

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 "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:

(A) *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.

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

(C) *Stationary sidewalk vendor* means a sidewalk vendor who vends from a fixed location.

(D) *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.

(E) *Permit Officer* means the Finance Director of the City of Riverside or his or her designated representative."

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

"Section 5.38.030 Permit requirement.

No person shall act as a sidewalk vendor, nor employ, direct or otherwise cause any other person to do so, without having first obtained a sidewalk vendor's permit from the Permit Officer."

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

"Section 5.38.040 Permit application.

1 A. Every applicant for a sidewalk vendor's permit shall file with the Permit Officer a written
2 application on a form provided by the Permit Officer which shall contain the following:

3 1. The name, address, telephone number and California driver's license or identification
4 number, or social security number, or individual taxpayer identification number, or municipal
5 identification number in lieu of a social security number, or a consular identification card or national
6 identification card issued as photo identification to citizens of their respective country or similar
7 identification, of the applicant and of each person, if any, to be employed or retained by the
8 applicant.

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

12 3. The character, location, hours and routing (as applicable) of sidewalk vendor
13 operations.

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

16 Section 5: Section 5.38.050 of the Riverside Municipal Code is hereby amended as
17 follows:

18 **"Section 5.38.050 Indemnity agreement.**

19 As a condition to receiving a sidewalk vendor's permit, every permittee shall
20 execute an agreement holding the City and its employees and agents harmless from any liability
21 arising from the use of the permit."

22 Section 6: Section 5.38.070 of the Riverside Municipal Code is hereby amended as
23 follows:

24 **"Section 5.38.070 Permit issuance.**

25 The Permit Officer shall issue the permit if the requirements of
26 Sections 5.38.040, 5.38.050, 5.38.060, and other pertinent sections are complied with. One written
27 permit shall be issued for each pushcart, stand, display, pedal-driven cart, wagon, showcase, rack,
28 or other nonmotorized conveyance to be operated by the applicant, either directly or through

employees or subcontractors. Such written permit shall be in a form approved by the Permit Officer.”

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

“Section 5.38.080 Transfer prohibited.

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

Section 8: Section 5.38.100 of the Riverside Municipal Code is hereby replaced in its entirety as follows:

“Section 5.38.100 Enforcement

A. A violation of the terms of this chapter is punishable only by the following:

1. An administrative fine not exceeding one hundred dollars (\$100) for a first violation.
2. An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one year of the first violation.
3. An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.

B. The following violations are subject to administrative fines:

1. Falsehood of any information supplied by the permittee upon which issuance of the permit was based;
2. Failure of the permittee to promptly notify the Permit Officer of any change occurring subsequent to the issuance of the permit in the information supplied by the permittee upon which issuance of the permit was based;
3. Failure of the permittee, or of any employees or subcontractor of the permittee, to comply with the regulations set forth in this chapter;
4. Violation by the permittee, or any employee or subcontractor of the permittee, of any State, County, or municipal law in the course of conducting vending operations pursuant to the permit.

C. The Permit Officer may revoke a permit issued to a sidewalk vendor for the term of that permit for the fourth or subsequent violations.”

1 Section 9: Section 5.38.110 of the Riverside Municipal Code is hereby amended as
2 follows:

3 **“Section 5.38.110 Permit appeal.**

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

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

11 **“Section 5.38.115 Sidewalk vendor location regulations.**

12 A. Hours of operation – Sidewalk vendors shall only operate between the hours of sunrise and
13 sunset in residential only areas, and sunrise to midnight in all other areas.

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

19 C. No sidewalk vendor shall be located in any location that creates an obstruction to the normal
20 flow of vehicular or pedestrian traffic or to the access to public streets and sidewalks, or that creates
21 a hazard to life or property.

22 D. No sidewalk vendor shall be located in any location that obstructs traffic signals or regulatory
23 signs.

24 E. No sidewalk vendor shall be located within 15 feet of any fire hydrant or escape, or within 50
25 feet of any vehicle entrance of any fire station, police department, hospital, or any other structure
26 involved in health and safety emergency matters.

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

1 G. Sidewalk vending is prohibited within any designated bikeway, bike lane, or bicycle
2 parking area.

3 H. No sidewalk vendor shall obstruct access to public infrastructure, including parking meters,
4 parking pay stations, shared mobility parking zones, waste receptacles, crosswalk pedestrian push
5 buttons, and public furniture.

6 I. Sidewalk vending shall be prohibited adjacent to any portion of the curb designated as a
7 Passenger, commercial, or school loading zone via signage and/or curb markings.

8 J. Sidewalk vendors shall maintain an unobstructed four-foot walking path at all times.

9 K. Sidewalk vending is prohibited in the center median of any street.

10 L. Sidewalk vending is prohibited within 200 feet of an area designated for a temporary special
11 permit, provided that any notice, business interruption mitigation, or other rights provided to
12 affected businesses or property owners under the temporary special permit are also provided to any
13 sidewalk vendors specifically permitted to operate in the area, if applicable. For purposes of this
14 paragraph, a temporary special permit is a permit issued for the temporary use of, or encroachment
15 on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special
16 event permit, or temporary event permit, for purposes including, but not limited to, filming, parades,
17 or outdoor concerts. A prohibition of sidewalk vendors pursuant to this paragraph shall only be
18 effective for the limited duration of the temporary special permit.”

19 Section 11: Section 5.38.120 of the Riverside Municipal Code is hereby amended as
20 follows:

21 **“Section 5.38.120 Other sidewalk vendor regulations.**

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

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

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

1 D. The only signs used in conjunction with a pushcart, stand, display, pedal-driven cart, wagon,
2 showcase, rack, or other nonmotorized conveyance shall be signs affixed to or painted on the device
3 or its canopy.

4 E. A refuse container of at least four cubic feet capacity shall be provided by the sidewalk
5 vendor.

6 F. No sidewalk vendor shall use a loudspeaker or public address system.

7 G. No sale of any merchandise or food is allowed to any person who is in a
8 motor vehicle at the time of sale.

9 H. There shall be no more than one table, measuring no more than 16 square feet, affixed to,
10 adjacent, or near a sidewalk vendor selling food. The table may only be used for displaying food or
11 beverages for sale, condiments, and napkins.

12 I. There shall be no more than one ice chest or comparable container affixed to, adjacent, or
13 near the sidewalk vendor for purposes of offering food or beverages for sale.

14 J. No benches, chairs, or tables shall be affixed to, adjacent, or near the sidewalk vendor for
15 purposes of supplying customers a place to eat or drink.

16 K. Each sidewalk vendor may have one awning or umbrella over the pushcart, stand, display,
17 pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance. Each sidewalk vendor
18 may have no more than one additional awning or umbrella affixed to, adjacent, or near the vending
19 operation.

20 L. Sidewalk vendors are responsible for ensuring that the area immediately surrounding the
21 pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized
22 conveyance is kept clean and free of trash and debris associated with the operation.

23 M. No pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized
24 conveyance or appurtenance shall be unattended at any time or stored, parked or left in a public
25 space overnight.”

26 Section 12: Section 5.38.125 of the Riverside Municipal Code is hereby added as follow:

27 **“Section 5.38.125 Special Restrictions for Parks.**

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

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

- 5 1. Box Springs Mountain Open Space.
- 6 2. Challen Park Open Space.
- 7 3. Mount Rubidoux Park and San Andreas Avenue/Glenwood Drive between Tequesquite
8 Avenue and Fourteenth Street.
- 9 4. Pachappa Hill Open Space.
- 10 5. Quail Run Open Space.
- 11 6. Sycamore Canyon Wilderness Park.

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

17 Section 13: Section 5.38.130 of the Riverside Municipal Code is hereby amended as
18 follows:

19 **"Section 5.38.130 Abandonment and disposal.**

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

23 Section 14: The City hereby finds that this ordinance is not subject to review under the
24 California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060,
25 subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical
26 change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in
27 question may have a significant effect on the environment). In addition to the foregoing general
28 exemptions, the City Council further finds that this ordinance is categorically exempt from review
under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of

1 the environment), CEQA Guidelines section 15308.

2 ADOPTED by the City Council this _____ day of _____, 2021.

3
4 _____
5 PATRICIA LOCK DAWSON
6 Mayor of the City of Riverside

7 Attest:

8 _____
9 DONESIA GAUSE
10 City Clerk of the City of Riverside

11
12 I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the
13 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the 16th
14 day of November, 2021, and that thereafter the said ordinance was duly and regularly adopted at a
15 meeting of the City Council on the _____ day of November, 2021, by the following vote, to wit:

16 :

17 Ayes:

18 Noes:

19 Absent:

20 Abstain:

21 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
22 City of Riverside, California, this _____ day of _____, 2021.

23
24 _____
25 DONESIA GAUSE
26 City Clerk of the City of Riverside

27
28 18-1511 – 10/14/21