

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING VARIOUS SECTIONS OF AND ADDING A NEW CHAPTER 12.10 TO TITLE 12 OF THE PASADENA MUNICIPAL CODE RELATED TO REGULATION OF SIDEWALK VENDORS

WHEREAS, in September of 2017, Senate Bill 946 added Chapter 6.2 (Sidewalk Vendors, commencing with Section 51036) to Title 5 of the California Government Code, which prohibits a local authority from regulating sidewalk vendors, except in accordance with the provisions of state law, and applies to charter cities such as Pasadena; and

WHEREAS, Pasadena regulates sidewalk vendors through various provisions in its Municipal Code, including but not limited to Title 8 (Health and Safety) and Title 12 (Streets and Sidewalks); and

WHEREAS, SB 946 provides that a local authority that elects to adopt a sidewalk vending program cannot require, among other things, a sidewalk vendor to operate within specific parts of the public right-of-way, except when that restriction is directly related to objective health, safety, or welfare concerns, and cannot restrict sidewalk vendors to operate only in a designated neighborhood or area, except as specified in state law; and

WHEREAS, the City Council of the City of Pasadena finds that restricting sidewalk vendors in a manner consistent with SB 946 is necessary to protect the health,

safety and welfare of the sidewalk vendors themselves, as well as the general public, and therefore enacts the restrictions on vending in the public right-of-way as set forth herein; and

WHEREAS, specifically with regard to large events held in the Central Arroyo and the Rose Parade, particularized public safety concerns arise due to the size of the crowds and the concentrated traffic patterns associated with such events which justify not only a ban on sidewalk vending around such events, but also the immediate seizure of carts and goods when vendors violate laws, including said ban, within specified areas; and

WHEREAS, SB 946 authorizes a local authority to adopt additional requirements regulating the time, place, and manner of sidewalk vending, as specified in state law, if the requirements are directly related to objective health, safety, or welfare concerns; and

WHEREAS, the City Council of the City of Pasadena finds that the requirements regulating the time, place, and manner of sidewalk vending as set forth herein are directly related and necessary to objective health, safety, or welfare concerns, of the sidewalk vendors themselves as well as the general public; and

WHEREAS, SB 946 also authorizes a local authority to prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market

and a permitted swap meet, as specified, and to restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit issued by the local authority, as specified in state law; and

WHEREAS, pursuant to SB 946, any violation of a local ordinance could now be punishable only by an administrative fine pursuant to an ability-to-pay determination, and proceeds would be deposited in the treasury of the local authority; and

WHEREAS, Pasadena's current sidewalk vendor regulations are being amended to be consistent with the new requirements of and restrictions in SB 946.

NOW THEREFORE, the People of the City of Pasadena ordain as follows:

SECTION 1. This ordinance, due to its length and corresponding cost of publication, will be published by title and summary as permitted in Section 508 of the Pasadena City Charter. The approved summary of this ordinance is as follows:

"Summary

The proposed ordinance amends various sections of the Pasadena Municipal Code, and adds Chapter 12.10 (Sidewalk Vendors) to the Pasadena Municipal Code to regulate sidewalk vendors in compliance with Senate Bill 946. The proposed ordinance bans vendors within certain parks, near farmers' markets and swap meets, and near temporary special events. The ordinance also bans stationary vendors in residential areas. The ordinance also makes changes to Title 8 (Health and Safety) related to food vending.

Ordinance No. _____ shall take effect upon publication.”

SECTION 2. Pasadena Municipal Code, Title 3, Chapter 3.32, Section 3.32.250 (Rose Bowl area established), is amended as follows:

“3.32.250 - Rose Bowl area established.

This area consists of the Rose Bowl and adjoining parking areas B, D, F, ~~G~~, I, J, ~~K~~, and M.”

SECTION 3. Pasadena Municipal Code Title 8 (Health and Safety), Chapter 8.04 (General Provisions), Section 8.04.020 (Definitions) is hereby repealed in its entirety and replaced with a new Section 8.04.020 as follows:

“8.04.020 - Definitions.

For the purpose of this title, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

- A. "Building" means a structure of a permanent nature located or constructed on a parcel of land, and shall include but not be restricted to, dwelling, hotel, apartment house, apartment, court, rooming house, boarding home for the aged, motel, cottage, house trailer, commercial establishment, store, office, plant, factory, warehouse and similar buildings; unless it is apparent from the context that another meaning is intended.
- B. "Catering Vehicle" means a vehicle used by a catering business to transport food for service at a specified location. Food is ordered, prepared in advance at a licensed food facility, transported to the location in approved hot or cold boxes, and served on the premises.
- C. "City" means the City of Pasadena.
- D. "Cosmetological or Similar Establishments" means but is not limited to establishment or school engaging in the following: Cosmetology, beauty, barber, electrolysis, colonic, manicuring, massage, reducing, figure contour, slenderizing,

physio-therapy, baths, gymnasium, beauty or barber school or similar establishment.

- E. "Employ" means retain, hire or engage.
- F. "Food" means a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.
- G. "Food Employee" means an employee working with food, food equipment or utensils, or food contact surfaces.
- H. "Food Facility" means the same as defined in Section 113789 of the California Health and Safety Code.
- I. "Food Market" means a permanent food facility where bulk, canned, wrapped, bottled, and packaged food is stored, displayed, and offered for retail sale for consumption off premises. Food market does not include facilities with less than 25 square feet of prepackaged, non-potentially hazardous food.
- J. "Food Processing Facility" means a permanent food facility where food is stored, prepared, and offered for retail sale for consumption off premises.
- K. "Food Service Cart" means an unenclosed, unoccupiable, non-motorized vehicle which from which food is sold or distributed. Food service carts include roaming pushcarts that stop only to complete a transaction, and stationary, fixed location carts.
- L. "Food Transportation Vehicle" means a vehicle that is operated by a food manufacturer or distributor for the purpose of transporting food from a manufacturing location or distribution warehouse to a retail location. Food transportation vehicle does not include a personal vehicle.
- M. "Food Vending Machine" means a self-service device that, upon insertion of money or tokens, dispenses food without the necessity of replenishing the device between each vending operation and that operates in conjunction with a commissary.
- N. "Food Warehouse" means any place, building, structure, room or portion thereof where fruit, vegetables or any food are commercially stored, kept, or held at any

temperature, where any foods are commercially stored at any artificial temperature of less than 45 degrees Fahrenheit, or where ice is stored, other than any coin-operated ice vending structure.

- O. "Hazardous Weeds and Plants" includes poison oak, poison ivy, poison sumac and any other plant or weed which is noxious, poisonous, dangerous or which bears seeds of a downy or wingy nature, when conditions of growth are such as to constitute a menace to health.
- P. "Health Officer" means the health officer of the city, having the usual powers and duties of a local health officer under the general health laws of the state and the Charter and ordinances of the city.
- Q. "Ice Cream Vehicle" means a vehicle which sells ice cream and or other frozen dessert items in individually packaged single servings.
- R. "Mobile Food Facility" means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail, and includes mobile food vehicles and food service carts. Mobile food facility does not include food transportation vehicles, or delivery vehicles used to transport packaged food, pursuant to a prior order, from a food facility to a consumer.
- S. "Mobile Food Vehicle" means a motorized and/or occupiable mobile food facility. Mobile food vehicles include ice cream vehicles, industrial lunch vehicles, retail produce trucks, and food preparation vehicles.
- T. "Nuisance" means any accumulation of rubbish, filth, garbage, liquid wastes, dust, smoke, fumes, decaying animal or vegetable matter, or any animal or human excrement which, due to inadequate control, storage or disposal, or inadequate or insanitary sewerage or plumbing facilities, may render air, food or water unwholesome or be offensive to the senses of the public or detrimental to the public health.
- U. "Owner" means agent, manager, proprietor, lessee, person, copartnership, company, association, firm, corporation, business or establishment.
- V. "Owning" means controlling, leasing, acting as agent for, conducting, operating, managing, maintaining or occupying.

- W. "Person" means the agent, owner, proprietor, copartnership, company, association, firm or corporation.
- X. "Potentially Hazardous Food" means food that requires time or temperature control to limit pathogenic micro-organism growth or toxin formation and is the same as defined in Section 113871 of the California Health and Safety Code.
- Y. "Public Swimming Pool" means a body of water used by people for swimming, diving, wading or recreative bathing and for instruction in swimming or diving, together with the decking, building, equipment and appurtenances related to such places. It includes all bathing places entirely artificial in construction such as wading pools and pools used for swimming schools; commercial, or community pools; pools at hotels, resorts, motels, apartment houses, clubs, parks, public and private schools, or other public or semi-public places. This definition shall not include a privately owned swimming pool located on property improved with a single family residence used only by the owner, his family or guests.
- Z. "Quarantine" means restricted or isolated by proper authority so as to prevent the removal, sale or use of an item, device, substance or piece of equipment.
- AA. "Restaurant" means a permanent food facility where food is stored, prepared, and offered for retail sale for immediate consumption on the premises.
- BB. "Rummage Sale or Used Clothing Store" means an establishment that sells odds and ends of used clothing.
- CC. "Sanitized" means thoroughly cleaned and then subjected to an approved bactericidal process.
- DD. "Sewage" means any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.
- EE. "Stored" means held, kept, exposed, offered or displayed.
- FF. "Toxic Chemical" means any chemical, compound, mixture or substance which is so used, handled, transported, processed or stored that it generates or liberates fumes, dust, mist, gasses, vapors or ionizing radiation in such amounts as to constitute a hazard to health either because of its immediate toxic effects, or because workers are exposed for considerable periods of time to amounts in excess of the maximum allowable concentration set forth in authoritative national publications, or which creates a health hazard because of deleterious irritation to

the skin of persons exposed, or because of the actual or potential hazards to health because of ingestion, inhalation or absorption through the skin.

GG. "Used Clothing" means any wearing apparel, underclothing, bedclothes or bedding which previously belonged to and was worn or used by a person."

SECTION 4. Pasadena Municipal Code Title 8 (Health and Safety), Chapter 8.04 (General Provisions), Section 8.04.030 (Violation — Penalty) is hereby amended as follows:

"8.04.030 - Violation—Penalty.

Any person violating any of the provisions of this title, except Chapters 8.16, 8.20, 8.48, 8.52, 8.56, 8.60, 8.64, 8.72 and 8.76 or any rule or regulation of the health officer is deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.00; or, by imprisonment in the city jail for a period of not more than 6 months; or, by both such fine and imprisonment. Each such person is deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this title is committed, continued or permitted by such person and shall be punishable therefor as provided by this title."

SECTION 5. Pasadena Municipal Code Title 8 (Health and Safety), Chapter 8.16 (Food Transportation Vehicles) is hereby amended as follows:

"Chapter 8.16 — MOBILE FOOD FACILITIES AND FOOD TRANSPORTATION VEHICLES

Sections

8.16.010 - Applicable state law—Interpretation.

The city hereby incorporates by reference the provisions of the California ~~Uniform-Retail Food Facilities Law~~ Code, (California Health and Safety Code, § 27500-113700 et seq.) The city health department shall have responsibility for ensuring that all ~~food-transportation vehicles~~ mobile food facilities operating in the city comply with the provisions of the above-referenced code law and possess appropriate city licenses. Mobile food ~~preparation units~~ vehicles shall additionally comply with the applicable requirements in the California ~~Administrative Vehicle Code~~ and obtain an insignia from the California Department of Housing and Community Development. In the case of any conflicts between this chapter and state law, the state law provision shall control.

8.16.020 - Pushcarts Food Service Carts.

- A. It is unlawful for any person to sell or serve food ~~or drinks~~ intended for human consumption from a pushcart food service cart on any public walkway ~~in a residential area~~ without a current and valid health permit issued by the Pasadena Public Health Department, a city business license, and an operator's permit.
- ~~B. The owner of the pushcart shall be required to obtain all necessary permits unless the pushcart is operated by another person. In that circumstance, the owner shall obtain the health permit and the business license, and the operator shall fill out an application and obtain an operator's permit.~~
- B.C. Pushcart Food service cart vendors shall comply with all applicable state health code requirements.
- ~~D. Pushcart vending shall be permitted on public walkways in residential areas only for no more than 5 minutes in a single location.~~
- C.E. A pushcart food service cart owner must obtain a separate health certificate permit for each pushcart cart used in the city. No more than 1 health certificate will be issued per owner. The vendor shall keep in his/her possession the health certificate permit shall be conspicuously displayed, business license and operator's license during operations in the city while operating.
- ~~F. Pushcart vending shall be permitted in a public park for no more than 4 hours in one location, provided another entity or group using the park has not secured a permit for concessions. If a pushcart is moved to a subsequent location in the park, the new location shall be not less than 500 feet away from the prior location. It is unlawful to vend from pushcarts on other public properties, excluding public walkways in residential areas as authorized in subsection E of this section, without a special event permit. Special event permits shall be required for New Year's Day, the Black History Festival, Cinco de Mayo and other events as determined by the city.~~

~~GD.~~ It is unlawful for vendors to use amplified sound on ~~pushcarts in residential areas~~ food service carts.

~~H.~~ ~~Pushcart permits shall be issued annually on a first-come first-served basis. A minimum of 30 pushcart permits shall be issued annually. The maximum number of permits shall be determined by the public health department based on departmental staff availability. Annual renewal of any permit shall be in the sole discretion of the city.~~

~~I.~~ ~~At the time of application for an operator's permit, the police department shall conduct an appropriate background investigation of the applicant. An operator's permit shall not be issued to an applicant convicted of crimes of violence or moral turpitude.~~

8.16.030 ~~Industrial lunch vehicles~~ Mobile Food Vehicles.

~~A.~~ It is unlawful for any person to sell or serve food intended for human consumption from a mobile food vehicle without a current and valid health permit issued by the Pasadena Public Health Department.

~~B.~~ Mobile food vehicles shall comply with all applicable state health code requirements.

~~C.~~ A mobile food vehicle owner must obtain a separate health permit for each vehicle used in the city. The health permit shall be conspicuously displayed while operating.

~~All prepackaged sandwiches and readily perishable food shall be indelibly marked with the date or the name of the day on which the food is placed on the vehicle. Such food shall be carried on the vehicle only on the day shown on the label. No foods shall be rewrapped or redated.~~

8.16.040 - Litter removal.

~~An operator of a food preparation and/or dispensing vehicle~~ mobile food facility of any kind at any location, and prior to leaving that location, shall pick up, remove and dispose of all trash or refuse which consists of materials originally dispensed by that operator, including any packages or containers, or parts thereof, used with or for dispensing such food.

8.16.045 – Liquid waste.

No person shall discharge liquid waste from a mobile food facility or food transportation vehicle upon any public street, sidewalk or premises in the city.

8.16.050 - Responsibility of the health officer.

The city health officer shall be responsible for inspecting and issuing health permits to food preparation and/or dispensing mobile food facilities and food transportation vehicles operating within the city.

8.16.060 - Permit fee.

The payment of a permit fee required by the city and the issuance of such permit to any person shall not entitle the holder thereof to carry on any business or activity unless that person has complied with all the requirements of the city's municipal code and all other applicable laws.

8.16.070 - ~~Delivery vehicles~~Food Transportation Vehicles.

No person shall ~~carry, transport or convey~~ any food for commercial purposes unless the food is protected from all contamination and the ~~food~~ vehicle complies with the following:

A. The food transportation vehicle shall have a current and valid health permit issued by the Pasadena Public Health Department.

B. The health permit shall be conspicuously displayed while operating.

A.C. Upon each side of the vehicle there shall be printed or affixed in permanent, plain, legible letters and numbers at least 3 inches high, the business name; and in letters and numbers at least 3-1 inches high, the owner's name and city, state, and ZIP code. with a stroke of at least 3/8 inch, appropriate words designating the type of business, the name of the operator or trade name and the address of the operator or establishment.

BD. —Except as exempted in Section 8.16.080, the vehicle food compartments of all vehicles shall be enclosed, and the exterior doors and windows shall be tightly fitted to prevent the entrance of dust, dirt, water or insects. The walls and ceilings of the food compartment shall be tight and free of cracks, seams, or linings where vermin may harbor, and shall be constructed of a smooth, easily cleanable material. No food shall be carried in the drivers' or passengers' compartment of a vehicle. The floor shall be of metal or other washable,

impervious material capable of withstanding frequent cleaning, and shall extend a minimum of 6 inches up the side of the compartment. Tight-fitting, nonabsorbent hardwood flooring may be used only when dry products are transported.

E. No food shall be carried in the driver's or passenger's compartment of a vehicle.

~~C. Except as exempted in Section 8.16.080, the sides and top of the food compartment shall be tight and free from cracks, seams or linings where vermin may harbor and constructed of a smooth, washable material. The floor shall be of metal extending at least 6 inches up the side of the compartment or tight-fitting, nonabsorbent hardwood flooring may be used only when dry products are transported. Slide rails shall be of metal and tightly fitted.~~

~~DF. When foods requiring refrigeration under the provisions of Section 8.12.090 of this title the California Retail Food Code, are transported, there shall be provided transported in enclosed compartments capable of maintaining a minimum temperature of 45 degrees Fahrenheit, or, if frozen, a minimum temperature of foods are carried, below 5 degrees Fahrenheit.~~

~~GE. All food compartments shall be thoroughly cleaned at least once each day, and maintained clean and in good repair.~~

~~F. No person shall discharge waste liquid, other than clear water, from the food compartment of any food vehicle upon any public street, sidewalk or premises in the city.~~

~~GH. No person shall carry or, transport or convey pesticides, poisons or other dangerous chemicals in the same compartment of a vehicle with foodstuffs, feed or other material intended for consumption by humans or animals. A vehicle contaminated by pesticides, poisons, or other dangerous chemicals shall not be used to transport food or feed unless the vehicle has been decontaminated in manner approved by the health officer.~~

~~H. No persons shall use a vehicle to carry, transport or convey foodstuffs, feed or other material intended for consumption by humans or animals which vehicle has been contaminated by leakage of pesticides, poisons or other dangerous chemicals unless the vehicle has been decontaminated in a manner approved by the health officer.~~

8.16.080 - Nonenclosure exceptions.

~~Delivery~~ Food transportation vehicles shall not be required to comply with the enclosure requirements when they carry the following:

- A. Non-potentially hazardous foods ~~Food or beverages which are at all times, while on such vehicles, thoroughly enclosed and protected in hermetically sealed cans or bottles not requiring refrigeration for preservation;~~
- B. Fresh, raw, unprocessed fruits or vegetables ~~only~~;
- C. Fresh or frozen fish for wholesale delivery ~~only~~; provided, however, that if deliveries shall be confined to whole, unbroken boxes or lots, the fish shall be delivered within three hours after being loaded in containers completely covered with ice. A clean canvas or tarpaulin shall cover all containers while in transit. The vehicles shall be provided with a sloping metal floor turned up on all sides and draining to a tank or container receptacle, so as to prevent the spilling, ~~draining or dumping of any liquid waste liquid from the fish truck on any street, sidewalk or premises;~~
- D. ~~Cubed, crushed or shaved ice or ice intended for human consumption, packaged in wet strength, nonreturnable paper bags, or other material approved by the health officer, filled and sealed in a licensed ice plant.~~

8.16.090 - Protection and delivery of food.

~~The~~ Food compartment doors ~~to the food compartment of all delivery vehicles shall be kept tightly maintained~~ closed at all times except when ~~actually~~ loading or unloading food. No food shall be deposited in any open doorway, or upon ~~any a~~ public floor, way, sidewalk, alley, street, or any place ~~in the open air or where dogs or other animals could come in contact therewith~~ where there is potential for contamination or adulteration, ~~unless the food is contained in a fully enclosed box, cabinet or cupboard which protects it from dust, dirt, moisture, animals and other contamination.~~ All unpackaged food shall be contained, suspended or handled so that it does not come into ~~actual~~ contact with the floor of the vehicle or with the ~~person body~~ or clothing of the driver ~~or delivery person~~ man during loading, transporting and unloading. All unpackaged food shall be loaded and unloaded by the use of hooks, containers, tongs, clean paper or other approved method.

8.16.100 - Exemptions.

- A. Catering ~~trucks~~ vehicles as defined in Section 8.04.020 ~~(EE)~~ are excluded from the restrictions stated in this chapter but are required to ~~meet~~ transport food in

~~accordance with the California Retail Food Code state statutory sanitation and health standards.~~

- B. Private individuals transporting food for personal use are exempted from the provisions of this chapter.”

SECTION 6. Pasadena Municipal Code, Title 12 (Streets and Sidewalks) is hereby amended by adding a new Chapter 12.10 (Sidewalk Vendors) as follows:

“Chapter 12.10 Sidewalk Vendors

Sections:

- 12.10.010 Definitions.**
- 12.10.020 Program to Regulate Sidewalk Vending – Permit Requirements. [Reserved]**
- 12.10.030 Areas where Vending is Prohibited.**
- 12.10.040 Additional Requirements Regulating the Time, Place, and Manner of Sidewalk Vending. [Reserved]**
- 12.10.050 Restrictions on Sidewalk Vendors in Certain Neighborhoods.**
- 12.10.060 Violation – Penalties.**

12.10.010 Definitions.

For purposes of this chapter, the following definitions apply:

A. “Immediate vicinity” means the streets abutting an activity or event (and any contiguous parking areas) and the sidewalks on either side of such streets, and includes any open or unoccupied space between the activity or event and the abutting streets and sidewalks.

B. “Person” means one or more natural persons, individuals, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer or employee of any of them), whether engaged in business, nonprofit or any other activity.

C. “Sidewalk vendor” means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path. A sidewalk vendor may be either a:

1. "Roaming sidewalk vendor," which means a sidewalk vendor who moves from place to place and stops only to complete a transaction; or

2. "Stationary sidewalk vendor," which means a sidewalk vendor who vends from a fixed location.

D. To vend means to sell, offer for sale, expose or display for sale, solicit offers to purchase, or to barter food or merchandise, or to require someone to negotiate, establish or pay a fee before providing food or merchandise, even if characterized as a donation.

**12.10.020 Program to Regulate Sidewalk Vending – Permit Requirements.
[Reserved]**

12.10.030 Areas where Vending is Prohibited.

A. Vending Prohibited in Certain Parks. Stationary sidewalk vendors are prohibited from vending in the following parks or open space because the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire: Brookside Golf Course area as that term is used in Chapter 3.32 (Arroyo Seco Public Lands).

B. Vending Prohibited Near Farmers' Markets. Sidewalk vendors are prohibited within the immediate vicinity of a permitted certified farmers' market during the limited operating hours of that certified farmers' market. A "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, as may be amended, and any regulations adopted pursuant to that chapter.

C. Vending Prohibited Near Swap Meets. Sidewalk vendors are prohibited within the immediate vicinity of a permitted swap meet during the limited operating hours of that swap meet. A "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, as may be amended, and any regulations adopted pursuant to that article.

1. Sidewalk vendors are prohibited within the immediate vicinity of the flea market held at the Rose Bowl Stadium, which includes the Brookside Park area and the Brookside Golf Course area as those terms are used in Chapter 3.32 (Arroyo Seco Public Lands) of the Pasadena Municipal Code.

2. Sidewalk vendors are prohibited in the immediate vicinity of the swap meet regularly operated at Pasadena City College.

D. Vending Prohibited Near Temporary Special Events. Sidewalk vendors are prohibited within the immediate vicinity of an area designated for a temporary special event for the limited duration of the temporary special permit. Any notice,

business interruption mitigation, or other rights provided to affected businesses or property owners will also be provided to any sidewalk vendors specifically permitted to operate in the area, if applicable. A "temporary special event" is a permit issued by the city, the RBOC, or the PCOC, for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, temporary event permit, contract, license agreement, temporary use permit, or any similar approval for purposes including, but not limited to, filming, parades, sporting events, festivals, carnivals, or outdoor concerts.

1. Vending Prohibited in the Central Arroyo During Certain Events.

a. Sidewalk vendors are prohibited within the Rose Bowl area, Brookside Park area, and Brookside Golf Course area, during any displacement event, as those terms are used in Chapter 3.32 (Arroyo Seco Public Lands) of the Pasadena Municipal Code, as well as on any streets abutting thereto and sidewalks on either side of such streets.

b. Sidewalk vendors are prohibited in the immediate vicinity of any minor event permitted in the Central Arroyo.

2. Vending Prohibited Near the Rose Parade and Related Activities.

a. Sidewalk vendors are prohibited within the Parade Route and any adjacent streets as set forth in the annual Rose Parade Staging Plan ("Staging Plan"). "Parade Route" is defined as beginning at the Formation Area, north on Orange Grove Boulevard to Colorado Boulevard; east on Colorado Boulevard to Sierra Madre Boulevard; north on Sierra Madre Boulevard to Paloma Street, as well as sidewalks on either side of such streets. Adjacent streets include Green Street, Grand Avenue, St. John Street, Pasadena Avenue, Orange Grove Boulevard and other such streets immediately adjacent to the Parade Route as set forth in the annual Rose Parade Staging Plan, including sidewalks on either side of such streets. A copy of the Rose Parade Staging Plan is on file with the city.

b. During the Post Parade showcase, sidewalk vendors are prohibited from the Post Parade area as set forth in the Staging Plan, the immediate vicinity thereto, as well as within 500 feet of any entrance or exit to the Post Parade area.

c. Notwithstanding the above, vendors with a Foot Peddler License (for general merchandise and food) and a New Year's Vending Permit from the Health Department (for food only) may vend within the Rose Parade Route as so designated in such License.

12.10.040 Additional Requirements Regulating the Time, Place, and Manner of Sidewalk Vending. [Reserved]

12.10.050 Restrictions on Sidewalk Vendors in Certain Neighborhoods.

A. Stationary sidewalk vendors are prohibited in areas that are zoned exclusively residential. This prohibition does not extend to roaming sidewalk vendors.

B. [Reserved]

12.10.060 Violation – Penalties.

A. Fines.

1. Any violation of a failure to obtain a permit as mandated by this Chapter is punishable by the following fines:

a. \$250 for the first violation.

b. \$500 for the second violation within one year of the first violation.

c. \$1,000 for the third and each additional violation thereafter within one year of the first violation.

2. Upon a showing of proof of a valid permit issued by the City under this Chapter, the fines set forth in paragraph 1 of this subdivision shall be reduced to the fine amounts set forth in paragraph 3 of this subdivision.

3. Any violation of this Chapter, with the exception of a violation of paragraph 1 of this subdivision, is punishable by the following fines:

a. \$100 for the first violation.

b. \$200 for the second violation within one year of the first violation.

c. \$500 for the third and each additional violation thereafter within one year of the first violation.

4. The City may revoke or rescind any permit issued under this Chapter upon the fourth or any subsequent violation.

5. Any violation of this Chapter 12.10 shall not be subject to the provisions of Title 1 Chapters 1.24, 1.25 or 1.26.

B. Seizure.

1. Because of the overwhelming need to immediately protect public safety during certain temporary special events, the carts, merchandise or any other instrumentality of the person violating Section 12.10.030 D.1 or D.2 of this Chapter may be immediately seized by the City.

2. The carts, merchandise or any other instrumentality of the person violating any other provision of the municipal code, or any other state or federal law, may be seized by the City.

3. The City shall store such property for a minimum of 30 days. If the property is not claimed within that time period, the City may dispose of the property.

4. Any perishable items may be disposed of immediately by the City upon seizure.

5. All merchandise will be returned, if properly claimed, except if the possession or sale of such merchandise is otherwise illegal, including but not limited to

violation of copyright laws, trademark laws, illegal contraband or any other violation of local, state or federal law.”

SECTION 7. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 8. This ordinance shall take effect upon publication.

Signed and approved this _____ day of _____, 2018.

Terry Tornek
Mayor of the City of Pasadena

I HEREBY CERTIFY that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held this _____ day of _____ 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Lisa Hosey
Assistant City Attorney