

Chapter 5.38 - SIDEWALK VENDORS

Footnotes:

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Editor's note— Ord. No. 7578, § 1, adopted Dec. 7, 2021, amended the title of Ch. 5.38 from "Pedestrian Food Vendors" to "Sidewalk Vendors," as set out herein.

5.38.010 - 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, baskets, lunch wagons, eating carts, and other non-motorized food 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.

(Ord. 7129 § 1, 2011; Ord. 5648 § 1, 1988; Ord. 5618 § 1, 1988)

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.

(Ord. 7578 § 2, 2021; Ord. 7129 § 2, 2011; Ord. 5648 § 1, 1988; Ord. 5618 § 1, 1988)

5.38.020 - General prohibitions.

- A. No person shall act as a sidewalk vendor on any public street, including parkways or sidewalks, within the City, except as provided for in this chapter or otherwise permitted in the Riverside Municipal Code.
- B. No person shall employ, direct or otherwise cause any person to act as a sidewalk vendor, except as provided for in this chapter or otherwise permitted in the Riverside Municipal Code.

(Ord. 7529 § 1, 2020; Ord. 6656 § 1, 2003; Ord. 5618 § 1, 1988)

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.

(Ord. 7578 § 3, 2021; Ord. 5648 § 2, 1988; Ord. 5618 § 1, 1988)

5.38.040 - Permit application.

- A. Every applicant for a sidewalk vendor's permit shall file with the Permit Officer a written application on a form provided by the Permit Officer which shall contain the following:
 - 1. The name, address, telephone number and California driver's license or identification number, or social security number, or individual taxpayer identification number, or municipal identification number in lieu of a social security number, or a consular identification card or national identification card issued as photo identification to citizens of their respective country or similar identification, of the applicant and of each person, if any, to be employed or retained by the applicant.
 - 2. The number of pushcarts, stands, displays, pedal-driven carts, wagons, showcases, racks, or other nonmotorized conveyances to be operated by the applicant, either directly or through employees or subcontractors, and the design of each, including signage.
 - 3. The character, location, hours and routing (as applicable) of sidewalk vendor operations.
- B. Each application shall be accompanied by payment of a non-refundable fee in an amount established by resolution of the City Council to cover costs of administering this section.
- C. Prior to issuance of a sidewalk vendor's permit, the applicant shall show proof to the Permit Officer that he has obtained the business license required by Chapter 5.04 of this Code.

(Ord. 7578 § 4, 2021; Ord. 5618 § 1, 1988)

5.38.050 - Indemnity agreement.

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

(Ord. 7578 § 5, 2021; Ord. 5618 § 1, 1988)

5.38.060 - Insurance.

Every permittee, at his sole cost and expense, and during the term of his permit or any renewal thereof, shall obtain and maintain liability insurance. Prior to the issuance of any permit, the applicant shall file and maintain with the Permit Officer or his designee a valid and current policy or sufficient certificate or certificates evidencing the policy or policies of liability insurance, covering all operations of the applicant and his agents, and employees. The policy or policies shall contain an endorsement naming the City as additional insured, shall provide that the City will be given 30 days' written notice prior to cancellation or material change, and shall be in such minimum limits as set by resolution of the City Council.

(Ord. 5618 § 1, 1988)

5.38.070 - Permit issuance.

The Permit Officer shall issue the permit if the requirements of Sections 5.38.040, 5.38.050, 5.38.060, and other pertinent sections are complied with. One written permit shall be issued for each pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, 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."

(Ord. 7578 § 6, 2021; Ord. 6656 § 2, 2003; Ord. 5618 § 1, 1988)

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.

(Ord. 7578 § 7, 2021; Ord. 5648 § 3, 1988; Ord. 5618 § 1, 1988)

5.38.090 - Permit term.

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

(Ord. 5618 § 1, 1988)

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 \$100.00 for a first violation.
 - 2. An administrative fine not exceeding \$200.00 for a second violation within one year of the first violation.
 - 3. An administrative fine not exceeding \$500.00 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.

(Ord. 7578 § 8, 2021)

Editor's note— Ord. No. 7578, § 8, adopted Dec. 7, 2021, repealed and replaced § 5.38.100, as set out herein. Formerly, § 5.38.100 pertained to permit revocations and derived from Ord. 5648 § 4, adopted in 1988; and Ord. 5618 § 1, adopted in 1988.

5.38.110 - Permit appeal.

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

(Ord. 7578 § 9, 2021; Ord. 5618 § 1, 1988)

5.38.115 - Sidewalk vendor location regulations.

- A. Hours of operation - Sidewalk vendors shall only operate between the hours of sunrise and sunset in residential only areas, and sunrise to midnight in all other areas.
- B. No sidewalk vendor shall be located in a fixed location on any residential street, including parkways or sidewalks. Sales may be made on residential streets from sidewalk vendors that continually move from place to place and stop only for the period of time, not to exceed 30 minutes at any one place, necessary to make bona fide sales to purchasers, subject to the provisions of this Code.
- C. No sidewalk vendor shall be located in any location that creates an obstruction to the normal flow of vehicular or pedestrian traffic or to the access to public streets and sidewalks, or that creates a hazard to life or property.
- D. No sidewalk vendor shall be located in any location that obstructs traffic signals or regulatory signs.
- E. No sidewalk vendor shall be located within 15 feet of any fire hydrant or escape, or within 50 feet of any vehicle entrance of any fire station, police department, hospital, or any other structure involved in health and safety emergency matters.
- F. No sidewalk vendor shall be located within 15 feet of any loading zone, bus stop, or parking space or access ramp designed for persons with disabilities.
- G. Sidewalk vending is prohibited within any designated bikeway, bike lane, or bicycle parking area.
- 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 buttons, and public furniture.
- I. Sidewalk vending shall be prohibited adjacent to any portion of the curb designated as a passenger, commercial, or school loading zone via signage and/or curb markings.
- J. Sidewalk vendors shall maintain an unobstructed four-foot walking path at all times.
- K. Sidewalk vending is prohibited in the center median of any street.
- L.

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

(Ord. 7529 §2, 2020; Ord. 7129 § 3, 2011; Ord. 6656 § 3, 2003)

5.38.120 - Other sidewalk vendor regulations.

- A. Each pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance shall have affixed to it in plain view the permit required by this chapter and the permit required by Chapter 5.04 of this Code.
- B. Permittees, owners, or users of pushcarts, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance shall not operate his or her business in any way as to cause a public or private nuisance.
- C. The maximum dimensions of any pushcart shall be six feet in length and four feet in width.
- D. The only signs used in conjunction with a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance shall be signs affixed to or painted on the device or its canopy.
- E. A refuse container of at least four cubic feet capacity shall be provided by the sidewalk vendor.
- F. No sidewalk vendor shall use a loudspeaker, or, public address system.
- G. No sale of any merchandise or food is allowed to any person who is in a motor vehicle at the time of sale.
- H. There shall be no more than one table, measuring no more than 16 square feet, affixed to, adjacent, or near a sidewalk vendor selling food. The table may only be used for displaying food or beverages for sale, condiments, and napkins.
- I. There shall be no more than one ice chest or comparable container affixed to, adjacent, or near the sidewalk vendor for purposes of offering food or beverages for sale.
- J. No benches, chairs, or tables shall be affixed to, adjacent, or near the sidewalk vendor for purposes of supplying customers a place to eat or drink.
- K. Each sidewalk vendor may have one awning or umbrella over the pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance. Each sidewalk vendor may have no more than one additional awning or umbrella affixed to, adjacent, or near the

vending operation.

- L. Sidewalk vendors are responsible for ensuring that the area immediately surrounding the pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance is kept clean and free of trash and debris associated with the operation.
- M. No pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance or appurtenance shall be unattended at any time or stored, parked or left in a public space overnight.

(Ord. 7578 § 11, 2021; Ord. 6656 § 4, 2003; 5618 § 1, 1988)

5.38.125 - Special restrictions for parks.

- A. Stationary sidewalk vendors in public parks are prohibited from vending in City parks where the City Manager or his or her designee has signed an agreement for concessions that exclusively permit the sale of food or merchandise by the concessionaire.
- B. Sidewalk vending is prohibited at the following regional reserve/open space parks:
 - 1. Box Springs Mountain Open Space.
 - 2. Challen Park Open Space.
 - 3. Mount Rubidoux Park and San Andreas Avenue/Glenwood Drive between Tequesquite Avenue and Fourteenth Street.
 - 4. Pachappa Hill Open Space.
 - 5. Quail Run Open Space.
 - 6. Sycamore Canyon Wilderness Park.

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

(Ord. 7578 § 12, 2021)

5.38.130 - Abandonment and disposal.

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

(Ord. 7578 § 13, 2021; Ord. 7529 §3, 2020; Ord. 7129 § 4, 2011; Ord. 5618 § 1, 1988)

5.38.140 - Severability.

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

(Ord. 5618 § 1, 1988)