



## AGENDA STAFF REPORT

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**DATE:** March 5, 2019

**TO:** Honorable Mayor and Members of the City Council

**APPROVED BY:** Jose E. Ometeotl, City Manager

**PREPARED BY:** Michelle G. Ramirez, Director of Community Development

**SUBJECT:** PROPOSED ORDINANCE IN RESPONSE TO SENATE BILL 946, THE SAFE SIDEWALK VENDING ACT

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### Recommendation:

Staff recommends that the City Council:

1. **ADOPT** the attached Urgency Ordinance entitled "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA REPEALING AND REPLACING TITLE 13-7 (VENDING, PEDDLING, SELLING AND/OR SOLICITING ON PUBLIC STREETS, SIDEWALKS, PARKS, PARKWAYS, MEDIANS, LANDS, PROPERTIES OR OTHER LANDS OR PROPERTIES UNDER THE CONTROL OF THE CITY) OF THE LYNWOOD MUNICIPAL CODE TO CREATE A SIDEWALK VENDING PROGRAM" by a four-fifths (4/5) vote.
2. **INTRODUCE** the attached Ordinance for First Reading, by title only, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA REPEALING AND REPLACING TITLE 13-7 (VENDING, PEDDLING, SELLING AND/OR SOLICITING ON PUBLIC STREETS, SIDEWALKS, PARKS, PARKWAYS, MEDIANS, LANDS, PROPERTIES OR OTHER LANDS OR PROPERTIES UNDER THE CONTROL OF THE CITY) OF THE LYNWOOD MUNICIPAL CODE TO CREATE A SIDEWALK VENDING PROGRAM."
3. **DETERMINE** that approval of both Ordinances are Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) as the adoption of these Ordinances has no potential for causing a significant effect on the environment.

### Background:

On September 17, 2018, Governor Brown signed Senate Bill 946 (SB 946), also known as the "Safe Sidewalk Vending Act". SB 946 requires cities to allow sidewalk vending commencing January 1, 2019. Under the new law, the state mandates local jurisdictions to support and facilitate sidewalk vendors. The stated intent of the legislation is to:

- Create entrepreneurial and economic development opportunities for immigrant and low-income communities;

- Increase access to desired goods, such as culturally significant food and merchandise;
- Contribute to a safe and dynamic public space;
- Promote the safety and welfare of the public by encouraging local authorities to support and properly regulate sidewalk vending; and
- Decriminalizes sidewalk vending.

Pursuant to SB 946, “sidewalk vendors” are defined as any person who sells food or merchandise while on a public sidewalk or other public pedestrian path (including public parks). The law broadly defines “sidewalk vendors” to include those using a pushcart, wagon, or other nonmotorized conveyance, or from his or her person, while on a public sidewalk or other pedestrian path. A sidewalk vendor may be “stationary” (operating from a fixed location) or “roaming” (moving from place to place and stop only to complete a transaction).

SB 946 adds a new chapter to the Government Code that not only significantly limits the authority of cities and counties to regulate sidewalk vendors, but also prohibits the imposition of criminal penalties for violators. Instead, violations may only be punished with administrative citations in amounts specified in the law. Additionally, it should be noted that while administrative citations can be issued for violations of local sidewalk vending regulations, there are strict limits as to how any city can enforce the collection of imposed fines.

Given the passage of SB 946, the City and other local jurisdictions that currently prohibit such activities as pushcart vending and individuals who set up stands and or other equipment on the city sidewalks to sell their wares, will no longer be able do so. However, the bill does allow cities to adopt some requirements regulating the time, place, and manner of sidewalk vending, if the requirements are directly related to health, safety or welfare concerns. The bill also is clear that perceived community animus and economic competition are not valid health, safety, or welfare concerns to justify the imposition of time, place, or manner restrictions.

To meet this newly enacted state mandate, the City must amend Title 13-7 (Vending, Peddling, Selling and/or Soliciting on Public Streets, Sidewalks, Parks, Parkways, Medians, Lands, Properties or Other Lands or Properties Under the Control of the City) of the Lynwood Municipal Code as the current code does not allow sidewalk vending.

An identical non-urgency ordinance following the usual procedures is submitted concurrently with the urgency ordinance for introduction and first reading, which only requires a simple majority vote. The second reading of the non-urgency ordinance would occur at the next regular meeting on March 19, 2019 and the non-urgency ordinance would become effective 30 days after its adoption. This action is generally recommended as merely a precaution to eliminate any potential challenges to the urgency findings.

**Discussion and Analysis:**

Since sidewalk vending is prohibited in Lynwood, the City does not have regulations in place to accommodate the state mandate to allow sidewalk vending. The regulations in the attached ordinance are proposed to accommodate sidewalk vendors and their equipment pursuant to the requirements of SB 946. Staff has worked closely with the City Attorney’s Office to comply with the state law, while also providing protections against potential health and safety concerns that might be created by sidewalk vending operations in the City.

The table below describes the more significant regulations from the law that will affect how the City can regulate vending on sidewalks.

<b>Subject</b>	<b>Description</b>
<b>Areas of Operation</b>	Cities cannot restrict roaming or stationary sidewalk vending in commercial zones unless restrictions are directly related to objective health, safety, or welfare concerns. In residential areas, only stationary vendors can be prohibited..
<b>City-Owned Parks</b>	Cities cannot prohibit roaming vendors from operating in City-owned parks, but may prohibit stationary vendors, if the City has a

	contract with a concessionaire.
<b>Hours of Operation</b>	In commercial zones, hours cannot be more restrictive than other businesses on same street. Imposition of hours restrictions is permissible in residential zones.
<b>Limits on Number of Vendors</b>	Cities cannot limit the number of vendors or restrict them to certain areas of the City.
<b>Businesses</b>	Cities cannot require a sidewalk vendor to obtain permission from any business to operate near them. Cities do not have the authority to prohibit a vendor from operating on the sidewalk due to conflicting business uses.
<b>Americans with Disabilities Act of 1990 (Public Law 101-336)</b>	Cities can adopt requirements necessary to ensure compliance with the federal, state and local disability access standards.

Proposed Regulations

SB 946 authorizes local governments to implement operational regulations regarding the time, place, and manner of sidewalk vending only as they relate to objective health, safety or welfare concerns. Regulations considered for the proposed ordinance include, but are not limited to:

- Prohibit stationary sidewalk vendors from vending in areas zoned exclusively residential
- Size restriction for vending area
- Sanitation requirements
- Restrictions on hours of operation
- Restriction on noise-making devices
- Enforcement of the federal Americans with Disability Act of 1990 standards
- Prohibition of vending in vicinity of special events and filming
- Proximity to critical City infrastructure
- Proximity to sensitive receptors such as schools and religious institutions

Although the issuance of a permit must be a ministerial action, the proposed ordinance would require that a sidewalk vendor obtain and/or provide:

- A valid Los Angeles County Department of Health Permit (for food vendors)
- A California seller’s permit
- Current liability insurance
- A City business license

Limitations on Penalties for Violation of Regulations

Under the new state regulations, it is permissible for the City to adopt regulations to ensure the health and safety of the community to address potential impacts of sidewalk vending. However, enforcement of violations of sidewalk vending regulations (pursuant to SB 946) is limited to the issuance of administrative citations. The proposed ordinance addresses the mandated restrictions on penalties. Additionally, SB 946 dictates the maximum amounts and specifies that no additional fines or penalties may be assessed, including for failure to pay an administrative citation. Further, once a citation is issued, the City is required to consider the person’s ability to pay including if the person is a recipient of certain government benefits, and if their income is below poverty level, then the City must accept payment in the amount of 20% of the fine amount as full satisfaction.

Staff believes that the proposed regulations are limited to “time, place, and manner” and will provide adequate protection of the health and safety of the community. However, the limitations contained in SB 946 will make the enforcement of the City’s regulations extremely challenging.

California Environmental Quality Act

The adoption of the proposed urgency ordinance and regular ordinance is covered by the “general rule” that the California Environmental Quality Act (CEQA) applies only to projects that have the potential for causing a significant effect on the environment. Staff’s determination is that it can be seen with certainty that there is no possibility that the proposed regulations contained in the ordinance will have a significant effect on the environment. Therefore, the adoption of this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) as it has no potential for causing a significant effect on the environment.

Public Notice Process

This item has been noticed through the regular agenda notification process.

**Fiscal Impact:**

The adoption of the proposed ordinance will not have any direct fiscal impacts. The existing fee schedule will cover the cost to process and issue City permits; however, it is unknown if there will be added costs for enforcement.

**Coordinated With:**

City Manager  
City Attorney

**ATTACHMENTS:**

**Description**

- ▢ **Attachment A - Urgency Ordinance**
- ▢ **Attachment B - Ordinance**

## **URGENCY ORDINANCE NO.**

### **AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA REPEALING AND REPLACING TITLE 13-7 (VENDING, PEDDLING, SELLING AND/OR SOLICITING ON PUBLIC STREETS, SIDEWALKS, PARKS, PARKWAYS, MEDIANS, LANDS, PROPERTIES OR OTHER LANDS OR PROPERTIES UNDER THE CONTROL OF THE CITY) OF THE LYNWOOD MUNICIPAL CODE TO CREATE A SIDEWALK VENDING PROGRAM**

#### **RECITALS**

- I. Senate Bill (“SB”) 946 was signed into law on September 17, 2018, and became effective January 1, 2019.
- II. SB 946 limits the authority of cities and counties to regulate sidewalk vendors, except in accordance with California Government Code Sections 51038 and 51039.
- III. The City’s Municipal Code currently regulates sidewalk vendors in a manner that is inconsistent with SB 946.
- IV. 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.
- V. 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 emergency medical personnel 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.
- VI. The City Council finds that restrictions on sidewalk vending are needed to accommodate vendors and their equipment, while also safeguarding 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 emergency medical personnel.
- VII. 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.

- VIII. 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.
- IX. The City Council finds that restrictions on sidewalk vending in residential areas are necessary to ensure that such areas are protected from excessive noise and traffic impacts while allowing economic opportunities for sidewalk vendors.
- X. The City Council adopts this Urgency 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 the health, safety, and welfare of its residents, businesses and visitors.
- XI. All legal prerequisites to the adoption of this Urgency Ordinance have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNWOOD DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Urgency Findings. The City Council of the City of Lynwood hereby finds and determines as follows:

- A. The facts set forth in the above Recitals of this Urgency Ordinance are true and correct, and incorporated into this Urgency Ordinance as substantive findings.
- B. This Urgency Ordinance is adopted as an urgency measure pursuant to Government Code Section 36937 for the immediate preservation of the public health, safety, and welfare, and is adopted and justified based on the following:
  - 1. SB 946 was signed by Governor Jerry Brown on September 17, 2018, became effective January 1, 2019, and establishes statewide regulations for sidewalk vendors operating in or upon the public rights-of-way and parks.
  - 2. As of SB 946's effective date, any local ordinance or regulation that fails to "substantially comply" with SB 946 is invalid and unenforceable; because the City's existing regulation of sidewalk vendors through the Lynwood Municipal Code are inconsistent with SB 946, they will be invalid and unenforceable as of January 1, 2019.
  - 3. Since January 1, 2019, the City will see an immediate influx of sidewalk vendors, the scope and extent of which is limitless at this time. If unregulated, sidewalk vending poses a likelihood of creating negative impacts on the health, safety and

welfare of the community, including but not limited to: illegal sales; exposure to food-borne disease from unlicensed vendors; unsanitary conditions; public hazards from trash and debris; overcrowded sidewalks impeding the free flow of pedestrian movement; inconsistency with the federal American with Disabilities Act of 1990; and line-of-sight obstruction from vehicles and pedestrians traversing the ROW.

4. A local program regulating sidewalk vendors is necessary to address the above concerns, and to further: ensure no interference with the performance of police, firefighter, and emergency personnel services; the flow of pedestrian or vehicular traffic, including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons existing or entering parked or standing vehicles; provide reasonable access for the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, restrooms, trash receptacles, firefighting apparatus, mailboxes, as well as access to locations used for public transportation services; maximize public access to and along the right of way; reduce exposure to the City for personal injury or property damage claims and litigation; protect the residents from persons with certain criminal history.
5. Based on the foregoing, there is a current and immediate threat to the public health, safety, and welfare, and an urgency ordinance is warranted and necessary to protect the public against potential negative health, safety, and welfare impacts.

**Section 2.** Title 13-7 (Vending, Peddling, Selling and/or Soliciting on Public Streets, Sidewalks, Parks, Parkways, Medians, Lands, Properties or Other Lands or Properties Under the Control of the City) of the Lynwood Municipal Code is hereby repealed and replaced, which shall read as follows:

**“TITLE 13-7  
VENDING, PEDDLING, SELLING AND/OR SOLICITING ON PUBLIC  
STREETS, SIDEWALKS, PARKS, PARKWAYS, MEDIANS, LANDS,  
PROPERTIES OR OTHER LANDS OR PROPERTIES UNDER THE  
CONTROL OF THE CITY**

**13-7.1 Definitions.** The following words and phrases, whenever used in this title, shall mean as follows:

**CIVIC CENTER.** The grounds, buildings, structures, and open space areas bounded by Bullis Road to the west, Ernestine Avenue to the east, Platt Avenue to the south (not including the R-2 zone), and the Lynwood Library/City Hall North boundaries to the north.

**DIRECTOR.** The Community Development Director of the City of Lynwood.

**FOOD.** Any type of raw, cooked, or processed edible substance, including any food product or beverage.

**JUNK FOOD.** Any food or beverage that is low in essential nutrients, protein, vitamins or minerals and high in calories, sodium, sugar and fat. Junk Food includes, without limitation, soda, candy, chips, ice cream, hot dogs or processed meat, and chocolates.

**LOS ANGELES FIRE STATION.** Any facility in the City of Lynwood where fire engines and other equipment of the Los Angeles Fire Department are housed.

**LOS ANGELES SHERIFF STATION.** Any facility in the City of Lynwood where sheriff vehicles and other equipment of the Los Angeles Sheriff's Department are housed.

**MERCHANDISE.** Any tangible goods or items that are not food.

**PARK.** An open space intended for public recreational use that is operated by the City of Lynwood.

**PERSON.** One or more individuals, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs, or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer, or employee of any of them), whether engaged in business, nonprofit, or any other activity.

**ROAMING SIDEWALK VENDOR.** A roaming sidewalk vendor has the same meaning as set forth in Government Code Section [51036\(b\)](#), and includes a sidewalk vendor who moves from place to place and stops only to complete a transaction.

**SIDEWALK.** A public sidewalk or paved pedestrian path or walkway specifically designed for pedestrian travel.

**SIDEWALK VENDOR.** A person who sells 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.** A sidewalk vendor(s) or sidewalk vend(s) means a person who sells food or merchandise from a pushcart, stand, equipment, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path. Sidewalk vendor includes "roaming sidewalk vendor" and "stationary sidewalk vendor." "Sidewalk vendor permit" means a permit related to the use of a cart that is issued by the City in accordance with this chapter.

**STATIONARY CART.** A stationary cart means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, that is intended to be operated from a fixed location by a stationary sidewalk vendor instead of being moved from place to place, where stops are limited to completing a transaction.

**STATIONARY SIDEWALK VENDOR.** A stationary sidewalk vendor has the same meaning as set forth in Government Code Section 51036(c), and includes a sidewalk vendor who vends from a fixed location.

**SELL or SELLING.** To sell, offer for sale, display for sale, or solicit offers to purchase, food, food products, beverages, goods, or merchandise.

**SWAP MEET.** A location operated in accordance with Chapter 25 (Zoning) Article 200 of the Lynwood Municipal Code, and any regulations adopted pursuant to that chapter.

**TEMPORARY SPECIAL PERMIT.** A permit issued by the City 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, outdoor concerts, festivals, carnivals, and street fairs.

**VEND OR VENDING.** To barter, exchange, sell, offer for sale, display for sale, or solicit offers to purchase, 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 CART.** A pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance used for selling, whether mobile or stationary, that is not a vehicle as defined in the California Vehicle Code.

**13-7.2 Permit Required.** No person shall conduct or engage in sidewalk vending within the City without first obtaining a sidewalk vending permit pursuant to this title.

**13-7.3 Sidewalk Vending Permit Application.**

- A. To apply for a sidewalk vending permit, a person must file an application with the Director, or designee, accompanied by a nonrefundable application 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:
1. The full legal name, current address, and telephone number of the applicant;
  2. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;
  3. A copy of a California's driver's license or identification number, an individual taxpayer identification number, or a social security number. The document or number collected shall not be available to the public for inspection, is confidential, and shall not be disclosed except as required to administer the permit or comply with state law, or state/federal court order;
  4. A description, map, or drawing of the area(s)/route the applicant intends to operate;
  5. A complete description of the food or merchandise offered for sale or exchange. Any applicant who intends to sell food must also provide proof of either a Food

Handler Card or Certified Food Protection Manager certificate, where applicable, pursuant to Health and Safety Code Section 113700-114437, and a Mobile Food Facility permit certifying that the vending cart used has been approved by the Los Angeles County Department of Public Health for that particular type of food;

6. The dimensions of the vending cart;
  7. A complete description of any ancillary items that the applicant intends to use in conjunction with sales including, without limitation, trash receptacles, chairs, umbrellas and umbrella stands, or similar items;
  8. The hours per day and the days per week during which the sidewalk vendor proposes to operate, and whether the applicant intends to operate as a stationary sidewalk vendor and/or a roaming sidewalk vendor;
  9. A California seller's permit number pursuant to Section 6067 of the Revenue and Taxation Code;
  10. Certification by the applicant that the information contained in the application is true to his or her knowledge and belief;
  11. Proof of a policy or policies of comprehensive general liability insurance with minimum limits of one million dollars (\$1,000,000) per occurrence, combined single limit coverage and two million dollars (\$2,000,000) in the aggregate against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the applicant, with an endorsement naming the City as an additional insured. In addition, to the extent required, the applicant shall carry workers' compensation sufficient to meet requirements of the State of California;
  12. An agreement by the applicant to indemnify and hold harmless the City, its officers and employees, for any damage or injury caused to the City or to third parties as a result of the sidewalk vending conduct or activity as approved by Lynwood's City Attorney;
  13. Certification by the applicant, under penalty of perjury, that the information contained in the application is true to his or her knowledge and belief; and
  14. Any other reasonable information regarding the time, place, and manner of the proposed vending.
- B. Complete applications must be submitted to the Director, or designee. Only complete applications will be considered. An application is complete if it includes all required information together with full payment of the nonrefundable application fee. Applications will be considered in the order they are received. The City may require supplemental information from any applicant before deeming an application complete. If supplemental information is requested, it must be provided to the Director, or designee, within seven business days of the request.
- C. The City may deny any application that is incomplete or that does not comply with all applicable requirements. The City may request and obtain supplemental information from any applicant before making a decision on the application.

- D. Applicants must agree to abide by the operational requirements stated in Title 13-7.10.
- E. Sidewalk vendors cannot be permitted as a permanent or proprietary location in any property within the City.

**13-7.4 Criteria for Approval, Denial, or Revocation of Permit.** The Director, or his or her designee, shall approve the issuance of a permit unless he or she determines that:

- A. The applicant has been convicted of any felony or misdemeanor, and has not subsequently demonstrated rehabilitative characteristics;
- B. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;
- C. The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents;
- D. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in Title 13-7.9.
- E. The conduct of the sidewalk vendor will unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property;
- F. If the application is for the renewal of a permit or a subsequent permit, the applicant has failed to pay all previous administrative fines, completed all community service or completed any other alternative disposition associated in any way with a previous violation of this article; or
- G. If the application is for the renewal of a permit or a subsequent permit, the applicant has had a permit issued under this article rescinded within the last twelve (12) months.

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

**13-7.5 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 and pay the related nonrefundable application renewal fee.

**13-7.6 Permit Rescission.** The Director may rescind a permit issued to a sidewalk vendor on a fourth or subsequent violation of this title. 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.

**13-7.7 Appeals.** 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 City Council. The appeal shall be filed with the City Clerk within fourteen (14) days following the date of the Director's decision.

**13-7.8 Emergency Temporary Suspension of Permit.** Where the conduct or the activity of the permittee creates an imminent peril to the public health or safety, a permit issued pursuant to this title may be summarily suspended upon notice to the permittee, provided that the permittee shall be entitled to a hearing within three (3) days thereafter and any emergency suspension shall not exceed fifteen (30) days pending a hearing under Title 13-7.7.

**13-7.9 Permits Nontransferable.** No permit granted pursuant to this title shall be transferable. Sidewalk vending permits are issued to persons, not vending carts.

**13-7.10 Operating Requirements.** Sidewalk vendors shall comply with the following:

A. No sidewalk vendor shall vend in the following locations:

1. Any public property other than a sidewalk, including, without limitation, streets, alleys, plazas, and City-owned parking structures;
2. Within fifteen (15) feet of any street intersection or traffic signal;
3. Within fifteen (15) feet of any fire hydrant, fire call box, police call box, traffic signal controller, streetlight controller, or other emergency facility;
4. Within ten (10) feet of any driveway or driveway apron;
5. Upon or within any roadway, median strip, or dividing section;
6. Upon or within any parkway or landscaped areas lacking paved pathways for travel;
7. Within two hundred (200) feet of any other sidewalk vendor;
8. Within five hundred (500) feet of an area designated for a temporary special permit. This prohibition shall be limited to the duration of the temporary special permit;
9. Within five hundred (500) feet of the nearest property line of any property on which a place of worship or general child care facility is located while the same is in use;
10. Within five hundred (500) feet of the nearest property line of any property on which a school building or facility (public or private), including athletic field, is located while the same is in use, including afterschool child care, enrichment classes and sports, and not within one hour before school drop off or one hour after such operations listed above;

11. Within one hundred (100) feet of a public picnic area, playground area, or playground equipment while the same is in use;
12. Within one hundred (100) feet of a public community center, athletic field, softball/baseball diamond, basketball court, handball court, tennis court, soccer field, or volleyball court while the same as in use;
13. Within one hundred (100) feet of a Los Angeles Sheriff, Los Angeles Firefighter, or emergency medical personnel who is actively performing his or her duties or providing services to the public;
14. If a stationary sidewalk vendor, within any sidewalk that is not a minimum width of eight (8) feet, exclusion of curb width;
15. Within one hundred (100) feet of the portion of any City facility that is renting merchandise to the public or where rental merchandise is stored;
16. Within twenty-five (25) feet of a litter receptacle, bike rack, or restroom;
17. Within twenty-five (25) feet of a door or emergency exit of any business during the hours that the business is open to the public or to persons having or conducting lawful business within the premises;
18. Within twenty-five (25) feet of a pedestrian entrance/exit or elevator lobby of a City-owned parking structure;
19. Within five (5) feet of metered parking along a curb;
20. With four (4) feet of non-metered parking along a curb;
21. Within three (3) feet of a red curb if not adjacent to a parking meter or loading zone or a curb if posted for permanent no parking;
22. Within one hundred (100) feet of an alley, parking lot or parking garage vehicle entrance/exit;
23. Within ten (10) feet of a marked crosswalk;
24. Within ten (10) feet of the curb return of an unmarked crosswalk;
25. Within forty (40) feet of a bus loading zone or staging zone during the time posted;
26. Within twenty-five (25) feet of a bus stop, trolley stop, taxi stand, bus bench, or bus shelter;
27. Within two hundred (200) feet of a Los Angeles Sheriff Station or Los Angeles Fire Station;
28. Within fifteen (15) feet of an automated teller machine or parking pay station;
29. If a stationary sidewalk vendor, within a park owned or operated by the City if the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire;
30. Within two hundred (200) feet of the Civic Center;
31. Within two hundred (200) feet of a backup City Emergency Operations Center, identified in the City's Emergency Operations Plan, during the operational period;
32. If a stationary sidewalk vendor, within areas zoned exclusively for residential use or within two hundred (200) feet of any areas zoned exclusively for residential use;
33. Within one hundred (100) feet of an open air dining area; or
34. On private property without the consent of the property owner.

- B. No sidewalk vendor shall sell in a manner that blocks or obstructs the free movement of pedestrians or vehicles. Sidewalk vendors must at all times provide a clearance of not less than four (4) feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices;
- C. Sidewalk vending is only permitted between the hours of 8:00 a.m. and 10:00 p.m., daily, except as follows:
  - 1. In residential areas, sidewalk vending shall only be permitted between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 5:00 p.m. on weekends and holidays.
  - 2. In nonresidential areas, the limit on hours of operation shall not be more restrictive than the hours of operation of other businesses or uses on the same street.
  - 3. In park areas, sidewalk vending shall be permitted only during hours the park is open to the public.
- D. Stationary sidewalk vendors shall not vend in areas that are zoned exclusively residential.
- E. Stationary sidewalk vendors shall not vend at any park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.
- F. A sidewalk vendor who vends any food other than prepacked food shall provide hand sanitizer for use by the sidewalk vendor and patrons.
- G. A stationary sidewalk vendor shall maintain a clearly designated litter receptacle in the immediate vicinity, marked with a sign requesting use by patrons. The litter receptacle must be large enough to accommodate customer litter without resort to existing litter receptacles located on any block for use by the general public. The vendor's litter receptacle may not be left on the sidewalk upon leaving any vending location. The vendor shall not empty its litter receptacle into a City refuse container.
- H. A roaming sidewalk vendor vending from a vending cart shall maintain a litter receptacle attached to the vending cart large enough to accommodate customer litter without resort to existing litter receptacles located on any block for use by the general public and marked with a sign requesting use by patrons. The vendor shall not empty its litter receptacle into a City refuse container.
- I. Sidewalk vendors shall maintain a neat, sanitary, hazard and trash-free fifteen (15) foot radius of the vending location during hours of operation, and prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and

dispose of all litter generated by the vending operations within a fifteen (15) foot radius of the vending location in the sidewalk vendor's litter receptacle. Sidewalk vendors shall not throw, deposit, or leave, or permit to be thrown, deposited, or left, any litter, food, or other discarded or abandoned objects, in or upon any street, sidewalk, gutter, storm drain, inlet, catch basin, or other drainage structure, or upon any public or private land in the City, so that the same might be or become a pollutant.

- J. Sidewalk vendors shall immediately clean up any food, grease, or other fluid or item related to sidewalk vending activities that falls on public property.
- K. If a stationary sidewalk vendor remains in place for one (1) hour or longer, the sidewalk vendor must be located within one hundred (100) feet of a publicly accessible restroom.
- L. Vendors of food or food products shall possess and display in plain view on the vending cart a valid Public Health Permit from the Los Angeles County Department of Public Health.
- M. Sidewalk vendors shall possess at all times while selling, a valid sidewalk vendor permit issued pursuant to this title, as well as any other permit or license required by the City and any other appropriate governmental agency.
- N. Sidewalk vendors shall possess at all times while selling, current liability insurance per Title 13-7.3(11).
- O. Sidewalk vendors shall comply with all applicable state and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).
- K. 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, trash cans, street signs, trees, or other objects within the public right-of-way. No vending cart shall become a permanent fixture on any site or be considered an improvement to real property.
- L. Sidewalk vendors must ensure that food and merchandise are securely fastened to the vending cart in such a manner that the food or merchandise does not fall off or extend outside of the frame of the vending cart.
- M. Vending carts shall not be placed on any public property other than a sidewalk.
- N. Vending carts shall not touch, lean against or be affixed at any time to any building or structure including, but not limited to poles, signs, trees, lampposts,

parking meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters, newsstands, trashcans or traffic barriers, or other objects on public property or in the public right-of-way.

- O. All signage and advertising related in any way to the sidewalk vendor must be attached to the vending cart or the sidewalk vendor's person, and shall not be electrical, flashing, wind-powered or animated.
- P. A vending cart approved by the Los Angeles County Department of Health to vend one type or types of food may not be used to vend a different type of food.
- Q. Sidewalk vendors shall comply with all applicable state and local laws, as amended from time to time, including without limitation, Title 3-12 (Noise) of the Lynwood Municipal Code, Division I of Title 11 (County Health Code) and Division I of Title 8 (Public Health Licenses) of the Los Angeles County Code, state food labeling and preparation requirements, fire codes and regulations, and the Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards (both state and federal).
- R. Not including an attached litter receptacle, vending carts shall not exceed a length of four (4) feet, a width of four (4) feet, or a height, including a roof, umbrella, or awning, of ten (10) feet provided that any umbrella or awning shall be no less than seven (7) feet above the surface of the sidewalk.
- S. Vending carts shall not be accompanied by accessories, including, but not limited to, tables, chairs, benches and umbrellas except that one chair and one umbrella may be provided for the purpose of allowing the vendor or an employee to be seated in shade.
- T. Vending carts for food shall be stored in accordance with all requirements of the Los Angeles County Department of Public Health.
- U. Vending carts shall have locking wheels to prevent uncontrolled movement.
- V. Vending carts shall not be left unattended.
- W. Vending carts shall not be left overnight on any public property or right-of-way.
- X. Sidewalk vendors shall not engage in any of the following activities:
  - 1. Using verbal or physical conduct that would cause a reasonable person to fear for his or her safety;
  - 2. Intentionally causing unwanted physical contact with any member of the public;
  - 3. Following a person who walks away after expressing a desire to not be vended to;

4. Approaching a person on a bicycle, occupying a motor vehicle, or an emergency vehicle offering services to the public;
5. Approaching a person standing in line, seated in an outdoor dining area, or similarly stationary for a specific purpose, so that to a reasonable person, it is apparent that the purpose would be frustrated by relocation to avoid the sidewalk vendor;
6. Intentionally blocking the path of the person being vended to or who has expressed a desire to not be vended to;
7. Impeding or obstructing ingress to or egress from any private property or any structure, parking space or loading facility;
8. Renting merchandise to customers;
9. Vending lottery tickets, alcohol, cannabis, adult oriented material, or tobacco or electronic cigarette products;
10. Knowingly making false statements or misrepresentations during the course of vending;
11. Vending illegal or counterfeit merchandise;
12. Bartering, exchanging, selling, offering for sale, displaying for sale, or soliciting offers to purchase services;
13. In parks, interfering in any way with anyone engaged in a physical activity or approaching spectators who are watching a sporting activity to vend;
14. To prevent dangerous distractions, making any outcry, blowing a horn, ringing a bell, or using any sound device or musical instrument for the purpose of attracting the attention of potential patrons;
15. Damaging public or private property, including trees, shrubs, grass, flowers, plants or vegetation;
16. Causing vehicles to stop in traffic lanes or persons to stand in traffic lanes or parking spaces; or
17. Vending in a manner that blocks or obstructs the free movement of vehicles, including parked vehicles.

**13-7.11 Commercial Vehicles.** The operator of any commercial vehicle shall not vend, peddle, sell, or solicit any food, merchandise, goods, or services on a public street under the control of the City without conforming to all of the following:

- A. The vehicle owner or operator first shall have obtained a business license from the City and shall have paid any required license fees.
- B. The vehicle operator and any assistant thereto shall conduct such commercial activities only between the hours of 9:00 a.m. and 5:00 p.m. during standard time. Beginning with the annual observance of daylight savings time until the annual observance of the Labor Day holiday, licensed ice cream truck vendors may operate between the hours of 9:00 a.m. and 8:00 p.m.
- C. The vehicle operator shall first bring the vehicle to a complete stop, and shall have lawfully parked the vehicle adjacent to the street curb.

- D. The vehicle operator shall not remain or permit their vehicle to remain in any one location for more than 30 minutes and, upon the expiration of the 30 minutes, must move at least one-half mile from that location. In addition, the vehicle operator may not return to any location within a three-hour period.
- E. The vehicle operator shall not park the vehicle within five hundred (500) feet of a school (public or private) or park, or within two hundred (200) feet of another vehicle engaged in vending, peddling, selling, or soliciting.
- F. The vehicle owner or operator shall have obtained for each vehicle owned or operated thereby a comprehensive liability insurance policy which shall protect the owner, the operator and the city (as an additional insured) under the policy with types and amounts of coverage as follows: bodily injury and property damage liability insurance, five hundred thousand dollars (\$500,000.00) for each person and two million dollars (\$2,000,000.00) in the aggregate; personal injury liability, one million dollars (\$1,000,000.00) each occurrence; workers' compensation and employer's liability, one million dollars (\$1,000,000.00) each accident. The owner or operator of the vehicle shall furnish a certificate of insurance countersigned by an authorized agent of the insurance carrier on a form of the insurance carrier setting forth the general provisions of the insurance coverage. This countersigned certificate shall name the city as an additional insured under the policy, and shall contain a statement of obligation on the part of the insurance carrier to notify the business license division by certified mail, return receipt requested, of any material change, cancellation or termination of such insurance. The required certificate shall be furnished by the owner or operator of the vehicle to the business license division as a condition precedent to the business license division issuing a business license for such vending, peddling, selling or soliciting and a copy thereof shall be carried at all times in the vehicle.
- G. Every vehicle owner and operator shall consent to a background investigation by the City's law enforcement personnel.
- H. Every vehicle owner or operator involved in the sale or provision of food products of any kind within the City shall obtain and openly display a health certificate and letter grade from the Los Angeles County Department of Health on each vehicle operated within the City for such purpose.
- I. Business licensing of mobile ice cream vendors is limited to fourteen (14) licenses within City limits.
- J. Each licensed mobile ice cream vendor owner or operator is limited to one ice cream vending vehicle.

**13-7.12 Administrative Citations.**

- A. A violation of any provision of this title by a sidewalk vendor who has a valid sidewalk vending permit or a commercial vehicle who has a valid business license from the City is punishable only by an administrative citation pursuant to Title 20-3 (Issuance of Administrative Citation, Fines) of the Lynwood Municipal Code 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.
  
- B. A person engaged in sidewalk vending without a valid City sidewalk vending permit or a commercial vehicle without a permit is punishable by an administrative citation in amounts not to exceed the following, in lieu of the amounts set forth in paragraph A:
  - 1. Two hundred and 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.
  - 4. 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 in paragraph A.
  
- C. As related to sidewalk vending only, a violation of this title 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. As related to sidewalk vending only, 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. As related to sidewalk vending only, when assessing administrative citations pursuant to this section, the Director shall take into consideration the person's ability to pay the fine. The City 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.
  
- F. As related to sidewalk vending only, if a 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 title.

- G. As related to sidewalk vending only, the Director may waive the administrative citation or may offer an alternative disposition.”

**Section 3.** Title 4-1 (Licensing and Business Regulations - Definitions) of the Lynwood Municipal Code is hereby amended to clarify that the definition of the term “Peddler” does not include sidewalk vendors, with all other definitions in Title 4-1 to remain unchanged, which shall read as follows:

“**PEDDLER.** Any person, other than a sidewalk vendor operating with a valid permit issued in accordance with Title 13-7 (Sidewalk Vending), who goes from house to house, place to place, or in or along the streets within the city selling or making immediate delivery, or offering for sale and immediate delivery any goods, wares or merchandise or anything of value, in possession of the peddler, or offering to perform personal services to persons other than manufacturers, wholesalers, jobbers or retailers in such commodities.”

**Section 4.** Title 7-20.17 (Sales From Carriers, Coaches Or Other Nonmotorized Vehicle On City Streets Prohibited) of Chapter 7 (Vehicles and Traffic) of the Lynwood Municipal Code is hereby amended to read as follows:

“No person, firm, or corporation shall use a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance used for selling, whether mobile or stationary, in or on any public street, sidewalk or park in the City of Lynwood without a valid sidewalk vending permit issued in accordance with Title 13-7 (Sidewalk Vending).”

**Section 5.** Title 10-10 (Permit Required to Conduct Business) of Chapter 10 (Parks and Recreation) of the Lynwood Municipal Code is hereby amended to provide that sidewalk vendors may operate in City Parks in accordance with Title 13-7 (Sidewalk Vending), with all other provisions of Chapter 10 to remain the same, which shall read as follows:

“No person shall conduct, practice, carry on or solicit for any trade, occupation, business or profession in a City park without a valid sidewalk vending permit issued in accordance with Title 13-7 (Sidewalk Vending), or without the permission of the City Council.”

**Section 6.** Title 13-11.5 (Exemptions) of Title 13-11.1 (Encroachments) of Chapter 13 (Streets and Sidewalks) of the Lynwood Municipal Code is hereby amended to add language clarifying that sidewalk vendors do not require encroachment permits, which shall read as follows:

“This section shall not apply to:

- (A) United States mail boxes;
- (B) Public utility poles and facilities pursuant to rights granted by city or state law;
- (C) Portable garbage and rubbish receptacles or refuse when conforming to and placed for collection in accordance with the provisions of this code; and
- (D) Sidewalk vendors operating in accordance with Title 13-7.”

**Section 7.** CEQA Findings. The City Council hereby finds and determines that this Urgency Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*) (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility that it may have a significant effect on the environment, and because it is not a “project” as that term is defined in Section 15378 of the State CEQA Guidelines.

**Section 8.** Severability. If any section, subsection, sentence, clause, or phrase of this Urgency 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 Urgency Ordinance. The City Council hereby declares that it would have passed this Urgency Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Urgency Ordinance would be subsequently declared invalid or unconstitutional.

**Section 9.** Effective Date. This Urgency Ordinance enacted under California Government Code section 65858(a) will take effect immediately upon adoption by a four-fifths (4/5) vote of the City Council.

**Section 10.** Adoption. The City Clerk shall certify to the adoption of this Urgency Ordinance and shall cause it to be published and/or posted as required by law.

(Signatures on Next Page)

**PASSED, APPROVED AND ADOPTED this 5<sup>th</sup> day of March 2018.**

\_\_\_\_\_  
Jose Luis Solache, Mayor

ATTEST:

\_\_\_\_\_  
Maria Quinonez, City Clerk

APPROVED AS TO FORM

APPROVED AS TO CONTENT

\_\_\_\_\_  
Noel Tapia, City Attorney

\_\_\_\_\_  
Jose Ometeotl, City Manager

## ORDINANCE NO.

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNWOOD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA REPEALING AND REPLACING TITLE 13-7 (VENDING, PEDDLING, SELLING AND/OR SOLICITING ON PUBLIC STREETS, SIDEWALKS, PARKS, PARKWAYS, MEDIANS, LANDS, PROPERTIES OR OTHER LANDS OR PROPERTIES UNDER THE CONTROL OF THE CITY) OF THE LYNWOOD MUNICIPAL CODE TO CREATE A SIDEWALK VENDING PROGRAM**

#### RECITALS

- I. Senate Bill (“SB”) 946 was signed into law on September 17, 2018, and became effective January 1, 2019.
- II. SB 946 limits the authority of cities and counties to regulate sidewalk vendors, except in accordance with California Government Code Sections 51038 and 51039.
- III. The City’s Municipal Code currently regulates sidewalk vendors in a manner that is inconsistent with SB 946.
- IV. 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.
- V. 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 emergency medical personnel 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.
- VI. The City Council finds that restrictions on sidewalk vending are needed to accommodate vendors and their equipment, while also safeguarding 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 emergency medical personnel.
- VII. 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.

- VIII. 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.
- IX. The City Council finds that restrictions on sidewalk vending in residential areas are necessary to ensure that such areas are protected from excessive noise and traffic impacts while allowing economic opportunities for sidewalk vendors.
- X. 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 the health, safety, and welfare of its residents, businesses and visitors.
- XI. All legal prerequisites to the adoption of this Ordinance have occurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNWOOD DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** The City Council of the City of Lynwood hereby finds and determines that all of the above Recitals are true and correct and incorporates such Recitals into this Ordinance.

**Section 2.** Title 13-7 (Vending, Peddling, Selling and/or Soliciting on Public Streets, Sidewalks, Parks, Parkways, Medians, Lands, Properties or Other Lands or Properties Under the Control of the City) of the Lynwood Municipal Code is hereby repealed and replaced, which shall read as follows:

**“TITLE 13-7  
VENDING, PEDDLING, SELLING AND/OR SOLICITING ON PUBLIC  
STREETS, SIDEWALKS, PARKS, PARKWAYS, MEDIANS, LANDS,  
PROPERTIES OR OTHER LANDS OR PROPERTIES UNDER THE  
CONTROL OF THE CITY**

**13-7.1 Definitions.** The following words and phrases, whenever used in this title, shall mean as follows:

**CIVIC CENTER.** The grounds, buildings, structures, and open space areas bounded by Bullis Road to the west, Ernestine Avenue to the east, Platt Avenue to the south (not including the R-2 zone), and the Lynwood Library/City Hall North boundaries to the north.

**DIRECTOR.** The Community Development Director of the City of Lynwood.

**FOOD.** Any type of raw, cooked, or processed edible substance, including any food product or beverage.

**JUNK FOOD.** Any food or beverage that is low in essential nutrients, protein, vitamins or minerals and high in calories, sodium, sugar and fat. Junk Food includes, without limitation, soda, candy, chips, ice cream, hot dogs or processed meat, and chocolates.

**LOS ANGELES FIRE STATION.** Any facility in the City of Lynwood where fire engines and other equipment of the Los Angeles Fire Department are housed.

**LOS ANGELES SHERIFF STATION.** Any facility in the City of Lynwood where sheriff vehicles and other equipment of the Los Angeles Sheriff's Department are housed.

**MERCHANDISE.** Any tangible goods or items that are not food.

**PARK.** An open space intended for public recreational use that is operated by the City of Lynwood.

**PERSON.** One or more individuals, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs, or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer, or employee of any of them), whether engaged in business, nonprofit, or any other activity.

**ROAMING SIDEWALK VENDOR.** A roaming sidewalk vendor has the same meaning as set forth in Government Code Section [51036\(b\)](#), and includes a sidewalk vendor who moves from place to place and stops only to complete a transaction.

**SIDEWALK.** A public sidewalk or paved pedestrian path or walkway specifically designed for pedestrian travel.

**SIDEWALK VENDOR.** A person who sells 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.** A sidewalk vendor(s) or sidewalk vend(s) means a person who sells food or merchandise from a pushcart, stand, equipment, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path. Sidewalk vendor includes "roaming sidewalk vendor" and "stationary sidewalk vendor." "Sidewalk vendor permit" means a permit related to the use of a cart that is issued by the City in accordance with this chapter.

**STATIONARY CART.** A stationary cart means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, that is intended to be

operated from a fixed location by a stationary sidewalk vendor instead of being moved from place to place, where stops are limited to completing a transaction.

**STATIONARY SIDEWALK VENDOR.** A stationary sidewalk vendor has the same meaning as set forth in Government Code Section 51036(c), and includes a sidewalk vendor who vends from a fixed location.

**SELL or SELLING.** To sell, offer for sale, display for sale, or solicit offers to purchase, food, food products, beverages, goods, or merchandise.

**SWAP MEET.** A location operated in accordance with Chapter 25 (Zoning) Article 200 of the Lynwood Municipal Code, and any regulations adopted pursuant to that chapter.

**TEMPORARY SPECIAL PERMIT.** A permit issued by the City 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, outdoor concerts, festivals, carnivals, and street fairs.

**VEND OR VENDING.** To barter, exchange, sell, offer for sale, display for sale, or solicit offers to purchase, 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 CART.** A pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance used for selling, whether mobile or stationary, that is not a vehicle as defined in the California Vehicle Code.

**13-7.2 Permit Required.** No person shall conduct or engage in sidewalk vending within the City without first obtaining a sidewalk vending permit pursuant to this title.

**13-7.3 Sidewalk Vending Permit Application.**

- A. To apply for a sidewalk vending permit, a person must file an application with the Director, or designee, accompanied by a nonrefundable application 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:
  - 1. The full legal name, current address, and telephone number of the applicant;
  - 2. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;
  - 3. A copy of a California's driver's license or identification number, an individual taxpayer identification number, or a social security number. The document or number collected shall not be available to the public for inspection, is confidential, and shall not be disclosed except as required to administer the permit or comply with state law, or state/federal court order;

4. A description, map, or drawing of the area(s)/route the applicant intends to operate;
  5. A complete description of the food or merchandise offered for sale or exchange. Any applicant who intends to sell food must also provide proof of either a Food Handler Card or Certified Food Protection Manager certificate, where applicable, pursuant to Health and Safety Code Section 113700-114437, and a Mobile Food Facility permit certifying that the vending cart used has been approved by the Los Angeles County Department of Public Health for that particular type of food;
  6. The dimensions of the vending cart;
  7. A complete description of any ancillary items that the applicant intends to use in conjunction with sales including, without limitation, trash receptacles, chairs, umbrellas and umbrella stands, or similar items;
  8. The hours per day and the days per week during which the sidewalk vendor proposes to operate, and whether the applicant intends to operate as a stationary sidewalk vendor and/or a roaming sidewalk vendor;
  9. A California seller's permit number pursuant to Section 6067 of the Revenue and Taxation Code;
  10. Certification by the applicant that the information contained in the application is true to his or her knowledge and belief;
  11. Proof of a policy or policies of comprehensive general liability insurance with minimum limits of one million dollars (\$1,000,000) per occurrence, combined single limit coverage and two million dollars (\$2,000,000) in the aggregate against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the applicant, with an endorsement naming the City as an additional insured. In addition, to the extent required, the applicant shall carry workers' compensation sufficient to meet requirements of the State of California;
  12. An agreement by the applicant to indemnify and hold harmless the City, its officers and employees, for any damage or injury caused to the City or to third parties as a result of the sidewalk vending conduct or activity as approved by Lynwood's City Attorney;
  13. Certification by the applicant, under penalty of perjury, that the information contained in the application is true to his or her knowledge and belief; and
  14. Any other reasonable information regarding the time, place, and manner of the proposed vending.
- B. Complete applications must be submitted to the Director, or designee. Only complete applications will be considered. An application is complete if it includes all required information together with full payment of the nonrefundable application fee. Applications will be considered in the order they are received. The City may require supplemental information from any applicant before deeming an application complete. If supplemental information is requested, it must be provided to the Director, or designee, within seven business days of the request.

- C. The City may deny any application that is incomplete or that does not comply with all applicable requirements. The City may request and obtain supplemental information from any applicant before making a decision on the application.
- D. Applicants must agree to abide by the operational requirements stated in Title 13-7.10.
- E. Sidewalk vendors cannot be permitted as a permanent or proprietary location in any property within the City.

**13-7.4 Criteria for Approval, Denial, or Revocation of Permit.** The Director, or his or her designee, shall approve the issuance of a permit unless he or she determines that:

- A. The applicant has been convicted of any felony or misdemeanor, and has not subsequently demonstrated rehabilitative characteristics;
- B. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;
- C. The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents;
- D. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in Title 13-7.9.
- E. The conduct of the sidewalk vendor will unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property;
- F. If the application is for the renewal of a permit or a subsequent permit, the applicant has failed to pay all previous administrative fines, completed all community service or completed any other alternative disposition associated in any way with a previous violation of this article; or
- G. If the application is for the renewal of a permit or a subsequent permit, the applicant has had a permit issued under this article rescinded within the last twelve (12) months.

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

**13-7.5 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 and pay the related nonrefundable application renewal fee.

**13-7.6 Permit Rescission.** The Director may rescind a permit issued to a sidewalk vendor on a fourth or subsequent violation of this title. 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.

**13-7.7 Appeals.** 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 City Council. The appeal shall be filed with the City Clerk within fourteen (14) days following the date of the Director's decision.

**13-7.8 Emergency Temporary Suspension of Permit.** Where the conduct or the activity of the permittee creates an imminent peril to the public health or safety, a permit issued pursuant to this title may be summarily suspended upon notice to the permittee, provided that the permittee shall be entitled to a hearing within three (3) days thereafter and any emergency suspension shall not exceed fifteen (30) days pending a hearing under Title 13-7.7.

**13-7.9 Permits Nontransferable.** No permit granted pursuant to this title shall be transferable. Sidewalk vending permits are issued to persons, not vending carts.

**13-7.10 Operating Requirements.** Sidewalk vendors shall comply with the following:

A. No sidewalk vendor shall vend in the following locations:

1. Any public property other than a sidewalk, including, without limitation, streets, alleys, plazas, and City-owned parking structures;
2. Within fifteen (15) feet of any street intersection or traffic signal;
3. Within fifteen (15) feet of any fire hydrant, fire call box, police call box, traffic signal controller, streetlight controller, or other emergency facility;
4. Within ten (10) feet of any driveway or driveway apron;
5. Upon or within any roadway, median strip, or dividing section;
6. Upon or within any parkway or landscaped areas lacking paved pathways for travel;
7. Within two hundred (200) feet of any other sidewalk vendor;
8. Within five hundred (500) feet of an area designated for a temporary special permit. This prohibition shall be limited to the duration of the temporary special permit;
9. Within five hundred (500) feet of the nearest property line of any property on which a place of worship or general child care facility is located while the same is in use;
10. Within five hundred (500) feet of the nearest property line of any property on which a school building or facility (public or private), including athletic

field, is located while the same is in use, including afterschool child care, enrichment classes and sports, and not within one hour before school drop off or one hour after such operations listed above;

11. Within one hundred (100) feet of a public picnic area, playground area, or playground equipment while the same is in use;
12. Within one hundred (100) feet of a public community center, athletic field, softball/baseball diamond, basketball court, handball court, tennis court, soccer field, or volleyball court while the same as in use;
13. Within one hundred (100) feet of a Los Angeles Sheriff, Los Angeles Firefighter, or emergency medical personnel who is actively performing his or her duties or providing services to the public;
14. If a stationary sidewalk vendor, within any sidewalk that is not a minimum width of eight (8) feet, exclusion of curb width;
15. Within one hundred (100) feet of the portion of any City facility that is renting merchandise to the public or where rental merchandise is stored;
16. Within twenty-five (25) feet of a litter receptacle, bike rack, or restroom;
17. Within twenty-five (25) feet of a door or emergency exit of any business during the hours that the business is open to the public or to persons having or conducting lawful business within the premises;
18. Within twenty-five (25) feet of a pedestrian entrance/exit or elevator lobby of a City-owned parking structure;
19. Within five (5) feet of metered parking along a curb;
20. With four (4) feet of non-metered parking along a curb;
21. Within three (3) feet of a red curb if not adjacent to a parking meter or loading zone or a curb if posted for permanent no parking;
22. Within one hundred (100) feet of an alley, parking lot or parking garage vehicle entrance/exit;
23. Within ten (10) feet of a marked crosswalk;
24. Within ten (10) feet of the curb return of an unmarked crosswalk;
25. Within forty (40) feet of a bus loading zone or staging zone during the time posted;
26. Within twenty-five (25) feet of a bus stop, trolley stop, taxi stand, bus bench, or bus shelter;
27. Within two hundred (200) feet of a Los Angeles Sheriff Station or Los Angeles Fire Station;
28. Within fifteen (15) feet of an automated teller machine or parking pay station;
29. If a stationary sidewalk vendor, within a park owned or operated by the City if the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire;
30. Within two hundred (200) feet of the Civic Center;
31. Within two hundred (200) feet of a backup City Emergency Operations Center, identified in the City's Emergency Operations Plan, during the operational period;

32. If a stationary sidewalk vendor, within areas zoned exclusively for residential use or within two hundred (200) feet of any areas zoned exclusively for residential use;
  33. Within one hundred (100) feet of an open air dining area; or
  34. On private property without the consent of the property owner.
- B. No sidewalk vendor shall sell in a manner that blocks or obstructs the free movement of pedestrians or vehicles. Sidewalk vendors must at all times provide a clearance of not less than four (4) feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices;
- C. Sidewalk vending is only permitted between the hours of 8:00 a.m. and 10:00 p.m., daily, except as follows:
1. In residential areas, sidewalk vending shall only be permitted between the hours of 8:00 a.m. and 6:00 p.m. on weekdays and between the hours of 9:00 a.m. and 5:00 p.m. on weekends and holidays.
  2. In nonresidential areas, the limit on hours of operation shall not be more restrictive than the hours of operation of other businesses or uses on the same street.
  3. In park areas, sidewalk vending shall be permitted only during hours the park is open to the public.
- D. Stationary sidewalk vendors shall not vend in areas that are zoned exclusively residential.
- E. Stationary sidewalk vendors shall not vend at any park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.
- F. A sidewalk vendor who vends any food other than prepacked food shall provide hand sanitizer for use by the sidewalk vendor and patrons.
- G. A stationary sidewalk vendor shall maintain a clearly designated litter receptacle in the immediate vicinity, marked with a sign requesting use by patrons. The litter receptacle must be large enough to accommodate customer litter without resort to existing litter receptacles located on any block for use by the general public. The vendor's litter receptacle may not be left on the sidewalk upon leaving any vending location. The vendor shall not empty its litter receptacle into a City refuse container.
- H. A roaming sidewalk vendor vending from a vending cart shall maintain a litter receptacle attached to the vending cart large enough to accommodate customer litter without resort to existing litter receptacles located on any block for use by

the general public and marked with a sign requesting use by patrons. The vendor shall not empty its litter receptacle into a City refuse container.

- I. Sidewalk vendors shall maintain a neat, sanitary, hazard and trash-free fifteen (15) foot radius of the vending location during hours of operation, and prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all litter generated by the vending operations within a fifteen (15) foot radius of the vending location in the sidewalk vendor's litter receptacle. Sidewalk vendors shall not throw, deposit, or leave, or permit to be thrown, deposited, or left, any litter, food, or other discarded or abandoned objects, in or upon any street, sidewalk, gutter, storm drain, inlet, catch basin, or other drainage structure, or upon any public or private land in the City, so that the same might be or become a pollutant.
- J. Sidewalk vendors shall immediately clean up any food, grease, or other fluid or item related to sidewalk vending activities that falls on public property.
- K. If a stationary sidewalk vendor remains in place for one (1) hour or longer, the sidewalk vendor must be located within one hundred (100) feet of a publicly accessible restroom.
- L. Vendors of food or food products shall possess and display in plain view on the vending cart a valid Public Health Permit from the Los Angeles County Department of Public Health.
- M. Sidewalk vendors shall possess at all times while selling, a valid sidewalk vendor permit issued pursuant to this title, as well as any other permit or license required by the City and any other appropriate governmental agency.
- N. Sidewalk vendors shall possess at all times while selling, current liability insurance per Title 13-7.3(11).
- O. Sidewalk vendors shall comply with all applicable state and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).
- K. 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, trash cans, street signs, trees, or other objects within the public right-of-way. No vending cart shall become a permanent fixture on any site or be considered an improvement to real property.

- L. Sidewalk vendors must ensure that food and merchandise are securely fastened to the vending cart in such a manner that the food or merchandise does not fall off or extend outside of the frame of the vending cart.
- M. Vending carts shall not be placed on any public property other than a sidewalk.
- N. Vending carts shall not touch, lean against or be affixed at any time to any building or structure including, but not limited to poles, signs, trees, lampposts, parking meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters, newsstands, trashcans or traffic barriers, or other objects on public property or in the public right-of-way.
- O. All signage and advertising related in any way to the sidewalk vendor must be attached to the vending cart or the sidewalk vendor's person, and shall not be electrical, flashing, wind-powered or animated.
- P. A vending cart approved by the Los Angeles County Department of Health to vend one type or types of food may not be used to vend a different type of food.
- Q. Sidewalk vendors shall comply with all applicable state and local laws, as amended from time to time, including without limitation, Title 3-12 (Noise) of the Lynwood Municipal Code, Division I of Title 11 (County Health Code) and Division I of Title 8 (Public Health Licenses) of the Los Angeles County Code, state food labeling and preparation requirements, fire codes and regulations, and the Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards (both state and federal).
- R. Not including an attached litter receptacle, vending carts shall not exceed a length of four (4) feet, a width of four (4) feet, or a height, including a roof, umbrella, or awning, of ten (10) feet provided that any umbrella or awning shall be no less than seven (7) feet above the surface of the sidewalk.
- S. Vending carts shall not be accompanied by accessories, including, but not limited to, tables, chairs, benches and umbrellas except that one chair and one umbrella may be provided for the purpose of allowing the vendor or an employee to be seated in shade.
- T. Vending carts for food shall be stored in accordance with all requirements of the Los Angeles County Department of Public Health.
- U. Vending carts shall have locking wheels to prevent uncontrolled movement.
- V. Vending carts shall not be left unattended.
- W. Vending carts shall not be left overnight on any public property or right-of-way.

- X. Sidewalk vendors shall not engage in any of the following activities:
1. Using verbal or physical conduct that would cause a reasonable person to fear for his or her safety;
  2. Intentionally causing unwanted physical contact with any member of the public;
  3. Following a person who walks away after expressing a desire to not be vended to;
  4. Approaching a person on a bicycle, occupying a motor vehicle, or an emergency vehicle offering services to the public;
  5. Approaching a person standing in line, seated in an outdoor dining area, or similarly stationary for a specific purpose, so that to a reasonable person, it is apparent that the purpose would be frustrated by relocation to avoid the sidewalk vendor;
  6. Intentionally blocking the path of the person being vended to or who has expressed a desire to not be vended to;
  7. Impeding or obstructing ingress to or egress from any private property or any structure, parking space or loading facility;
  8. Renting merchandise to customers;
  9. Vending lottery tickets, alcohol, cannabis, adult oriented material, or tobacco or electronic cigarette products;
  10. Knowingly making false statements or misrepresentations during the course of vending;
  11. Vending illegal or counterfeit merchandise;
  12. Bartering, exchanging, selling, offering for sale, displaying for sale, or soliciting offers to purchase services;
  13. In parks, interfering in any way with anyone engaged in a physical activity or approaching spectators who are watching a sporting activity to vend;
  14. To prevent dangerous distractions, making any outcry, blowing a horn, ringing a bell, or using any sound device or musical instrument for the purpose of attracting the attention of potential patrons;
  15. Damaging public or private property, including trees, shrubs, grass, flowers, plants or vegetation;
  16. Causing vehicles to stop in traffic lanes or persons to stand in traffic lanes or parking spaces; or
  17. Vending in a manner that blocks or obstructs the free movement of vehicles, including parked vehicles.

**13-7.11 Commercial Vehicles.** The operator of any commercial vehicle shall not vend, peddle, sell, or solicit any food, merchandise, goods, or services on a public street under the control of the City without conforming to all of the following:

- A. The vehicle owner or operator first shall have obtained a business license from the City and shall have paid any required license fees.

- B. The vehicle operator and any assistant thereto shall conduct such commercial activities only between the hours of 9:00 a.m. and 5:00 p.m. during standard time. Beginning with the annual observance of daylight savings time until the annual observance of the Labor Day holiday, licensed ice cream truck vendors may operate between the hours of 9:00 a.m. and 8:00 p.m.
- C. The vehicle operator shall first bring the vehicle to a complete stop, and shall have lawfully parked the vehicle adjacent to the street curb.
- D. The vehicle operator shall not remain or permit their vehicle to remain in any one location for more than 30 minutes and, upon the expiration of the 30 minutes, must move at least one-half mile from that location. In addition, the vehicle operator may not return to any location within a three-hour period.
- E. The vehicle operator shall not park the vehicle within five hundred (500) feet of a school (public or private) or park, or within two hundred (200) feet of another vehicle engaged in vending, peddling, selling, or soliciting.
- F. The vehicle owner or operator shall have obtained for each vehicle owned or operated thereby a comprehensive liability insurance policy which shall protect the owner, the operator and the city (as an additional insured) under the policy with types and amounts of coverage as follows: bodily injury and property damage liability insurance, five hundred thousand dollars (\$500,000.00) for each person and two million dollars (\$2,000,000.00) in the aggregate; personal injury liability, one million dollars (\$1,000,000.00) each occurrence; workers' compensation and employer's liability, one million dollars (\$1,000,000.00) each accident. The owner or operator of the vehicle shall furnish a certificate of insurance countersigned by an authorized agent of the insurance carrier on a form of the insurance carrier setting forth the general provisions of the insurance coverage. This countersigned certificate shall name the city as an additional insured under the policy, and shall contain a statement of obligation on the part of the insurance carrier to notify the business license division by certified mail, return receipt requested, of any material change, cancellation or termination of such insurance. The required certificate shall be furnished by the owner or operator of the vehicle to the business license division as a condition precedent to the business license division issuing a business license for such vending, peddling, selling or soliciting and a copy thereof shall be carried at all times in the vehicle.
- G. Every vehicle owner and operator shall consent to a background investigation by the City's law enforcement personnel.
- H. Every vehicle owner or operator involved in the sale or provision of food products of any kind within the City shall obtain and openly display a health certificate and letter grade from the Los Angeles County Department of Health on each vehicle operated within the City for such purpose.

- I. Business licensing of mobile ice cream vendors is limited to fourteen (14) licenses within City limits.
- J. Each licensed mobile ice cream vendor owner or operator is limited to one ice cream vending vehicle.

**13-7.12 Administrative Citations.**

- A. A violation of any provision of this title by a sidewalk vendor who has a valid sidewalk vending permit or a commercial vehicle who has a valid business license from the City is punishable only by an administrative citation pursuant to Title 20-3 (Issuance of Administrative Citation, Fines) of the Lynwood Municipal Code 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.
- B. A person engaged in sidewalk vending without a valid City sidewalk vending permit or a commercial vehicle without a permit is punishable by an administrative citation in amounts not to exceed the following, in lieu of the amounts set forth in paragraph A:
  - 1. Two hundred and 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.
  - 4. 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 in paragraph A.
- C. As related to sidewalk vending only, a violation of this title 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. As related to sidewalk vending only, 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. As related to sidewalk vending only, when assessing administrative citations pursuant to this section, the Director shall take into consideration the person's ability to pay the fine. The City 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.

F. As related to sidewalk vending only, if a 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 title.

G. As related to sidewalk vending only, the Director may waive the administrative citation or may offer an alternative disposition.”

**Section 3.** Title 4-1 (Licensing and Business Regulations - Definitions) of the Lynwood Municipal Code is hereby amended to clarify that the definition of the term “Peddler” does not include sidewalk vendors, with all other definitions in Title 4-1 to remain unchanged, which shall read as follows:

“**PEDDLER.** Any person, other than a sidewalk vendor operating with a valid permit issued in accordance with Title 13-7 (Sidewalk Vending), who goes from house to house, place to place, or in or along the streets within the city selling or making immediate delivery, or offering for sale and immediate delivery any goods, wares or merchandise or anything of value, in possession of the peddler, or offering to perform personal services to persons other than manufacturers, wholesalers, jobbers or retailers in such commodities.”

**Section 4.** Title 7-20.17 (Sales From Carriers, Coaches Or Other Nonmotorized Vehicle On City Streets Prohibited) of Chapter 7 (Vehicles and Traffic) of the Lynwood Municipal Code is hereby amended to read as follows:

“No person, firm, or corporation shall use a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance used for selling, whether mobile or stationary, in or on any public street, sidewalk or park in the City of Lynwood without a valid sidewalk vending permit issued in accordance with Title 13-7 (Sidewalk Vending).”

**Section 5.** Title 10-10 (Permit Required to Conduct Business) of Chapter 10 (Parks and Recreation) of the Lynwood Municipal Code is hereby amended to provide that sidewalk vendors may operate in City Parks in accordance with Title 13-7 (Sidewalk Vending), with all other provisions of Chapter 10 to remain the same, which shall read as follows:

“No person shall conduct, practice, carry on or solicit for any trade, occupation, business or profession in a City park without a valid sidewalk vending permit issued in accordance with Title 13-7 (Sidewalk Vending), or without the permission of the City Council.”

**Section 6.** Title 13-11.5 (Exemptions) of Title 13-11.1 (Encroachments) of Chapter 13 (Streets and Sidewalks) of the Lynwood Municipal Code is hereby amended to add language clarifying that sidewalk vendors do not require encroachment permits, which shall read as follows:

“This section shall not apply to:

- (A) United States mail boxes;
- (B) Public utility poles and facilities pursuant to rights granted by city or state law;
- (C) Portable garbage and rubbish receptacles or refuse when conforming to and placed for collection in accordance with the provisions of this code; and
- (D) Sidewalk vendors operating in accordance with Title 13-7.”

**Section 7.** CEQA Findings. The City Council hereby finds and determines that this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*) (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility that it may have a significant effect on the environment, and because it is not a “project” as that term is defined in Section 15378 of the State CEQA Guidelines.

**Section 8.** 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 9.** Effective Date. The City Clerk shall certify to the passage of this Ordinance and shall cause this ordinance to be published and/or posted as required by law and said Ordinance shall become effective 30 days after its passage.

(Signatures on Next Page)

**PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of March 2018.**

\_\_\_\_\_  
Jose Luis Solache, Mayor

ATTEST:

\_\_\_\_\_  
Maria Quinonez, City Clerk

APPROVED AS TO FORM

APPROVED AS TO CONTENT

\_\_\_\_\_  
Noel Tapia, City Attorney

\_\_\_\_\_  
Jose Ometeotl, City Manager