

Chapter 12.10 SIDEWALK VENDORS

Sections:

12.10.010 Definitions.

For purposes of this chapter, the following definitions apply:

- A. "Immediate vicinity" means the streets abutting an activity or event (and any contiguous parking areas) and the sidewalks on either side of such streets, and includes any open or unoccupied space between the activity or event and the abutting streets and sidewalks.
- B. "Person" means one or more natural persons, individuals, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer or employee of any of them), whether engaged in business, nonprofit or any other activity.
- C. "Sidewalk" means any surface provided primarily for the use of pedestrians within the city.
- D. "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. A sidewalk vendor may be either a:
 - 1. "Roaming sidewalk vendor," which means a sidewalk vendor who moves from place to place and stops only to complete a transaction; or
 - 2. "Stationary sidewalk vendor," which means a sidewalk vendor who vends from a fixed location.
- E. "Vend" means to sell, offer for sale, expose or display for sale, solicit offers to purchase, or to barter food or merchandise, or to require someone to negotiate, establish or pay a fee before providing food or merchandise, even if characterized as a donation.

(Ord. No. 7334, § 6, 12-17-2018; Ord. No. 7348, § 7, 6-10-2019)

12.10.020 Program to regulate sidewalk vending—Permit requirements.

- A. No person, either for themselves or any other person, shall engage in any sidewalk vendor activities within the city without first applying for and receiving a permit from the director of public works, or the director's designee, as provided in this chapter.
- B. A written application for a sidewalk vendor permit shall be filed with the director, or the director's designee, on a form provided by the city, and shall contain the following information:
 - 1. The name and contact information of the person applying to become a sidewalk vendor;
 - 2. The name and contact information of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending receptacle;
 - 3. The location(s) in the city where the sidewalk vendor intends to operate;
 - 4. The day(s) and hours of operation the sidewalk vendor intends to operate at such location(s);
 - 5. Whether the vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor and, if roaming, the intended path of travel;

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6. The dimensions of the sidewalk vendor's sidewalk vending receptacle(s), including a picture of each sidewalk vending receptacle operating under the permit and any signs that will be affixed thereto;
 7. Whether the sidewalk vendor will be selling food, merchandise, or both;
 8. If the vendor is selling merchandise, a description of the merchandise to be sold;
 9. A copy of the Pasadena health permit required for any sidewalk vendors selling food, as required by Chapter 8.16;
 10. A copy of the Pasadena business license required for any vendors, as required by Chapter 5;
 11. An acknowledgment that the sidewalk vendor will comply with all other generally applicable local, state, and federal laws;
 12. A certification that, to their knowledge and belief, the information contained within the application is true;
 13. An agreement by the sidewalk vendor to defend, indemnify, release and hold harmless the city, its city council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the permit or the vendor's sidewalk vending activities. This indemnification shall include, but not be limited to, damages awarded against the city, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, city, and/or the parties initiating or bringing such proceeding;
 14. An acknowledgement that use of public property is at the sidewalk vendor's own risk, the city does not take any steps to ensure public property is safe or conducive to the sidewalk vending activities, and the sidewalk vendor uses public property at their own risk;
 15. An acknowledgement that the sidewalk vendor will obtain and maintain throughout the duration of any permit issued under this chapter any insurance required by the director;
 16. If the sidewalk vendor has operated in the city in the past, proof of prior sales tax allocation to the city; and
 17. Any other relevant information required by the director, or the director's designee.
- C. Each application for a sidewalk vendor permit shall be accompanied by a non-refundable application fee as established by resolution of the city council. The application and permit is only applicable to the individual(s) named on the application.
- D. Within thirty (30) calendar days of receiving a complete application, the director, or the director's designee, may issue a sidewalk vendor permit, with appropriate conditions, as provided for herein, with findings based on all of the relevant information that:
1. The conduct of the sidewalk vendor will not unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety or general welfare;
 2. The conduct of the sidewalk vendor will not unduly interfere with normal governmental or city operations, threaten to result in damage or detriment to public property, or result in the city incurring costs or expenditures in either money or personnel not reimbursed in advance by the vendor;
 3. The conduct of such sidewalk vending activity will not constitute a fire hazard, and all proper safety precautions will be taken;

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4. The conduct of such sidewalk vending activity will not require the diversion of police officers to properly police the area of such activity as to interfere with normal police protection for other areas of the city;
 5. The sidewalk vendor has paid all previous administrative fines, completed all community service, and completed any other alternative disposition associated in any way with a previous violation of this chapter;
 6. The sidewalk vendor's application contains all required information;
 7. The sidewalk vendor has not made a materially false, misleading or fraudulent statement of fact to the city in the application process;
 8. The sidewalk vendor has satisfied all the requirements of this chapter;
 9. The sidewalk vendor has satisfactorily provided all information requested by the director, or the director's designee, to consider the vendor's application;
 10. The sidewalk vendor has paid all applicable fees as set by city council resolution; and
 11. The sidewalk vendor has adequate insurance to protect the city from liability associated with the sidewalk vendor's activities, as required by the director and the city has been named as an additional insured.
- E. The director, or the director's designee, may, in his or her sole discretion, place additional conditions upon the issuance of the permit in order to insure the protection of the public rights-of-way and the rights of all adjoining property owners and the health, safety and welfare of the public.
- F. A sidewalk vendor permit is nontransferable. Any change in ownership or operation of a sidewalk vendor or sidewalk vending receptacle requires a new permit under this chapter.
- G. All permits issued under this chapter shall expire twelve (12) months from date of issuance.
- H. Permits shall be considered temporary and nonpermanent in nature, and permittee shall have neither property interest in, nor any entitlement to, the granting or continuation of any such permit.
- I. Permits may be terminated by the city, with or without cause, regardless of the nature and scope of financial or other interest in, or on account of the permit or the permitted use.
- J. Permits, vending activities and obstructions shall conform with all other applicable city and other governmental requirements including, without limitation, except as otherwise provided herein.

(Ord. No. 7348, § 8, 6-10-2019)

12.10.030 Areas where vending is prohibited.

- A. **Vending Prohibited in Certain Parks.** Stationary sidewalk vendors are prohibited from vending in the following parks or open space because the city has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire: Brookside Golf Course area as that term is used in Chapter 3.32 (Arroyo Seco Public Lands).
- B. **Vending Prohibited Near Farmers' Markets.** Sidewalk vendors are prohibited within the immediate vicinity of a permitted certified farmers' market during the limited operating hours of that certified farmers' market. A "certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code, as may be amended, and any regulations adopted pursuant to that chapter.

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- C. Vending Prohibited Near Swap Meets. Sidewalk vendors are prohibited within the immediate vicinity of a permitted swap meet during the limited operating hours of that swap meet. A "swap meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, as may be amended, and any regulations adopted pursuant to that article.
1. Sidewalk vendors are prohibited within the immediate vicinity of the swap meet held at the Rose Bowl Stadium, which includes the Brookside Park area and the Brookside Golf Course area as those terms are used in Chapter 3.32 (Arroyo Seco Public Lands) of the Pasadena Municipal Code, from 5:00 a.m. to 4:00 p.m. on swap meet event dates.
 2. Sidewalk vendors are prohibited in the immediate vicinity of the swap meet regularly operated at Pasadena City College.
- D. Vending Prohibited Near Temporary Special Events. Sidewalk vendors are prohibited within the immediate vicinity of an area designated for a temporary special event for the limited duration of the temporary special permit. Any notice, business interruption mitigation, or other rights provided to affected businesses or property owners will also be provided to any sidewalk vendors specifically permitted to operate in the area, if applicable. A "temporary special event" is a permit issued by the city, the RBOC, or the PCOC, for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, temporary event permit, contract, license agreement, temporary use permit, or any similar approval for purposes including, but not limited to, filming, parades, sporting events, festivals, carnivals, or outdoor concerts.
1. Vending Prohibited in the Central Arroyo (as per Public Works Drawing No. 5698) During Certain Events.
 - a. Sidewalk vendors are prohibited within the Central Arroyo, as well as on any streets abutting thereto and sidewalks on either side of such streets, from the time the parking lots open before the event until two hours after the event.
 - b. Sidewalk vendors are prohibited in the immediate vicinity of any minor event permitted in the Central Arroyo during the minor event, two hours before until two hours after the event.
 2. Vending Prohibited Near the Rose Parade and Related Activities.
 - a. Sidewalk vendors are prohibited within the Parade Route and any adjacent streets as set forth in the annual Rose Parade Staging Plan ("Staging Plan"), from noon on the day before through 11:59 p.m. on the day of the Tournament of Roses Parade. "Parade Route" is defined as beginning at the Formation Area, north on Orange Grove Boulevard to Colorado Boulevard; east on Colorado Boulevard to Sierra Madre Boulevard; north on Sierra Madre Boulevard to Paloma Street, as well as sidewalks on either side of such streets. Adjacent streets include Green Street, Grand Avenue, St. John Street, Pasadena Avenue, Orange Grove Boulevard and other such streets immediately adjacent to the Parade Route as set forth in the annual Rose Parade Staging Plan, including sidewalks on either side of such streets. A copy of the Rose Parade Staging Plan is on file with the city.
 - b. During the Post Parade showcase, as scheduled by the Tournament of Roses, sidewalk vendors are prohibited from the Post Parade area as set forth in the Staging Plan, the immediate vicinity thereto, as well as within 500 feet of any entrance or exit to the Post Parade area.
 - c. Notwithstanding the above, vendors with a foot peddler license (for general merchandise and food) and a New Year's vending permit from the health department (for food only) may vend within the Rose Parade route as so designated in such license.

(Ord. No. 7334, § 6, 12-17-2018; Ord. No. 7348, § 9, 6-10-2019)

12.10.040 Additional requirements regulating the time, place, and manner of sidewalk vending.

- A. All sidewalk vendors are subject to the following operating conditions when conducting sidewalk vending activities:
1. Conducting sidewalk vending activities shall be limited to the following hours:
 - a. On sidewalks or pathways directly adjacent to or within residential areas between dawn and dusk daily;
 - b. In non-residential areas between the hours of 7:00 a.m. and 10:00 p.m. daily;
 2. All food and merchandise shall be stored either inside or affixed to the sidewalk vendor receptacle or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the sidewalk vendor receptacle, the overall space taken up by the sidewalk vendor receptacle shall not exceed the size requirements provided in this section;
 3. The sidewalk vendor permit shall be displayed conspicuously at all times on the sidewalk vending receptacle or the sidewalk vendor's person. If multiple sidewalk vendors are staffing a sidewalk vendor receptacle or working as roaming sidewalk vendors, each person shall wear their permit on their person in a conspicuous manner;
 4. Sidewalk vendors shall not leave their sidewalk vending receptacle unattended to solicit business for their sidewalk vending activities;
 5. All signage and advertising related in any way to the sidewalk vendor shall be attached to the sidewalk vending receptacle, if any, or the sidewalk vendor's person;
 6. Sidewalk vendors shall not use any electrical, flashing, wind powered, or animated sign;
 7. Sidewalk vending receptacles shall not be stored on public property and shall be removed when not in active use by a sidewalk vendor;
 8. All sidewalk vendors shall allow a police officer, firefighter, life safety services officer, code enforcement officer, health inspector, or other government official charged with enforcing laws related to the street vendor's activities, at any time, to inspect their sidewalk vending receptacle for compliance with this chapter and to ensure the safe operation used to prepare food;
 9. No sidewalk vending receptacle shall contain or use explosive or hazardous materials with the exception of propane;
 10. Sidewalk vendors that sell food shall have in their possession at all times they are conducting sidewalk vending activities the health permit required by Chapter 8.16;
 11. Sidewalk vendors that sell food shall maintain a trash container in or on their sidewalk vending receptacle and shall not empty their trash into public trash cans. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation;
 12. Sidewalk vendors shall immediately clean up any food, grease or other fluid or item related to sidewalk vending activities that falls on public property;
 13. Sidewalk vendors shall maintain a minimum five (5)-foot clear accessible path free from obstructions, including sidewalk vending receptacles and customer queuing area; and
 14. Sidewalk vendors shall comply with the noise standards provided in Chapter 9.36.
- B. Sidewalk vendors shall not engage in any of the following activities:

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1. Renting merchandise to customers;
 2. Displaying or advertising merchandise or food that is not available for immediate sale;
 3. Selling of alcohol, marijuana, adult oriented material, tobacco products, products that contain nicotine or any product used to smoke/vape nicotine or marijuana;
 4. Using an electrical outlet or power source that is owned by the city or another person other than the sidewalk vendor;
 5. Continuing to offer food or merchandise for sale, following, or accompanying any person who has been offered food or merchandise after the person has asked the sidewalk vendor to leave or after the person has declined the offer to purchase food or merchandise;
 6. Knowingly making false statements or misrepresentations during the course of offering food or merchandise for sale;
 7. Blocking or impeding the path of the person(s) being offered food or merchandise to purchase;
 8. Making any statement, gesture, or other communication which a reasonable person in the situation of the person(s) being offered food or merchandise to purchase would perceive to be a threat and which has a reasonable likelihood to produce in the person(s) a fear that the threat will be carried out;
 9. Touching the person(s) being offered food or merchandise without that person(s)' consent; or
 10. Placing their sidewalk vending receptacles outside of any pathway or sidewalk when engaging in sidewalk vending activities.
- C. All sidewalk vending occupancies or activities shall comply with the current Americans with Disabilities Act, as well as with the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way.
- D. The minimum width of the public sidewalk to be occupied shall not be less than ten feet, and the vending occupancies or activities must permit at least five feet of unobstructed area of public walkway.
- E. No vending occupancies or activities shall occur within the following areas:
1. Fifteen (15) feet of any marked crosswalk or the curb return of any unmarked crosswalk;
 2. Five (5) feet of any traffic signal controller, traffic signals, or other emergency facility;
 3. Three (3) feet of any utility meter, manhole, service box, parking meter, street light pole or other utility;
 4. Twenty (20) feet of an intersection (measured to the prolongation of the near curb of the intersecting street);
 5. Ten (10) feet of any driveway or alley approach;
 6. Five (5) feet ahead of, and twenty-five (25) feet to the rear of any sign marking a designated bus stop;
 7. Six (6) feet of any bus bench or bus shelter;
 8. Three (3) feet of any permitted sidewalk dining area or area improved with lawn, flowers, shrubs or trees or within three (3) feet of any display window of any building abutting the sidewalk or parkway or in such manner as to impede or interfere with the reasonable use of such window for display purposes;
 9. The boundary of a valet parking zone or loading/unloading zone.
- F. Use, occupation and obstruction of the public walkway which is permitted under this chapter may be temporarily suspended or revoked, without prior notice, when, in the discretion of the director, the police chief, or the fire chief, any such use, occupation or obstruction may interfere with public safety efforts or

programs, street improvement activities, construction activities, cleaning efforts or other similar activities or with the health, welfare or safety of the citizens of the city.

- G. No placement of any type of fencing or other dividers is allowed around the vending occupancies or activities area.
- H. There shall be no modification of the texture of the surface of the public walkway.

(Ord. No. 7348, § 10, 6-10-2019)

12.10.050 Restrictions on sidewalk vendors in certain neighborhoods.

- A. Stationary sidewalk vendors are prohibited in areas that are zoned exclusively residential. This prohibition does not extend to roaming sidewalk vendors.
- B. Sidewalk vending in areas with extremely narrow sidewalks unreasonably interferes with the flow of pedestrians and disrupts access for persons with disabilities. The existing sidewalks on Walnut Street from Orange Grove Boulevard to Greenwood Avenue varies from seven (7) to eight (8) feet wide. The existing sidewalk on Union Street from De Lacey Avenue to Lake Avenue is eight (8) wide. Sidewalk vending is prohibited in these areas.
- C. Established business improvement districts such as Old Pasadena Management District, South Lake Business District, and Pasadena Playhouse District, are extremely popular tourist destinations with unusually high pedestrian and vehicular traffic volumes. Due to the high foot traffic counts in these tourist destinations, sidewalk vending in these districts is prohibited to protect the public from injury;
- D. Sidewalk vendors shall not engage in sidewalk vending activities at the following locations:
 - 1. Pasadena City Hall;
 - 2. Pasadena Civic Auditorium;
 - 3. Any public property that does not meet the definition of a sidewalk or pathway including, but not limited to, any alley, traffic median, square, street, or street end;
 - 4. Within two hundred (200) feet of a police station; a fire station; or a hospital;
 - 5. Within one hundred (100) feet of:
 - a. Another sidewalk vendor;
 - b. A public or private school, a place of worship, or a large or general child day-care facility;
 - c. Any police officer, firefighter, lifeguard or emergency medical personnel who are actively performing their duties or providing services to the public;
 - 6. Within twenty (20) feet of a:
 - a. Fire hydrant;
 - b. Curb which has been painted white, yellow, green, blue, or red;
 - c. Automated teller machine;
 - d. Entrance or exit to a building, structure or facility; or
 - e. Trash receptacle, bike rack, public restroom, or similar public use items.

(Ord. No. 7334, § 6, 12-17-2018; Ord. No. 7348, § 11, 6-10-2019)

12.10.060 Violation—Penalties.

A. Fines.

1. Any violation of a failure to obtain a permit as mandated by this Chapter is punishable by the following fines:
 - a. \$250.00 for the first violation.
 - b. \$500.00 for the second violation within one year of the first violation.
 - c. \$1,000.00 for the third and each additional violation thereafter within one year of the first violation.
2. Upon a showing of proof of a valid permit issued by the city under this Chapter, the fines set forth in paragraph 1 of this subdivision shall be reduced to the fine amounts set forth in paragraph 3 of this subdivision.
3. Any violation of this Chapter, with the exception of a violation of paragraph 1 of this subdivision, is punishable by the following fines:
 - a. \$100.00 for the first violation.
 - b. \$200.00 for the second violation within one year of the first violation.
 - c. \$500.00 for the third and each additional violation thereafter within one year of the first violation.
4. The city may revoke or rescind any permit issued under this Chapter upon the fourth or any subsequent violation.
5. Any violation of this Chapter 12.10 shall not be subject to the provisions of Title 1 Chapters 1.24, 1.25 or 1.26.

B. Seizure.

1. Because of the overwhelming need to immediately protect public safety during certain temporary special events, the carts, merchandise or any other instrumentality of the person violating Section 12.10.030 D.1 or D.2 of this Chapter may be immediately seized by the city.
2. The carts, merchandise or any other instrumentality of the person violating any other provision of the municipal code, or any other state or federal law, may be seized by the city.
3. The city shall store such property for a minimum of 30 days. If the property is not claimed within that time period, the city may dispose of the property.
4. Any perishable items may be disposed of immediately by the city upon seizure.
5. All merchandise will be returned, if properly claimed, except if the possession or sale of such merchandise is otherwise illegal, including, but not limited to, violation of copyright laws, trademark laws, illegal contraband or any other violation of local, state or federal law.

(Ord. No. 7334, § 6, 12-17-2018)

12.10.070 Sidewalk vending regulations.

Sidewalk vending regulations are the implementation standards and specifications to assure compliance with state law, the Pasadena municipal code, and the preservation of public health, safety, and welfare of sidewalk

vending in the city. The sidewalk vending regulations, and any revision thereto, may be promulgated by the city manager. Violations of the sidewalk vending regulations shall constitute a violation of this chapter. All published regulations shall be filed with the city clerk, be linked to the official website of the city, and be available in hard copy to any person upon request.

(Ord. No. 7348, § 12, 6-10-2019)