

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING IN ITS ENTIRETY CHAPTER 5.38 OF THE RIVERSIDE
MUNICIPAL CODE NOW ENTITLED SIDEWALK VENDORS.

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

Section 1: Chapter 5.38 of the Riverside Municipal Code is hereby amended in its entirety and replaced with the following:

“CHAPTER 5.38 SIDEWALK VENDORS

Section 5.58.010 Purpose.

The purpose of this Chapter is to protect the public safety and welfare against the problems created by the street vending of food and other items from pushcarts, stands, displays, baskets, lunch wagons, eating carts, and other non-motorized carts within the City of Riverside. These street-vending activities can pose special dangers to pedestrians and impact vehicular traffic and movement on the public rights-of-way.

The City Council finds that the regulation of the vending activities specified within this Chapter is necessary to prevent significant hazards to health, safety, and welfare of its residents and to prevent potential automobile accidents on the public rights-of-way and streets which could result in serious and fatal bodily harm to its residents. The City Council further finds that regulation of street vending is necessary because congestion on the public rights-of-way may impede the ingress and egress of emergency and public safety vehicles by creating physical obstacles to emergency response and administration of aid to those in need of immediate medical attention and to victims of criminal activity.

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.

1 **B. “Roaming sidewalk vendor” means a sidewalk vendor who moves from place to**
2 **place and stops only to complete a transaction.**

3 **C. “Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed**
4 **location.**

5 **D. “Permit Officer” means the Finance Director of the City or his or her**
6 **designated representative.**

7 **5.38.020 - General prohibitions.**

8 **A. No person shall act as a sidewalk vendor on any public street, including**
9 **parkways or sidewalks, within the City, except as provided for in this Chapter or otherwise**
10 **permitted in this Code.**

11 **B. No person shall employ, direct or otherwise cause any other person to act as a**
12 **sidewalk vendor, except as provided for in this Chapter or otherwise permitted in this Code.**

13 **5.38.030 - Permit requirement.**

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

17 **5.38.040 - Permit application.**

18 **A. Every applicant for a sidewalk vendor’s permit shall file with the Permit Officer a**
19 **written application on a form provided by the Permit Officer, which shall contain the**
20 **following:**

21 **1. The name, address, telephone number and California driver’s license or**
22 **identification number, or social security number, or individual taxpayer identification**
23 **number, or municipal identification number in lieu of a social security number, of the**
24 **applicant and of each person, if any, to be employed or retained by the applicant.**

25 **2. A valid and current policy or sufficient certificate or certificates evidencing the**
26 **policy or policies of liability insurance, covering all operations of the applicant and his agents,**
27 **and employees. The policy or policies shall contain an endorsement naming the City as**
28 **additional insured, shall provide that the City will be given 30 days' written notice prior to**

1 cancellation or material change, and shall be in such minimum limits as set by resolution of the
2 City Council. Every permittee, at his sole cost and expense, shall obtain and maintain liability
3 insurance during the term of his permit or any renewal thereof.

4 **3. The number of pushcarts, stands, displays, pedal-driven carts, wagons, showcases,**
5 **or racks to be operated by the applicant, either directly or through employees or**
6 **subcontractors, and the design of each, including signage.**

7 **4. The character, location, hours and routing (as applicable) of sidewalk vendor**
8 **operations.**

9 **5. Proof of a valid California Department of Tax and Fee Administration seller's**
10 **permit.**

11 **6. Such other information as the Permit Officer deems appropriate.**

12 **B. Each application shall be accompanied by payment of a non-refundable fee in an**
13 **amount established by resolution of the City Council to cover costs of administering this**
14 **section.**

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

18 **5.38.050 - Indemnity agreement.**

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

22 **5.38.060 - Permit issuance.**

23 **The Permit Officer shall issue the permit if the requirements of Sections 5.38.040, 5.38.050,**
24 **and other pertinent sections are complied with, and the Permit Officer is reasonably satisfied**
25 **that the operations of the applicant will conform to the regulations set forth in Sections**
26 **5.38.115 and 5.38.120; otherwise the Permit Officer shall deny the permit. One written permit**
27 **shall be issued for each pushcart, stand, display, pedal-driven cart, wagon, showcase, or rack**
28 **to be operated by the applicant, either directly or through employees or subcontractors. Such**

1 written permit shall be in a form approved by the Permit Officer.

2 **5.38.070 - Transfer prohibited.**

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

6 **5.38.080 - Permit term.**

7 Each permit issued pursuant to this Chapter shall be for a term of one year, upon the
8 expiration of which term the permittee may renew the permit for additional one-year terms by
9 submitting a new application in conformance with Section 5.38.040, together with such permit
10 renewal fee as may be established by resolution of the City Council.

11 **5.38.090 - Permit revocation.**

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

14 1. Falsehood of any information supplied by the permittee upon which issuance of the
15 permit was based;

16 2. Failure of the permittee to promptly notify the Permit Officer of any change
17 occurring subsequent to the issuance of the permit in the information supplied by the
18 permittee upon which issuance of the permit was based;

19 3. Failure of the permittee, or of any employees or subcontractors of the permittee, to
20 comply with the regulations set forth in this chapter;

21 4. Violation by the permittee, or any employee or subcontractor of the permittee, of
22 any State, County or municipal law in the course of conducting sidewalk vending operations
23 pursuant to the permit.

24 B. No person whose permit is revoked shall be eligible to apply for a new permit for
25 a period of one year following such revocation.

26 **5.38.100 - Permit appeal.**

27 Any person whose application for a permit is denied or whose permit is suspended or
28 revoked by the Permit Officer may appeal such decision to the City Manager by filing a

1 written notice of appeal in the City Manager's Office within ten days after receipt of the notice
2 of denial, suspension or revocation. The City Manager shall review and determine the appeal
3 and the decision of the City Manager shall be final.

4 **5.38.115 – Sidewalk vendor location regulations.**

5 A. No stationary sidewalk vendors shall be located on any residential street,
6 including parkways or sidewalks. Sales may be made on residential streets by roaming
7 sidewalk vendors that are continually moved from place to place and stopped only for the
8 period of time, not to exceed ten minutes at any one place, necessary to make bona fide sales to
9 purchasers, subject to the provisions of this Code.

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

13 C. No sidewalk vendor shall be located in any location that obstructs traffic signals
14 or regulatory signs.

15 D. No sidewalk vendor shall be located within 15 feet of any intersections, driveway
16 or building entrance, or in any space designed for vehicular parking.

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

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

22 G. No sidewalk vendor shall be located within 1,000 feet of a public or private
23 school between the hours of 7:00 a.m. and 4:00 p.m. of any school day.

24 **5.38.120 – Other sidewalk vendor regulations.**

25 A. Each pushcart, stand, display, pedal-driven cart, wagon, showcase, or rack shall
26 have affixed to it in plain view the permit required by this Chapter and the tax certificate
27 required by Chapter 5.04 of this Code.

28 B. Permittees, owners, or users of pushcarts, stands, displays, pedal-driven carts,

1 wagons, showcases, or racks shall not operate his or her business in any way as to cause a
2 public or private nuisance.

3 C. The maximum dimensions of any pushcart, pedal-driven cart or wagon shall be
4 six feet in length and four feet in width.

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

7 E. No loudspeakers, public address system, bells, chimes or other sound making
8 devices shall be affixed to or used in conjunction with a pushcart, stand, display, pedal-driven
9 cart, wagon, showcase or rack.

10 F. No artificial lighting for or on any pushcart, stand, display, pedal-driven cart,
11 wagon, showcase, or rack is permitted.

12 G. No sale of any food or beverage to any person who is in a motor vehicle at the
13 time of sale.

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

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

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

21 K. Each sidewalk vendor may have one awning or umbrella over the pushcart,
22 stand, display, pedal-driven cart, wagon, showcase or rack. Each sidewalk vendor may have no
23 more than one additional awning or umbrella affixed to, adjacent, or near the pushcart, stand,
24 display, pedal-driven cart, wagon, showcase or rack.

25 L. Sidewalk vendors are responsible for ensuring that the area immediately
26 surrounding the pushcart, stand, display, pedal-driven cart, wagon, showcase, or rack is kept
27 clean and free of trash and debris associated with the operation. Each sidewalk vendor shall
28 provide a refuse container of at least four cubic feet capacity for trash disposal.

1 **M. No pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or**
2 **appurtenance shall be unattended at any time or stored, parked or left in a public space**
3 **overnight.**

4 **N. Sidewalk Vendors shall comply with the federal American with Disabilities Act**
5 **of 1999 and any other disability access standards established by federal and/or state law,**
6 **including but not limited to allowing for a minimum width of at least thirty-six (36) inches of**
7 **accessibility on any sidewalk.**

8 **O. Sidewalk Vendors shall comply with all other generally applicable laws.**

9 **5.38.130 – Festival of Lights**

10 **A. The Pedestrian Mall is often extremely crowded with pedestrian traffic during**
11 **the Festival of Lights. It is crucial to the continued interest of the community for the City to**
12 **safeguard this area with reasonable restrictions and regulations to ensure the health, safety**
13 **and welfare of individuals during the festival. Therefore, no sidewalk vendors are permitted in**
14 **the Festival boundaries at the Switch on Ceremony and on High Traffic Days of the festival, as**
15 **those terms are defined in RMC Chapter 13.21.**

16 **B. This provision does not apply to those vendors who have contracted with the**
17 **City to provide vendor services during the Festival of lights.**

18 **5.38.140 – Enforcement.**

19 **A. A violation of this Chapter is punishable only by the following:**

20 **1. An administrative fine not exceeding one hundred dollars (\$100) for a first**
21 **violation.**

22 **2. An administrative fine not exceeding two hundred dollars (\$200) for a second**
23 **violation within one year of the first violation.**

24 **3. An administrative fine not exceeding five hundred dollars (\$500) for each**
25 **additional violation within one year of the first violation.**

26 **4. The City may rescind a permit issued to a sidewalk vendor for the term of that**
27 **permit upon the fourth violation or subsequent violations.**

28 **B. Failure to pay an administrative fine pursuant to subdivision A shall not be**

1 punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other
2 financial conditions beyond those authorized in subdivision A shall not be assessed.

3 C. When assessing an administrative fine pursuant to subdivision A, the
4 adjudicator shall take into consideration the person's ability to pay the fine. The local
5 authority shall provide the person with notice of his or her right to request an ability-to-pay
6 determination and shall make available instructions or other materials for requesting an
7 ability-to-pay determination. The person may request an ability-to-pay determination at
8 adjudication or while the judgment remains unpaid, including when a case is delinquent or has
9 been referred to a comprehensive collection program.

10 D. If the person meets the criteria described in subdivision (a) or (b) of Government
11 Code section 68632, the City shall accept, in full satisfaction, 20 percent of the administrative
12 fine imposed pursuant to subdivision A.

13 E. The City may allow the person to complete community service in lieu of paying
14 the total administrative fine, may waive the administrative fine, or may offer an alternative
15 disposition.

16 **5.38.150 - Severability.**

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

23 Section 2: The City Council has reviewed the matter and, based upon the facts and
24 information contained in the staff reports, administrative record, and written and oral testimony,
25 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),
26 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title
27 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change
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in the environment nor have a significant impact on the environment.

Section 3: The City Clerk shall certify to the adoption of this ordinance and cause publication once in a newspaper of general circulation in accordance with Section 414 of the Charter of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its adoption.

ADOPTED by the City Council this _____ day of _____, 2019.

WILLIAM R. BAILEY, III
Mayor of the City of Riverside

Attest:

COLLEEN J. NICOL
City Clerk of the City of Riverside

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1 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
2 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
3 _____ day of _____, 2019, and that thereafter the said ordinance was duly and
4 regularly adopted at a meeting of the City Council on the _____ day of _____, 2019,
5 by the following vote, to wit:

6 Ayes:

7 Noes:

8 Absent:

9 Abstain:

10 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
11 City of Riverside, California, this _____ day of _____, 2019.
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14 City Clerk of the City of Riverside
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