

**ORDINANCE 1265**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS,  
CALIFORNIA, ADOPTING AND AMENDING VARIOUS SECTIONS OF THE SAN  
DIMAS MUNICIPAL CODE IMPLEMENTING SIDEWALK VENDOR REGULATIONS**

**RECITALS**

**WHEREAS**, effective January 1, 2019, Chapter 6.2 of the Government Code, commencing at Section 51036, will authorize sidewalk vending and limit a local authority's scope of regulation of vending upon a sidewalk; and

**WHEREAS**, the City Council desires to implement sidewalk vending requirements for the regulation of sidewalk vendors to be consistent with the new State law.

**NOW, THEREFORE**, the CITY COUNCIL of the CITY OF SAN DIMAS, California, does ordain as follows:

**SECTION 1.** Subsection (M) of Section 5.28.020 (Permits—Required When) of the San Dimas Municipal Code is hereby amended and the same shall now read as follows:

“M. Hawkers and Retail Vendors of Food and Ice Cream Products, and Sidewalk Vendors.”

**SECTION 2.** Section 5.32.040 (Sidewalk vending permits) of Chapter 5.32 of Title 5 of the San Dimas Municipal Code is hereby added and shall now read as follows:

**“5.32.040 Sidewalk vending permits.**

Any person applying for a permit to operate as a sidewalk vendor shall include the following information:

- A. The name and current mailing address of the applicant;
- B. A description of the type of food, beverage, or merchandise to be sold, as well as hours of operation, a description of the cart, and any additional information that will explain proposed use;
- C. A description and photograph (including signage and colors) of any stand to be used in the operation of the business;
- D. A certification by the sidewalk vendor that to his or her knowledge and belief, the information contained on the application is true;
- E. The California Department of Tax and Fee Administration sales tax number, if any, of the sidewalk vendor;
- F. If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;
- G. A valid permit issued by the Los Angeles County Health Department.”

**SECTION 3.** A new subsection (12) is hereby added to Section 5.36.010(B) (Fees—Generally—Renewal.) of Chapter 5.36 of Title 5 of the San Dimas Municipal Code as follows:

“12. Sidewalk vendors.”

**SECTION 4.** Section 5.68.010 (Permit required.) of the San Dimas Municipal Code is hereby amended and the same shall now read as follows:

**“5.68.010 Permit required.**

No café, food establishment, public eating place or sidewalk vendor shall remain in business or operate any business, café, food establishment, public eating place or sidewalk vending cart within the city unless he has in effect a permit from the health officer for conducting the same.”

**SECTION 5.** Section 5.84.040 (Food vendors—Restrictions.) of Chapter 5.84 of Title 5 (Business Licenses and Regulations) of the San Dimas Municipal Code is hereby repealed in its entirety.

**SECTION 6.** Chapter 12.10 (Regulation of Sidewalk Vendors) of Title 12 of the San Dimas Municipal Code is hereby added and shall now read as follows:

Chapter 12.10 REGULATION OF SIDEWALK VENDORS

**“12.10.010 Definitions**

As used in this chapter:

- A. “Sidewalk vendor” means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path.
- B. “Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- C. “Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location.

**12.10.020 Selling food or merchandise—operational requirements.**

- A. No sidewalk vendor shall operate without a sidewalk vending permit pursuant to Chapter 5.32 and a valid business license pursuant to Chapter 5.04 of this code.
- B. All permits shall be displayed in a visible and conspicuous location at all times during the operation of the vending business.
- C. It shall be prohibited for any sidewalk vendor to operate under any of the following conditions:
  1. Vend between 9:00 p.m. and 8:00 a.m. in residential zones;
  2. Leave any stand unattended;
  3. Store, park, or leave any stand overnight on any public street, sidewalk, or park;
  4. Sell food or beverages for immediate consumption unless there is a litter receptacle available for patrons’ use;
  5. Leave any location without first disposing all trash or refuse remaining from sales conducted. Trash and refuse generated by the vending cart operations shall not be disposed of in public trash receptacles;
  6. Allow any items relating to the operation of the vending business to be placed anywhere other than in, on, or under the stand;
  7. Set up, maintain, or permit the use of any additional table, crate, carton, rack, or any other device to increase the selling or display

capacity of his/her stand where such terms have not been described by his or her application;

8. Solicit or conduct business with persons in motor vehicles;
  9. Sell anything other than that which he or she is licensed to vend;
  10. Sound or permit the sounding of any device that produces a loud and raucous noise, or use or operate any loud speaker, public address system, radio, sound amplifier, or similar device to attract the attention of the public;
  11. Operate within 50 feet of a fire hydrant or 25 feet of a transit stop;
  12. Operate within 15 feet of the outer edge of a driveway or vehicular entrance to public or private property in residential zones;
  13. Operate in a manner that does not maintain four feet of clear space on a public sidewalk;
  14. Operate on any street that does not have a public sidewalk;
  15. Operate a stationary vending cart in residential zones;
  16. Operate a stationary sidewalk vending cart in any city park that has a concessionaire operating under an exclusive concessionaire agreement with the City during the hours the concessionaire is open;
  17. Operate within 50 feet of an abutting residential zone within a city park;
  18. Operate within a parking lot within a city park;
  19. Operate a sidewalk vending cart within 500 feet of a certified farmers' market, swap meet or any temporary event operating with a city issued permit during the operating hours of that certified farmers' market, swap meet or City permitted event; and
  20. Operate in violation of any other generally applicable law.
- D. No advertising shall be permitted, except to identify the name of the product or the name of the vendor and the posting of prices.

**12.10.030 Violation—Penalty.**

- A. Violations of Section 12.10.020, other than failure to possess a valid sidewalk vending permit, is punishable by the following:
  1. An administrative fine not exceeding one hundred dollars (\$100) for a first violation.
  2. An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one year of the first violation.
  3. An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.
  4. Rescission of a sidewalk vending permit for the term of that permit upon the fourth violation or subsequent violations within one year of the first violation.
- B. Violations of Section 12.10.020 by vending without a license or permit issued by the City is punishable by the following:
  1. An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.
  2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one year of the first violation.
  3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year of the first violation.

- C. Upon proof of a valid permit issued by the City, any administrative fines imposed under this subsection for vending without possessing a copy of the permit shall be reduced to the administrative fines set forth in Section 12.10.030(A) of this code.
- D. All fines imposed pursuant to subsections (A) or (B) above shall be subject to an ability-to-pay determination as described in California Government Code section 51039(f). Concurrently with issuing a citation for such fines to a person, 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.”

**SECTION 7.** A new subsection (E) is added to Section 13.16.160 (Solicitation.) of Chapter 13.16 of Title 13 of the San Dimas Municipal Code as follows:

“E. As permitted in Chapter 12.10.”

**SECTION 8.** Section 13.16.161 (Prohibition of commercial activity in public parks and facilities.) of Chapter 13.16 of Title 13 is hereby amended, and the same shall now read as follows:

**“13.16.161 Prohibition of commercial activity in public parks and facilities.**

No person shall practice, carry on, or conduct any trade, occupation, business or profession in public parks and facilities owned or operated by the city of San Dimas, except upon application to and as may be permitted by the director of parks and recreation or as permitted in Chapter 12.10.”

**SECTION 9. SEVERABILITY.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of 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 adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

**SECTION 10. CEQA DETERMINATION.** The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**SECTION 11. EFFECTIVE DATE AND PUBLICATION.** This Ordinance shall take effect 30 days after its final passage, and within 15 days after its passage the City Clerk shall cause it to be published in the Inland Valley Daily Bulletin, a newspaper of general circulation in the City of San Dimas hereby designated for that purpose.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of San Dimas this 26<sup>th</sup>, day of February 2019, by the following vote:

**AYES:** Badar, Bertone, Ebiner, Morris, Vienna  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None



Curtis W. Morris, Mayor

**ATTEST:**



Debra Black, Assistant City Clerk

**APPROVED AS TO FORM:**



Jeff Malawy, Interim City Attorney

I, DEBRA BLACK, ASSISTANT CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1265 was introduced at a regular meeting of the City Council of the City of San Dimas on the 12<sup>th</sup>, day of February, 2019, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 22<sup>nd</sup>, day of February, 2019.