

Chapter 12-17: Sidewalk Vending Regulations

Sec. 12-17.01 – Purpose

The purpose of this article is to establish a sidewalk vending business license and regulatory program in compliance with Senate Bill 946. The provisions of this chapter allow the City of Colusa to encourage small business activities by removing sidewalk prohibitions on small-scale stationary and mobile vendors of goods, wares, merchandise, or food items under a regulatory and enforcement program that protects the public's health, safety, and welfare. This chapter applies only to vending on public property and does not regulate activity on private property.

Sec. 12-17.02 – Definitions

As used in this chapter:

- **Administrator** means the City Manager or their designee responsible for implementing and enforcing this chapter.
- **Business license** refers to a valid City business license issued under Chapter 10, Section 26 of the Municipal Code.
- **Cart** includes any pushcart, pedal-driven cart, stand, rack, showcase, wagon, or other non-motorized equipment used for vending, whether stationary or mobile.
- **California Retail Food Code** means Part 7 of Division 104 of the California Health and Safety Code (§113700 et seq.).
- **Colusa County health permit** means permits, licenses, or certifications issued by Colusa County Environmental Health for vending food in the city.
- **Food** means any edible substance or beverage intended for consumption.
- **Goods or merchandise** refers to any item that is not food.
- **Health Department** means the Colusa County Department of Environmental Health.
- **Person** includes an individual, partnership, corporation, association, group, or entity, whether for-profit or nonprofit.
- **Roaming vending cart** means a cart that is moved continuously and only stops to conduct sales, used by a roaming sidewalk vendor.
- **Roaming sidewalk vendor** is a sidewalk vendor who moves from place to place and stops only to complete transactions, as defined in Government Code §51036(b).
- **Rules and regulations** means policies established by the Administrator and adopted by City Council resolution to implement this chapter.

- **Sidewalk** means any paved pedestrian path or public walkway in the City's right-of-way.
- **Sidewalk vending** means the sale of food or goods from a cart or from one's person on public sidewalks or pedestrian paths.
- **Sidewalk vending program** refers to the City of Colusa's permit and compliance system for sidewalk vendors under this chapter.
- **Sidewalk vendor** means a person who vends on public pedestrian areas as described in Government Code §51036(a).
- **State seller's permit** means a permit issued by the California Department of Tax and Fee Administration for sales tax collection.
- **Stationary vending cart** means a vending cart that remains at a fixed location during operating hours.
- **Stationary sidewalk vendor** is a vendor who operates from a fixed location, as defined in Government Code §51036(c).
- **Vending permit** refers to a permit issued by the Administrator to authorize sidewalk vending within the City of Colusa.

Sec. 12-17.03 – Vending Permit Required

No person may engage in sidewalk vending within the City without first obtaining a vending permit issued by the Administrator. Vendors must comply with all permit terms and applicable laws.

Sec. 12-17.04 – Application Requirements

- (a) To obtain or to renew a vending permit, a sidewalk vendor must provide the following as part of the application:
1. Valid identification, such as a State of California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number, or any other government-issued identification card.
 2. The name, address and telephone number of the sidewalk vendor.
 3. Proposed hours and days of operation.
 4. Whether the sidewalk vendor intends to operate a stationary vending cart or a roaming vending cart.
 5. Proposed location of operation.
 - i. An application for placement of a stationary vending cart in a commercial or industrial area of the city must contain the proposed location, marked by major cross streets, and a photo or sketch of such location.

- ii. An application for a roaming vending cart in a residential area of the city must contain a sketch or description of the route the sidewalk vendor will travel.
 - iii. If a cart will be used, a description of the cart, including dimensions.
- 6. The type of merchandise or food offered for sale or exchange.
- 7. Proof of a valid business license issued pursuant to Title 10.
- 8. The application or renewal fee, in an amount established by resolution of the City Council.
- 9. A valid state seller's permit and any additional licenses from state or local agencies to the extent required by law.
- 10. A county health permit for food-related vending, if applicable.
- 11. A certificate of completion of a food handler course, if applicable.
- 12. A declaration that the information provided to the city is true and correct.
- (b) Vending permits will expire one year after the date of issuance.
- (c) Vending permits are not transferable.
- (d) A person whose vending permit is revoked may not renew their vending permit for one year.
- (e) In accordance with Government Code section 51038(c)(4), identification numbers, including social security numbers, will be confidential and will not be disclosed.
- (f) The Administrator may require inspection of the cart as a condition of permit issuance.
- (g) If there is any prior history of violations under this chapter, the Administrator may review any such violations in its review of renewal requests and consider those violations when imposing conditions on a renewal permit.

Sec. 12-17.05 – General Operational Requirements

Applicants, Operators and Vendors must:

- (a) Display a valid city vending permit and any other required permits that are issued by other public agencies, such as a county health permit.
- (b) Operate only within the approved hours and locations of the vending permit.
- (c) A vendor must keep and maintain a clean and trash-free 20-foot radius from the sidewalk vendor's stationary cart during hours of operation and must leave the area clean by the approved closing time.
- (d) Provide customer trash bins no larger than 20 gallons in capacity (if vending food).
- (e) Not exceed cart size: 72" (L) x 54" (W) x 78" (H), plus small condiment table (max 48" x 24") and trash can (max 20 gal).
- (f) Operate food carts within 200 feet of approved restrooms (if stationary).
- (g) Use no amplified sound or unpermitted electricity.
- (h) Comply with local and state laws, including the Americans with Disabilities Act (ADA) and food packaging rules.

- (i) No signs that are not attached to the vending cart may be used or displayed.
- (j) No vending cart, condiment table or trash receptacle, or other operational equipment may be left at the vending location after closing.
- (k) Sidewalk vendors may not set up tables, chairs, or other structures.
- (l) Sidewalk vendors must comply with all applicable federal, state, and local laws, regulations, and ordinances

Sec. 12-17.06 – Vending in Residential Areas

- (a) Stationary vending is prohibited in residential zones.
- (b) Roaming vendors may operate but must keep moving except to complete a sale.

Sec. 12-17.07 – Prohibitions on placement of stationary or roaming carts

Stationary vending carts may not be placed:

- (a) No sidewalk vendor may place or leave any vending cart or supporting equipment that is:
 - 1. Within 10 feet of a marked crosswalk or Americans with Disabilities Act (ADA) access ramps.
 - 2. Within 10 feet of a curb return for an unmarked crosswalk.
 - 3. Within 5 feet of hydrants or driveways.
 - 4. Within 12 inches of the edge of the curb.
 - 5. Within 5 feet of any driveway or driveway apron.
 - 6. Within marked bus zones or within 5 feet of a designated bus stop.
 - 7. Within any color curbed zones, such as red, blue, yellow, green, and white zones.
 - 8. Where placement impedes the flow of vehicle traffic, such as on public streets or public highways, or any roadway (as defined by Vehicle Code section 530).
- (b) No vending cart may be chained or fastened to any utility pole, sign, tree, or other object in the public right-of-way or left unattended.
- (c) No vending cart may impede the flow of pedestrian traffic by reducing the path of travel to less than 4 feet or impede access to or restrict the use of abutting property, including, but not limited to, residences and places of business, in accordance with the Americans with Disabilities Act (ADA).
- (d) No vending cart may play music or have any other noise device.

- (e) Notwithstanding any specific regulations in this chapter, no sidewalk vendor may install, use or maintain a vending cart where placement endangers the safety of persons or property.

Sec. 12-17.08 – Vending in Parks and Recreation Areas

- (a) Only allowed on paved/decomposed granite pedestrian paths.
- (b) Prohibited within 25 feet of another vendor.
- (c) Prohibited where exclusive concession or event contracts exist.
- (d) Sidewalk vendors may not possess, utilize, or provide any person with any bottle, cup, dish, tumbler jar, or container having any glass.

Sec. 12-17.09 – Proximity to Events

Vending is prohibited:

- (a) Within 50 feet from all borders of a city-sponsored or city-permitted event within the time period commencing of the event and from one hour before until one hour after the event.
- (b) Within 50 feet from all borders of a farmers' market or swap meet during operational hours.
- (c) The Administrator will maintain a list of permitted event areas and notify vendors upon request.

Sec. 12-17.10 – Administration

- (a) The Administrator is authorized to issue a permit in accordance with this chapter. The Administrator shall maintain a list of parks and facilities with an exclusive concession agreement and provide a copy of such list with the issuance of any vending permit.
- (b) The Administrator is authorized to develop, and enforce, the rules and regulations regarding the licensing, permitting, and operation of sidewalk vending, in accordance with this chapter.

Sec. 12-17.11 – Enforcement

- (a) Sidewalk vending in violation of this chapter will not be punishable as a criminal infraction or misdemeanor, but will be subject to an administrative citation as follows:
 - 1. For vending without a valid vending permit

- i. An administrative fine of two hundred fifty and no/100th (\$250.00) dollars for a first violation
 - ii. An administrative fine of five hundred and no/100th (\$500.00) dollars for a second within one year of the first violation
 - iii. An administrative fine of one thousand and no/100th (\$1,000.00) dollars for a third violation and each subsequent violation, within one year of the first violation. Upon proof of a valid permit issued by the city before such fines are due, the city will reduce the amount of the fines to one hundred and no/100ths (\$100.00) dollars for the first violation, two hundred and no/100ths (\$200.00) dollars for the second violation, and five hundred and no/100ths (\$500.00) dollars for each violation thereafter.
- 2. For all violations of this chapter other than vending without a valid vending permit as outlined in subsection (a) above:
 - i. An administrative fine of one hundred and no/100ths (\$100.00) dollars for a first violation
 - ii. An administrative fine of two hundred and no/100ths (\$200.00) dollars for a second violation within one year of the first violation.
 - iii. An administrative fine of five hundred and no/100ths (\$500.00) dollars for a third violation within one year of the first violation.
 - iv. An administrative fine of five hundred and no/100ths (\$500.00) dollars for a fourth and each subsequent violation, and revocation of the vending permit. Revocation proceedings will be conducted in accordance with the rules and regulations established by the city

Citations follow the City's administrative appeal process. Fines may be reduced (20%) or waived with proof of financial hardship per Gov. Code §51038(f).

Sec. 12-17.12 – Cart Removal

The City may request removal of any non-compliant cart. If the vendor fails to comply or if the cart is abandoned, the City may impound and dispose of it after reasonable notice, including any food or merchandise.

Sec. 12-17.13 – Impounding of Vending Equipment

(a) Impoundment Conditions: The City of Colusa reserves the right to impound vending equipment and associated goods for violations of this article, specifically under conditions including but not limited to:

1. Leaving vending equipment or goods unattended in violation of Section 12.17-07(b) poses a fire risk or other safety hazards.
2. Vending without a valid license as stipulated in Section 12.17-04.
3. Operating in a manner that obstructs the free movement of pedestrians or fails to maintain a minimum accessible path of travel as stipulated in Section 12.17-04 (c).
4. Vending in a manner that creates an imminent and substantial danger or environmental hazard to the public or the property, such as the use of unapproved portable cooking equipment or open flames.

(b) Handling of Impounded Property: Vending equipment or goods that serve as evidence of a crime or are booked as property after the arrest of a sidewalk vendor for violation of local, state, or federal laws may be impounded following Colusa Police Department's policies and procedures.

(c) Disposition of Impounded Goods: The City may immediately dispose of impounded goods that cannot be safely stored or are perishable.

(d) Right to Administrative Hearing: Any owner of impounded vending equipment or goods may, within 10 days, request an administrative hearing before a hearing officer appointed by the City.

(e) Receipt and Retrieval Instructions: The Administrator shall provide the person from whom the goods or vending equipment were impounded with a receipt and instructions for retrieval. These instructions shall be provided at the time of impoundment or mailed within two business days to the address provided by the vendor.

(f) Release of Impounded Equipment and Goods: Impounded vending equipment and goods will be released to the vendor or owner upon presentation of proper proof of ownership and full payment of all administrative costs incurred due to the violation. Any unclaimed items will be considered abandoned and forfeited to the City after 90 days following impoundment.