



Legislation Details (With Text)

File #: 24-0488 **Version:** 1 **Name:**
Type: Legislative Matter **Status:** Passed
File created: 6/3/2024 **In control:** City Council
On agenda: 7/3/2024 **Final action:** 7/3/2024
Title: ORDINANCE AMENDING CHAPTER 5.34 OF THE CORONA MUNICIPAL CODE TO REGULATE ONLY SOLICITORS, ADDING CHAPTER 5.35 TO REGULATE SIDEWALK VENDORS, AND AMENDING SECTION 12.20.030 TO REQUIRE A SIDEWALK VENDOR PERMIT TO SELL MERCHANDISE ON THE SIDEWALK IN A MANNER CONSISTENT WITH SENATE BILL 946

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit 1 - Urgency Ordinance No. 3398, 3. Exhibit 2 - Ordinance No. 3399 (Redline Version), 4. Exhibit 3 - Ordinance No. 3399 (Clean Version)

| Date | Ver. | Action By | Action | Result |
|----------|------|--------------|----------|--------|
| 7/3/2024 | 1 | City Council | approved | Pass |

REQUEST FOR CITY COUNCIL ACTION

DATE: 07/03/2024

TO: Honorable Mayor and City Council Members

FROM: Planning & Development Department

SUBJECT:

ORDINANCE AMENDING CHAPTER 5.34 OF THE CORONA MUNICIPAL CODE TO REGULATE ONLY SOLICITORS, ADDING CHAPTER 5.35 TO REGULATE SIDEWALK VENDORS, AND AMENDING SECTION 12.20.030 TO REQUIRE A SIDEWALK VENDOR PERMIT TO SELL MERCHANDISE ON THE SIDEWALK IN A MANNER CONSISTENT WITH SENATE BILL 946.

EXECUTIVE SUMMARY:

This staff report asks the City Council to approve an ordinance that would update the regulations governing sidewalk vendors and solicitors to be consistent with state law. The update will also transfer the permitting process for sidewalk vendors and solicitors from the Police Department to the Planning and Development Department.

RECOMMENDED ACTION:

That the City Council:

- a. Adopt Urgency Ordinance No. 3398 approving an amendment to [Chapter 5.34](#) of the Corona Municipal Code to regulate only solicitors, the addition of Chapter 5.35 to regulate sidewalk vendors, and an amendment to [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.
- b. Introduce, by title only, and waive full reading of consideration of Ordinance No. 3399, the first reading of an ordinance approving an amendment to [Chapter 5.34](#) of the Corona Municipal Code to regulate only solicitors, the addition of Chapter 5.35 to regulate sidewalk vendors, and an amendment to [Section 12.20.030](#) to require a sidewalk vendor permit to sell on the sidewalk in a manner consistent with Senate Bill 946.

BACKGROUND & HISTORY:

Senate Bill 946 (SB 946) was passed by the California Legislature in 2018 and became effective in 2019. SB 946 was adopted into the California Government Code, adding Chapter 6.2, commencing with Section 51036, to Part 1 of Division 1 of Title 5, to prohibit cities from regulating sidewalk vendors, except in accordance with the provisions of the law.

Peddlers and solicitors are regulated by Chapter 5.34 of the Corona Municipal Code. Peddler has the same meaning as a sidewalk vendor, with a peddler permit issued by the Chief of Police. In 2021, the city began to evaluate its current ordinance and regulation for sidewalk vendors and determined that the ordinance was not compliant with state law. Since 2021, staff have discussed proposed regulations for sidewalk vendors with the City Council, as well as a proposed amendment to the city's current Peddlers and Solicitors Ordinance that would align with state law. Prior discussions with the City Council on the proposed changes to the city's ordinance occurred on the following dates.

- October 13, 2021. City Council Committee of the Whole Meeting.
- September 28, 2022. City Council Fall Policy Workshop.
- July 19, 2023. City Council Study Session.

ANALYSIS:

Urgency Ordinance 3398 and Ordinance 3399 are identical and propose to amend and add certain chapters to the Corona Municipal Code to establish updated regulations for sidewalk vending, amended regulations for solicitors, and a new permitting process for sidewalk vendors and solicitors operating in the city. Urgency Ordinance 3398 would go into effect immediately upon approval by the City Council, whereas Ordinance 3399 is a regular ordinance and will go into effect 30 days after the adoption of the ordinance by the City Council.

AMENDMENT TO CHAPTER 5.34

Chapter 5.34 establishes regulations for peddlers and solicitors to operate in the city. Ordinances 3398 and 3399 would amend this chapter to regulate only solicitors and delete reference to peddlers.

The regulations for solicitors remain essentially the same with the amendment updating the language

and proposing a new regulation to prohibit aggressive soliciting. The hours of operation and use of sound-making and sound-amplifying devices are also being amended. Below is a summary of these changes.

Section 5.34.110, Hours of operation. The hours prohibiting soliciting increased by one hour from 8:00 p.m. to 8:00 a.m. to 7:00 p.m. to 8:00 a.m.

Section 5.34.120, Use of sound-making, sound-amplifying devices. The volume of sound-making and sound amplifying devices decreased from 90 decibels to 65 decibels as measured 10 feet from the speaker.

Section 5.34.150, Aggressive soliciting. No solicitor shall engage in aggressive soliciting that involves: a) coming closer than three feet to a person unless the person wishes to receive the solicitation, b) blocking or impeding the passage of the person solicited, c) repeating the solicitation after the person solicited has objected to solicitation, d) following the person solicited after the person solicited has objected to solicitation, e) threatening the person solicited with physical harm by words or gesture, f) abusing the person solicited with words which are offensive and inherently likely to provoke an immediate violent reaction, and g) touching the solicited person without the solicited person's consent.

ADDED CHAPTER 5.35

Ordinances 3398 and 3399 would add new Chapter 5.35 to Title 5 of the CMC regulating sidewalk vendors. The chapter describes the permit process, operating requirements, and locations for sidewalk vendors, including penalties and the impound of property if sidewalk vendors violate the city's requirements.

Permit Process

The permit process requires the sidewalk vendor to provide identification which can be a California driver's license or identification number, individual taxpayer identification number, or municipal identification number. The business owner or an individual operator not employed by a business must also provide the following information to the city.

- Proof of possession of a valid California Department of Tax and Fee Administration seller's permit.
- Proof of comprehensive general liability insurance with minimum policy limits of \$1,000,000.
- Copy of a valid business license issued by the city.
- Proof of a health permit issued by the County Department of Environmental Health, if selling food.

Permit Term

A sidewalk vendor permit is an annual permit and will expire one year from the date of issuance. A sidewalk vendor will need to apply for a new permit each year upon its expiration.

Operating Requirements

The operating requirements are described in Section 5.35.060. Sidewalk vendors are required to:

- Conspicuously display the city’s sidewalk vendor permit,
- Not leave sidewalk vendor receptacles unattended,
- Limit the size of the sidewalk vendor receptacle or display area to 50 square feet and no higher than six feet,
- Limit sound making devices to no louder than 65 decibels within a 10-foot radius,
- Keep the sidewalk clean of food, grease or other debris;
- Have a trash container when selling food,
- Maintain a minimum four-foot clear path of travel,
- Operate during the same hours of the businesses on the same block frontage, except that roaming sidewalk vendors in residential neighborhoods are restricted between the hours of 7:00 p.m. to 8:00 a.m.,
- Use portable cooking equipment or heating element approved by the Riverside County Department of Environmental Health, and
- Comply with the prohibited activities listed in Section 5.35.060(S).

Operating Standards - Locations

The operating standards for sidewalk vendors are described in Section 5.35.070. Table 1 provides a summary of the operating standards.

| Table 1 | |
|--|-------------------------------|
| Location | Required Distance |
| Distance to curb face | 18 inches |
| Emergency vehicle accessway | Prohibited |
| Public property that does not meet the definition of a sidewalk, including public or private alley, street, roadway or parking lot | Prohibited |
| On private property without written consent of owner or lessee of the property | Prohibited |
| Area designated for a special event, activities permitted by an encroachment permit, and areas covered by a film permit | 200 feet |
| Block frontage | One vendor per block frontage |
| Street Corner | 50 feet |
| Freeway on and/or off ramp | 500 feet |
| School, place of worship or childcare facility | 200 feet |
| Farmers’ market or swap meet | 200 feet |
| Entrance/exit to a building, curb painted red or yellow, bus zone, traffic signal support post, fire hydrant, ATM, driveway opening, trash receptacles, bike racks, benches, bus stops, and public art | 25 feet |

| | |
|--|------------|
| Sidewalks adjacent to local residential streets (stationary vendors) | Prohibited |
| Public safety facility | 200 feet |

Public Parks

Stationary sidewalk vendors are prohibited in any park with a concession stand operated by a vendor selling food or merchandise under an exclusive contract with the city. A roaming sidewalk vendor shall not conduct vending within 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.

Sidewalk vendors in public parks without a concession stand operated by a vendor under contract with the city, shall not come within a distance of 100 feet of a field or court that is actively being used for sports, or any community building or structure, water feature or splash pad, restroom, playground or play equipment.

Penalties and Impoundment

A sidewalk vendor that violates Chapter 5.35 shall only be punished by an administrative fine listed in Section 5.35.090. Table 2 describes the administrative fines the city can issue.

| Violation | Administrative Fine | Administrative Fine without proof of a valid sidewalk vendor permit |
|--|---------------------|---|
| First | \$100 | \$250 |
| Second within one year of the first violation | \$200 | \$500 |
| Third and each offense thereafter within one year of the first violation | \$500 | \$1,000 |

Section 5.35.100 gives the city the authority to impound a sidewalk vendor’s sidewalk vending receptacle, food or merchandise if the following criteria exist.

- The sidewalk vending receptacle appears to have been abandoned on public property.
- The sidewalk vendor is operating in violation of the city’s ordinance and refuses to remove their sidewalk vending receptacle, food and/or merchandise after being asked by the city’s enforcement officer.
- The sidewalk vendor does not possess a valid sidewalk vendor permit and refuses to remove their sidewalk vending receptacle, food, and/or merchandise after being asked by the city’s enforcement officer.
- The sidewalk vendor is creating an immediate and substantial safety and environmental hazard by the location of the sidewalk vending receptacle and refuses to remove their sidewalk vending receptacle, food, and/or merchandise after being asked by the city’s enforcement officer.

The city shall hold any sidewalk vending receptacle or merchandise for 90 days. Perishable items that cannot be safely stored can also be disposed of immediately. If the owner of the sidewalk vending receptacle or merchandise does not claim the property in 90 days, the city shall dispose of the property according to state law.

Section 12.20.030

Section 12.20.030 is in Chapter 12.20 of the CMC, which covers the use of streets. This section mentions the selling of merchandise on a street and sidewalk. The section is being amended to reference a sidewalk vendor permit according to Chapter 5.35.

Fee
Urgency Ordinance 3398 establishes an application fee for the new sidewalk vendor and solicitor permits since they will be issued by the Planning and Development Department instead of the Police Department. The application fee is based on the time it takes assigned staff to issue the permit. The proposed permit fee is \$67.00.

The ordinance also establishes an impound fee for impounded sidewalk vending receptacles, food, and merchandise according to Section 5.35.100(C) of the proposed Sidewalk Vendor ordinance. The fee is based on the reasonable cost of impounding, storing, and processing the release of the impounded property. The proposed impound fee is \$275.00.

FINANCIAL IMPACT:

The adoption of this Ordinance will not have a financial impact on the General Fund.

ENVIRONMENTAL ANALYSIS:

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 commonsense 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 amends the Corona Municipal Code to include regulations regarding sidewalk vendors and solicitors and will not have an impact on the environment.

PREPARED BY: JOANNE COLETTA, PLANNING & DEVELOPMENT DIRECTOR

Attachments:

1. Exhibit 1 - Urgency Ordinance No. 3398
2. Exhibit 2 - Ordinance No. 3399 (Redline Version)
3. Exhibit 3 - Ordinance No. 3399 (Clean Version)