

## **URGENCY ORDINANCE NO. 3398**

**AN URGENCY ORDINANCE OF THE CITY OF CORONA, CALIFORNIA, AMENDING CHAPTER 5.34 OF THE CORONA MUNICIPAL CODE TO REGULATE ONLY SOLICITORS, ADDING CHAPTER 5.35 TO THE CORONA MUNICIPAL CODE TO REGULATE SIDEWALK VENDORS, AMENDING SECTION 12.20.030 TO REQUIRE A SIDEWALK VENDOR PERMIT TO SELL MERCHANDISE ON THE STREET AND SIDEWALK IN A MANNER CONSISTENT WITH SENATE BILL 946, AND ESTABLISHING AN APPLICATION FEE FOR SOLICITOR PERMITS AND SIDEWALK VENDOR PERMITS AND AN IMPOUND FEE FOR THE RELEASE OF IMPOUNDED SIDEWALK VENDING RECEPTACLES, FOOD AND MERCHANDISE.**

**WHEREAS**, Article XI, § 7 of the California Constitution authorizes cities to make and enforce within their limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws;

**WHEREAS**, Senate Bill 946 (“SB 946”), which was passed by the California Legislature in 2018, added Chapter 6.2 (commencing with Section 51036) to Part 1 of Division 1 of Title 5 of the Government Code Section 36516 to prohibit cities from regulating sidewalk vendors, except in accordance with the provisions of SB 946;

**WHEREAS**, the City Council desires to implement sidewalk vending regulations to provide a permitting process and impose operational requirements for sidewalk vendors in the City to comply with SB 946 and protect the health, safety and welfare of the community; and

**WHEREAS**, the City Council hereby finds that to promote and protect the public health, safety and welfare of the community, the sidewalk vending regulations set forth herein, including without limitation, the impoundment of sidewalk vending receptacles, food and merchandise due to violations of these regulations, are necessary to:

1. Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including access to building entrances, and not blocking driveways, fire hydrants, parking areas and building storefront windows, which is necessary to guard the health and safety of patrons, drivers, vendors and existing business owners and promote fire suppression and law enforcement practices that allow the City’s public safety personnel to observe activities within building.
2. Allow for the safe and effective performance of code compliance, police, firefighter and emergency medical personnel services in the public right-of-way.

3. Ensure that sidewalk vendor activities occur only in locations where such activities would not restrict the use and enjoyment of sidewalks and pathways by any persons including persons with disabilities.

4. Ensure compliance with the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards.

5. Provide reasonable access to the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, firefighting apparatus, mailboxes, as well as access to locations used for public transportation services.

6. Maintain sanitary conditions of items offered to public, especially food items.

7. Reduce exposure to the City for personal injury or property damage claims and litigation that may be caused in whole or in part by sidewalk vendor activities in the public right-of-way.

8. Provide for the installation, repair, maintenance and removal of encroachments in the public right-of-way in order to protect the public health, safety, and welfare and to provide for the orderly administration and maintenance of the public access ways for the benefit of the community, while at the same time allowing reasonable accommodation and cooperative flexibility for providing necessary utility and other convenience services to the community.

9. Prevent infringement on the use and enjoyment of parks and an undue concentration of commercial activity that interferes with the scenic and natural character of the park.

**WHEREAS**, Chapter 5.34 of the Corona Municipal Code (“CMC”) sets forth the regulations for peddlers and solicitors, which were enacted prior to the passage of SB 946; and

**WHEREAS**, the City Council desires to amend and update CMC Chapter 5.34 to regulate only solicitors, add Chapter 5.35 to the CMC to regulate sidewalk vendors (previously referred to as peddlers), and amend CMC Section 12.20.030 to require a sidewalk vendor permit to sell merchandise on streets and sidewalks in a manner consistent with SB 946; and

**WHEREAS**, pursuant to CMC Section 5.34.020, as amended by this Urgency Ordinance, a ministerial permit and payment of a permit fee is required for any person engaging in soliciting activities; and

**WHEREAS**, pursuant to CMC Section 5.35.030, as added by this Urgency Ordinance, a ministerial permit and payment of a permit fee is required for any person engaging in sidewalk vendor activities; and

**WHEREAS**, pursuant to CMC Section 5.35.100, as added by this Urgency Ordinance, a sidewalk vendor's sidewalk vending receptacle, food, or merchandise may be impounded in certain situations and a sidewalk vendor must pay all applicable impound fees to recover the impounded materials; and

**WHEREAS**, the City Council desires to establish the fee for applications for solicitor permits and sidewalk vendor permits and the impound fee for the recovery of impounded materials; and

**WHEREAS**, California Government Code Section 36937(b) authorizes the City Council to adopt by a four-fifths vote, without following the procedures otherwise required for the adoption for an ordinance, an urgency ordinance which is necessary for the immediate protection of the public peace, health and safety; and

**WHEREAS**, SB 946, which became effective on January 1, 2019, prohibits a local agency from regulating sidewalk vendors except in accordance with SB 946; and

**WHEREAS**, CMC Chapter 5.34 does not currently comply with the requirements of SB 946; and

**WHEREAS**, the City has determined that an urgency ordinance is necessary to amend the Corona Municipal Code (“CMC”) to immediately bring the CMC into compliance with the State law, in order to properly regulate sidewalk vendors and to ensure that the City can apply its regulations in a manner consistent with State law.

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

**SECTION 1. Urgency Findings.** In accordance with California Government Code Section 36937(b) and in order to protect the public peace, health and safety, the City Council finds as follows:

- A. The Recitals stated above are incorporated herein by reference.
- B. The CMC currently regulates peddlers and solicitors, which includes sidewalk vendors.
- C. The enactment of the SB 946, which added Chapter 6.2 (commencing with Section 51036) to Part 1 of Division 1 of Title 5 of the Government and went into effect on January 1, 2019, prohibits a local agency from regulating sidewalk vendors except in accordance with SB 946.
- D. This Ordinance must take effect immediately upon adoption to provide effective tools and guidance for the regulation of sidewalk vendors and waiting 30 days from adoption after a first and second reading of the Ordinance would pose a serious risk to the public

peace, health and safety in that the City's current regulations do not comply with SB 946, which can lead to confusion as to the regulations that apply to sidewalk vendors.

E. City staff has determined that the revisions to the CMC attached hereto are necessary to better and more properly regulate sidewalk vendors.

F. The proposed amendments to the CMC attached hereto are consistent with all of the objectives, policies, general land uses, programs and actions of all elements of the Corona General Plan, and none of the proposed regulations conflict with current General Plan.

G. The proposed amendments to the CMC attached hereto are not detrimental to and are instead necessary for the immediate preservation and protection of the public convenience, health, safety and general welfare of the City, its residents and businesses, since the regulations establish reasonable application requirements and operational standards that are consistent with the requirements of SB 946 and will result in reasonable regulation of sidewalk vendors.

H. All legal prerequisites to the adoption of this Urgency Ordinance have occurred.

**SECTION 2. CEQA Findings.** This action is exempt pursuant to Section 15061(b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the common sense exemption that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This action merely enacts permitting and other operational regulations for sidewalk vendors, and there is no possibility that adopting this Ordinance will have a significant effect on the environment. Therefore, no environmental analysis is required.

**SECTION 3. Adoption of Fees.** There is hereby established and adopted the following fees:

A. **Solicitor Permit Fee.** There is hereby established and adopted a fee of Sixty-Seven Dollars (\$67) for application of a solicitor permit required by Section 5.34.020 of the Corona Municipal Code. The City Council finds and determines that this fee does not exceed the estimated reasonable cost of processing and issuing a solicitor permit.

B. **Sidewalk Vendor Permit Fee.** There is hereby established and adopted a fee of Sixty-Seven Dollars (\$67) for application of a sidewalk vendor permit required by Section 5.35.030 of the Corona Municipal Code. The City Council finds and determines that this fee does not exceed the estimated reasonable cost of processing and issuing a sidewalk vendor permit.

C. **Impound Fee.** There is hereby established and adopted a fee of Two Hundred Seventy-Five Dollars (\$275) for the recovery of impounded sidewalk vending

receptacles, food and merchandise required by Section 5.35.100(C) of the Corona Municipal Code. The City Council finds and determines that this fee does not exceed the estimated reasonable cost of impounding, storing, and processing the release of a sidewalk vending receptacle, food and merchandise.

**SECTION 4.** Amendments to Chapter 5.34. Chapter 5.34 (Peddlers and Solicitors) of Title 5 (Business Licenses and Regulations) of the Corona Municipal Code is hereby amended in its entirety to read as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

**SECTION 5.** Addition of Chapter 5.35. Chapter 5.35 (Sidewalk Vendors) is hereby added to Title 5 (Business Licenses and Regulations) of the Corona Municipal Code is to read as set forth in Exhibit “B” attached hereto and incorporated herein by reference.

**SECTION 6.** Amendments to Section 12.20.030. Section 12.20.030 (Selling Merchandise on the Street, Sidewalk) of Chapter 12.20 (Use of Streets) of Title 12 (Street, Sidewalks, and Public Places) of the Corona Municipal Code is hereby amended in its entirety to read as set forth below:

**“12.20.030 Selling merchandise on street, sidewalk – Permit required.**

(A) No person shall occupy a portion of any street or sidewalk, alley or other public place, for the purpose of selling merchandise or commodities of any kind, unless issued a sidewalk vendor permit in accordance with Chapter 5.35.

(B) No person other than a nonprofit organization possessing a valid license issued pursuant to § 9.20.120 shall sell any merchandise or commodities at a special event or within 200 feet of any special event or parade route on the day of the special event or parade.”

**SECTION 7.** Severability. If any provision or clause of this Urgency Ordinance or any application of it to any person, firm, organization, partnership or corporation is held invalid, such invalidity shall not affect other provisions of this Urgency Ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this Urgency Ordinance are declared to be severable.

**SECTION 8.** Conflicting Ordinances. This Urgency Ordinance shall supersede all other previous City Council resolutions and ordinances that may conflict with, or be contrary to, this Ordinance.

**SECTION 9.** Effective Date. This Urgency Ordinance shall become effective immediately upon adoption, if adopted by at least a four-fifths (4/5) vote of the City Council. The

Mayor shall sign this Urgency Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in a general circulation newspaper in the City of Corona.

**PASSED, APPROVED AND ADOPTED** this 3<sup>rd</sup> day of July, 2024.

\_\_\_\_\_  
Mayor of the City of Corona, California

**ATTEST:**

\_\_\_\_\_  
City Clerk of the City of Corona, California

**CERTIFICATION**

I, Sylvia Edwards, Clerk of the City of Corona, California, do hereby certify that the foregoing urgency Ordinance was properly introduced and adopted by at least a four-fifth's (4/5) vote at a regular meeting of the City Council of the City of Corona, California duly held the 3<sup>rd</sup> day of July, 2024 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 3<sup>rd</sup> day of July, 2024.

\_\_\_\_\_  
City Clerk of the City of Corona, California

[SEAL]

## EXHIBIT “A”

### CHAPTER 5.34 SOLICITORS

#### Sections

5.34.010	Purpose and Findings
5.34.020	Definitions.
5.34.030	Permit - Required.
5.34.040	Permit - Application - Contents.
5.34.050	Permit - Granting - Denial.
5.34.060	Permit - Fee.
5.34.070	Permit - Transfer.
5.34.080	Permit - Term.
5.34.090	Permit - Revocation, suspension.
5.34.100	Permit - Exemptions.
5.34.110	Sign posting.
5.34.120	Hours of operation.
5.34.130	Use of sound-making, sound-amplifying devices.
5.34.140	No soliciting from vehicles.
5.34.150	Special events.
5.34.160	Aggressive soliciting.
5.34.170	Appeals.
5.34.180	Violations and penalties.

#### **5.34.010 Purpose; Findings.**

(A) **Purpose.** The purpose of this chapter is to establish a permitting and regulatory program for solicitors.

(B) **Findings.** The City Council hereby finds that to promote the public health, safety and welfare, restrictions on solicitors are necessary to:

(1) Impose reasonable time, place and manner restrictions on solicitation while respecting the constitutional rights of free speech for all citizens.

(2) Improve the quality of life and economic vitality of the City.

(3) Protect the safety of the general public against abusive conduct of persons engaged in solicitation.

(4) Ensure that the public's use of public rights-of-way is not blocked, obstructed or interfered with by solicitations for the exchange of money, property or employment services directed from or toward motorists traveling on City streets



(5) Minimize the interference with the use and enjoyment of private property caused by solicitation.

(6) Protect residents from fraud and crime, thereby promoting the safety and privacy of residences within the City.

(7) Protecting residents' safety and privacy by reasonably limiting the hours of solicitation and requiring permits in a content neutral manner.

(8) Allowing individuals to determine their level of comfort with privacy and whether or not they want to receive solicitation.

#### **5.34.020 Definitions.**

Unless the particular provision of the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter. Unless the context otherwise clearly indicates, words used in the singular include the plural and words used in the plural includes the singular.

“**Director**” means the Planning and Development Director for the City of Corona, or his or her designee.

“**Solicit**”, “**soliciting**” or “**solicitation**” shall mean and include any request, offer, enticement, or action, by any person who is traveling by foot, vehicle or other type of conveyance from place to place or from door to door or at any temporary, and stationary location on public property, which announces the availability of services or for employment, the sale or exchange of goods or merchandise of any kind, or a request for funds or other property. As defined herein, a solicitation shall be deemed complete when made whether or not services are provided, an actual employment relationship is created, a sales or exchange transaction is completed or an exchange of money or other property takes place. The term solicit, soliciting or solicitation shall not include “sidewalk vendor activities” as defined in §5.35.020.

“**Solicitor**” means any person, whether a resident of the city or not, engaged in soliciting.

#### **5.34.030 Permit - Required.**

No person shall exercise, practice or engage in any soliciting, as described in § 5.34.020, unless such person obtains a solicitors permit and pays the permit fee, as provided in this chapter.

#### **5.34.040 Permit - Application - Contents.**

A written application for a solicitors permit, along with the permit fee required by §5.34.060, shall be filed with the Director, on a form provided by the Director, and shall contain at least the following information, as determined by the Director:

(A) The true and fictitious names, aliases, telephone number(s) and address(es) of the applicant, if applicant is an individual; the true and fictitious names, aliases, telephone number(s) and address(es) of all members of the applicant, if applicant is a firm, association or partnership; and the true and fictitious names, aliases, telephone number(s) and address(es) of the principal officers of the applicant, if the applicant is a corporation.

(B) The California driver's license or identification number, individual taxpayer identification number or municipal identification number of each and every person enumerated in subsection (A).

(C) The city, county and state where the persons enumerated in subsection (A) practiced or conducted any soliciting or any business or practice associated with soliciting during the twelve (12) month period prior to the date of the application, as well as the name under which the same was conducted.

(D) A statement of the nature and character of the applicant's proposed soliciting.

(F) A copy of a current and valid business license issued pursuant to Chapter 5.02 of this code. If the solicitor is an agent or employee of another person, the solicitor's employer shall obtain the business license required by this subsection.

(G) Such other reasonable information as to the identity and background of the persons enumerated in subsection (A) as the Director may require.

**5.34.050 Permit - Granting - Denial.**

(A) After the receipt of a properly completed and filed application, the Director shall, within 30 calendar days, issue a permit allowing the applicant to practice the soliciting activities proposed in the application so long as the application complies with the requirements of this chapter.

(B) An application that does not comply with the requirements of this chapter shall be denied. If the application is denied, the Director shall notify the applicant in writing of the reason(s) for the denial and shall refund fifty percent (50%) of the permit fee submitted with the application.

**5.34.060 Permit - Fee.**

Each application for a solicitor's permit shall be accompanied by a permit fee, as established by resolution of the City Council. The application and permit shall apply to and be valid only for those who are listed in the application pursuant to subsection (A) of §5.34.030.

**5.34.070 Permit - Transfer.**

Each solicitor permit shall be personal and is not assignable or transferable, nor shall any solicitor permit be used by any person other than the person to whom the solicitor permit is issued. Any change in ownership or operation of a solicitor requires a new solicitor permit under this chapter.

**5.34.080 Permit -Term.**

A solicitor permit issued pursuant to this chapter shall automatically expire one (1) year from the date of issuance.

**5.34.090 Permit - Revocation, suspension.**

(A) A solicitors permit issued under this chapter may be suspended or revoked by the Director for any of the following reasons:

(1) The permittee provided false, misleading or misrepresented information in the application for the solicitors permit.

(2) The permittee fails to comply with the requirements, regulations, laws and conditions of approval applicable to the solicitors permit, including, but not limited to, any provision of this chapter.

(3) Soliciting in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(B) This section shall be self-executing and the suspension or revocation of the solicitors permit shall be effective immediately. The Director shall give notice of the suspension or revocation of the solicitors permit at the permittee's last known address.

(C) When a permit has been revoked, no other permit shall be issued under the provisions of this chapter to the same permittee within one (1) calendar year of the date of revocation.

**5.34.100 Permit - Exemptions.**

The provisions of §§ 5.34.030 through 5.34.090 shall not apply to the following activities:

(A) A person communicating or otherwise conveying ideas, views or beliefs, or otherwise disseminating oral or written information to a person willing to directly receive such information, provided that such information is of a political, religious or charitable nature.

(B) A person seeking support for a political, religious or charitable organization.

(C) A person seeking to influence the personal belief of the occupant of any residence or business in regard to any political or religious matter.

(D) A person seeking to obtain from an occupant of any residence or business an indication of the occupant's belief in regard to any political or religious matter.

(E) A person conducting a poll, survey or petition drive in regard to any political matter.

(F) A person carrying, conveying, delivering or transporting dairy products, newspapers or other goods to regular customers on established routes or to the premises of any person who had previously ordered such products or goods and is entitled to receive the same.

**5.34.110 Sign posting.**

(A) It is unlawful for any solicitor or any person engaging in the activities described in §5.34.100 to ring the bell of, knock on the door of, attempt to gain admittance to, or otherwise call attention to his or her presence at any residence or business, whereon a sign bearing the following words or words of similar meaning is painted, affixed or exposed to public view: (1) "No Solicitors"; (2) "No Soliciting"; or (3) "No Trespassing".

(B) This section shall not apply to any solicitor or any person engaging in the activities described in §5.34.100 who rings the bell of or knocks on the door of any residence or business at the invitation of or with the consent of some adult member of the residence or business.

**5.34.120 Hours of operation.**

No person shall practice or engage in soliciting between the hours of 7:00 p.m. and 8:00 a.m.

**5.34.130 Use of sound-making, sound-amplifying devices.**

(A) No person shall solicit by driving, operating, or parking any automotive vehicle with a sound-making device, sound-amplifying device, or loudspeaker thereof in use or operation, or by making any outcry, blowing a horn, ringing a bell or using any sound device or musical instrument, upon any of the streets, alleys, parks or other public places of the city with the purpose of advertising or attracting attention to any merchandise or food which the solicitor proposes to sell if any of the following occur:

(1) When passing a hospital at any time or a church while services are being held therein.

(2) Within 500 feet of the nearest property line of any property on which a school building is located during the hours school is in session.

(3) Between the hours of 7:00 p.m. and 8:00 a.m.

(4) Any such sound would exceed 65 decibels as measured ten (10) feet from the speaker or the sound-making or sound-amplifying device.

**5.34.140 No soliciting from vehicles.**

(A) No soliciting persons in vehicles. Notwithstanding any other section of this chapter, it shall be unlawful for any person, within any portion of the public right-of-way, including, but not limited to, public streets, highways, sidewalks and driveways, to solicit, or attempt to solicit employment, business or contributions of money or other property from any person traveling in a vehicle along a public right-of-way, including, but not limited to, public streets, highways or driveways.

(B) No soliciting from vehicles. Notwithstanding any other section of this chapter, it shall be unlawful for any person traveling in a vehicle along a public right-of-way, including, but not limited to, public streets, highways or driveways, to solicit or attempt to solicit employment, business or contributions of money or other property from a person who is within the public right-of-way, including, but not limited to, a public street, highway, sidewalk or driveway.

**5.34.150 Special events.**

Notwithstanding any other section of this chapter, it shall be unlawful for any person to solicit at any special event, as defined in § 9.20.010, or, if the special event is a parade, within 300 feet of any parade route on the day of the parade; without having the proper vending permit to do so, as provided for in chapter 9.20.

**5.34.160 Aggressive soliciting.**

No solicitor shall engage in the following while soliciting or immediately thereafter:

(A) Coming closer than three (3) feet to the person solicited, unless and until the person solicited indicates he or she consents or wishes to make a purchase or otherwise receive the solicitation.

(B) Blocking or impeding the passage of the person solicited.

(C) Repeating the solicitation after the person solicited has indicated his or her objection to the solicitation.

(D) Following the person solicited by proceeding behind, ahead or alongside such person after the person has indicated his or her objection to the solicitation.

(E) Threatening the person solicited with physical harm by word, gesture, or other means.

(F) Abusing the person solicited with words which are offensive and inherently likely to provoke an immediate violent reaction.

(G) Touching the solicited person without the solicited person's consent.

**5.34.170 Appeals.**

Any person aggrieved by a decision of the Director with reference to the issuance, denial, suspension or revocation of a solicitors permit may appeal such decision pursuant to Chapter 1.09 of this code.

**5.34.180      Violations and Penalties.**

It shall be unlawful for any person to violate any provision, or to fail to comply with the requirements of this chapter, any rule, policy or regulation adopted hereunder, or any term or condition imposed on a solicitor permit. Violations may be enforced pursuant to any authorized manner under the law, including, but not limited to, the provisions of Chapter 1.08 of this code. Each day that a violation continues is deemed to be a new and separate offense. No proof of knowledge, intent, or other mental state is required to establish a violation.

## EXHIBIT “B”

### CHAPTER 5.35 SIDEWALK VENDORS

#### Sections

5.35.010	Purpose; Findings.
5.35.020	Definitions.
5.35.030	Permit required.
5.35.040	Issuance of permit.
5.35.050	Permit suspension or revocation.
5.35.060	Operating requirements.
5.35.070	Prohibited locations.
5.35.080	Sidewalk vendors in parks.
5.35.090	Penalties.
5.35.100	Impoundment.
5.35.110	Appeals.

#### **5.35.010 Purpose; Findings.**

(A) **Purpose.** The purpose of this chapter is to establish a permitting and regulatory program for sidewalk vendors that complies with Chapter 6.3 (commencing with § 51036) of Part 1 of Division 1 of the Government Code. The provisions of this chapter allow the city to establish permitting regulation and enforcement of unpermitted sidewalk vendor activities to protect the public health, safety and welfare.

(B) **Findings.** The City Council hereby finds that to promote the public health, safety and welfare, restrictions on sidewalk vending are necessary to:

(1) Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including access to building entrances, and not blocking driveways, fire hydrants, parking areas and building storefront windows, which is necessary to guard the health and safety of patrons, drivers, vendors and existing business owners and promote fire suppression and law enforcement practices that allow the City’s public safety personnel to observe activities within building.

(2) Allow for the safe and effective performance of code compliance, police, firefighter and emergency medical personnel services in the public right-of-way.

(3) Ensure that sidewalk vendor activities occur only in locations where such activities would not restrict the use and enjoyment of sidewalks and pathways by any persons including persons with disabilities.

(4) Ensure compliance with the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards.

(5) Provide reasonable access to the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, firefighting apparatus, mailboxes, as well as access to locations used for public transportation services.

(6) Maintain sanitary conditions of items offered to public, especially food items.

(7) Reduce exposure to the City for personal injury or property damage claims and litigation that may be caused in whole or in part by sidewalk vendor activities in the public right-of-way.

(8) Provide for the installation, repair, maintenance and removal of encroachments in the public right-of-way in order to protect the public health, safety, and welfare and to provide for the orderly administration and maintenance of the public access ways for the benefit of the community, while at the same time allowing reasonable accommodation and cooperative flexibility for providing necessary utility and other convenience services to the community.

(9) Prevent infringement on the use and enjoyment of parks and an undue concentration of commercial activity that interferes with the scenic and natural character of the park.

#### **5.35.020 Definitions.**

Unless the particular provision of the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter. Unless the context otherwise clearly indicates, words used in the singular include the plural and words used in the plural includes the singular.

“**Alcohol**” and “**alcoholic beverage**” shall have the same meaning as defined in § 9.17.010 of this code, or any successor section.

“**Block frontage**” means all property fronting on one side of a street between a street and public right-of-way, waterway or intersecting or intercepting street. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

“**Cannabis**” shall have the same meaning as defined in § 5.36.020 of this code, or any successor section.

“**Certified farmers’ market**” shall have the same meaning as defined in § 17.04.252 of this code, or any successor section.

“**Curb face**” means the vertical or sloping surface on the roadway side of the curb.

“**Director**” means the Planning and Development Director for the City of Corona, or his or her designee.



**“Display area”** means the space occupied by a sidewalk vending receptacle.

**“Emergency vehicle access”** means the roadway path or other surface that provides police or fire safety vehicular access from the dispatched point of origin to a facility, building, parcel, beach, park or portion thereof. Emergency vehicle access includes, but is not limited to, fire lanes, public and private streets, parking lot lanes, access roadways, and walkways.

**“Enforcement Officer”** means a person who is a police officer, firefighter, city code compliance officer, city building inspector, city public works inspector, city fire inspector, county health officer, and life safety services officer.

**“Food”** means any item provided in Health and Safety Code § 113781, or any successor section.

**“Heating element”** means any device used to create heat for food preparation.

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

**“Park”** means any area dedicated or established as a public park, including, without limitation, active and passive parks.

**“Pathway”** means a paved path or walkway for pedestrian travel, other than a sidewalk.

**“Person”** means and includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business or common law trusts, societies, and individuals transacting and carrying on any business in the city.

**“Public property”** means all property owned or controlled by the city, including, but not limited to, alleys, parks, pathways, streets, parking lots, sidewalks, and walking trails.

**“Public right-of-way”** means the area in, upon, above, beneath, or across any of the following that has been dedicated to the public and maintained under public authority or by others and that is located within the city limits: streets, roadways, highways, avenues, boulevards, lanes, alleys, courts, sidewalks, pathways, medians, parkways, easements, rights-of-way, or similar public property that the city from time-to-time authorizes to be included within the definition of a public right-of-way or street.

**“Residential zone”** means any area zoned exclusively as residential in Title 17 of this code, including, without limitation, A, A-14.4, R-1A, R-20.0, R-12.0, R-1-9.6, R-1.8.4, R-1-7.2, R-1-14.4, R-2, R-3, R-3-C, R-G or MP zone, a residential land use adopted by a specific plan, or an equivalent residential zone, in each case within which residential uses are allowed by right.

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

“**Sidewalk**” means a public paved or hardscape sidewalk, parkway, pedestrian path, walkway or other public right-of-way specifically designed for the exclusive use of pedestrian travel. A sidewalk shall not include streets, alleys, medians, plazas, or City-owned parking lots or structures.

“**Sidewalk vending receptacle**” means a pushcart, stand, table, display, shade structure, pedal-driven cart, wagon, showcase, rack, or non-motorized conveyance used for sidewalk vendor activities.

“**Sidewalk vendor**” means a person(s) who sells food or merchandise from a sidewalk vending receptacle or from one’s person, upon a public sidewalk.

“**Sidewalk vendor activity(ies)**” means to sell, barter, offer for sell, expose or display for sale, or solicit offers to purchase food or merchandise, or to require someone to negotiate, establish or pay a fee for providing food or merchandise, even if characterized as a donation, including, but not limited to the installation, placement, or maintenance of any sidewalk vending receptacles on a sidewalk.

“**Special event**” means any temporary permitted event approved by the City pursuant to § 9.20.010.

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

“**Street**” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

“**Street frontage**” means the linear frontage of all property abutting the same side of the street as a freeway on and/or off ramp.

“**Swap meet**” has the same meaning as an “open air market” in Chapter 17.04 and means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that chapter, or any successor chapter.

**5.35.030 Permit required.**

(A) **Permit Required.** No person, either for him or herself or any other person, shall engage in any sidewalk vendor activities within the city, or otherwise hire or employ a person to engage in sidewalk vendor activities within the city, without first applying for and receiving a sidewalk vendor permit from the Director in accordance with this chapter. Notwithstanding the foregoing, any person who, as of July 3, 2024, has a permit duly issued by the City pursuant to the Corona Municipal Code sections in effect as of the date such permit was issued may continue to engage in sidewalk vendor activities until the expiration of that permit provided that such activities comply with Sections 5.35.060 through 5.35.080.

(B) **Application.** A written application for a sidewalk vendor permit shall be filed with the Director on a form provided by the city and shall contain the following information:

(1) The name, address, and telephone number of the person applying to become a sidewalk vendor;

(2) The California driver's license or identification number, individual taxpayer identification number, or municipal identification number (which 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 a state law or state or federal court order);

(3) If the sidewalk vendor is an agent or employee of another person, the name, address, and telephone number of that person;

(4) The number of sidewalk vending receptacles the sidewalk vendor will operate within the city under the permit;

(5) Whether the sidewalk vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;

(6) Whether the sidewalk vendor intends to use any sound amplifying device or equipment;

(7) The day(s) and hours of operation the stationary sidewalk vendor intends to operate and the total number of locations within the city on any given day;

(8) The dimensions of the sidewalk vendor's sidewalk vending receptacle(s);

(9) The food, merchandise, or both offered for sale by the sidewalk vendor;

(10) If the sidewalk vendor is selling food, a description of the type of food to be sold, whether such foods are prepackaged or prepared on site, and whether the vendor requires a heating element to prepare the food;

(11) If the vendor is selling merchandise, a description of the merchandise to be sold;

(12) A copy of the health permit required for any sidewalk vendors selling food, as required by Chapter 8.16 of this code, or any successor chapter;

(13) Proof of possession of a valid California Department of Tax and Fee Administration seller's permit, which shall be maintained during the pendency of the sidewalk vendor's permit;

(14) Proof that the sidewalk vendor has comprehensive general liability insurance with minimum policy limits of \$1,000,000 per occurrence for bodily injury, personal injury, and property damage. Such insurance shall name the City of Corona, its officers and employees as an

additional insured. If the sidewalk vendor is an agent or employee of another person, the sidewalk vendor's employer shall procure and maintain the insurance required by this subsection and sidewalk vendor shall provide proof of such insurance.

(15) A copy of a current and valid business license issued pursuant to Chapter 5.02 of this code. If the sidewalk vendor is an agent or employee of another person, the sidewalk vendor's employer shall obtain the business license required by this subsection.

(16) An acknowledgment that the sidewalk vendor will comply with all other generally applicable local, state, and federal laws;

(17) A certification that, to his or her knowledge and belief, the information contained within the application is true and correct;

(18) An agreement by the sidewalk vendor to defend, indemnify, release and hold harmless the city, its city council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the permit or the sidewalk vendor activities of the sidewalk vendor. This indemnification shall include, but not be limited to, damages awarded against the city, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, city, and/or the parties initiating or bringing such proceeding;

(19) An acknowledgement that the sidewalk vendor's use of public property is at their own risk, the city does not take any steps to ensure public property is safe or conducive to the sidewalk vendor activities, and the sidewalk vendor uses public property at his or her own risk;

(20) An acknowledgment by the sidewalk vendor that he or she will obtain and at all times during the duration of the permit, maintain any insurance of such types and in such amounts as required by the city's risk manager; and

(21) Any other relevant information required by the Director.

(C) **Application and Permit Fees.** Each application for a sidewalk vendor permit shall be accompanied by an application fee as established by resolution of the City Council. The application and permit is only applicable to the individual(s) named on the application.

#### **5.35.040 Issuance of permit.**

(A) **Permit issuance.** Within thirty (30) calendar days of receiving a complete application, the Director shall issue a sidewalk vendor permit, with appropriate conditions, as provided for herein, if he or she finds based on all of the relevant information that:

(1) The conduct of the sidewalk vendor will not unduly interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace, health, safety or general welfare;

(2) The conduct of the sidewalk vendor will not unduly interfere with normal governmental or city operations, threaten to result in damage or detriment to public property, or result in the city incurring costs or expenditures in either money or personnel not reimbursed in advance by the vendor;

(3) The conduct of the sidewalk vending activity will not constitute a fire hazard, and all proper safety precautions will be taken;

(4) The sidewalk vendor has paid all previous administrative fines, completed all community service, and completed any other alternative disposition associated in any way with a previous violation of this chapter;

(5) The sidewalk vendor has not had a permit issued pursuant to this chapter revoked within the preceding twelve (12) months;

(6) The sidewalk vendor has not made a materially false, misleading, or fraudulent statement of fact to the city in the application process;

(7) The sidewalk vendor has paid all applicable fees;

(8) The sidewalk vendor's sidewalk vending activity, as described in the application, is consistent with the standards, conditions and requirements of this chapter;

(9) The sidewalk vendor has provided all documentation and information required by § 5.35.030(B); and

(10) The sidewalk vendor possesses all state and local permits necessary for the sidewalk vending activity; and

(11) The sidewalk vendor has not received more than two (2) administrative citations for violations of this chapter within the preceding twelve (12) months.

**(B) Transferability.** A sidewalk vendor permit is non-transferable. Any change in ownership or operation of a sidewalk vendor or sidewalk vending receptacle requires a new permit under this chapter.

**(C) Term of permit.** A permit issued pursuant to this chapter shall automatically expire one (1) year from the date issued.

### **5.35.050 Permit suspension or revocation.**

- (A) **Grounds for suspension or revocation.** A sidewalk vendor permit issued under this chapter may be suspended or revoked by the Director, at his/her discretion, after four (4) instances of engaging in sidewalk vendor activities in violation of the standards contained this chapter.
- (B) **Notice of suspension or revocation.** Notice of the suspension or revocation of a sidewalk vendor permit issued under this chapter shall be mailed, postage prepaid, to the holder of the sidewalk vendor permit at his or her last known address.
- (C) **Subsequent permits after revocation.** No person whose sidewalk vendor permit has been revoked pursuant to this chapter shall be issued a sidewalk vendor permit for a period of two (2) years from the date revocation becomes final.

### **5.35.060 Operating requirements.**

All sidewalk vendors are subject to the following operating requirements when conducting sidewalk vendor activities:

- (A) **Food and merchandise storage.** All food and merchandise shall be stored within the display area of the sidewalk vendor receptacle or carried by the sidewalk vendor. If affixed to the sidewalk vending receptacle, the overall space taken up by the sidewalk vending receptacle shall not exceed the size requirements provided in this section.
- (B) **Display of permits.** The sidewalk vendor permit shall be conspicuously displayed at all times on the sidewalk vending receptacle. If the sidewalk vendor is working as roaming sidewalk vendor, the sidewalk vendor shall show their permit in a conspicuous manner. If the sidewalk vendor sells food, the health permit required by chapter 8.16 of this code shall also conspicuously displayed at all times on the sidewalk vending receptacle.
- (C) **Unattended Receptacles.** Sidewalk vendors shall not leave their sidewalk vending receptacle unattended to solicit business for their sidewalk vendor activities. If a sidewalk vending receptacle requires more than one person to conduct the sidewalk vending activity, all sidewalk vendors associated with the sidewalk vending receptacle shall be within five feet of the sidewalk vending receptacle when conducting sidewalk vendor activities.
- (D) **Receptacle Storage.** Sidewalk vending receptacles shall not be stored on public property and shall be removed when not in active use by a vendor.
- (E) **Inspection of Receptacles.** All sidewalk vendors shall allow an enforcement officer at any time, to inspect their sidewalk vending receptacle for compliance with the size requirements of this chapter and to ensure the safe operation of any heating elements used to prepare food.
- (F) **Dimension of Receptacles or Display Area.** Sidewalk vending receptacles or the display area shall not exceed a total area of fifty (50) square feet and a height of six (6) feet.

- (G) **No motorization.** No sidewalk vending receptacle shall be motorized.
- (H) **Trash containers.** Sidewalk vendors that sell food shall maintain a trash container in or on their sidewalk vending receptacle and shall not empty their trash into public trashcans. The size of the vendor's trash container shall be taken into account when assessing the total size limit of a sidewalk vending receptacle. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their sidewalk vendor activities.
- (I) **Accessible pathway.** Sidewalk vendors shall maintain a minimum four (4) foot clear accessible path free from obstructions, including sidewalk vending receptacles and customer queuing area.
- (J) **Noise standards.** Any noise originating from or associated with a sidewalk vendor conducting sidewalk vendor activities shall not exceed 65 decibels as measured within a ten (10) foot radius of the sidewalk vending receptacle.
- (K) **Approaching customers.** Sidewalk vendors shall not approach persons to sell food or merchandise and shall not interfere in any way with another person engaged in an activity to sell food or merchandise.
- (L) **Customers in vehicles.** Sidewalk vendors shall not engage in sidewalk vendor activities or otherwise conduct transactions with persons in moving vehicles or vehicles illegally parked or stopped.
- (M) **Clean sidewalk.** Sidewalk vendors shall immediately clean up any food, grease or other fluid or item related to sidewalk vendor activities that falls on public property. Sidewalk vendors shall not leave any location without first picking up, removing and disposing of all trash or refuse from their sidewalk vendor activities.
- (N) **Signage.** All signage and advertising related in any way to the sidewalk vendor shall be attached to the sidewalk vending receptacle, if any, or the sidewalk vendor's person. Sidewalk vendors shall not use any electrical, flashing, wind powered, or animated sign.
- (O) **Other encroachments on sidewalk.** Sidewalk vendors shall not cause, allow, or maintain an ancillary use such as tables, chairs, shade structures, tents, umbrellas, other furniture, rugs, towels, fabric of any kind upon the sidewalk in conjunction with the sidewalk vendor activities beyond the display area of the sidewalk vending receptacle.
- (P) **Hours of operation.** All sidewalk vendors, regardless of whether a roaming sidewalk vendor or a stationary sidewalk vendor, are prohibited from conducting sidewalk vendor activities from 7:00 p.m. to 8:00 a.m. daily in residential zones. Sidewalk vendors may engage in sidewalk vendor activities in non-residential zones consistent with the hours of operation of the businesses on the same block frontage, and in parks during the hours that the park is open pursuant to §5.35.080.

(Q) **No attachments.** Sidewalk vending receptacles shall not touch, lean against or be affixed at any time to any building or structure including, but not limited to, lampposts, parking meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters, newsstands, trees, trashcans, or traffic barriers.

(R) **Cooking equipment.** Sidewalk vendors shall only use portable cooking equipment or heating element as approved by the Riverside County Department of Environmental Health.

(S) **Roaming sidewalk vendors.** Roaming sidewalk vendors shall keep moving except when completing a transaction and shall not engage in sidewalk vendor activities on one block frontage of a street for more than one (1) hour in any four (4) hour period.

(T) **Prohibited activities.** Sidewalk vendors shall not engage in any of the following activities:

- (1) Rent merchandise to customers;
- (2) Display or advertise merchandise or food that is not available for immediate sale;
- (3) Sell live animals, alcohol, cannabis, adult-oriented material, tobacco products, products that contain nicotine or any product used to smoke or vape nicotine or cannabis;
- (4) Use any water lines, gas lines, electrical outlet or power source located on public property or owned by the City or another person other than the sidewalk vendor;
- (5) Continue to offer food or merchandise for sale, following, or accompanying any person who has been offered food or merchandise after the person has asked the sidewalk vendor to leave or after the person has declined the offer to purchase food or merchandise;
- (6) Knowingly make any false statements or misrepresentations during the course of offering food or merchandise for sale;
- (7) Block or impede the path of the person(s) being offered food or merchandise to purchase;
- (8) Make any statement, gesture, or other communication which a reasonable person in the situation of the persons(s) being offered food or merchandise to purchase would perceive to be a threat and which has a reasonable likelihood to produce in the person(s) a fear that the threat will be carried out;
- (9) Touch the person(s) being offered food or merchandise without that person(s) consent;
- (10) Place their sidewalk vending receptacles or any ancillary items belonging to or associated with the sidewalk vendor's sidewalk vendor activities within any of the prohibited locations described in §5.35.070(A);



- (11) Use any horns, music, lights, visual media, or sound amplifying device unless expressly approved in the sidewalk vendor's permit;
- (12) Physically alter or otherwise damage the sidewalk;
- (13) Fasten or affix any item, including but not limited to, tape, strap, chain, tie, band, or rope, to any public property.

**5.35.070 Prohibited locations.**

(A) **Prohibited locations.** Sidewalk vendors shall not engage in sidewalk vendor activities at any of the following locations:

- (1) Within eighteen (18) inches of any curb face on all roads.
- (2) On any designated emergency vehicle accessway.
- (3) Any public property that does not meet the definition of a sidewalk including, without limitation, any public or private alley, street, roadway or parking lot.
- (4) Within, two hundred (200) feet of: (a) an area designated for a special event for the limited duration of the special event; (b) activities that are permitted by an encroachment permit for the duration of the encroachment permit; or (c) an area covered by a film permit issued pursuant to Chapter 17.97 of this code for the limited duration of the film permit.
- (5) On any private property without the express written consent of the owner or lessee of the property.
- (6) On the same block frontage as another sidewalk vendor.
- (7) Within fifty (50) feet of a street corner as measured in a straight line from the end of the curve at the corner.
- (8) Within five hundred (500) feet of a freeway on and/or off ramp measured in a straight line along the street frontage from the end of the curve at the corner adjacent to the on and/or off ramp and disregarding any intersecting or intercepting street.
- (9) Within two hundred (200) feet of a school, a place of worship, or a child day-care facility.
- (10) Within two hundred feet (200) of a permitted certified farmers' market or swap meet during the limited operating hours of that certified farmers' market or swap meet.
- (11) On sidewalks that do not have a minimum width of five (5) feet.

- (12) Within twenty-five (25) feet of a:
- (a) Entrance or exit to a building, structure or facility;
  - (b) Curb which has been designated as yellow or red zone, or a bus zone;
  - (c) Traffic signal support post
  - (d) Fire hydrant
  - (e) Automated teller machine;
  - (f) Driveway opening;
  - (g) Trash or recycling receptacles, bike racks, benches, bus stops or similar public use items; and
  - (h) Public art objects, items, and displays.
- (13) On sidewalks that would violate provisions of this code relating to visibility requirements for streets, alleys, driveways, and intersections.
- (14) Stationary sidewalk vendors shall not sell food or merchandise or engage in any sidewalk vendor activities on sidewalks adjacent to local residential streets.
- (15) On any sidewalk with a gradient in excess of ten percent (10%).
- (16) Within two hundred (200) feet of any public safety facility, including, without limitation, police stations, and fire stations.
- (17) On any sidewalk where the sidewalk vending receptacle and queuing patrons would reduce clearance to less than four (4) feet.
- (18) On any sidewalk where the sidewalk vending receptacle and queuing patrons would restrict access requirements under the Americans with Disabilities Act.
- (19) On any sidewalk where the sidewalk vending receptacle and queuing patrons would jeopardize the fire or life safety of any person.
- (20) On any private property whereon a sign bearing the following words or words of similar meaning is painted, affixed or exposed to public view: (a) "No Solicitors"; (b) "No Soliciting"; or (c) "No Trespassing".

**5.35.080 Sidewalk vendors in parks.**

(A) Sidewalk vendor activities by stationary sidewalk vendors is prohibited in any park with a concession stand operated by a vendor selling food or merchandise under exclusive contract with the City.

(B) Roaming sidewalk vendors shall not conduct sidewalk vendor activities within fifty (50) feet of any portion of a park with a concession stand operated by a vendor selling food or merchandise under exclusive contract with the City(C) Sidewalk vendors shall cease sidewalk vendor activities at least one (1) hour prior to park closure.

(C) Sidewalk vendors shall remain on sidewalks while engaging in sidewalk vendor activities in a park.

(D) Aside from the prohibited sidewalk vending activity identified in subsection (A) and in addition to the operating requirements and standards contained in §5.35.060 and §5.35.070, sidewalk vendors shall comply with the following additional standards:

(1) The sidewalk vendor shall not block access to any park equipment, playing field or park amenity.

(2) The sidewalk vendor shall not engage in sidewalk vendor activities within one hundred (100) feet of a field or court that is actively being used for sports (e.g., baseball field while baseball being played).

(3) The sidewalk vendor shall not engage in sidewalk vendor activities within one hundred (100) feet of any community building or structure, water feature or splash pad, restroom entrance, playground, or play equipment.

**5.35.090 Penalties.**

(A) Violations of this chapter shall not be prosecuted as infractions or misdemeanors and shall only be punished by the following administrative fine and rescission provisions:

(B) Any violation of this chapter may be punished by:

(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; and

(3) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.

(C) If a sidewalk vendor cannot present the enforcement officer with a proof of a valid sidewalk vendor permit, the sidewalk vendor may be punished by:

(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; and

(3) An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year of the first violation.

(D) Upon proof of a valid sidewalk vendor permit issued pursuant to this chapter, the administrative fines set forth in subsection (C) shall be reduced to the administrative fines set forth in subsection (B), or any successor sections.

### **5.35.100 Impoundment.**

(A) **Authority to impound.** An enforcement officer may impound a sidewalk vendor's sidewalk vending receptacle, food, or merchandise that:

(1) Reasonably appear to be abandoned on public property; or

(2) Are displayed, offered, or made available for rent or sale by a sidewalk vendor who (i) operates in violation of this chapter; and (ii) refuses to remove their sidewalk vending receptacle, food and/or merchandise after being instructed to do so by an enforcement officer; or

(3) Are displayed, offered, or made available for rent or sale by a sidewalk vendor who (i) does not possess a valid applicable sidewalk vendor permit; and (ii) refuses to remove their sidewalk vending receptacle, food and/or merchandise after being instructed to do so by an enforcement officer; or

(4) Is (i) creating an imminent and substantial safety or environmental hazard by the location of the sidewalk vending receptacle or the nature of the goods being offered for sale, and (ii) refuses to remove the sidewalk vending receptacle, food and/or merchandise after being instructed to do so by an enforcement officer.

(B) **Immediate disposal of perishable items.** The City may immediately dispose of impounded materials that are perishable or cannot be safely stored.

(C) **Impound fee.** A sidewalk vendor may recover impounded materials that have not been disposed of pursuant to subsection (B) above upon demonstrating proper proof of ownership and paying all applicable impound fees as established by resolution of the City Council.

(D) **Notice of impoundment.**

(1) The enforcement officer shall provide the sidewalk vendor with a receipt and instructions for the retrieval of the impounded materials. The receipt and instructions shall either be given to the sidewalk vendor at the time the enforcement officer impounds the materials or immediately mailed, by first-class mail, to the sidewalk vendor provided the sidewalk vendor's name and contact information are provided to the enforcement officer.

(2) The receipt and instructions shall notify the sidewalk vendor that the impounded materials must be claimed within ninety (90) days after the enforcement officer impounds the materials or the impounded materials will be disposed of in accordance with state law.

(3) If the owner or person responsible for unattended or abandoned items cannot be identified, or if a person refuses to provide identification for the issuance of an administrative citation, the enforcement officer shall document the date, time period and location the items were observed, the circumstances supporting the enforcement officer's finding that the items were unattended or abandoned, any reasonable attempt to locate the owner of such items, including refusal to provide identification, a complete description of such items, including any items that were immediately disposed of pursuant to subsection (B) above. This document shall be maintained by the City with any impounded property.

(D) **Forfeiture of impounded materials.** Any unclaimed impounded materials will be considered abandoned and forfeited to the City after ninety (90) days following impoundment and disposed of in accordance with state law.

### **5.35.110 Appeals.**

(A) Decisions to deny, suspend or revoke a sidewalk vendor permit or to impound a sidewalk vending receptacle, food and/or merchandise may be appealed by any interested person pursuant to chapter 1.09 of this code and shall be accompanied by a fee as established by resolution of the City Council.

(B) Decisions to impose administrative fines may be appealed by any interested person pursuant to §1.08.160 of this code, provided that a person appealing an administrative fine is not required to pay the administrative fine as a prerequisite to filing an appeal.

(1) If an administrative fine is the subject of an appeal, the hearing officer shall take into consideration the person's ability to pay the fine. The hearing officer 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 or before the hearing or while the administrative fine remains unpaid.

(2) If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, or any successor section, the hearing officer shall accept, in full satisfaction, twenty percent (20%) of the administrative fine imposed pursuant to this chapter.