of trash and debris  
12 associated with the operation.

13 **MN.** No pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other  
14 nonmotorized conveyance or appurtenance shall be unattended at any time or stored, parked or left  
15 in a public space overnight.”

16       **Section 12:** Section 5.38.130 of the Riverside Municipal Code is hereby amended and  
17 replaced in its entirety as follow:

18       **“Section 5.38.130 Special Restrictions for Parks.**

19       A. Stationary sidewalk vendors in public parks are prohibited from vending in City parks where  
20 the City Manager or his or her designee has signed an agreement for concessions that exclusively  
21 permit the sale of food or merchandise by the concessionaire.

22       B. Sidewalk vending is prohibited at the following regional reserve/open space parks:

- 23           1. Box Springs Mountain Open Space.
- 24           2. Challen Park Open Space.
- 25           3. Mount Rubidoux Park and San Andreas Avenue/Glenwood Drive between Tequesquite  
26 Avenue and Fourteenth Street.

- 27           4. Pachappa Hill Open Space.
- 28           5. Quail Run Open Space.

1           6. Sycamore Canyon Wilderness Park.

2       This prohibition is made upon the City Council's consideration of objective health, safety, and  
3       welfare concerns; the necessity of ensuring the public's use and enjoyment of natural resources and  
4       recreational opportunities, and the necessity of preventing an undue concentration of commercial  
5       activity that would unreasonably interfere with the scenic and natural character of the  
6       aforementioned parks."

7           Section 13: Section 5.38.140 of the Riverside Municipal Code is hereby amended and  
8       replaced in its entirety as follows:

9       **"Section 5.38.140 Abandonment and disposal.**

10      Any unclaimed items will be considered abandoned and forfeited to the City ninety (90) days after  
11     the City calls the owner to retrieve the items, and the City may destroy or otherwise dispose of the  
12     items pursuant to law."

13           Section 14: Section 5.38.150 of the Riverside Municipal Code is hereby added as follows:

14       **"Section 5.38.150 Severability.**

15       If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be  
16       invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not  
17       affect the validity of the remaining portions of the chapter. The City Council hereby declares that it  
18       would have passed this chapter and each section, subsection, clause or phrase thereof irrespective of  
19       the fact that any one or more section, subsections, clause or phrase thereon irrespective of the fact  
20       that any one or more other section, subsections, clauses or phrases may be declared invalid or  
21       unconstitutional."

22           Section 15: The City hereby finds that this ordinance is not subject to review under the  
23       California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060,  
24       subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical  
25       change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in  
26       question may have a significant effect on the environment). In addition to the foregoing general  
27       exemptions, the City Council further finds that this ordinance is categorically exempt from review  
28       under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of  
          the environment), CEQA Guidelines section 15308.

