

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:

(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.

~~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.”~~

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

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“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 pusheart,~~
2 nor employ, direct or otherwise cause any other person to do so, without having first obtained a
3 ~~sidewalk pedestrian food~~ vendor's permit ~~for the pusheart~~ 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 identification
11 number, or social security number, or individual taxpayer identification number, or municipal
12 identification number in lieu of a social security number, or a consular identification card or national
13 identification card issued as photo identification to citizens of their respective country or similar
14 identification, of the applicant and of each person, if any, to be employed or retained by the
15 applicant, ~~to sell food or beverages from pushearts.~~

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 through
18 employees or subcontractors, and the design of each ~~pusheart~~, including signage.

19 3. The character, location, hours and routing (as applicable) of ~~sidewalk vendor pusheart~~
20 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 this
24 code.”

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

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28 **“Section 5.38.050 Indemnity agreement.**

1 As a condition to receiving a ~~sidewalk pedestrian food~~ vendor's permit, every permittee shall
2 execute an agreement holding the City and its employees and agents harmless from any liability
3 arising from the use of the permit.”

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

6 **“Section 5.38.070 Permit issuance.**

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

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

17 **“Section 5.38.080 Transfer prohibited.**

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

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

23 **“Section 5.38.100 Enforcement ~~Permit revocation.~~**

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

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

1 B. The following violations are subject to administrative fines:

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

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

7 3. Failure of the permittee, or of any employees or subcontractor of the permittee, to
8 comply with the regulations set forth in this chapter;

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

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

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

14 ~~...~~

15 ~~2. Failure of the permittee to promptly notify the Permit Officer of any change~~
16 ~~occurring subsequent to the issuance of the permit in the information supplied~~

17
18 ~~by the permittee upon which issuance of the permit was based;~~

19 ~~...~~

20 ~~4. Violation by the permittee, or any employee or subcontractor of the permittee, of~~
21 ~~any State, County or municipal law in the course of conducting food vending operations~~

22
23 ~~pursuant to the permit.~~

24 ~~...”~~

25 Section 9: Section 5.38.110 of the Riverside Municipal Code is hereby amended as
26 follows:

27 **“Section 5.38.110 Permit appeal.**

28 B. Any person whose application for a permit is denied or whose permit is suspended or revoked
by the Permit Officer may appeal such decision to the Land Use, Sustainability & Resilience

1 ~~Committee City Manager~~ by filing a written notice of appeal in the City Manager's Office within
2 ten days after receipt of the notice of denial, suspension or revocation. The Land Use, Sustainability
3 & Resilience Committee City Manager shall review and determine the appeal and the decision of
4 the ~~Committee City Manager~~ shall be final.”

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

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

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

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

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

18 DE. No sidewalk vendor shall be located in any location that obstructs traffic signals or regulatory
19 signs.

20 ED. No sidewalk vendor shall be located within 15 feet of any fire hydrant or escape, or within
21 50 feet of any vehicle entrance of any fire station, police department, hospital, or any other structure
22 involved in health and safety emergency matters.

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

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

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

1 buttons, and public furniture.

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

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

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

15 Section 11: Section 5.38.120 of the Riverside Municipal Code is hereby amended as
16 follows:

17 **“Section 5.38.120 Other sidewalk vendor ~~pusheart~~ regulations.**

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

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

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

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

28 E. A refuse container of at least four cubic feet capacity shall be provided nearby the sidewalk
vendor pusheart.

1 F. No sidewalk vendor shall use a loudspeakers, or, public address system, ~~., bells, chimes or~~
2 ~~other sound making devices shall be affixed to or used in conjunction with a pusheart.~~

3 ~~G. No artificial lighting for or on any pusheart is permitted.~~

4 ~~GH.~~ No sale of any merchandise or food is allowed ~~food or beverage~~ to any person who is in a
5 motor vehicle at the time of sale.

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

9 ~~IJ.~~ There shall be no more than one ice chest or comparable container affixed to, adjacent, or
10 near the sidewalk vendor pusheart for purposes of offering food or beverages for sale.

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

13 ~~KL.~~ Each sidewalk vendor pusheart may have one awning or umbrella over the pushcart, stand,
14 display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance. Each
15 sidewalk vendor pusheart may have no more than one additional awning or umbrella affixed to,
16 adjacent, or near the vending operation.pusheart.

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

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

24 Section 12: Section 5.38.125 of the Riverside Municipal Code is hereby added as follow:
25 **“Section 5.38.125 Special Restrictions for Parks.**

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

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

1 1. Box Springs Mountain Open Space.

2 2. Challen Park Open Space.

3 3. Mount Rubidoux Park and San Andreas Avenue/Glenwood Drive between Tequesquite
4 Avenue and Fourteenth Street.

5 4. Pachappa Hill Open Space.

6 5. Quail Run Open Space.

7 6. Sycamore Canyon Wilderness Park.

8 This prohibition is made upon the City Council’s consideration of objective health, safety, and welfare
9 concerns; the necessity of ensuring the public’s use and enjoyment of natural resources and
10 recreational opportunities, and the necessity of preventing an undue concentration of commercial
11 activity that would unreasonably interfere with the scenic and natural character of the aforementioned
12 parks.”

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

15 **“Section 5.38.130 ~~Impoundment, a~~Abandonment, and disposal.**

16 Any unclaimed items will be considered abandoned and forfeited to the City ninety (90) days after the
17 City calls the owner to retrieve the ~~impounded~~ items, and the City may destroy or otherwise dispose
18 of the ~~impounded~~ items pursuant to law.”

19 Section 14: The City hereby finds that this ordinance is not subject to review under the
20 California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060,
21 subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical
22 change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in
23 question may have a significant effect on the environment). In addition to the foregoing general
24 exemptions, the City Council further finds that this ordinance is categorically exempt from review
25 under CEQA under the Class 8 Categorical Exemption (regulatory activity to assure the protection of
26 the environment), CEQA Guidelines section 15308.

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

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Mayor of the City of Riverside

Attest:

City Clerk of the City of Riverside

I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly introduced and adopted at a meeting of the City Council on the _____ day of _____, 2021, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

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

City Clerk of the City of Riverside

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