

ORDINANCE NO. 2019-3

AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, ADDING CHAPTER 8.78 TO THE VISTA MUNICIPAL CODE REGARDING THE REGULATION OF SIDEWALK VENDING

The City Council of the City of Vista does resolve as follows:

1. Findings. The City Council hereby finds and declares the following:

A. This ordinance is enacted by the City Council pursuant to its authority under the Charter of the City of Vista and Article 11, Section 7 of the California Constitution.

B. The ordinance is intended to provide increased economic opportunities, offer increased options for consumers, promote vending practices that are safe, healthful, attractive, and avoid disruptions to the operation and enjoyment of public property, such as streets and parks.

2. Code Amendment

A. Chapter 8.78 is added to the Vista Municipal Code to read as follows:

**Chapter 8.78
Sidewalk Vending**

Section 8.78.010	Purpose
Section 8.78.020	Definitions
Section 8.78.030	Prohibition on Sidewalk Vending Without a License; Exceptions
Section 8.78.040	Applications for Sidewalk Vending Licenses
Section 8.78.050	License Decisions; Issuing Licenses
Section 8.78.060	License Term; Renewal
Section 8.78.070	Revocation or Suspension of Licenses
Section 8.78.080	Appeals
Section 8.78.090	Vendor Cart Permits; Renewals
Section 8.78.100	General Operating Rules for Sidewalk Vendors
Section 8.78.110	Prohibited Sidewalk Vending Locations
Section 8.78.120	Locations for Vending in Parks
Section 8.78.130	Approved Stationary Vendor Locations on Streets and in Parks; Applications and Supplemental Rules
Section 8.78.140	Authority to Adopt Additional Rules and Regulations
Section 8.78.150	Violations; Penalties

Section 8.78.010 Purpose

This Chapter is intended to provide increased economic opportunities for persons, offer increased options for consumers, promote vending practices that are safe, healthful, attractive,

and avoid disruptions to the operation and enjoyment of public property, such as streets and parks.

Section 8.78.020 Definitions

The following terms when used in this Chapter shall have the meaning assigned below unless the context clearly indicates that a different meaning was intended:

- A. **“Approved stationary vendor cart location”** means a location approved for the operation of a stationary vendor cart on a sidewalk or in a park pursuant to Section 8.78.130.
- B. **“Approved trash receptacle”** means a container for trash which must be which must be attached to any roaming vendor cart, but may be attached or detached when serving a stationary vendor cart.
- C. **“Authorized supplemental locations”** means a location which is: (1) no more than 15 feet from the edge of a park pedestrian path; (2) is flat or has a grade of no more than 2%; (3) consists of grass, dirt, or paving; and (4) may be used without violating any park rules.
- D. **“Certified farmers’ market”** means a location operated in accordance with Chapter 10.5 (commencing with section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.
- E. **“Clear pedestrian path”** means a linear pedestrian path along a sidewalk or a park pedestrian path which runs for the entire length of a vendor cart and for three feet in one direction which is available for immediate, unobstructed, safe pedestrian use. The width of the clear pedestrian path is measured at a perpendicular to the edge of the sidewalk and consists of the amount of sidewalk available for pedestrian use after reducing the width by both of the following: (1) any area occupied by the vendor cart, the location used by the person operating the vendor cart, and stationary customers; and (2) improvements or physical conditions present in the sidewalk that impede use of the side, including without limitation signs, parking meters, trees; and uncovered tree wells.
- F. **“Concession agreement”** a contractual permit or license signed by the Mayor, City Manager, or designee, authorizing a person to vend within a park or on other public property.
- G. **“Design standards”** means objective and publicly available design rules in writing which each vendor cart must satisfy and have been approved from time to time by City Council, subject to limited and objective modification as determined by the Director of Community Development. Design standards may be set to apply to classifications which may be based on: (1) whether the vendor cart will be stationary or roaming; (2) whether the vendor cart will sell food or merchandise; and (3) the location in which the vendor cart will operate.

- H. **“Exempted vending activities”** means vending: (1) conducted by a person authorized by the operator or manager of a swap meet, provided that the vending occurs during the approved operating hours and boundaries of the swap meet; (2) conducted by a person authorized by the holder of a temporary special permit provided that the vending occurs during the approved operating hours and boundaries of the event approved in the permit; or (3) conducted by a person who holds a City concession agreement, provided that the vending is confined to the operating hours and boundaries identified in the City concession agreement.
- I. **“Issuing officer”** means the City employee selected by the City Manager to issue review license applications and take additional actions as provided by this Chapter, as well as the designees of the issuing officer.
- J. **“Park”** means any improved or unimproved land that is owned by the City where the primary use is for recreation, and is designated as a park in the City’s General Plan.
- K. **“Park pedestrian path”** means a paved path within a park which is designed for pedestrian use and is open to the general public.
- L. **“Public property”** means property owned by the City of Vista, any area within a right of way dedicated to the City of Vista by easement or other means, and any other property over which the City maintains control on behalf of itself or the public due to easements, leases, or other arrangements.
- M. **“Remaining in a single operating location”** means operations of a roaming sidewalk vendor which are contained within a circular area with a fifty foot diameter, considering only locations where the vendor was present with the vendor cart.
- N. **“Roaming sidewalk vendor”** means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- O. **“Roaming vendor cart”** means a vendor cart which regularly moves and is operated by a roaming sidewalk vendor.
- P. **“Sidewalk”** means the paved portion of public right of way primarily designed for pedestrian use. The term “sidewalk” excludes any area primarily designed for use by vehicles, bicycles, the conveyance of storm water, planted with landscaping, or consisting of dirt.
- Q. **“Sidewalk vending license”** means a license issued pursuant to Section 8.78.050 or renewed pursuant to Section 8.78.060 authorizing the holder to engage in sidewalk vending.
- R. **“Sidewalk vendor”** or **“Vendor”** means a person who sells food or merchandise from a vendor cart or from one’s person while on public property.

- S. **“Specified crime”** means felonies or misdemeanors for sexual misconduct, physical violence, or the distribution of, or sale of drugs.
- T. **“Stationary sidewalk vendor”** means a sidewalk vendor who vends from a fixed location.
- U. **“Stationary vendor cart”** means a vendor cart which remains in a stationary position during operations within a day and is operated by a stationary sidewalk vendor.
- V. **“Swap meet”** 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 article.
- W. **“Temporary special permit”** means a permit issued by the City for the temporary use of, or encroachment on, the sidewalk, park 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, or outdoor concerts.
- X. **“Vend”** means to sell, offer to sell, transfer, or offer to transfer to another for payment, exchange or pecuniary gain.
- Y. **“Vendor cart”** means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance used by a person for the purpose of selling food or merchandise from a public sidewalk or authorized portions of a park.
- Z. **“Vendor Cart Decal”** means a decal issued pursuant to Section 8.78.090 for placement on a vendor cart to certify that the cart satisfied the requirements of this Chapter when inspected.
- AA. **“Vendor cart permit”** means the permit issued for a vendor cart certifying that the cart satisfied the requirements of this Chapter when inspected.

Section 8.78.030 Prohibition on Sidewalk Vending Without a License; Exceptions

- A. It shall be unlawful for any person to operate as a sidewalk vendor unless that person is vending in compliance with all requirements of this Chapter, and holds a valid and current sidewalk vending license.
- B. Persons issued sidewalk vending licenses shall only vend from locations within public streets and parks allowed by this Chapter, and from no other public property.
- C. Except as provided in the following sentence, this Chapter does not apply to exempted vending activities, as defined in Section 8.78.020, or to vending which does not occur on public property. Vending described in the preceding sentence

must: (1) be authorized by the person who owns or controls the property on which the vending is occurring to the extent required by law; and (2) comply with all applicable laws, ordinances, regulations, permit terms, and contractual controls pertaining to the vending.

Section 8.78.040 Applications for Sidewalk Vending Licenses

- A.. An applicant for a sidewalk vending license shall submit an application to the issuing officer on a form approved by the issuing officer. The application shall be signed by the vendor, accompanied by a license application fee in an amount approved by the City Council, and shall contain the following information:
1. The name, mailing address, phone number, and email address of the sidewalk vendor.
 2. The California seller's permit number (California Department of Tax and Fee Administration sales tax number), if any, issued to the sidewalk vendor.
 3. Three (3) two-inch (2") by two-inch (2") prints of a full-face photograph, taken not more than thirty (30) days prior to the date of the application, of any person who will sell, or offer for sale, any food, service, or merchandise on any street or sidewalk within the City.
 4. Whether the applicant has engaged in criminal conduct in the course of operating as a sidewalk vendor which violates any state law, and took place within the prior twelve months.
 5. A listing of each conviction of, or plea of nolo contendere for, a specified crime occurring within the ten years prior to the application, which shall include the date of the arrest, and the offense for which the conviction or plea was secured.
 6. To facilitate the review required by the prior paragraphs, the applicant will provide the City with the results of a "live scan" for use by the issuing officer.
 7. A fully executed release and hold harmless agreement to the benefit of the City, in a form approved by the City's Risk Manager.
 8. If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal.
 9. A certification, signed by the vendor, that to his or her knowledge and belief the information contained in the application is accurate, complete and correct.
- B. A separate application is be required for each person who intends to vend from public property, even if the person: (1) is employed or engaged by another person or a business; or (2) will use a roaming or stationary vending cart which another person or a business owns.

Section 8.78.050 License Decisions; Issuing Licenses

- A. The issuing officer shall issue a sidewalk vending license for a sidewalk vendor by indicating approval of the application and countersigning the application if all of the following are satisfied:
1. An accurate and truthful application has been filed without misstatements or misrepresentations.

2. The required application fee has been paid.
 3. The vendor has signed the application, inclusive of any hold harmless agreement.
 4. Evidence of payment of the tax required by Chapter 5.04 or receipt of a business license issued pursuant to that Chapter.
 5. All applicable provisions of this article for licensing a sidewalk vendor have been or will be met.
 6. Within the prior ten years, the applicant has not been convicted of a specified crime.
 7. The applicant has not engaged in criminal conduct in the course of operating as a sidewalk vendor which violates any state law, and took place within the prior twelve months.
- B. For each approved sidewalk vending license, the City shall issue an identification badge in the name of the person who is licensed to operate as a sidewalk vendor. The badge shall be the property of the City, and shall include: (1) the name and image of the person authorized to operate the vendor cart; (2) the date the badge is issued and the date it expires; and (3) a unique identification number associated with the badge.
- C. If an application is denied, the basis for the denial shall be mailed or delivered in writing to the applicant setting forth the reasons for the denial. If the denial is not appealed within 14 days as provided in Section 8.78.080, the determination of denial shall become final and conclusive.

Section 8.78.060 License Term; Renewal

- A. Each sidewalk vending license shall terminate effective at 12:00 a.m. on July 1 following the issuance of the license.
- B. An application to renew a license and a renewal fee set by the City Council shall be submitted to the issuing officer at least 30 days prior to its expiration of a license, and shall require a confirmation of the information or an update of the information provided pursuant to Section 8.78.040.
- C. A renewal shall be issued or denied based on the criteria set forth in Section 8.78.050.

Section 8.78.070 Revocation or Suspension of Licenses

- A. Any license or permit may be revoked or suspended by the issuing officer for any of the following causes:
1. Fraud or misrepresentation contained in the application for the license or permit.
 2. Upon the issuance of repeated administrative citations as allowed by Government Code section 51039(a).
 3. Criminal conduct in the course of operating as a sidewalk vendor which violates any state law within the prior twelve months.
 4. The conviction of a specified crime within the prior ten years.

- B. Notice of the proposed action to revoke or suspend a sidewalk vendor license shall be provided to the licensed sidewalk vendor in writing and shall set forth the nature of the action and reasons for it. The licensee shall be advised that the decision will take effect if it is not appealed within 14 days as provided in Section 8.78.080, at which time it shall become final and conclusive.

Section 8.78.080 Appeals

Any person subject to an action to deny an application or to revoke or suspend a license or permit may appeal to City Manager or his or her designee by filing a written request for an appeal with the City Clerk with fourteen (14) days after notice of the action complained of has been mailed to such person's last known address. The request for an appeal shall include a written statement setting forth fully the grounds for the appeal. The City Manager or designee shall set a time and place for a hearing on such appeal and notice of the hearing. At the option of the City Manager, the City Manager may limit the appeal hearing to written submissions. Following the appeal hearing, the City Manager or designee shall prepare a written decision which set forth the reasons for the decision. The decision and order of City Manager or designee on such appeal shall be final and conclusive.

Section 8.78.090 Vendor Cart Permits; Renewals

- A. It shall be unlawful for any person to vend from a vendor cart located on public property unless a current and valid vendor cart permit has been issued for the vendor cart, and a vendor cart decal evidencing the permit is affixed to the vendor cart.
- B. An applicant for a vendor cart permit shall submit an application to the issuing officer on a form approved by the issuing officer. The application shall be signed by the cart owner, accompanied by a license application fee in an amount approved by the City Council, and shall contain the following information and establish the following facts:
 - 1. The name, mailing address, phone number, and email address of the owner of the vendor car.
 - 2. Whether the vendor cart will be a roaming vendor cart or a stationary vendor cart.
 - 3. A fully executed release and hold harmless agreement to the benefit of the City, in a form approved by the City's Risk Manager, signed by the owner of the vendor cart.
 - 4. Proof of liability commercial liability insurance of not less than \$1,000,000 which names the City as an additional insured, conforming to the City's standard insurance coverage requirements.
 - 5. A disclosure if food will be sold from the vendor cart, and if so, the way in which food will be stored, refrigerated, prepared, cooked, or assembled at the vendor cart.
 - 6. A valid copy of all necessary permits required by State or local health authorities required for the contemplated food service and preparation associated with the vendor cart, including evidence of having satisfactorily passed any required inspections.

7. A certification, signed by the applicant, that to his or her knowledge and belief the information contained in the application is accurate, complete and correct.
- C. To obtain a vendor cart permit for a vendor cart initially or after a permit has expired, an applicant shall arrange for a physical inspection of the vendor cart by: (1) scheduling an appoint with the licensing officer to occur at the Vista City Hall or such other location as may be selected by the licensing officer; and (2) presenting the licensing officer with a City-issued receipt evidencing payment of the permit application fee in an amount set by the City Council.
- D. The issuing officer shall approve a vendor cart permit if all of the following are satisfied:
1. An accurate and truthful application has been filed without misstatements or misrepresentations.
 2. The required application fee has been paid.
 3. The vendor cart owner has signed the application, inclusive of any hold harmless agreement.
 4. All applicable provisions of this article for licensing a sidewalk vendor have been or will be met, as set forth in paragraph B, including the proof of commercial liability insurance.
 5. The applicant has demonstrated compliance with all design standards applicable to the vendor cart, as follows:
 - i. Wheels
 1. All carts must have operating wheels.
 2. Motorized vehicles are not allowed for placement or movement of the carts.
 - ii. Canopies
 1. Each pushcart or kiosk must have either an umbrella mounted on a single pole, or a canopy mounted on a maximum of four supports. Alternate roof designs may be accepted, subject to specific review and approval.
 2. All supports must be mounted on the pushcart and shall not extend beyond the outside dimensions of the pushcart body. The lowest edge of any canopy or umbrella shall not be less than seven feet above the sidewalk.
 3. Materials such as Panaflex, plastic, or vinyl are not permitted.
 - iii. Lighting
 1. Carts and kiosks that anticipate operating into the evening may utilize battery-powered, low-voltage lighting systems for display lighting and accents.
 2. Display lighting should be directed at the merchandise only and not be distracting to passing pedestrians or motorists.
 3. Small strings of accent lights or fiber optic strands may be used as accent lighting with specific review and approval.
 4. No internally illuminated umbrellas or canopies will be allowed.
 - iv. Materials. All materials must be suitable for extended outdoor use and comply with all applicable health and safety standards.

- E. Upon approving a vendor cart permit, the licensing officer shall issue the permit in the form of a vendor cart decal, and attach the decal to a conspicuous place on vendor cart.
- F. The vendor cart permit and decal shall include such information as the licensing officer determines appropriate, and may include the date of issuance, the date the decal expires, and an identification number.
- G. Each vendor cart permit shall terminate effective at 12:00 a.m. on July 1 following the issuance of the permit.
- H. It is unlawful for a person to alter a decal. To avoid misuse of decals, no current decal shall be removed from a vendor cart unless it is immediately rendered unusable and destroyed.
- I. Notice of the proposed action shall be provided to the applicant in writing. The licensee shall be advised that the decision will take effect if it is not appealed within 14 days as provided in Section 8.78.080, at which time it shall become final and conclusive.

Section 8.78.100 General Operating Rules for Sidewalk Vendors

- A.. A person operating as a sidewalk vendor shall satisfy each of the following requirements:
- 1. Conspicuously display the following and present for direct inspection when requested by a City employee or a member of the Sheriff's department:
 - a. the vendor's current sidewalk vendor's license.
 - b. a receipt for payment of any tax owed pursuant to Chapter 5.04 or a valid and current business license pursuant to Chapter 5.04.
 - 2. Maintain for inspection at all times, and present on request of a City employee or a member of the Sheriff's department, a copy of: (a) a valid California Department of Tax and Fee Administration seller's permit; and (b) any additional licenses from other state or local agencies to the extent required by law.
 - 3. When vending from a vendor cart, use only a vendor cart displaying a current vendor cart decal and which continues to satisfy all requirements of this Chapter, including all design standards.
 - 4. Locate a vendor cart, position himself or herself, and control or direct customers so that clear pedestrian access is maintained which meets or exceeds three feet.
 - 5. Avoid use of any vendor cart, and conduct all operations, to satisfy the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards, including making adjustments so that persons encountering any obstructions are promptly accommodated so they have passage over sidewalks or paved pedestrian paths sufficient to satisfy applicable law.
 - 6. Refrain from displaying any items for sale on the ground, a blanket, or table.

7. When directed by authorized personnel, immediately relocate operations and/or a vendor cart to avoid an immediate danger to the safety of persons or property. "Authorized personnel" include City code enforcement officers, emergency response officers, or police officers. If the vendor cart is not promptly removed following such order, the cart may be relocated or temporarily detained by such officer.
 8. When a vendor cart is not in active use, it must be removed from public property and stored in a location in compliance with all applicable laws.
 9. When operating a vendor cart used to vend food: (a) provide an approved trash receptacle capable of accommodating all refuse generated by their vending activity; (b) make the approved trash receptacle available for use by customers who wish to dispose of trash; (c) empty the trash receptacle once it is full without depositing the trash in existing trash receptacles on sidewalks and other public space; and (d) in the case of a stationary street vendor, maintain the vending site and 20 foot radius of the operating space free of all refuse of any kind generated from the operation of their business.
 10. At all times, a sidewalk vendor operating a stationary vendor cart shall maintain a copy of the permit identifying the approved stationary vendor location assigned to the stationary vendor cart. When requested, the sidewalk vendor shall present a copy of the permit authorizing operations in that location to any City employee or member of the Sheriff's department.
 11. If the vendor is operating as a stationary street vendor which sells food, the vendor must maintain access to readily available toilet and handwashing facility access within two hundred feet (200') travel distance of the vendors approved location for operation as a stationary sidewalk vendor.
 12. Vending occurring in a park shall be permitted during the hours the park is open to the public, subject to these additional limitations: (1) the sidewalk vendor shall abide by all park rules; (2) vending shall not commence earlier than 9 a.m.; (3) vending must conclude by sunset; and (4) any vendor cart must be removed from the park within fifteen minutes following sunset, or the time the park closes, whichever is earlier.
 13. Operations of a stationary sidewalk vendor on a public sidewalk shall only occur during the hours of 7:00 a.m. and 12:00 a.m. of the following day.
 14. Operations of a roaming sidewalk vendor shall only occur during the hours of 7:00 a.m. and 12:00 a.m. of the following day, except in residential zones, where operations shall occur only during the hours of 8:00 a.m. and sunset.
- B. A person operating as a sidewalk vendor is prohibited from all of following:
1. Transacting business with persons while they are inside motor vehicles.
 2. Leaving a vendor cart unattended on any public property.
 3. Chaining or fastening a vendor cart to any pole, sign, tree or other object located on public property, or leaving the vendor cart unattended on any public property.
 4. Connecting a vendor cart to an external source of power, water or any other utilities while located on public property
 5. With the exception of one trash receptacle in the case of a stationary vending cart, placing any free-standing signs, tables, chairs, fences, shade structures,

or other furniture on, under, or near the site of the operation of the vending cart.

6. Allowing any item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property.
7. Using any amplified or non-amplified sound making devices.
8. Remaining in a single operating location for more than thirty minutes, unless the sidewalk vendor is a stationary sidewalk vendor.
9. Burning wood or barbeque briquettes.
10. No sidewalk vendor shall sell any alcohol-related beverage; tobacco or electronic vaping products; cannabis products; weapons, including knives, guns, or explosive devices; pharmaceuticals; or such other products identified in a list adopted by resolution or ordinance of the city council as prohibited for sidewalk vending based on public health safety, or welfare concerns.

Section 8.78.110 Prohibited Sidewalk Vending Locations

- A. Sidewalk vendors operating within a street or right of way shall adhere to the following rules governing the location for sidewalk vending:
 1. No vendor shall use the median strip of a divided roadway.
 2. A roaming sidewalk vendor shall not stop to transact business on a sidewalk with a width of less than 5 feet.
 3. No vendor shall locate their operation in such a way that would restrict the ingress to or egress from the adjoining property, including emergency access.
 4. It is unlawful for a person to engage in sidewalk vending within 100 feet of the boundaries of a certified farmers' market, a swap meet, or a temporary special event during the approved operating hours of that farmers market, swap meet, or special event.
 5. No sidewalk vendor shall stop or locate to transact business within:
 - a. 400 feet of a freeway entrance or exist.
 - b. 100 feet of a primary or secondary public or private school on any school day beginning one hour before the start of school and one hours following the ending of school.
 - c. 50 feet of the driveway entrance to a police or fire station
 - d. 5 feet of a marked or unmarked crosswalk.
 - e. 5 feet of the curb return of an unmarked crosswalk.
 - f. 5 feet of any fire hydrant, fire call box or other emergency facility.
 - g. 5 feet ahead and 45 feet to the rear of a sign designating a bus stop.
 - h. 10 feet of a transit shelter, bus bench, or bus stop zone.
 - i. 5 feet of a driveway or driveway apron.
 - j. 10 feet of an outdoor dining or patio dining area.
 - k. 18 inches from the edge of a curb.
- B. In addition to the rules set forth in paragraph A, a stationary sidewalk vendor operating from a sidewalk, and any approved stationary vendor location, shall comply with the following rules:

1. Except as provided in subparagraph 7 below, no person shall not operate a stationary vendor cart except when located in an approved stationary vendor cart location authorized pursuant to Section 8.78.130.
2. No person shall let a stationary vendor cart stand on any location on public property for a period of more than five minutes other than an approved stationary vendor cart location.
3. Stationary sidewalk vendors are prohibited in areas that are zoned exclusively residential.
4. A stationary vendor cart shall not be operated from a sidewalk, nor shall an approved stationary cart location be approved for a sidewalk, unless the sidewalk has a width of at least ten feet.
5. If a stationary sidewalk vendor will sell food, the vendor must operate from a vending location which is within two hundred feet (200') travel distance of an approved and readily available toilet and handwashing facility to ensure that restroom facilities are available to the vendor permit holder and any of its employees
6. An approved stationary vendor cart location shall not be approved within 200 feet of another approved stationary vendor cart location.
7. Where there are multiple requests for the same location and if the location meets the criteria for establishment, the sidewalk vending location will be assigned to the applicant who has a preference as a result from vending from the specific location continuously for the last 12 months or, where the vending location is not licensed and no preference exists, it will be assigned on a first come, first served basis.
8. Stationary vendors approved for a location within the boundaries of a temporary special permit or 100 feet thereof, must relocate to a location approved by the licensing officer unless: (1) the vendor is authorized to participate in the event by the event operator; or (2) the requirement for relocation is waived in writing by the issuing officer.
9. Stationary vendors are obligated to relocate to a location approved by the issuing officer when work will occur on any public property which is located within 200 feet of location approved for the street vendor, unless such relocation waived in writing by the issuing officer.
10. Stationary vendors are obligated to relocate to a location approved by the issuing officer when the vendor is located within 50 feet of the boundaries of a construction site located on private property, unless such relocation waived in writing by the issuing officer.

Section 8.78.120 Locations for Vending in Parks

Sidewalk vendors who intend to or operate within a park shall adhere to all rules set forth in Section 8.78.110 except: (1) the term sidewalk when used in Section 8.78.110 shall refer to a park pedestrian path for purposes of this Section; (2) vending may also occur in authorized supplemental locations, as defined in Section 8.78.020; and (3) stationary sidewalk vendors shall be prohibited, altogether, in all City parks where the City has an existing agreement or policy for exclusive food and/or merchandise sales.

Section 8.78.130 Approved Stationary Vendor Locations on Streets and in Parks; Applications and Supplemental Rules

- A. To be authorized for an approved stationary vendor cart location, the owner of the stationary vendor cart shall submit an application to the licensing officer using a form prepared by the issuing officer and make payment of an application fee in the amount set by the City Council.
- B. If the requested location satisfies the requirements of Sections 8.78.110 and 8.78.120, the licensing officer shall issue a permit identifying an approved stationary vendor cart location from which the applicant's stationary vendor cart may operate.
- C. Each permit shall terminate at 12:00 a.m. on July 1 following the issuance of the permit.
- D. Notice of the proposed action on the application shall be provided to the applicant in writing and shall set forth the nature of the action and, in the event of a denial, the reasons for it. The applicant shall be advised that the decision will take effect if it is not appealed within 14 days as provided in Section 8.78.080, at which time it shall become final and conclusive.

Section 8.78.140 Authority to Adopt Additional Rules and Regulations

To assist in the implementation of this Chapter, the City Council may, by resolution, adopt additional objective rules and regulations allowed under Section 51038(c) of the Government Code which address the subject matter of this Chapter.

Section 8.78.150 Violations; Penalties

- A. When a person authorized to issue an administrative citations pursuant to Chapter 1.13 becomes aware that a violation of this Chapter has occurred, that person may issue an administrative citation pursuant to Chapter 1.13 for the violation without first providing a notice of violation. The administrative citation shall be accompanied by the "ability to pay" notice required by Section 51039(f) of the Government Code.
- B. When the citation is issued to a sidewalk vendor holding a current and valid license for violations of this Chapter, the fines shall be set at the maximum amounts set forth in Section 51039(a)(1) of the Government Code, subject to adjustment as provided in paragraph E, below.
- C. When the violation is issued to a person is operating as a sidewalk vendor without a license, the fines shall be set at the maximum amounts set forth in section 51039(a)(3), subject to adjustment as provided in paragraph E, below.
- D. Except as modified in this section, the procedures applicable to administrative citations, including without limitation the issuance, processing, review and appeal of administrative citations, shall be those contained in Chapter 1.13.

- E. The amount of fines for an administrative citation shall be subject to adjustment or may be limited in exchange for the performance of community service as provided in Section 51039(f) of the Government Code, but only if: (1) before the administrative citation becomes final pursuant to 1.13.090 the officer who issued the citation determines that he has been presented with proof justifying the adjustment and agrees to make such an adjustment; or (2) before the administrative citation becomes final pursuant to 1.13.090 the cited party files an appeal and thereafter the officer reviewing the appeal adjusts the amount of the fine.

Effective Date. This Ordinance shall be effective on the thirty-first day following the date of its adoption.

Adoption. INTRODUCED AND ADOPTED at a meeting of the City Council held on January 22, 2019, by the following vote:

AYES: Mayor Ritter, Rigby, Franklin, Green, Contreras

NOES: None

ABSTAIN: None

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

By: _____



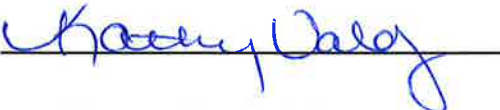
APPROVED
Jonathan B. Stone
0940 011519



JUDY RITTER, MAYOR

ATTEST:
KATHY VALDEZ, CITY CLERK

By: _____



CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2019-3 to be posted on January 24, 2019, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria E. McClellan Senior Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.

A handwritten signature in blue ink that reads "Kathy Valdez". The signature is written in a cursive, flowing style.

Kathy Valdez, City Clerk