



City Council Agenda Report
December 18, 2018

TO: Honorable City Council

FROM: Jesus M. Gomez, City Manager

BY: Grissel Chavez, Director of Public Safety

**SUBJECT: URGENCY ORDINANCE NO. 18-1705U AND ORDINANCE NO. 18-1706
– ORDINANCES CREATING A PROGRAM TO REGULATE AND PERMIT
SIDEWALK VENDING PURSUANT TO CALIFORNIA SENATE BILL 946**

Background:

On September 18, 2018, Governor Jerry Brown signed Senate Bill 946, Lara (SB 946), which establishes statewide governance of vending in the public right-of-way and parks. The bill will go into effect January 1, 2019. Local jurisdictions that wish to regulate sidewalk vending are required to first adopt a program with rules and regulations consistent with SB 946. The attached draft ordinances (Attachments) establish a program to immediately permit and regulate sidewalk vendors in compliance with SB 946. The proposed ordinances also repeal Section 10.08.130 of the Norwalk Municipal Code (NMC) which currently prohibits the use of pushcarts, handcarts, or other nonmotorized vehicles for the sale or distribution of food and merchandize, in conflict with SB 946.

Discussion

SB 946 establishes statewide governance of vending in the public right-of-way and on public parks. Portions of the NMC are presently in conflict with the requirements of SB 946. If the City Council wishes to regulate sidewalk vending, the City's rules and regulations must be consistent with SB 946. In order to ensure the City can properly regulate sidewalk vendors by the effective date of SB 946, the NMC must be amended before January 1, 2019.

The draft ordinances establish Chapter 5.64 of the NMC as the Sidewalk Vending program. The proposed program is consistent with SB 946 in that it facilitates the vending activity by removing the previously established prohibition on selling goods through a mobile means. The City equally recognizes the importance of regulation and enforcement of sidewalk vendor activities to promote the health, safety, and welfare of the public.

As described in the ordinances, a sidewalk vendor is defined as a person who sells food or merchandise from a vending cart or from one's person, upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians. It includes two types of sidewalk vendors: stationary and roaming vendors. There are some restrictions that apply to both, while others apply to just stationary or just roaming vendors.

- A stationary sidewalk vendor means a sidewalk vendor who vends from a fixed location.
- A roaming sidewalk vendor means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

The City's proposed program includes regulations that are necessary to:

- 1) Ensure no interference with:
 - a) The performance of police, Public Safety Officer, firefighter, and emergency medical personnel services;
 - b) The flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business;
- 2) Provide reasonable access for the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, trash receptacles, as well as access to bus stops; and
- 3) Ensure sidewalk vending activities only occur in locations where such vending activities would not restrict sidewalk access and enjoyment to individuals with disabilities.

The following sections provide an overview of some of the rules and regulations put in place by the program.

Permitting Requirements

By establishing a permit process, the City can help effectively regulate individuals who are engaging in sidewalk vending activities and ensure they comply with the rules and regulations set forth by the program.

The Finance Department will issue a permit to a sidewalk vendor when Public Safety verifies the requirements are satisfied, including that the proposed vending location/area meets approval. Permit administration costs will be recovered through the City application fee. For sidewalk permit applications, staff proposes to process the

application as a business license, charging the already established business license fee of \$95.00 and annual renewal fees of \$18.00.

The application requirements will include:

- A. The legal name and current address and telephone number of the applicant;
- B. Must present a valid identification;
- C. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;
- D. A complete list of the food or merchandise offered for sale;
- E. List of the hours per day and days per week during which sidewalk vending will be conducted.
- F. For stationary vending, provide 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.
- G. For roaming vending, provide a sketch showing the route the vendor will travel.
- H. Must obtain an encroachment permit issued by the City's Engineering Department
- I. Must obtain a California seller's permit number pursuant to Section 6067 of the Revenue and Taxation Code;
- J. Provide proof of comprehensive liability insurance in an amount not less than one million dollars (\$1,000,000.00);
- K. For stationary vending, provide a written maintenance plan that includes litter pickup and cleaning in the vicinity of the vending location;
- L. Certification by the applicant that the information contained in the application is true to his or her knowledge and belief;
- M. If a vendor of food or food products, provide certification to the completion of a food handler course and proof of all required approvals from the Los Angeles County Department of Public Health; including Mobile Food Facility permit; and
- N. Any other reasonable information regarding the time, place, and manner of the proposed sidewalk vending activities.

Vending Hours of Operation

Government Code (GOV) Section 51038(C)(1) allows a local authority to place limitations on hours of operation that are not unduly restrictive. In nonresidential areas, any limitations on the hours of operation for sidewalk vending shall not be more restrictive than any limitations imposed on other businesses or uses on the same street. In nonresidential areas, the proposed program would limit hours of operation for sidewalk vending from 8 a.m. to 9 p.m., daily, which is consistent with business operations throughout the City. The proposed limitation is comparable and further takes into account the potential for sidewalk vending in mixed-use areas, which have both residential and nonresidential uses.

In residential areas, hours of operation would be limited to between 9 a.m. and 8 p.m. daily. These areas tend to be more sensitive to noise and traffic impacts, and therefore, warrant a smaller operational window.

Prohibited Locations

GOV Section 51038(b)(1) prohibits a local authority from requiring a vendor to operate in specific parts of the public right-of-way, except when that restriction is directly related to objective health, safety, or welfare concerns. The City's residents and visitors frequently use the public right-of-way to travel from place to place, and expect to do so in a safe manner. Obstructions of the use of the right-of-way could pose a health and safety concern, especially in the locations that are most heavily used. The majority of the City is fully developed with a diverse mixture of residential, institutional, commercial, industrial, and recreational and park uses. Given the amount of pedestrian activity, much of the public realm has been improved with public-serving amenities, such as trash receptacles, benches, bike racks, and street trees.

The following list summarizes the proposed excluded locations and location based restrictions for stationary and/or roaming vendors, or both; and how they help ensure public health, safety and welfare.

1. Norwalk Civic Center will be excluded from any sidewalk vending.

The Norwalk Civic Center is bounded by Imperial Highway, Volunteer Avenue, Civic Center Drive, and Norwalk Boulevard, central to all civic duties. It is home to the City's Emergency Operations Center (EOC), which could be activated at any time to manage critical resources in an emergency situation. City Hall and Norwalk Sheriff Station houses both Public Safety and Norwalk Sheriff personnel, who may need to leave in a moment's notice. It is important that the pathways leading to and from the Civic Center grounds remain generally free and clear of any obstructions for ensuring public safety. In an emergency, uninhibited access is imperative.

2. Must be at least 200 feet from any certified farmers' market or swap meet – applies to both stationary and roaming vendors.

Consistent with GOV Section 51038(d)(1), which allows a prohibition of sidewalk vendors in the immediate vicinity of such permitted activities.

3. Must be at least 200 feet from a temporary special event permit location – applies to both stationary and roaming vendors.

Consistent with GOV Section 51038(d)(2), which allows a prohibition of sidewalk vendors in the immediate vicinity of such permitted activities.

4. Must be at least 100 feet from other sidewalk vendors; in parks, at least 300 feet from other sidewalk vendors – applies to both stationary and roaming vendors.

A concentration of sidewalk vendors in a single area poses a safety hazard and may limit accessibility for pedestrians; thus, affecting the flow of the right-of-way.

5. At least 100 feet from any church, places of worship, or a child daycare facility in a commercial area; at least 500 feet of the nearest property line of any property on which a public or private school building is located, between the hours of 8:00 a.m. and 5:00 p.m. of any school day - applies to both stationary and roaming vendors.

These land uses are sensitive receptors to noise and any activity that is disruptive to day-to-day operations and the overall welfare of said uses. In addition, any queuing in front of a daycare or school can pose a safety issue with children entering and exiting. Adjacency of sidewalk vendors near these uses could also attract children off-site.

6. Must be at least 100 feet from any intersection of a street and a sidewalk – applies to stationary vendors.

This restriction helps to ensure there are limited obstructions adjacent to a street intersection. Such obstructions could impede vehicular sight lines and would pose a safety issue for pedestrians and drivers alike.

7. Must be at least 100 feet from any public picnic area, playground area or playground equipment - applies to both stationary and roaming vendors.

Adjacency of sidewalk vendors near these uses could attract children off-site, thereby creating a safety risk.

8. Must be at least 100 feet from any public community center, athletic field, softball/baseball diamond basketball court, handball court, skate park, tennis court, soccer field, or volleyball court - applies to both stationary and roaming vendors.

These areas are all intended to encourage physical activity and public health and welfare. The presence of sidewalk vendors in the immediate vicinity to these facilities could pose an interruption to the intended use and interfere with the activities taking place.

9. Must be at least 100 feet from any police officer, Public Safety Officer, firefighter, or emergency medical personnel who are actively performing their duties or providing services to the public – applies to both stationary and roaming vendors.

Public safety is of utmost importance. In the event any emergency services personnel or vehicles are activated in an area, it is imperative that potential conflicts are minimized to the greatest extent feasible as to prevent any access conflict.

10. Must be at least 25 feet from any fire hydrant - applies to stationary vendors.

In the event of an emergency and for regular maintenance, the Fire Department needs to have constant, uninhibited access to hydrants citywide. Adequate space must always be provided to allow for an apparatus (i.e., fire truck) to access the hydrant.

11. Must be at least 25 feet from any curb, which has been designated as white, yellow, green, blue, or red zone, or a bus zone - applies to stationary vendors.

These curb and public right-of-way areas have been designated as special use zones dependent upon the color of the curb. Allowing sidewalk vendors to operate in these special use zones could pose as an obstruction inconsistent with the intended restrictions. For example, a sidewalk vendor in a red zone could hinder emergency access, a sidewalk vendor in a yellow or white zone could hinder loading and unloading, and a sidewalk vendor in a blue accessible parking zone could hinder the ability of disabled persons to load or unload from their vehicles.

12. Must be at least 25 feet from any driveway, alley, or entrance to a parking lot or parking garage - applies to stationary vendors.

Allowing sidewalk vending operations within 25 feet from any driveway, alley, or entrance to a parking lot or parking garage could potentially pose a safety issue by obstructing vehicular line of sight while obstructing vehicular access or allowing queuing that encroach into vehicular driveway.

13. Must be at least 25 feet from any entrance or exit to a building, structure or facility - applies to stationary and roaming vendors.

Allowing sidewalk vending operations within 25 feet from any entrance or exit could result in inadequate access to the building or inadequate egress from the building in an emergency situation. An ADA accessible path of travel could further be impinged.

14. Must be at least 10 feet from any right-of-way trash receptacle, bike rack, bench, bus stop or similar public use item - applies to stationary vendors.

Allowing sidewalk vending operations within 25 feet of any of these public use items could negatively affect the welfare of the public. Sidewalk vending operations could obstruct the view of these items and discourage public use of these items, as they were intended. Further, sidewalk vending adjacent to any of these public use items could hinder required access for a disabled person.

15. Must at all times provide a clearance of not less than three (3) feet on sidewalks or other pedestrian areas – applies to both stationary and roaming vendors.

The City's sidewalks generally measure between eight (8) to ten (10) feet wide. The ADA requires that a minimum clearance of 3 feet be provided. Assuming a sidewalk vending receptacle that is four (4) feet wide, the 3-foot clearance requirement would permit sidewalk vending on most sidewalks throughout the City, and allow space for persons patronizing the sidewalk vendor without interfering with the flow of pedestrians or disrupting access for persons with disabilities.

16. Stationary sidewalk vendors not permitted in any park where City has signed an agreement for concessions that exclusively permits sale of food or merchandise by a single concessionaire.

This restriction is consistent with GOV Section 51038(2)(A), which allows prohibition of stationary sidewalk vendors in public parks that have an exclusive concessionaire agreement. Also consistent with State requirements, roaming vendors are not affected by this restriction.

17. Stationary sidewalk vendors not permitted in any exclusively residential area.

This restriction is consistent with GOV Section 51038(4)(B), which allows the prohibition of stationary sidewalk vendors in areas zoned exclusively residential. Consistent with State requirements, roaming vendors are not affected by this restriction.

Sidewalk Vending in Public Parks

GOV Section 51038(b)(2)(B) allows local jurisdictions to adopt additional requirements regulating the time, place, and manner of sidewalk vending in a park owned or operated by the local jurisdiction if the requirements are: 1) directly related to objective health, safety, or welfare concerns; 2) necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities; or 3) necessary to prevent an undue

concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.

The City's 12 parks and recreational facilities play an important role in the physical, mental, social, and environmental health of Norwalk residents and visitors.

The proposed ordinance imposes a 300 foot spacing requirement between sidewalk vendors located in parks, in order to ensure that there is not an undue concentration of commercial activity that would interfere with the scenic and natural character or the recreational opportunities that are afforded by the City's parks. The ordinance also includes spacing requirements related to specific park features, including playgrounds, athletic fields and courts, and public picnic areas, and would prohibit sidewalk vendors from approaching persons engaged in or spectating a sporting activity. Parks are intended to encourage physical activity and provide a place where families and friends can come together to play and enjoy each other's company. If not properly regulated, sidewalk vendors could pose an interruption to the park's intended uses and interfere with the public's use and enjoyment of the parks' recreational opportunities.

Other Requirements and Prohibitions

Below are additional general requirements and prohibitions under the proposed sidewalk vending program.

- Vendors must provide a trash receptacle for customers and ensure proper disposal of customer trash; must pick up, remove, and dispose of all trash generated by the vending operations or the vendor's customers within a fifteen (15) foot radius of the vending location. A vendor may not dispose of customer trash in existing trash receptacles on sidewalks.
- Sidewalk vendors shall not throw, deposit, or leave, or permit to be thrown, deposited, or left, any trash, food, or other discarded or abandoned objects, in or upon any street, sidewalk, path, gutter, storm drain, inlet, catch basin, or other drainage structure, or upon any public or private lot of land in the City, so that the same might be or become a pollutant.

These requirements are necessary to ensure that trash or debris generated by sidewalk vending is not left, thrown, discarded, or deposited on City streets, sidewalks, pathways, gutters, or storm drains, or upon public or private lots. By requiring sidewalk vendors to provide a trash receptacle for customers and clean up all trash before leaving a vending site, the regulations will help to ensure that sidewalk vending waste does not pollute the City's streets.

- A permit issued by the City, as well as the Health Department permit, shall be attached to and prominently displayed on each cart in use by a vendor to sell Food.

The requirement to display the sidewalk vending permit and the Health Department permit will assure potential customers that the vendor is in compliance with applicable health and safety regulations.

- No cart shall be chained or fastened to any pole, sign, tree or other object in the public right-of-way or left unattended within the public right-of-way.

Enforcement, Penalties, and Appeals

GOV Section 51039 outlines limitations on punishing sidewalk vendors for violating parameters of the City's program. No violation of this program shall be punishable as an infraction or misdemeanor the Public Safety Department will be responsible for providing enforcement of all sidewalk vending activity.

Violations of the sidewalk vending program would be enforced through administrative fines as established in SB 946, along with potential revocation of an issued permit.

A violation by a sidewalk vendor who has a valid sidewalk vending permit from the City is punishable only by an administrative citation, in amounts not to exceed the following:

1. One hundred dollars (\$100) for a first violation.
2. Two hundred dollars (\$200) for a second violation within one year of the first violation.
3. Five hundred dollars (\$500) for each additional violation within one year of the first violation.

A person engaged in sidewalk vending without a valid City sidewalk vending permit is punishable by an administrative citation pursuant in amounts not to exceed the following:

1. Two hundred fifty dollars (\$250) for a first violation.
2. Five hundred dollars (\$500) for a second violation within one year of the first violation.
3. One thousand dollars (\$1,000) for each additional violation within one year of the first violation, and confiscation of the Cart, Food and Merchandise.

Upon proof of a valid sidewalk vending permit issued by the City, the administrative citations set forth in this paragraph shall be reduced to amounts set forth for a vendor with a valid permit.

The appeals process as described in the ordinance provides due process for individuals who are in disagreement with an issued administrative citation or who desire to contest revocation of an issued permit. Consistent with Chapter 1.13 of the NMC, appeals to challenge the issuance of an administrative citation will be heard by a hearing officer appointed by the City Manager or his designee. In addition, the ordinance describes additional protections during the appeal of an administrative citation that are required by SB 946 and which diverge from the requirements of Chapter 1.13. Appeals to challenge the Director's decision to issue, deny issuance, or rescind a sidewalk vending permit will be heard by the Public Safety Commission for final determination.

The proposed Urgency Ordinance and regular Ordinance would allow the City to enforce sidewalk vending through the proposed permit based program starting January 1, 2019.

Since a regular ordinance does not become effective immediately, but instead becomes effective thirty days after its second reading, staff recommends an urgency ordinance be considered at this time so that the proposed vending program can be effective immediately, which will meet the January 1 date upon which the state law takes effect. Staff believes that an urgency ordinance is necessary for the immediate preservation of the public peace, health and safety. If the urgency ordinance is not adopted, beginning January 1, 2019, sidewalk vendors could begin vending in the City without consideration for the hazards to public safety they might create. In particular, there would be no restrictions in place to ensure that the City's sidewalks remain passable to pedestrians or individuals with disabilities, or to ensure that vending carts do not impede the provision of police, firefighter, or other emergency personnel services.

Fiscal Impact:

There may be indirect costs associated with additional enforcement. Costs associated with issuance and administration of a sidewalk vendor permit are proposed to be recovered through the business license application fee.

Citizens Advised: N/A

Strategic Action Plan Implementation:

The recommended actions will further the City's strategic plan goal of: (1.A.) Enhance and strengthen the quality of life in Norwalk by providing residents with safety and security through the use of innovative law enforcement public safety services.

Recommended Action:

Staff recommends City Council:

- a. adopt by title only Urgency Ordinance No. 18-1705U, AN URGENCY ORDINANCE OF THE CITY OF NORWALK ADDING A NEW CHAPTER TO THE NORWALK MUNICIPAL CODE TO CREATE A SIDEWALK VENDING PROGRAM AND DECLARING THE URGENCY THEREOF; and
- b. introduce for first reading, by title only Ordinance No. 18-1706, AN ORDINANCE OF THE CITY OF NORWALK ADDING A NEW CHAPTER TO THE NORWALK MUNICIPAL CODE TO CREATE A NEW SIDEWALK VENDING PROGRAM AND DELETING THE EXISTING BAN ON THE USE OF PUSHCARTS OR OTHER NONMOTORIZED VEHICLES IN CONNECTION WITH THE SALE OF FOOD OR MERCHANDISE, and waive further reading.

Attachments:

1. Urgency Ordinance No. 18-1705U
2. Ordinance No. 18-1706

ORDINANCE NO. 18-1705U

AN URGENCY ORDINANCE OF THE CITY OF NORWALK ADDING A NEW CHAPTER TO THE NORWALK MUNICIPAL CODE TO CREATE A SIDEWALK VENDING PROGRAM AND DECLARING THE URGENCY THEREOF

WHEREAS, Senate Bill ("SB") 946 was signed into law on September 17, 2018, and becomes effective January 1, 2019;

WHEREAS, SB 946 limits the authority of cities and counties to regulate sidewalk vendors, except in accordance with California Government Code Sections 51038 and 51039;

WHEREAS, Section 10.08.130 of the City of Norwalk Municipal Code currently prohibits sidewalk vending, in conflict with SB 946;

WHEREAS, the City Council finds that the establishment of a sidewalk vending program will benefit the City as a whole by facilitating entrepreneurship and providing economic opportunity for people to support themselves and their families, and by contributing to a diversity of food options and lively streets;

WHEREAS, the City Council finds that the act of vending on sidewalks and other areas of the public right-of-way also creates the potential for increased safety hazards, such as, but not limited to, inhibiting the ability of disabled individuals and other pedestrians to follow a safe path of travel; interfering with the performance of police, firefighter, and other emergency services; encouraging pedestrians to cross mid-block or stand in roadways to purchase food; and creating obstacles and contributing to congestion for pedestrian, vehicle, and bicycle traffic;

WHEREAS, the City Council finds that restrictions on sidewalk vending are needed to accommodate vendors and their equipment, while also safe-guarding the flow of pedestrian movement on sidewalks and in the public right-of-way, and ensuring no interference with the performance of police, firefighter, and other emergency services;

WHEREAS, the City Council finds that the regulation of vendors engaged in the sale of food and food products will help to ensure that sidewalk vendors obtain all necessary permits and comply with applicable sanitation, food preparation, and food handling laws, and thereby will protect the public health and safety against health problems such as food contamination, poor hygienic practices, and the threat of food poisoning;

WHEREAS, the City Council finds that regulations related to the collection and disposal of trash or other debris generated by sidewalk vending are necessary to ensure that such trash or debris is not left, thrown, discarded, or deposited on City streets, sidewalks, pathways, gutters, or storm drains, or upon public or private lots, so that the same might be or become a pollutant;

WHEREAS, the City Council finds that restrictions on sidewalk vending in public parks is necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities, and to prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of these parks;

WHEREAS, the City Council adopts this Ordinance under the authority provided in SB 946, and finds that the time, place, and manner regulations and requirements provided herein are directly related to the City's purpose of protecting of the health, safety, and welfare of its residents, businesses, and visitors;

WHEREAS, Government Code Section 36937(b) authorizes the City Council to adopt an urgency ordinance to become effective immediately upon a four-fifths (4/5) vote, when such an ordinance is necessary for the immediate preservation of public peace, health, and safety; and

WHEREAS, pursuant to Government Code Section 36937(b), the City Council finds that it is necessary for this ordinance to take effect immediately in order to preserve the public peace, health, and safety of the City's residents, businesses, and visitors.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORWALK DOES ORDAIN AS FOLLOWS:

Section 1. Urgency Finding. Based on the foregoing, the City Council of the City of Norwalk finds that a current and immediate threat to the public health, safety, and welfare is presented by the implementation of SB 946. Effective January 1, 2019, the City's prohibition on sidewalk vending activities will no longer be enforceable. If sidewalk vending is allowed without regulation, there is the potential that vending carts will proliferate throughout the City will begin operating on City sidewalk and pathways without regard to the potential impacts to health, safety, and welfare. Vending carts may be four or more feet wide and six or more feet long, whereas the City's sidewalks and pathways are typically eight or ten feet wide, and must be shared by a variety of users. Restrictions on sidewalk vending are necessary to ensure that the presence of vending carts, vendors, and customer queues will not prevent pedestrians and disabled individuals from using the City's sidewalks, or force such individuals into the streets where they may face risks from vehicle or bicycle traffic. Such restrictions are further necessary to ensure that vending carts located in the public-right-of-way do not interfere with the provision of police, firefighter, or other emergency services, such as by blocking access to fire hydrants or local businesses or residences where such services may be needed. Finally, the permitting program established herein is necessary to protect the health, safety, and welfare of potential street vending customers, as it will ensure that vendors of food and food products have obtained county health permits and are complying with applicable sanitation and food preparation, labeling, and handling laws.

Section 2. Section 10.08.130 of Chapter 10.08 of Title 10 of the Norwalk Municipal Code is hereby deleted.

Section 3. The Norwalk Municipal Code is hereby amended to add a new Chapter 5.64, which shall read as follows:

“Chapter 5.64 Sidewalk Vending

5.64.010 Definitions.

For the purpose of this chapter, the following terms shall have the following meanings:

“Certified farmers’ market” means a location operated in accordance with Chapter 10.5 of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

“Director” means the Director of Public Safety of the City of Norwalk.

“Food” means any item described by Section 113781 of the Health and Safety Code.

“Merchandise” means any item(s) that is not food and can be sold and immediately obtained from a sidewalk vendor. Items for rent shall not be considered merchandise.

“Park” means every public park or other recreational facility in the City of Norwalk which is owned, controlled, operated, or managed by the City and under the jurisdiction of the Director of Recreation Services.

“Person” shall mean one or more natural persons, 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.

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

“Sidewalk vendor” means a person who vends from a vending cart or from one’s person, upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians. “Sidewalk vendor” includes roaming sidewalk vendors and stationary sidewalk vendors.

“Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location.

“Swap meet” means a location operated in accordance with Article 6 of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

“Temporary special permit” means a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or any 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 concerns.

“Vend” or “vending” means to sell, offer for sale, display for sale, or solicit offers to purchase food or merchandise.

“Vending cart” means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code. A vending cart does not include a temporary fireworks stand, which is subject to Chapter 5.36.060 of this Code.

5.64.020 Permit Required.

Except as authorized for a limited period by an event permit issued in accordance with Chapter 5.28 or Chapter 12.36 of the Norwalk Municipal Code, no person, either for themselves or any other person, shall conduct or engage in sidewalk vending within the City without first obtaining a sidewalk vending permit pursuant to this chapter.

5.64.030 Permit Application.

To apply for a sidewalk vending permit, a person must file an application with the Director, accompanied by a nonrefundable processing fee in an amount established by resolution of the City Council. The application shall be in a form prescribed by the Director and shall contain, at a minimum, the following:

- A. The legal name and current address and telephone number of the applicant.
- B. The applicant’s California driver’s license or identification number, individual taxpayer identification number, social security number, federal or state employer’s identification number, or municipal identification number. Such information shall not be a public record and shall remain confidential as required by California Government Code Section 51038(c)(4).
- C. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal.
- D. A description of the food or merchandise to be offered for sale.
- E. The days and hours the sidewalk vendor intends to operate.
- F. If stationary, the sidewalk vendor shall provide:
 - a. A description of the proposed vending location, including identification of major cross streets and the side of the street on which vending will occur (if applicable), along with a photo or depiction of said location.
 - b. A maintenance plan that includes litter pickup and cleaning in the vicinity of the vending location.
- G. If roaming, the sidewalk vendor shall provide a sketch of the intended path of travel.

- H. If the sidewalk vendor will sell food, a certification to completion of a food handler course and proof of all required approvals from the Los Angeles County Department of Public Health, including a current Mobile Food Facility permit.
- I. A valid business license issued pursuant to Chapter 5.08 of the Norwalk Municipal Code.
- J. A California seller's permit number pursuant to Section 6067 of the Revenue and Taxation Code.
- K. Proof of comprehensive liability insurance in an amount not less than one million dollars (\$1,000,000.00).
- L. Certification by the applicant that the information contained in the application is true to his or her knowledge and belief.
- M. Any other reasonable information regarding the time, place, and manner of the proposed sidewalk vending activities.

5.64.040 Criteria for Approval or Denial of Permit.

The Director, or his or her designee, shall approve the issuance of a permit unless he or she determines that:

- A. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;
- B. The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents;
- C. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in section 5.64.090; or
- D. The applicant has failed to pay any previous administrative fines and/or complete any other alternative disposition associated with a previous violation of this chapter.

If the permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

5.64.050 Permit Expiration and Renewal.

A sidewalk vending permit shall be valid for twelve (12) months from the date of issuance, and shall expire and become null and void on the anniversary of its issuance. A person may apply for a permit renewal on a form provided by the City prior to the expiration of his or her active sidewalk vending permit.

5.64.060 Permit Rescission.

In addition to the fines set forth in Section 5.64.090, the Director may rescind a permit issued to a sidewalk vendor for a fourth violation or subsequent violation of this chapter. A sidewalk vendor whose permit is rescinded may apply for a new sidewalk vending permit upon the expiration of the term of the rescinded permit.

5.64.070 Permits Nontransferable.

No permit granted pursuant to this chapter shall be transferable.

5.64.080 Operating Requirements and Restrictions.

All sidewalk vendors shall comply with the following:

- A. Sidewalk vendors must obtain an encroachment permit issued by the Department of Public Works pursuant to Chapter 12.20 of the Norwalk Municipal Code.
- B. No sidewalk vendor shall vend in any of the following locations:
 1. Upon or within any roadway, median strip, or dividing section.
 2. Along sidewalks, pathways, courtyards, and grounds adjacent to the buildings, facilities, and parking structures that make up the Norwalk Civic Center, including City Hall, the Norwalk Courthouse, the Norwalk Library, the Norwalk Sheriff Station, and the adjacent blocks of Imperial Highway, Norwalk Boulevard, Avenida Manuel Salinas, Civic Center Drive, and Volunteer Avenue.
 3. Within two hundred (200) feet of a permitted certified farmers' market, a swap meet, or an area designated for a temporary special permit. This prohibition shall be limited to the operating hours of the market or swap meet, or the limited duration of the temporary special permit.
 4. Within five hundred (500) feet of the property line of any public or private school grounds, between the hours of 8:00 a.m. and 5:00 p.m. each day that school is in session.
 5. Within one hundred (100) feet from any place of worship or child care center.
 6. Within one hundred (100) feet of a public picnic area, playground area, playground equipment, public community center, or athletic field or court.
 7. Within one hundred (100) feet of a police officer, fire fighter, Public Safety Officer, or emergency medical personnel who is actively performing their duties or providing services to the public.

- C. No sidewalk vendor shall vend within one hundred (100) feet of another sidewalk vendor. Notwithstanding the above, within City parks no sidewalk vendor shall vend within three hundred (300) feet of another sidewalk vendor.
- D. No sidewalk vendor shall vend in a manner that blocks or obstructs the free movement of pedestrians, bicycles, or vehicles. Sidewalk vendors must at all times provide a clearance of not less than three (3) feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices;
- E. Sidewalk vendors shall not approach for the purpose of vending persons engaged in or spectating a sporting activity in a park.
- F. Sidewalk vending is permitted between the hours of 8:00 a.m. and 9:00 p.m., daily, except as follows:
 - 1. In nonresidential areas, the hours of operation shall not be more restrictive than the hours of operation imposed on other businesses or uses located on the same block.
 - 2. In residential areas, sidewalk vending shall be permitted between the hours of 9:00 a.m. and 8:00 p.m., daily.
- G. Stationary sidewalk vendors shall only vend within areas zoned for commercial or industrial use. Stationary sidewalk vendors shall not vend in, or within three hundred (300) feet, of any residentially zoned area, or in any of the following other locations:
 - 1. Within one hundred (100) feet of any street intersection;
 - 2. Within twenty-five (25) feet of a fire hydrant or other emergency facility.
 - 3. Within twenty-five (25) feet of a curb that has been designated as a white, yellow, green, blue, or red zone, or a bus zone.
 - 4. Within twenty-five (25) feet of any driveway, alley, or entrance to a parking lot or parking garage.
 - 5. Within twenty-five (25) feet of an entrance or exit of any building or structure.
 - 6. Within ten (10) feet of any public trash receptacle, bike rack, bench, bus stop, or similar public use item.
- H. Sidewalk vendors shall provide a trash receptacle for customers and ensure proper disposal of customer trash. The trash receptacle must be large enough to accommodate customer trash without resort to existing trash receptacles located on any block for use by the general public.

- I. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all trash generated by the vending operations or the vendor's customers within a fifteen (15) foot radius of the vending location. Sidewalk vendors shall not throw, deposit, or leave, or permit to be thrown, deposited, or left, any trash, food, or other discarded or abandoned objects, in or upon any street, sidewalk, path, gutter, storm drain, inlet, catch basin, or other drainage structure, or upon any public or private lot of land in the City, so that the same might be or become a pollutant.
- J. Sidewalk vendors selling food shall possess and display in plain view on the vending cart a valid Mobile Food Facility permit from Los Angeles County Department of Public Health and a valid sidewalk vending permit issued pursuant to this chapter. Sidewalk vendors shall possess at all times while vending any other permit required by any governmental agency.
- K. Sidewalk vendors shall ensure that all required insurance is in effect prior to conducting any sidewalk vending, and is maintained for the duration of the permit.
- L. Vending carts shall not be chained, fastened, or affixed at any time to any building or structure, including but not limited to lampposts, parking meters, traffic signals, fire hydrants, benches, bus shelters, trashcans, street signs, trees, or other objects within the public-right of way. No vending cart shall become a permanent fixture on the vending site or be considered an improvement to real property.
- M. Vending carts shall not be left unattended or stored on public property or within the public right-of-way.
- N. Sidewalk vendors shall comply with all applicable state and local laws, including without limitation state food handling, labeling, and preparation requirements; fire codes and regulations; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).

5.64.090 Administrative Citations.

- A. Except as provided in subsection B below, any violation of this chapter is punishable by an administrative citation in the following amounts:
 - 1. One hundred dollars (\$100) for a first violation.
 - 2. Two hundred dollars (\$200) for a second violation within one (1) year of the first violation.
 - 3. Five hundred dollars (\$500) for each additional violation within one (1) year of the first violation.
- B. Vending without a valid sidewalk vending permit is subject to an administrative citation in the following amounts:

1. Two hundred fifty dollars (\$250) for a first violation.
 2. Five hundred dollars (\$500) for a second violation within one (1) year of the first violation.
 3. One thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.
 4. An administrative citation issued under this subsection shall be reduced to the amounts set forth in subsection A upon submission of proof of a valid sidewalk vending permit issued by the City.
- C. A violation of this chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.
- D. Failure to pay an administrative citation issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed.
- E. If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, the City shall accept, in full satisfaction, twenty (20) percent of an administrative citation imposed pursuant to this chapter.

5.64.100 Appeals.

- A. Administrative citations may be appealed in the following manner:
1. Except as otherwise specified herein, all appeals of administrative citations shall be conducted in accordance with the procedures and requirements Chapter 1.13 of the Norwalk Municipal Code.
 2. Any person to whom an administrative citation is issued pursuant to this chapter may contest the citation by completing a request for hearing form and returning it to the Director within fifteen (15) days from the date of service of the administrative citation. The request for a hearing form shall be accompanied by an advanced deposit of the fine or a request for an advance deposit hardship waiver.
 3. When issuing an administrative citation pursuant to this section, the hearing officer shall take into consideration the person's ability to pay the fine. The Director or his or her designee shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or

while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

4. The hearing officer may allow a person to complete community service in lieu of paying the total administrative citation, may waive the administrative citation, or may offer an alternative disposition.
- B. Any person aggrieved by the decision of the Director to issue, deny issuance, or rescind a sidewalk vending permit may appeal the decision to the Public Safety Commission.
1. The written request for an appeal shall be filed with the Director within fifteen (15) days following the date of the Director's decision.
 2. Decisions that are appealed shall not become effective until the appeal is resolved.
 3. Any person aggrieved by any decision of the Director shall, upon request made within fifteen (15) days after such decision, be entitled to an informal hearing before the Director. Within five days after such informal hearing, any such aggrieved person may appeal to the Public Safety Commission by filing a written notice of appeal with the Director, and a time and place for hearing such appeal shall thereupon be scheduled within thirty (30) days. The Director or his or her designee shall give notice to such person of the time and place of hearing by personally serving it or by depositing it in the United States mail, postage prepaid, addressed to such person at his or her last known address. The Public Safety Commission shall have the authority to determine all questions raised on such appeal; provided that, no such determination shall conflict with any substantive provision of this title. The decision of the Public Safety Commission shall be final."

Section 4. CEQA. The City Council finds and determines that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. Accordingly, this Ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15378 of Division 6 of Title 14 of the California Code of Regulations.

Section 5. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 6. Effective Date. This ordinance is adopted as an urgency ordinance pursuant to Government Code Section 36937(b), and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council.

PASSED, APPROVED, AND ADOPTED this 18th day of December 2018.

**JENNIFER PEREZ
MAYOR**

ATTEST:

**THERESA DEVOY, CMC
CITY CLERK**

ORDINANCE NO. 18-1706

AN ORDINANCE OF THE CITY OF NORWALK ADDING A NEW CHAPTER TO THE NORWALK MUNICIPAL CODE TO CREATE A NEW SIDEWALK VENDING PROGRAM AND DELETING THE EXISTING BAN ON THE USE OF PUSHCARTS OR OTHER NONMOTORIZED VEHICLES IN CONNECTION WITH THE SALE OF FOOD OR MERCHANDISE

WHEREAS, on September 17, 2018, Senate Bill 946 was signed into law, which regulates sidewalk vendors throughout the State;

WHEREAS, SB 946 takes effect January 1, 2018, and limits the authority of cities and counties to regulate sidewalk vendors, except in accordance with California Government Code Sections 51038 and 51039;

WHEREAS, Section 10.08.130 of the Norwalk Municipal Code currently prohibits the use of pushcarts, handcarts, or other nonmotorized vehicles for the sale or distribution of food and merchandize, in conflict with SB 946;

WHEREAS, the City Council finds that the establishment of a sidewalk vending program will benefit the City as a whole, by facilitating entrepreneurship and providing economic opportunity for people to support themselves and their families;

WHEREAS, the City Council finds that the act of vending on sidewalks and other areas of the public right-of-way also creates the potential for safety hazards, such as, but not limited to, inhibiting the ability of disabled individuals and other pedestrians to follow a safe path of travel; interfering with the performance of police, firefighter, and other emergency services; encouraging pedestrians to cross mid-block or stand in roadways to purchase food; and creating obstacles and contributing to congestion for pedestrian, vehicle, and bicycle traffic;

WHEREAS, the City Council finds that restrictions on the locations in which sidewalk vending may be conducted are needed to accommodate vending carts or other vending equipment, while also safe-guarding pedestrian movement on sidewalks and in the public right-of-way; ensuring pedestrian and vehicle access to buildings, driveways, parking lots, and other public facilities; and ensuring no interference with the performance of police, firefighter, and emergency services;

WHEREAS, the City Council finds that the regulation of vendors engaged in the sale of food and food products will help to ensure that sidewalk vendors obtain all necessary permits and comply with applicable sanitation, food preparation, and food handling laws, and thereby will protect the public health and safety against health problems such as food contamination, poor hygienic practices, and the threat of food poisoning;

WHEREAS, the City Council finds that regulations related to the collection and disposal of trash or other debris generated by sidewalk vending are necessary to ensure

that such trash or debris is not left, thrown, discarded, or deposited on City streets, sidewalks, pathways, gutters, or storm drains, or upon public or private lots, so that the same might be or become a pollutant;

WHEREAS, the City Council finds that restrictions on sidewalk vending in public parks are necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities, and to prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of these parks;

WHEREAS, the City Council adopts this Ordinance under the authority provided in SB 946, and finds that the time, place, and manner regulations and requirements provided herein are directly related to the City's purpose of protecting of the health, safety, and welfare of its residents, businesses, and visitors.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORWALK DOES ORDAIN AS FOLLOWS:

Section 1. Section 10.08.130 of Chapter 10.08 of Title 10 of the Norwalk Municipal Code is hereby deleted.

Section 2. A new Chapter 5.64 is hereby added to Title 5 of the Norwalk Municipal Code, and shall read as follows:

"Chapter 5.64 Sidewalk Vending

5.64.010 Definitions.

For the purpose of this chapter, the following terms shall have the following meanings:

"Certified farmers' market" means a location operated in accordance with Chapter 10.5 of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

"Director" means the Director of Public Safety of the City of Norwalk.

"Food" means any item described by Section 113781 of the Health and Safety Code.

"Merchandise" means any item(s) that is not food and can be sold and immediately obtained from a sidewalk vendor. Items for rent shall not be considered merchandise.

"Park" means every public park or other recreational facility in the City of Norwalk which is owned, controlled, operated, or managed by the City and under the jurisdiction of the Director of Recreation Services.

"Person" shall mean one or more natural persons, 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.

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

“Sidewalk vendor” means a person who vends from a vending cart or from one’s person, upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians. “Sidewalk vendor” includes roaming sidewalk vendors and stationary sidewalk vendors.

“Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location.

“Swap meet” means a location operated in accordance with Article 6 of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

“Temporary special permit” means a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or any 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 concerns.

“Vend” or “vending” means to sell, offer for sale, display for sale, or solicit offers to purchase food or merchandise.

“Vending cart” means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code. A vending cart does not include a temporary fireworks stand, which is subject to Chapter 5.36.060 of this Code.

5.64.020 Permit Required.

Except as authorized for a limited period by an event permit issued in accordance with Chapter 5.28 or Chapter 12.36 of the Norwalk Municipal Code, no person, either for themselves or any other person, shall conduct or engage in sidewalk vending within the City without first obtaining a sidewalk vending permit pursuant to this chapter.

5.64.030 Permit Application.

To apply for a sidewalk vending permit, a person must file an application with the Director, accompanied by a nonrefundable processing fee in an amount established by resolution of the City Council. The application shall be in a form prescribed by the Director and shall contain, at a minimum, the following:

- A. The legal name and current address and telephone number of the applicant.
- B. The applicant’s California driver’s license or identification number, individual taxpayer identification number, social security number, federal or state employer’s

identification number, or municipal identification number. Such information shall not be a public record and shall remain confidential as required by California Government Code Section 51038(c)(4).

- C. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal.
- D. A description of the food or merchandise to be offered for sale.
- E. The days and hours the sidewalk vendor intends to operate.
- F. If stationary, the sidewalk vendor shall provide:
 - a. A description of the proposed vending location, including identification of major cross streets and the side of the street on which vending will occur (if applicable), along with a photo or depiction of said location.
 - b. A maintenance plan that includes litter pickup and cleaning in the vicinity of the vending location.
- G. If roaming, the sidewalk vendor shall provide a sketch of the intended path of travel.
- H. If the sidewalk vendor will sell food, a certification to completion of a food handler course and proof of all required approvals from the Los Angeles County Department of Public Health, including a current Mobile Food Facility permit.
- I. A valid business license issued pursuant to Chapter 5.08 of the Norwalk Municipal Code.
- J. A California seller's permit number pursuant to Section 6067 of the Revenue and Taxation Code.
- K. Proof of comprehensive liability insurance in an amount not less than one million dollars (\$1,000,000.00).
- L. Certification by the applicant that the information contained in the application is true to his or her knowledge and belief.
- M. Any other reasonable information regarding the time, place, and manner of the proposed sidewalk vending activities.

5.64.040 Criteria for Approval or Denial of Permit.

The Director, or his or her designee, shall approve the issuance of a permit unless he or she determines that:

- A. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;

- B. The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents;
- C. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in section 5.64.090; or
- D. The applicant has failed to pay any previous administrative fines and/or complete any other alternative disposition associated with a previous violation of this chapter.

If the permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

5.64.050 Permit Expiration and Renewal.

A sidewalk vending permit shall be valid for twelve (12) months from the date of issuance, and shall expire and become null and void on the anniversary of its issuance. A person may apply for a permit renewal on a form provided by the City prior to the expiration of his or her active sidewalk vending permit.

5.64.060 Permit Rescission.

In addition to the fines set forth in Section 5.64.090, the Director may rescind a permit issued to a sidewalk vendor for a fourth violation or subsequent violation of this chapter. A sidewalk vendor whose permit is rescinded may apply for a new sidewalk vending permit upon the expiration of the term of the rescinded permit.

5.64.070 Permits Nontransferable.

No permit granted pursuant to this chapter shall be transferable.

5.64.080 Operating Requirements and Restrictions.

All sidewalk vendors shall comply with the following:

- A. Sidewalk vendors must obtain an encroachment permit issued by the Department of Public Works pursuant to Chapter 12.20 of the Norwalk Municipal Code.
- B. No sidewalk vendor shall vend in any of the following locations:
 - 1. Upon or within any roadway, median strip, or dividing section.
 - 2. Along sidewalks, pathways, courtyards, and grounds adjacent to the buildings, facilities, and parking structures that make up the Norwalk Civic Center, including City Hall, the Norwalk Courthouse, the Norwalk Library, the Norwalk Sheriff Station, and the adjacent blocks of Imperial Highway, Norwalk Boulevard, Avenida Manuel Salinas, Civic Center Drive, and Volunteer Avenue.

3. Within two hundred (200) feet of a permitted certified farmers' market, a swap meet, or an area designated for a temporary special permit. This prohibition shall be limited to the operating hours of the market or swap meet, or the limited duration of the temporary special permit.
 4. Within five hundred (500) feet of the property line of any public or private school grounds, between the hours of 8:00 a.m. and 5:00 p.m. each day that school is in session.
 5. Within one hundred (100) feet from any place of worship or child care center.
 6. Within one hundred (100) feet of a public picnic area, playground area, playground equipment, public community center, or athletic field or court.
 7. Within one hundred (100) feet of a police officer, fire fighter, Public Safety Officer, or emergency medical personnel who is actively performing their duties or providing services to the public.
- C. No sidewalk vendor shall vend within one hundred (100) feet of another sidewalk vendor. Notwithstanding the above, within City parks no sidewalk vendor shall vend within three hundred (300) feet of another sidewalk vendor.
- D. No sidewalk vendor shall vend in a manner that blocks or obstructs the free movement of pedestrians, bicycles, or vehicles. Sidewalk vendors must at all times provide a clearance of not less than three (3) feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices;
- E. Sidewalk vendors shall not approach for the purpose of vending persons engaged in or spectating a sporting activity in a park.
- F. Sidewalk vending is permitted between the hours of 8:00 a.m. and 9:00 p.m., daily, except as follows:
1. In nonresidential areas, the hours of operation shall not be more restrictive than the hours of operation imposed on other businesses or uses located on the same block.
 2. In residential areas, sidewalk vending shall be permitted between the hours of 9:00 a.m. and 8:00 p.m, daily.
- G. Stationary sidewalk vendors shall only vend within areas zoned for commercial or industrial use. Stationary sidewalk vendors shall not vend in, or within three hundred (300) feet, of any residentially zoned area, or in any of the following other locations:
1. Within one hundred (100) feet of any street intersection;

2. Within twenty-five (25) feet of a fire hydrant or other emergency facility.
 3. Within twenty-five (25) feet of a curb that has been designated as a white, yellow, green, blue, or red zone, or a bus zone.
 4. Within twenty-five (25) feet of any driveway, alley, or entrance to a parking lot or parking garage.
 5. Within twenty-five (25) feet of an entrance or exit of any building or structure.
 6. Within ten (10) feet of any public trash receptacle, bike rack, bench, bus stop, or similar public use item.
- H. Sidewalk vendors shall provide a trash receptacle for customers and ensure proper disposal of customer trash. The trash receptacle must be large enough to accommodate customer trash without resort to existing trash receptacles located on any block for use by the general public.
- I. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all trash generated by the vending operations or the vendor's customers within a fifteen (15) foot radius of the vending location. Sidewalk vendors shall not throw, deposit, or leave, or permit to be thrown, deposited, or left, any trash, food, or other discarded or abandoned objects, in or upon any street, sidewalk, path, gutter, storm drain, inlet, catch basin, or other drainage structure, or upon any public or private lot of land in the City, so that the same might be or become a pollutant.
- J. Sidewalk vendors selling food shall possess and display in plain view on the vending cart a valid Mobile Food Facility permit from Los Angeles County Department of Public Health and a valid sidewalk vending permit issued pursuant to this chapter. Sidewalk vendors shall possess at all times while vending any other permit required by any governmental agency.
- K. Sidewalk vendors shall ensure that all required insurance is in effect prior to conducting any sidewalk vending, and is maintained for the duration of the permit.
- L. Vending carts shall not be chained, fastened, or affixed at any time to any building or structure, including but not limited to lampposts, parking meters, traffic signals, fire hydrants, benches, bus shelters, trashcans, street signs, trees, or other objects within the public-right of way. No vending cart shall become a permanent fixture on the vending site or be considered an improvement to real property.
- M. Vending carts shall not be left unattended or stored on public property or within the public right-of-way.
- N. Sidewalk vendors shall comply with all applicable state and local laws, including without limitation state food handling, labeling, and preparation requirements; fire

codes and regulations; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).

5.64.090 Administrative Citations.

- A. Except as provided in subsection B below, any violation of this chapter is punishable by an administrative citation in the following amounts:
 - 1. One hundred dollars (\$100) for a first violation.
 - 2. Two hundred dollars (\$200) for a second violation within one (1) year of the first violation.
 - 3. Five hundred dollars (\$500) for each additional violation within one (1) year of the first violation.

- B. Vending without a valid sidewalk vending permit is subject to an administrative citation in the following amounts:
 - 1. Two hundred fifty dollars (\$250) for a first violation.
 - 2. Five hundred dollars (\$500) for a second violation within one (1) year of the first violation.
 - 3. One thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.
 - 4. An administrative citation issued under this subsection shall be reduced to the amounts set forth in subsection A upon submission of proof of a valid sidewalk vending permit issued by the City.

- C. A violation of this chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.

- D. Failure to pay an administrative citation issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed.

- E. If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, the City shall accept, in full satisfaction, twenty (20) percent of an administrative citation imposed pursuant to this chapter.

5.64.100 Appeals.

- A. Administrative citations may be appealed in the following manner:

1. Except as otherwise specified herein, all appeals of administrative citations shall be conducted in accordance with the procedures and requirements Chapter 1.13 of the Norwalk Municipal Code.
 2. Any person to whom an administrative citation is issued pursuant to this chapter may contest the citation by completing a request for hearing form and returning it to the Director within fifteen (15) days from the date of service of the administrative citation. The request for a hearing form shall be accompanied by an advanced deposit of the fine or a request for an advance deposit hardship waiver.
 3. When issuing an administrative citation pursuant to this section, the hearing officer shall take into consideration the person's ability to pay the fine. The Director or his or her designee shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
 4. The hearing officer may allow a person to complete community service in lieu of paying the total administrative citation, may waive the administrative citation, or may offer an alternative disposition.
- B. Any person aggrieved by the decision of the Director to issue, deny issuance, or rescind a sidewalk vending permit may appeal the decision to the Public Safety Commission.
1. The written request for an appeal shall be filed with the Director within fifteen (15) days following the date of the Director's decision.
 2. Decisions that are appealed shall not become effective until the appeal is resolved.
 3. Any person aggrieved by any decision of the Director shall, upon request made within fifteen (15) days after such decision, be entitled to an informal hearing before the Director. Within five days after such informal hearing, any such aggrieved person may appeal to the Public Safety Commission by filing a written notice of appeal with the Director, and a time and place for hearing such appeal shall thereupon be scheduled within thirty (30) days. The Director or his or her designee shall give notice to such person of the time and place of hearing by personally serving it or by depositing it in the United States mail, postage prepaid, addressed to such person at his or her last known address. The Public Safety Commission shall have the authority to determine all questions raised on such appeal; provided that, no such determination shall conflict with any substantive provision of this title. The decision of the Public Safety Commission shall be final."

Section 3. CEQA. The City Council finds and determines that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. Accordingly, this Ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15378 of Division 6 of Title 14 of the California Code of Regulations.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk is directed to certify to the enactment of this Ordinance and to cause this ordinance to be published and/or posted as required by law.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2018.

**JENNIFER PEREZ
MAYOR**

ATTEST:

**THERESA DEVOY, CMC
CITY CLERK**