

Introduced by: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PASADENA AMENDING TITLE 6, TITLE 8, TITLE 10, AND TITLE 12 OF THE PASADENA MUNICIPAL CODE RELATED TO THE REGULATION OF SIDEWALK VENDORS

Whereas, in September of 2018, Governor Brown signed SB 946, which took effect on January 1, 2019; and

Whereas, SB 946, as codified prohibits cities from excluding sidewalk vendors from operating in any part of the City except when that restriction is directly related to objective health, safety, or welfare concerns; and

Whereas, recent counts of pedestrians on the sidewalks in the business improvement districts in Pasadena have been conducted demonstrating high foot traffic counts at varying intervals in these business improvements districts which include the Old Pasadena Management District, the South Lake Business Improvement District, and the Pasadena Playhouse Business Improvement District; and

Whereas, based on these high foot traffic counts, allowing sidewalk vending in these established business districts with the demonstrated high foot traffic would endanger the health, safety, and welfare in these areas; and

Whereas, these high foot traffic counts objectively demonstrate that the addition of sidewalk vendors to the sidewalks in these established business districts would impede the ability of those using assistive devices such as walkers, canes, wheelchairs and other devices from accessing and using the sidewalks in these established business districts and would pose a substantial threat to the health, safety, and general welfare of these vulnerable members of our community.

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

As of January 1, 2019, all cities in California are required to comply with the State law which created new requirements supporting the sale of food items and other merchandise by sidewalk vendors, and prohibiting cities from regulating sidewalk vendors, except in accordance with the provisions of the bill. This Ordinance is intended to bring the City’s Municipal Code into compliance with the new law. The Ordinance provides revisions to Titles 6, 8, 10, and 12 of the Pasadena Municipal Code and expands economic opportunity for those aspiring to vend lawfully while placing limited

regulations on vending to protect public health and safety in the community's most densely crowded locations and preserve the recreational enjoyment of the City's parks. The Ordinance is also designed to codify and preserve access associated with the Americans with Disabilities Act and to increase vendor accountability and reduce conflict among vendors and it authorizes the City Manager to promulgate implementing regulations.

Ordinance No. _____ shall take effect 30 days after publication.”

SECTION 2. Pasadena Municipal Code Title 6 (ANIMALS), Chapter 6.40 (RESTRICTION ON DISPLAY OF ANIMALS ON CITY PROPERTY), Table 6.40.020 is hereby amended to read as follows:

"Table 6.40.020

ANIMAL DISPLAY ORDINANCE

Event or Animal Display	Permitted	Prohibited	Exempt
<u>Animals Displayed for Sale on public sidewalks</u>		<u>X</u>	
Rodeos		X	
Wild or exotic animals		X	
Domestic animals	X (Approved registration statement required)		
Snakes and lizards	X (Approved registration statement required)		
Animals used in filming	X (Disclosure to filming and special events office of animals to be used required)		
Animals in Tournament of Roses Parade (excluding horses)	X (Approved registration statement required)		
Horses in Tournament of Roses Parade			X
Dog and cat exhibitions in city parks			X
Educational or therapeutic animal display sponsored by institute accredited by American Zoological Association, Association of Sanctuaries, or the city poundmaster			X

SECTION 3. Pasadena Municipal Code Title 6 (ANIMALS), Chapter 6.40 (RESTRICTION ON DISPLAY OF ANIMALS ON CITY PROPERTY), is hereby amended to add a new Section 6.40.035 to read as follows;

“6.40.035 – Display of animals for sale on public sidewalks prohibited.

- A. It is unlawful for any person to display animals for sale, adoption, barter, or exchange, whether for compensation or otherwise, on any public sidewalk within the city.**
- B. This prohibition shall not apply to government agencies; non-profit animal rescue organizations exempt from taxation under the Internal Revenue Code section 501(c)(3); humane societies; permitted dog or cat shows; or permitted pet stores which sell or transfer animals within the store.”**

SECTION 4. Pasadena Municipal Code Title 8 (HEALTH AND SAFETY), Chapter 8.64 (LITTER CONTROL), Section 8.64.020 (DEFINITIONS), Subsection I (SIDEWALK) is hereby amended to read as follows;

“8.64.020 - Definitions.

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future; the plural number includes the singular number; and words used in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

- A. "City" means the City of Pasadena.
- B. "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- C. "Litter" means garbage, refuse and rubbish as defined herein and all other material which, if thrown, deposited or allowed to accumulate as herein prohibited, tends to create a danger to the public health, safety and welfare, and which is not within a receptacle provided therefor. "Litter" shall also mean any solid, liquid or semisolid substance or matter which is thrown, propelled, tossed, hurled or dropped upon any public place or sidewalk, or at or upon any person, animal or vehicle which is then participating in a "special event" as defined in Section 2.33.010. "Litter" shall also mean any unsolicited written material, as defined in Section 9.44.010, that is distributed in violation of Section 9.44.040.
- D. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

E. "Private premises" means any private property, together with any structure thereon, whether inhabited or temporarily or continuously uninhabited or vacant, including the yard, grounds, walks, driveway, porch, steps, vestibule or entryway thereof and any off-street parking area.

F. "Public place" means any and all public streets, sidewalks, gutters, boulevards, alleys or other public rights-of-way and any and all public buildings, parks, squares, grounds and publicly owned off-street parking area.

G. "Refuse" means all putrescible and nonputrescible solid wastes (except body waste) including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.

H. "Rubbish" means nonputrescible solid waste consisting of both combustible and noncombustible wastes including, but not limited to, paper, wrappings, cardboard, tin cans, yard clippings, leaves, dirt (other than the natural soil, in place), wood, glass, bedding, crockery and similar materials.

I. "Sidewalk" means **any surface provided primarily for the use of pedestrians** ~~the paved and unpaved, planted or unplanted area maintained between the property line and the curb line or the edge of the surfaced roadway and includes a driveway, curbing, bulkhead, retaining wall or other works for the protection of any sidewalk or parking located in any public street, way or thoroughfare within the city."~~

SECTION 5. Pasadena Municipal Code Title 10 (VEHICLES AND TRAFFIC), Chapter 10.61 (SKATEBOARDS, ROLLER SKATES, SCOOTERS AND EPAMD), is hereby amended to read as follows:

A.61.10 – Definitions:

- A. "Skateboard" means any platform of any composition or size without a seat to which two or more wheels are attached and which is intended to be ridden or propelled by one or more persons standing or kneeling upon it.
- B. "Roller skate" means any shoe, boot or other footwear to which is attached one or more wheels.
- A.** "Business district" shall have the meaning set forth in Sections 235 and 240 of the California Vehicle Code, except that the term shall also include the sidewalks and ways within pedestrian malls.
- B.** "Pedestrian mall" means any commercial property or plaza connecting or abutting commercial buildings or establishments, within which the sidewalks and ways are restricted to the use of pedestrians as that term is defined in Section 467 of the California Vehicle Code.
- C.** "Sidewalk" means **any surface provided primarily for the use of pedestrians within the city.** ~~that portion of a highway or roadway set apart~~

~~by curbs, barriers, markings or other delineation for pedestrian travel and shall include any driveway, curbing, bulkhead, retaining wall or other works for the protection of any sidewalk, as well as any paved or improved pathway for pedestrian travel, whether or not abutting highway~~

- D. "Public building" means any building or structure constructed, owned or occupied to the extent of 50% or more by any public agency, entity or public benefit corporation.
- E. "Scooter" means a human powered mobile device having 2 (two) to 4 (four) wheels, a deck to stand on, and handlebars.
- F. "Electric assistive mobility devices" or "EPAMD" means those devices defined in Section 313 of the California Vehicle Code.

SECTION 6. Pasadena Municipal Code Title 12 (STREETS AND SIDEWALKS), Chapter 12.04 (SIDEWALK REPAIR AND RECONSTRUCTION), Section 12.04.020 (DEFINITIONS), is amended to read as follows:

"12.04.020 - 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. "City" means the city of Pasadena.
- B. "Engineer" means the city engineer and superintendent of streets.
- C. "Owner" means any person, firm or corporation, or the agent or representative of any person, firm or corporation in which is vested the title to any parcel of real property posted under this chapter.
- D. "Repair" includes the repair, replacement, restoration or improvement of any sidewalk.
- E. "Sidewalk" includes **any surface provided primarily for the use of pedestrians** ~~a park or a parking strip maintained in the area between the property line and the curb line, and also includes a driveway, curbing, bulkhead, retaining wall or other works for the protection of any sidewalk or any such park or parking strip located in any public street, way or thoroughfare within the city.~~
- F. Words used in the plural include the singular and those used in the singular include the plural.

SECTION 7. Pasadena Municipal Code Title 12 (STREETS AND SIDEWALKS), Chapter 12.10 (SIDEWALK VENDORS), is amended to add a new Section 12.10.010 (DEFINITIONS) to read as follows:

"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" means any surface provided primarily for the use of pedestrians within the city.**

D. "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.

E. "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."

SECTION 8. Pasadena Municipal Code Title 12 (STREETS AND SIDEWALKS), Chapter 12.10 (SIDEWALK VENDORS), is amended to add a new Section 12.10.020 (PROGRAM TO REGULATE SIDEWALK VENDING) to read as follows:

"12.10.020 - Program to regulate sidewalk vending—Permit requirements.

A. No person, either for themselves or any other person, shall engage in any sidewalk vendor activities within the City without first applying for and

receiving a permit from the Director of Public Works, or the Director's designee, as provided in this chapter.

B. A written application for a sidewalk vendor permit shall be filed with the Director, or the Director's designee, on a form provided by the City, and shall contain the following information:

- 1. The name and contact information of the person applying to become a sidewalk vendor;**
- 2. The name and contact information of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending receptacle;**
- 3. The location(s) in the City where the sidewalk vendor intends to operate;**
- 4. The day(s) and hours of operation the sidewalk vendor intends to operate at such location(s);**
- 5. Whether the vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor and, if roaming, the intended path of travel;**
- 6. The dimensions of the sidewalk vendor's sidewalk vending receptacle(s), including a picture of each sidewalk vending receptacle operating under the permit and any signs that will be affixed thereto;**
- 7. Whether the sidewalk vendor will be selling food, merchandise, or both;**
- 8. If the vendor is selling merchandise, a description of the merchandise to be sold;**
- 9. A copy of the Pasadena health permit required for any sidewalk vendors selling food, as required by Chapter 8.16;**
- 10. A copy of the Pasadena business license required for any vendors, as required by Chapter 5;**
- 11. An acknowledgment that the sidewalk vendor will comply with all other generally applicable local, State, and Federal laws;**
- 12. A certification that, to their knowledge and belief, the information contained within the application is true;**

13. 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 vendor's sidewalk vending activities. 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;
 14. An acknowledgement that use of public property is at the sidewalk vendor's own risk, the City does not take any steps to ensure public property is safe or conducive to the sidewalk vending activities, and the sidewalk vendor uses public property at their own risk;
 15. An acknowledgement that the sidewalk vendor will obtain and maintain throughout the duration of any permit issued under this chapter any insurance required by the City's Risk Manager Director;
 16. If the sidewalk vendor has operated in the City in the past, proof of prior sales tax allocation to the City; and
 17. Any other relevant information required by the Director, or the Director's designee.
- C. Each application for a sidewalk vendor permit shall be accompanied by a non-refundable 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.
- D. Within thirty (30) calendar days of receiving a complete application, the Director, or the Director's designee, may issue a sidewalk vendor permit, with appropriate conditions, as provided for herein, with findings 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 or rights of nearby residents to the quiet and peaceable enjoyment of their property, or otherwise be detrimental to 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 such sidewalk vending activity will not constitute a fire hazard, and all proper safety precautions will be taken;
 4. The conduct of such sidewalk vending activity will not require the diversion of police officers to properly police the area of such activity as to interfere with normal police protection for other areas of the City;
 5. 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;
 6. The sidewalk vendor's application contains all required information;
 7. The sidewalk vendor has not made a materially false, misleading or fraudulent statement of fact to the City in the application process;
 8. The sidewalk vendor has satisfied all the requirements of this chapter;
 9. The sidewalk vendor has satisfactorily provided all information requested by the Director, or the Director's designee, to consider the vendor's application.
 10. The sidewalk vendor has paid all applicable fees as set by City Council resolution; and
 11. The sidewalk vendor has adequate insurance to protect the City from liability associated with the sidewalk vendor's activities, as required by the Director and the City has been named as an additional insured.
- E. The Director, or the Director's designee, may, in his or her sole discretion, place additional conditions upon the issuance of the permit in order to insure the protection of the public rights-of-way and the rights of all adjoining property owners and the health, safety and welfare of the public.
- F. A sidewalk vendor permit is nontransferable. Any change in ownership or operation of a sidewalk vendor or sidewalk vending receptacle requires a new permit under this chapter.

- G. All permits issued under this chapter shall expire twelve (12) months from date of issuance.**
- H. Permits shall be considered temporary and nonpermanent in nature, and permittee shall have neither property interest in, nor any entitlement to, the granting or continuation of any such permit.**
- I. Permits may be terminated by the city, with or without cause, regardless of the nature and scope of financial or other interest in, or on account of the permit or the permitted use.**
- J. Permits, vending activities and obstructions shall conform with all other applicable city and other governmental requirements including, without limitation, except as otherwise provided herein."**

SECTION 9. Pasadena Municipal Code Title 12 (STREETS AND SIDEWALKS), Chapter 12.10 (SIDEWALK VENDORS), Section 12.10.030 (AREAS WHERE VENDING IS PROHIBITED) is amended to read as follows:

"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 swap meet 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, from 5:00 a.m. to 4:00 p.m. on swap meet event dates.

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 **(as per Public Works Drawing No. 5698)** During Certain Events.

- a. Sidewalk vendors are prohibited within the Central Arroyo, as well as on any streets abutting thereto and sidewalks on either side of such streets, from the time the parking lots open before the event until two hours after the event.
- b. Sidewalk vendors are prohibited in the immediate vicinity of any minor event permitted in the Central Arroyo during the minor event, two hours before until two hours after the event.

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"), from noon on the day before through 11:59 p.m. on the day of the Tournament of Roses Parade. "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, as scheduled by the Tournament of Roses, 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. "

SECTION 10. Pasadena Municipal Code Title 12 (STREETS AND SIDEWALKS), Chapter 12.10 (SIDEWALK VENDORS), is amended to add a new Section 12.10.040 (ADDITIONAL REQUIREMENTS REGULATING TIME, PLACE, AND MANNER OF SIDEWALK VENDING) to read as follows:

"12.10.040 - Additional requirements regulating the time, place, and manner of sidewalk vending.

A. All sidewalk vendors are subject to the following operating conditions when conducting sidewalk vending activities:

1. Conducting sidewalk vending activities shall be limited to the following hours:

a. On sidewalks or pathways directly adjacent to or within residential areas between dawn and dusk daily;

b. In non-residential areas between the hours of 7:00 a.m. and 10:00 p.m. daily;

2. All food and merchandise shall be stored either inside or affixed to the sidewalk vendor receptacle or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the sidewalk vendor receptacle, the overall space taken up by the sidewalk vendor receptacle shall not exceed the size requirements provided in this section;

3. The sidewalk vendor permit shall be displayed conspicuously at all times on the sidewalk vending receptacle or the sidewalk vendor's person. If multiple sidewalk vendors are staffing a sidewalk vendor receptacle or working as roaming sidewalk vendors, each person shall wear their permit on their person in a conspicuous manner;

4. Sidewalk vendors shall not leave their sidewalk vending receptacle unattended to solicit business for their sidewalk vending activities;

5. 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;
6. Sidewalk vendors shall not use any electrical, flashing, wind powered, or animated sign;
7. Sidewalk vending receptacles shall not be stored on public property and shall be removed when not in active use by a sidewalk vendor;
8. All sidewalk vendors shall allow a police officer, firefighter, life safety services officer, code enforcement officer, health inspector, or other government official charged with enforcing laws related to the street vendor's activities, at any time, to inspect their sidewalk vending receptacle for compliance with this chapter and to ensure the safe operation used to prepare food;
9. No sidewalk vending receptacle shall contain or use explosive or hazardous materials with the exception of propane;
10. Sidewalk vendors that sell food shall have in their possession at all times they are conducting sidewalk vending activities the health permit required by Chapter 8.16;
11. 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 trash cans. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation;
12. Sidewalk vendors shall immediately clean up any food, grease or other fluid or item related to sidewalk vending activities that falls on public property;
13. Sidewalk vendors shall maintain a minimum five (5)-foot clear accessible path free from obstructions, including sidewalk vending receptacles and customer queuing area; and
14. Sidewalk vendors shall comply with the noise standards provided in Chapter 9.36.

B. Sidewalk vendors shall not engage in any of the following activities:

1. Renting merchandise to customers;
2. Displaying or advertising merchandise or food that is not available for immediate sale;

3. Selling of alcohol, marijuana, adult oriented material, tobacco products, products that contain nicotine or any product used to smoke/vape nicotine or marijuana;
 4. Using an electrical outlet or power source that is owned by the City or another person other than the sidewalk vendor;
 5. Continuing 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 making false statements or misrepresentations during the course of offering food or merchandise for sale;
 7. Blocking or impeding the path of the person(s) being offered food or merchandise to purchase;
 8. Making any statement, gesture, or other communication which a reasonable person in the situation of the person(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. Touching the person(s) being offered food or merchandise without that person(s)' consent, or
 10. Placing their sidewalk vending receptacles outside of any pathway or sidewalk when engaging in sidewalk vending activities.
- C. All sidewalk vending occupancies or activities shall comply with the current Americans with Disabilities Act, as well as with the Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way.
- D. The minimum width of the public sidewalk to be occupied shall not be less than ten feet, and the vending occupancies or activities must permit at least five feet of unobstructed area of public walkway.
- E. No vending occupancies or activities shall occur within the following areas:
1. Fifteen (15) feet of any marked crosswalk or the curb return of any unmarked crosswalk;
 2. Five (5) feet of any traffic signal controller, traffic signals, or other emergency facility;

3. Three (3) feet of any utility meter, manhole, service box, parking meter, street light pole or other utility;
4. Twenty (20) feet of an intersection (measured to the prolongation of the near curb of the intersecting street)
5. Ten (10) feet of any driveway or alley approach;
6. Five (5) feet ahead of, and twenty-five (25) feet to the rear of any sign marking a designated bus stop;
7. Six (6) feet of any bus bench or bus shelter;
8. Three (3) feet of any permitted sidewalk dining area or area improved with lawn, flowers, shrubs or trees or within three (3) feet of any display window of any building abutting the sidewalk or parkway or in such manner as to impede or interfere with the reasonable use of such window for display purposes;
9. The boundary of a valet parking zone or loading/unloading zone.

F. Use, occupation and obstruction of the public walkway which is permitted under this chapter may be temporarily suspended or revoked, without prior notice, when, in the discretion of the director, the police chief, or the fire chief, any such use, occupation or obstruction may interfere with public safety efforts or programs, street improvement activities, construction activities, cleaning efforts or other similar activities or with the health, welfare or safety of the citizens of the city.

G. No placement of any type of fencing or other dividers is allowed around the vending occupancies or activities area.

H. There shall be no modification of the texture of the surface of the public walkway.

SECTION 11. Pasadena Municipal Code Title 12 (STREETS AND SIDEWALKS), Chapter 12.10 (SIDEWALK VENDORS), Section 12.10.050 (RESTRICTIONS ON SIDEWALK VENDORS IN CERTAIN NEIGHBORHOODS) is amended to read as follows:

“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. Sidewalk vending in areas with extremely narrow sidewalks unreasonably interferes with the flow of pedestrians and disrupts access for persons with disabilities. The existing sidewalks on Walnut Street from Orange Grove

Boulevard to Greenwood Avenue varies from seven (7) to eight (8) feet wide. The existing sidewalk on Union Street from De Lacey Avenue to Lake Avenue is eight (8) wide. Sidewalk vending is prohibited in these areas.

- C. Established business improvement districts such as Old Pasadena Management District, South Lake Business District, and Pasadena Playhouse District, are extremely popular tourist destinations with unusually high pedestrian and vehicular traffic volumes. Due to the high foot traffic counts in these tourist destinations, sidewalk vending in these districts is prohibited to protect the public from injury;
- D. Sidewalk vendors shall not engage in sidewalk vending activities at the following locations:
1. Pasadena City Hall;
 2. Pasadena Civic Auditorium;
 3. Any public property that does not meet the definition of a sidewalk or pathway including, but not limited to, any alley, traffic median, square, street, or street end;
 4. Within two hundred (200) feet of a police station; a fire station; or a hospital
 5. Within one hundred (100) feet of:
 - a. Another sidewalk vendor;
 - b. A public or private school, a place of worship, or a large or general child day-care facility;
 - c. Any police officer, firefighter, lifeguard or emergency medical personnel who are actively performing their duties or providing services to the public;
 6. Within twenty (20) feet of a:
 - a. Fire hydrant;
 - b. Curb which has been painted white, yellow, green, blue, or red;
 - c. Automated teller machine;
 - d. Entrance or exit to a building, structure or facility; or
 - e. Trash receptacle, bike rack, public restroom, or similar public use items.

SECTION 12. Pasadena Municipal Code Title 12 (STREETS AND SIDEWALKS), Chapter 12.10 (SIDEWALK VENDORS), is amended to add a new Section 12.10.060 (SIDWALK VENDING REGULATIONS) to read as follows:

12.10.060 - Sidewalk vending regulations.

Sidewalk vending regulations are the implementation standards and specifications to assure compliance with state law, the Pasadena municipal code, and the preservation of public health, safety, and welfare of sidewalk vending in the City. The sidewalk vending regulations, and any revision thereto, may be promulgated by the city manager. Violations of the sidewalk vending regulations shall constitute a violation of this chapter. All published regulations shall be filed with the city clerk, be linked to the official website of the city, and be available in hard copy to any person upon request.

SECTION 13. The City Clerk shall certify the adoption of this ordinance and shall cause this ordinance to be published by title and summary.

SECTION 14. This ordinance shall take effect 30 days after publication.

Signed and approved this _____ day of _____, 2019.

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 _____

2019, by the following vote:

AYES:

NOES:

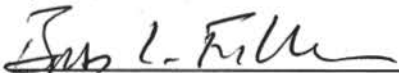
ABSENT:

ABSTAIN:

Date Published:

Mark Jomsky
City Clerk

Approved as to form:



Brad L. Fuller
Assistant City Attorney