

Ordinance No. 820

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANDERSON
ADDING CHAPTER 12.35 – SIDEWALK VENDING TO THE ANDERSON MUNICIPAL
CODE**

WHEREAS, on September 17, 2018, Governor Jerry Brown approved Senate Bill No. 946 adding Chapter 6.2 to Part 1 of Division 1 of Title 5 of the Government Code, relating to sidewalk vendors, and

WHEREAS, SB 946 becomes effective on January 1, 2019, and

WHEREAS, The City Council of the City of Anderson wishes to adopt a Sidewalk Vending Program in accordance with the new regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANDERSON DOES HEREBY ORDAIN THAT THE ANDERSON MUNICIPAL CODE BE AMENDED BY ADDING A NEW CHAPTER 12.35 –SIDEWALK VENDING, AS FOLLOWS:

CHAPTER 12.35 – Sidewalk Vending Ordinance

12.35.010- Purpose

The City of Anderson seeks to adopt a sidewalk vending ordinance in conformity with Government Code Section 51036, et seq. allowing such vending to occur within the City’s jurisdiction, subject to other provisions of federal, state, and local law.

12.35.020- Definitions

For purposes of this section, the following words or phrases shall have the following meanings:

Cart- Collectively, a Stationary Cart or a Mobile Cart.

Citation- An Administrative Citation issued pursuant to Chapter 1.22 of this Code.

City- The City of Anderson, a municipal corporation.

Food- Any type of edible substance or beverage.

Goods or Merchandise (Merchandise)- Any item that is not Food.

Mobile Cart- A piece of equipment used for Vending which is mobile, has no motor and is capable of being propelled by a single Person.

Person or Persons- One or more natural persons, individuals, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnerships, 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.

Sidewalk- Any surface in the public right-of-way provided for the exclusive use of pedestrians.

Stationary Cart- A piece of equipment used for Vending, as specified in the Rules and Regulations, which has no motor and is not mobile, except when being pushed, carried, or transported to and from a space on the Sidewalk on a daily basis.

Vend, Vends or Vending- 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.

Vending License (License)- A written City approval required for each person who Vends in the City.

Vending Permit (Permit)- A written City approval required for each Cart used for Vending in the City.

Vendor- A Person who Vends.

12.35.030- Permit and License

1) License.

(a) Every Person who engages in Vending is a Vendor and must first obtain, and at all times maintain, a valid License.

(b) Every Vendor must Vend in compliance with the terms and conditions of the License.

(c) To apply for a License, the Vendor must present a valid identification, such as a State of California identification, any other government-issued identification card and provide the following information:

(1) The name, address and telephone number of the Vendor.

(2) Proof of liability insurance in an amount no less than \$50,000;

(3) A Vendor who sells Food, in addition to the requirements of this subdivision, shall certify completion of a food handler course and present a copy of the course completion certificate.

(d) A License must be renewed every year, prior to expiration.

(e) No License is transferable.

(f) The applicant must pay an application or renewal fee to the City which shall be \$100 per year.

2) Permit.

(a) Every Cart used for Vending must obtain and display a valid Permit. Every Cart must be placed and used at all times in compliance with the terms and conditions of the Permit and all other applicable laws and regulations.

(b) An applicant for a Permit shall present a valid identification, such as a State of California identification or any other government-issued identification and provide the following information:

(1) The name, address and telephone number of the Vendor.

(2) A complete list of the types of Food or Merchandise that will be sold.

(3) The hours per day and days per week during which Sidewalk Vending will be conducted.

(4) An application for placement of a Stationary Cart in a commercial or industrial area of the City shall contain the proposed location, marked by major cross streets, and either the north, south east or west side of the street and a photo or sketch of that location. An application for a Mobile Cart in a residential area of the City shall contain a sketch showing the route the Vendor will travel.

(5) Proof of liability insurance.

(d) A Person may apply for a maximum of three separate Permits.

(e) A Permit must be renewed every year, prior to expiration. The Vendor shall pay an application and renewal fee for the permit, which shall be \$50.00 per year.

(f) No Person may Vend by placing an object on the Sidewalk unless it has a Permit. The Permit must be attached onto the Cart and be posted where visible.

(h) A Permit is not transferrable to another Cart, location or route.

12.35.040- Additional Requirements

1) At all times, a Vendor must in compliance with the provisions of the Anderson Municipal Code.

2) Every Vendor who Vends with a Cart must be in possession of a valid License and the Cart must display a valid Permit.

3) No more than two Stationary Carts with approved Permits may be used to Vend on the Sidewalk of a single block face within commercial and industrial area Sidewalks of the City.

- 4) A Vendor may not use a Stationary Cart to Vend in a residential area. Only a Mobile Cart may be used to Vend in a residential area.
- 5) A Vendor who Vends in a residential area with a Mobile Cart shall move continuously, except when making a sale, which must not last longer than 10 minutes.
- 6) Every Cart must not exceed a length of 72 inches, a width of 54 inches, or a height, including roof or awning, of 78 inches. A Permit application may request, and the City may approve, a small table for condiments to be used in conjunction with a Cart selling Food.
- 7) A Food Vendor must provide a trash receptacle for customers and must ensure proper disposal of customer trash. The trash receptacle must be large enough to accommodate customer trash without resorting to existing trash receptacles located on any block for use by the general public. A Vendor may not dispose of customer trash in existing trash receptacles on Sidewalks.
- 8) A Vendor must maintain a clean and trash-free 10-foot radius from the Vendor's Cart during hours of operation and must leave the area clean by the approved closing time.
- 9) No Cart, condiment table or Vendor's trash receptacle may be left on the Sidewalk after the Vendor's approved closing time.
- 10) No Cart shall be chained or fastened to any pole, sign, tree or other object in the public right-of-way or left unattended by the Vendor.
- 11) Vending within 500 feet of any K-12 school is prohibited from 6:00 a.m. through 6:00 p.m.
- 12) Vending of illegal or counterfeit Merchandise is prohibited.
- 13) Vending at a City special event, farmers' market, swap meet, or street fair market is prohibited.
- 14) Vending in a City park or facility when there is an exclusive agreement in place with the City and a food vendor is prohibited. Vending in a City park or facility between the hours of 10:00 p.m. and 8:00 a.m.
- 15) Vending of services is prohibited.
- 16) Vendors shall comply with the Americans with Disabilities Act (ADA), and shall not block any ADA path of travel.
- 17) Vendor shall possess a valid California Department of Tax and Fee Administration seller's permit.

12.35.050- Placement of Carts

- 1) Vending Food or Merchandise on City Sidewalks shall be prohibited:

- (a) Within 5 feet of a marked crosswalk.
- (b) Within 15 feet of the curb return
- (c) Within 10 feet of any fire hydrant, fire call box or other emergency facility.
- (d) Within 5 feet ahead and 45 feet to the rear of a sign designating a bus stop.
- (e) Within a marked bus zone.
- (f) Within 5 feet of a bus bench.
- (g) Within 15 feet of a driveway or driveway apron.
- (h) Within 18 inches from the edge of the curb.
- (i) Where placement impedes the flow of pedestrian traffic by reducing the clear space to less than 6 feet, or impedes access to or the use of abutting property, including, but not limited to, residences and places of business.
- (j) On City Owned property without prior City approval.

2) Notwithstanding any specific prohibitions in this subsection, no vendor shall install, use or maintain a Cart where placement endangers the safety or persons or property.

12.35.060- Penalties

General Violations- A violation of this ordinance is punishable 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 each additional 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.

Failure to Obtain Permit- If a vendor fails to obtain a sidewalk vending permit from the City, vending on the sidewalk without a permit may be punishable by the following in lieu of the administrative fines set forth in Section 1 above:

- 1) An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.
- 2) An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one year of the first violation.
- 3) An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year of the first violation.
- 4) The City may rescind the permit issued to a Vendor upon the fourth violation or any subsequent violation.

12.35.070- Severability


If any provision, paragraph, word or section of this article is held to be invalid by a court of competent jurisdiction, the remains provisions, paragraphs, words, and sections will not be affected and remain in full force and effect.

This ordinance shall take effect 30 days after its final passage, the welfare of the City of Anderson requiring it.

The City Clerk shall certify to the adoption of this ordinance and shall cause it to be posted and/or published in accordance with the law.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Anderson held on November 20, 2018, and enacted at a regular meeting of the City Council of the City of Anderson held on December 4, 2018, by the following vote:

AYES: Councilmembers Browning, Baugh, Hunt, Neutze and Mayor Comnick.
NOES: None.
ABSTAIN: None.
ABSENT: None.



Norma Comnick, Mayor of the City of Anderson

ATTEST:



Juanita Barnett, City Clerk