

ORDINANCE NO. O-3220-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDONDO BEACH, CALIFORNIA, AMENDING MUNICIPAL CODE TITLE 3, CHAPTER 7, ARTICLE 20, TO CONFORM REGULATIONS REGARDING STREET VENDING IN THE CITY OF REDONDO BEACH WITH SENATE BILL 946

WHEREAS, The City of Redondo Beach is a unique community that prides itself in its community character; and

WHEREAS, on September 17, 2018, California Governor Edmund Gerald Brown signed Senate Bill ("SB") 946 into law, which regulates sidewalk vendors throughout the state including within the City of Redondo Beach;

WHEREAS, SB 946 takes effect January 1, 2019, and limits the authority of the City to regulate sidewalk vendors, except as provided under California Government Code Sections 51038 and 51039;

WHEREAS, although the Redondo Beach Municipal Code does not regulate "sidewalk vendors", as that term is defined in SB 946, it does regulate "peddling" in Title 3, Chapter 7, Article 20 "Vending from Stands in Public Ways" which may include sidewalk vendors, placing the City in conflict with SB 946;

WHEREAS, the City Council adopts this ordinance under the authority of SB 946 and the City Council finds the regulations and requirements provided in this ordinance are directly related to the City's objective in protecting the health, safety and welfare of its residents, businesses, and visitors;

WHEREAS, the City Council finds this ordinance regulates the time, place, and manner of sidewalk vending, as specified, to address health, safety, and welfare concerns;

WHEREAS, the City Council finds the regulations in this ordinance, including, but not limited to those regulations governing minimum sidewalk widths, sidewalk vending receptacle sizes, distance requirements, and food and merchandise storage are necessary to ensure compliance with the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards;

WHEREAS, the City Council finds this ordinance is necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities; and

WHEREAS, the City Council finds this ordinance is necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and

natural character of City while also respecting constitutional rights of residents, visitors and vendors.

NOW, THEREFORE, THE CITY OF REDONDO BEACH, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA FINDINGS. The proposed Ordinance Amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment); 15060(c)(3) (the activity is not a project as defined in Section 15378); and 15061(b)(3), because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

The proposed ordinance maintains the status quo and prevents changes in the environment. Because there is no possibility that this ordinance may have a significant adverse effect on the environment, the adoption of this ordinance is exempt from CEQA.

SECTION 2. AMENDMENT OF CODE. Title 3, Chapter 7, Article 20, Section 3-7.2001 is hereby repealed in its entirety and amended to read:

“3-7.2001 Findings and purpose

- A. The City Council hereby finds that, to promote the health, safety and welfare, restrictions on street vending are necessary in part to:
1. Ensure no interference with the performance of public safety officers, including, but not limited to, police, firefighter, lifeguard, security and emergency medical personnel services.
 2. Ensure no interference with pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles.
 3. Ensure no interference with barriers (bollards, vehicles, cement or water) which are designed to stop vehicles and prevent injury to people.
 4. Provide reasonable access for Sidewalk Vending Activities in portions of the City while preserving the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, restrooms, trash receptacles, firefighting apparatus', mailboxes, public benches and/or planters/trees, as well as access to locations used for public transportation services.
 5. Reduce exposure to the City for personal injury or property damage claims and litigation.
 6. Ensure the safe sale of Food and Merchandise in the public right-of-way. Providing a clear and simple way to enforce Food safety and compliance with Los Angeles County Department of Public Health requirements.

7. Ensure that visibility, sight lines, and accessibility for vehicular and pedestrian traffic on sidewalks and other rights of way are protected, while accommodating Sidewalk Vendor equipment.
8. Protect the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles.
9. Ensure reasonable access for the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, restrooms, trash receptacles, firefighting apparatus, mailboxes, public benches and/or planters/trees, as well as access to locations used for public transportation services.
10. Mitigate the impacts of Sidewalk Vending Activity and protect the unique characteristics of the City, including maximizing public access to and along the coast.
11. Prevent vendors and their customers from creating unsanitary conditions and ensuring that trash and debris in the areas where vending is taking place are removed by Sidewalk Vendors.

B. The City Council hereby finds that the unique characteristics of the City require certain restrictions on Sidewalk Vending Activities as follows:

1. The City Council finds that Sidewalk Vendors in the City seek and do draw patrons to their Food and Merchandise carts. This can create serious safety problems by impacting the ability of pedestrians to move safely on sidewalks and through cross walks and impeding the response time of safety personnel, particularly in the Artesia/Aviation Corridor, at the beach and the Esplanade, at City Parks and in residential areas. Sidewalk Vendors can also impact access to and egress from businesses that abut the sidewalks they utilize to sell their wares. This Chapter imposes reasonable time, place, and manner restrictions on Sidewalk Vendors to the extent necessary to ensure the safety of Sidewalk Vendors, their patrons, the general public, and to prevent unreasonable interference with residents' enjoyment of peace and quiet in the City.
2. The Civic Center contains the City's emergency operation center, the headquarters for the Fire Department, and other critical infrastructure. Restrictions on Sidewalk Vending Activity are necessary to ensure that fire equipment is easily accessible and critical infrastructure is maintained and accessible at all times.
3. City parks provide passive and active recreational opportunities, and restrictions on Sidewalk Vending Activity are necessary to protect the natural resources, recreational and sport opportunities, as well as scenic and natural character of these parks.

4. The City seeks to preserve the peace and quiet of the Residential Zones of the City, by prohibiting commercial activities such as Sidewalk Vendors.
5. Many of the Sidewalks and Pathways in the City are under eight (8) feet wide or less, and Sidewalk Vending Activity in these areas would unreasonably interfere with the flow of pedestrians and disrupt access for persons with disabilities.

The City Council of the City of Redondo Beach does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.”

SECTION 3. AMENDMENT OF CODE. Title 3, Chapter 7, Article 20, Section 3-7.2002 is hereby repealed in its entirety and amended to read:

“3-7.2002 Definitions.

Whenever any words or phrases used herein are not defined, but are defined in the California Vehicle Code, such definitions shall apply, including for the definitions of Business District, Highway, Road, Sidewalk, and Street. If a term or phrase is not defined in this part, or elsewhere in this Code, the most common dictionary definition is presumed to be correct.

The following words and phrases, whenever used in this Chapter, shall mean as follows:

“Beach” means that County beach located west of and adjacent to the Esplanade.

“Beach Parking Lot” means the driveways or parking area to service the Beach, the Harbor, Piers and Wharves as further defined in Title 12 of this code, excluding those areas located on a street or highway.

“Cannabis” means both medical cannabis and non-medical cannabis. 10-2.1626, 10-5.1626 or any successor section.

“Cart” means a push cart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for Sidewalk Vendor Activity

"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.

"City Building" means any building and the abutting parking lot(s) which is owned or occupied by the City of Redondo Beach or any of its Departments and which is used for public purposes.

"City Property" means all property owned or controlled by the City, including, but not limited to, buildings, libraries, alleys, beaches, boardwalks, parks, pathways, streets, parking lots, sidewalks, and walking trails.

"Civic Center" means the area in the City of Redondo Beach containing City Property bounded by Vincent Street on the south, Carnelian Avenue to the north, Broadway on the west, Guadalupe Avenue on the east, including City Hall, The Redondo Beach Public Library, Redondo Beach Police Department and Redondo Beach Police Annex.

"Director" means the Redondo Beach Finance Director.

"Esplanade" means the paved public right-of-way between the beach and the westerly property line of the properties nearest the Pacific Ocean.

"Fire station" means any facility where fire engines and other equipment of the City Fire Department are housed.

"Food" means any item provided in Health and Safety Code Section 113781, or any successor section.

"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.

"Lifeguard Facilities" means any and all lifeguard facilities located at the Beach.

"Merchandise" means any item(s) that can be sold and immediately obtained from a Sidewalk Vendor, which is not considered Food. Items for rent shall not be considered Merchandise.

"Off-Street City Pay Parking Lots" means any leased parking lot, structure, facility or area located outside of the public right-of-way that the City owns or operates pursuant to Chapter 10.50 for paid parking of vehicles, regardless of the method of payment, including but not limited to parking attendants, meters, or otherwise.

"Pathway" means a paved path or walkway owned by the City or other public entity that is specifically designed for pedestrian travel, other than a sidewalk.

"Person" shall mean one (1) or more natural persons, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnerships, entities, associations, clubs, or organizations composed of two (2) or more individuals (or the manager, lessee, agent, servant, officer, or employee of any of them), whether engaged in business, non-profit, or any other activity.

"Police station" means any facility where police vehicles and other equipment of the City Police Department are housed.

"Residential Zone" means any area zoned or used exclusively as residential in Redondo Beach.

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

"Sidewalk" means a public sidewalk or paved pedestrian path or walkway specifically designed for pedestrian travel.

"Sidewalk vendor" means a person who vends from a vending cart or from one's person upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians.

"Sidewalk Vendor Activities" or "Sidewalk Vending Activity" means actions that qualify a person as a Sidewalk Vendor or actions done in anticipation of becoming a Sidewalk Vendor such as, but not limited to, placement, or maintenance of any Cart.

"Special event" means any special event described in Sections 12-1.203, 3-7.1901, 4-35.04 and any related City Council Resolution, City Manager Regulatory and Department of Community Services Policy.

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

"Swap meet" means a location operated in accordance with Article 6 of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

"Temporary special event" or "Temporary special permit" means an event for with a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or any other public area, including, but not limited to, an encroachment permit, special event permit, or temporary use permit, for purposes including, but not limited to, filming, parades, sporting events, festivals, carnivals, or outdoor concerns.

"Vend" or "vending" means to sell, offer for sale, display for sale, or solicit offers to purchase food, food products, beverages, goods, or merchandise.

"Vending cart" or "Cart" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending that is not a vehicle as defined in the California Vehicle Code.

SECTION 4. AMENDMENT OF CODE. Title 3, Chapter 7, Article 20, Section 3-7.2003 is hereby repealed in its entirety and amended to read:

"3-7.2003 Business License and Permit Required.

(a) No person, either for themselves or any other person, shall conduct or engage in sidewalk vending within the City without first obtaining a business license and a sidewalk vending permit pursuant to this Chapter.

(b) A written application for a Sidewalk Vendor Permit shall be filed with the Finance Director on a form provided by the City. Such application shall be accompanied by a nonrefundable application fee in such amount as established by Resolution of the City Council. Any such permit shall be required to be renewed annually in conjunction with the Business License and a separate nonrefundable application fee paid yearly for such

renewal application. Sidewalk Vendor Permit(s) shall be non-transferable and any change in ownership or operation of Cart requires a new permit. Further, Permit(s) shall be considered temporary and non-permanent in nature and permittees shall have neither property interest in, nor any entitlement to, the granting or continuation of any such permit.”

SECTION 5. AMENDMENT OF CODE. Title 3, Chapter 7, Article 20, Section 3-7.2004 is hereby repealed in its entirety and amended to read:

“3-7.2004 Permit Application.

(a) To apply for a sidewalk vending permit, a person must file an application with the Director, or his or her designee, accompanied by a non-refundable application fee in an amount established by resolution of the City Council. The application shall be in a form prescribed by the Director and shall contain, at a minimum, the following:

(1) Valid identification, such as a California driver’s license number, California identification card number, an individual taxpayer identification number, or social security number;

(2) The legal name and current address and telephone number of the applicant;

(3) If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;

(4) The name and contact information of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending cart;

(5) A description of the food or merchandise offered for sale;

(6) The dimensions of the vending cart including a picture of the vending cart and any signs that will be affixed to the vending cart;

(7) A description of the location(s) or area(s) the applicant wishes to operate;

(8) The hours per day and the days per week during which the sidewalk vendor proposes to operate at the location(s) or area(s);

(9) Whether the applicant intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor and, if roaming, the intended locations and path of travel,

(10) Whether the sidewalk vendor will be selling food, merchandise or both;

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

(12) A copy of a valid business license issued pursuant to the Redondo Beach Municipal Code, or if applying simultaneously for a business license, a completed business license application form;

(13) A copy of a valid California seller's permit pursuant to Revenue and Taxation Code Section 6067;

(14) Certification by the applicant under penalty of perjury that the information contained in the application is true to his or her knowledge and belief;

(15) If a vendor of food or food products, certification of completion of a food handler course;

(16) If a vendor of food or food products, proof of all required approvals from the Los Angeles County Department of Public Health;

(17) Any applicable discharge permits, in compliance with Article 1 of Chapter 10 of this Division;

(18) An acknowledgment that the sidewalk vendor will comply with all other generally applicable local, State, and Federal laws;

(19) Any additional licenses from other State or local agencies to the extent required by law;

(20) A certification by the sidewalk vendor that, to their knowledge and belief, the information contained within the application is true;

(21) An acknowledgment that the sidewalk vendor will obtain and maintain any insurance required by the Director throughout the duration of any permit issued under this Chapter;

(22) 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 actions, 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 sidewalk vendor, City, and/or the parties initiating or bringing such proceeding;

(23) An acknowledgment 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;

(24) Sidewalk vendors may not run power cords or extension cords across the sidewalk or other public right-of-way.

(25) Any other relevant information required by the City Manager.

(b) A sidewalk vending permit shall not be required for the following activities:

(1) The sale of agriculture products on sidewalks or pedestrian pathways on the site where the product is grown.

(2) Vending from food trucks and other motorized vehicles on public streets or alleys.

(3) City-sponsored and/or City-approved special events including, but not limited to, a Certified Farmers' Market, Swap Meet, street fairs, parades, festivals and outdoor concerts. Vendors contracted for these events shall be exempt from the provisions of this Chapter."

SECTION 6. AMENDMENT OF CODE. Title 3, Chapter 7, Article 20, Section 3-7.2005 is hereby repealed in its entirety and amended to read:

"3-7.2005 Criteria For Approval Or Denial Of Permit.

The Director, or his or her designee, shall approve the issuance of a permit if based on all of the relevant information it is determined that:

(a) The conduct of the Sidewalk Vendor as proposed will not unduly interfere with traffic or pedestrian movement, or interfere with or endanger the public health, safety or general welfare or encourage loitering.

(b) The conduct of the Sidewalk Vendor as proposed 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 Sidewalk Vendor.

(c) Such Sidewalk Vending Activity will not constitute a fire hazard.

(d) 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.

(e) The Sidewalk Vendor has not had a similar such permit revoked within the past twelve (12) months.

(f) The Sidewalk Vendor application contains all required information and the Sidewalk Vendor has not made a materially false, misleading or fraudulent statement of fact to the City in the application process.

(g) The Sidewalk Vendor has paid the Business License Tax, or has applied simultaneously for a City business license for which the tax will be paid.

(h) The Sidewalk Vendor's Cart and proposed Activities conform to the requirements of this Chapter.

(i) The Sidewalk Vendor has provided adequate insurance to protect the City from liability associated with Sidewalk Vendor Activities, as determined by the City Risk Manager, and the City has been named as an additional insured on the Vendor's insurance policy.

(j) The Sidewalk Vendor has not been convicted of any felony, or conspiracy to commit, or attempt to commit, the same, as defined by Federal or State law.

(k) The Sidewalk Vendor has not been convicted of any misdemeanor, or conspiracy to commit, or attempt to commit, the same, which is sexual in nature or moral turpitude, as defined by State and/or local law.

(l) The Sidewalk Vendor has not had an individual or business permit or license with any agency, board, city, county, territory, or state denied, revoked, restricted, or suspended within the last five years.

(m) The Sidewalk Vendor has not been subject to an injunction for nuisance, as defined by State or local laws, within the last five years.

(n) 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.

If the permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.”

SECTION 7. AMENDMENT OF CODE. Title 3, Chapter 7, Article 20, Section 3-7.2006 is hereby repealed in its entirety and amended to read:

“3-7.2006 Permit Expiration and Renewal.

A sidewalk vending permit shall be valid for twelve (12) months, or fraction thereof, from the date of issuance. The permit period shall coincide and expire concurrently with the City-issued business license and become null and void if the vendor fails to renew each year. Renewal forms will be mailed to the address provided by the applicant prior to the expiration of his or her active sidewalk vending permit. The annual permit is not subject to proration.”

SECTION 8. AMENDMENT OF CODE. Title 3, Chapter 7, Article 20, Section 3-7.2007 is hereby repealed in its entirety and amended to read:

“3-7.2007 Permit Revocation.

(a) Any Sidewalk Vendor Permit may be revoked by the Finance Director for good cause shown including but not necessarily limited to any of the following reasons:

(1) Falsification of any information supplied by the Sidewalk Vendor upon which issuance of the Permit was based.

(2) Failure of the permittee, or any employees or subcontractors of the permittee, to comply with the regulations set forth in this Chapter.

(3) Conviction of a violation, or plea of guilty or nolo contendere, by the Sidewalk Vendor or any employee, subcontractor or independent contractor of the permittee, of any Federal or State law, or municipal ordinance while in the course of conducting Sidewalk Vending Activity from a Cart pursuant to the Permit.

(4) Conviction of a violation, or a plea of guilty or nolo contendere, by the Sidewalk Vendor of any applicable provision or requirement of this section.

(b) No Sidewalk Vendor whose permit is revoked shall be eligible to apply for a new permit for a period of one year following such revocation.”

SECTION 9. AMENDMENT OF CODE. Title 3, Chapter 7, Article 20, Section 3-7.2008 is hereby repealed in its entirety and amended to read:

“3-7.2008 Appeal Process.

Any person aggrieved by the decision of the Director to issue, deny issuance, or revoke a sidewalk vending permit may appeal the decision to the City Manager or his or her designated representative. Upon receipt of a timely appeal, the City Manager or his or her designated representative, shall hear such appeal within 20 days following the date of such appeal and shall give the Sidewalk Vendor not less than five days advance notice of the date of such hearing. The decision of the City Manager shall be based upon the criteria applicable to the issuance or revocation of such permit. The Sidewalk Vendor shall be notified of the decision of the City Manager by mailed, written notice. The decision of the City Manager shall be final. No revocation of a permit pursuant to this section shall be deemed effective during the pendency of a timely filed appeal until the date of mailing of the City Manager's decision; provided, however, no permit holder shall operate during any period of time in which the insurance coverage required by this chapter is not in full force and effect.”

SECTION 10. AMENDMENT OF CODE. Title 3, Chapter 7, Article 20, Section 3-7.2009 is hereby repealed in its entirety and amended to read:

“3-7.2009 Operating Requirements.

(a) Sidewalk vendors shall comply with all applicable Federal, State and local laws, including without limitation State food preparation, handling, and labeling requirements; and fire codes and regulations.

(b) All Food and Merchandise shall be stored either inside or affixed to the Cart or carried by the Sidewalk Vendor. Food and Merchandise shall not be stored, placed, or kept on any public property. If affixed to the Cart, the overall space taken up by the Cart shall not exceed the size requirements provided in this Section. Carts shall not touch, lean against, or be affixed at any time to any building or structure including, but not limited to lampposts, parking meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters, newsstands, trashcans or traffic barriers.

(c) Sidewalk vendors shall possess and display in plain view on the vending cart or on the sidewalk vendor's person at all times while vending a valid permit issued pursuant to this Chapter, as well as any other permit or license required by the City and any other appropriate governmental agency. If multiple Sidewalk Vendors are staffing a Cart each Person shall obtain and wear Vendor Permit on their Person in a conspicuous manner.

(1) Sidewalk vendors of food or food products shall possess and display in plain view on the vending cart a valid public health permit from the Los Angeles County Department of Public Health.

(d) Sidewalk Vendors shall not:

(1) leave their Cart unattended.

(2) rent any merchandise to the public.

(3) display on their cart, any food merchandise which is not available for immediate sale or advertise any product or service that is not related to the Food or Merchandise being offered for immediate sale.

(4) sell alcohol, cannabis or tobacco products or smoking implements, adult oriented material.

(5) use an electrical outlet or other power source or gas or waterline that is owned by the City or another person other than the Sidewalk Vendor or for which they do not have express permission to utilize.

(6) continue to offer Food or Merchandise for sale, follow, or accompany any person who has been offered Food or Merchandise after the person has declined the offer to purchase such food or merchandise.

(7) knowingly make false statements or misrepresentations during the course of offering Food or Merchandise for sale.

(8) block or impede the path of the person being offered Food or Merchandise for purchase.

(9) make any statements, gesture, or other communication which a reasonable person in the situation of the person(s) being offered Food or Merchandise topurchase would perceive to be a threat and which has a reasonable likelihood to producein the person(s) a fear that the threat will be carried out.

(10) touch the person(s) being offered Food or Merchandise without that person(s)' consent.

(11) place their Cart outside of any Pathway or sidewalk when engaging in Sidewalk Vending Activities.

(12) place any type of fencing or other dividers around the vending cart.

(13) place tables, chairs, shade structures, or other furniture around the vending cart.

(14) vend out of a parked vehicle.

(15) vend to customers in vehicles.

(16) sell live animals, wildlife, fish, fowl, or insects.

(e) All signage and advertising related in any way to the Sidewalk Vendor shall comply with the City's sign laws. Sidewalk Vendors shall not use any electrical, flashing, wind powered, or animated sign.

(f) All Sidewalk Vendors shall allow a police officer, firefighter, lifeguard, code enforcement officer, health inspector, or other government official charged with enforcing laws related to Sidewalk Vendor Activities, at any time, to inspect their Carts for compliance with this Chapter.

(g) Carts and any attachments thereto shall not exceed a total height of four (4) feet, a total width of four (4) feet, and a total length of four (4) feet.

(h) No Cart shall contain or use hazardous materials.

(i) Sidewalk Vendors that sell Food shall maintain a trash container in or on their Cart and shall not empty their trash into public trashcans. The size of the Sidewalk Vendor's trash container counts as part of the size limit of a Cart.

(j) Sidewalk Vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation. Sidewalk Vendors shall immediately clean up any Food, grease or other fluid or item related to Sidewalk Vending Activities that falls on public property.

(k) Sidewalk Vendors shall maintain a minimum four (4) foot clear accessible path for pedestrian ingress and egress free from obstructions, including Cart and customer queuing area."

SECTION 11. AMENDMENT OF CODE. Title 3, Chapter 7, Article 20, Section 3-7.2010 is hereby repealed in its entirety and amended to read:

“3-7.2010 Areas Where Vending is Prohibited or Limited.

(a) Stationary sidewalk vendors are prohibited in areas that are zoned exclusively residential and shall not operate on the Esplanade or on Artesia Blvd or Aviation Blvd. This prohibition does not extend to roaming sidewalk vendors.

(b) Vending Prohibited in Certain Parks. Stationary sidewalk vendors are prohibited from vending in Veteran’s Park as well as any other parks or open spaces where the city has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.

(c) 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.

(d) 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.

(e) Vending Prohibited Near Temporary or Special Permit Areas. Sidewalk vendors are prohibited within the immediate vicinity of an area designated for a temporary or special event/temporary permit for the limited duration of the temporary or special event 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.

(f) Vending is prohibited near any City Property that does not meet the definition of a sidewalk or Pathway including, but not limited to any alley, beach, pier, harbor, street, street end or parking lot.

(g) Within one-hundred (100) feet of:

(i). Another Sidewalk Vendor.

(ii). The intersection of a street and a Sidewalk.

(iii). Any pier or harbor.

(iv). The portion of any City facility that is renting Merchandise or selling Food to the public or where the rental Merchandise is stored.

- (v). Any police officer, firefighter, lifeguard or emergency medical personnel who are actively performing their duties or providing services to the public.
 - (vi) A regional transit center, bus stop, bus shelter, or bus bench.
 - (vii) A freeway onramp or a freeway offramp.
 - (viii) A hospital or urgent care facility.
- (h). Within twenty-five (25) feet of a:
- (i). Fire hydrant.
 - (ii). Curb which has been designated as white, yellow, green, blue, or red zone, or a bus zone.
 - (iii). Automated teller (ATM) machine.
 - (iv). Driveway, driveway apron, alley, or alley approach or entrance to a parking lot or parking garage.
 - (v). Entrance or exit to a building, structure or facility.
 - (vi). Trash receptacle, bike rack, bench, restroom, or similar public use items.
- (i). Sidewalk vending is prohibited in areas with no sidewalks or with extremely narrow sidewalks (six (6) feet wide or less) since it unreasonably interferes with the flow of pedestrians and disrupts access for persons with disabilities.
- (j) Vending is prohibited on any bike path, bike lane, sharrow, or bike trail, including, but not limited to, the bike path on or adjacent to the Esplanade.
- (k) On any portion of the public beach.
- (l) Vending is prohibited on any private property without the express written consent of the owner of the property.
- (m) With regard to that area in the City on the west side of the Esplanade between Knob Hill and Paseo de la Playa; the four (4) locations within said area for which permits may be issued pursuant to this Section of the Code, will be designated by the City Manager's office.
- (n) Sidewalk vending shall be limited to the following hours:
- (i) In residential areas, sidewalk vending shall be permitted between 9:00 a.m. and 8:00 p.m. Roaming vendors vending in residential areas shall move continuously, except when conducting a sale, which must last no more than fifteen (15) minutes. In no event shall a roaming vendor conduct its operations in a residential area in such a manner to constitute operating in a fixed location.

(ii) In nonresidential areas, sidewalk vending shall be permitted between 8:00 a.m. and 9:00 p.m.; provided, however, that these hours shall not be more restrictive than the hours of operation of other businesses or uses on the same street.

(o) Stationary sidewalk vendors who operate after daylight hours shall provide adequate lighting that may be necessary to ensure customer safety. Lighting shall be directed downwards and away from adjacent properties.”

SECTION 12. AMENDMENT OF CODE. Title 3, Chapter 7, Article 20, Section 3-7.2011 is hereby repealed in its entirety and amended to read:

“3-7.2011. VIOLATIONS – PENALTIES.

(a) A violation of this Chapter by a sidewalk vendor who has a valid sidewalk vending permit from the City is punishable only by an administrative fine in amounts not to exceed the following:

- (1) One Hundred Dollars (\$100.00) for the first violation.
- (2) Two Hundred Dollars (\$200.00) for a second violation within one (1) year of the first violation.
- (3) Five Hundred Dollars (\$500.00) for each additional violation within one (1) year of the first violation.
- (4) The City may rescind a permit issued to a sidewalk vendor upon the fourth or any subsequent violation.

(b) A person engaged in sidewalk vending without a valid City sidewalk vending permit is punishable by an administrative fine in amounts not to exceed the following, in lieu of the amounts set forth in subsection (a) of this Section:

- (1) Two Hundred Fifty Dollars (\$250.00) for the first violation.
- (2) Five Hundred Dollars (\$500.00) for a second violation within one (1) year of the first violation.
- (3) One Thousand Dollars (\$1,000.00) for each additional violation within one (1) year of the first violation.
- (4) Upon proof of a valid sidewalk vending permit issued by the City, the administrative fines set forth in this subsection shall be reduced to amounts set forth in subsection (a) of this Section.

(c) A violation of this Chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.

(d) Failure to pay an administrative citation issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed.

(e) When assessing administrative citations pursuant to this Section, the hearing officer shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

(f) If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, the City shall accept, in full satisfaction, twenty percent (20%) of an administrative citation imposed pursuant to this Chapter.

(g) The hearing officer may allow a person to complete community service in lieu of paying the total administrative citation, may waive the administrative citation, or may offer an alternative disposition."

SECTION 13. AMENDMENT OF CODE. Title 3, Chapter 7, Article 20, Sections 3-7.2012, 3-7.2013, 3-7.2014 and 3-7.2015 are hereby repealed in their entirety.

SECTION 14. INCONSISTENT PROVISIONS. Any provisions of the Redondo Beach Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 15. SEVERANCE. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 16. PUBLICATION AND EFFECTIVE DATE. This ordinance shall be published by one insertion in The Easy Reader, the official newspaper of the city, and same shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

PASSED, APPROVED AND ADOPTED this 21st day of September, 2021.

William C. Brand, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael W. Webb, City Attorney

Eleanor Manzano, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF REDONDO BEACH)

I, Eleanor Manzano, City Clerk of Redondo Beach, California, do hereby certify that the foregoing Ordinance No. O-3220-21 was introduced at a regular meeting of the City Council held on the 7th day of September, 2021, and approved and adopted by the City Council of the City of Redondo Beach, California, at a regular meeting of said City Council held on the 21st day of September, 2021, and there after signed and approved by the Mayor and attested by the City Clerk, and that said Ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Eleanor Manzano, CMC
City Clerk