

**TOWN OF TRUCKEE
California**

ORDINANCE 2025-07

AN ORDINANCE OF THE TOWN OF TRUCKEE AMENDING THE TRUCKEE MUNICIPAL CODE, TITLE 13 STREETS AND SIDEWALKS, ADDING CHAPTER 13.08 RELATING TO SIDEWALK VENDING

WHEREAS; on September 17, 2018, California Governor Jerry Brown signed Senate Bill 946 (SB 946) into law, which regulates sidewalk vendors throughout the state; and

WHEREAS; SB 946 took effect on January 1, 2019, and limits the authority of the Town to regulate sidewalk vendors, except as provided under California Government Code Section 51038 and 51039; and

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

WHEREAS; Vending on public sidewalks, pedestrian paths or pedestrian walkways creates the potential for safety hazards, such as, but not limited to, inhibiting the ability of disabled individuals and other pedestrians to follow a safe path of travel; interfering with the performance of police, firefighter and emergency medical personnel services; encouraging pedestrians to cross midblock or stand in roadways to purchase food and merchandise; and creating obstacles and contributing to congestion for pedestrian, vehicle, and bicycle traffic; and

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

WHEREAS; the Town Council finds the regulations in this ordinance, including, but not limited to those regulations governing minimum sidewalk widths, sidewalk vending receptable sizes, distance requirements, and food and merchandise storage are necessary to ensure compliance with the federal Americans with Disabilities Act of 1990 and other disability access standards; and

WHEREAS; the Town Council desires to adopt a sidewalk vending program and amend the current regulations in the Truckee Municipal Code to encourage entrepreneurship and provide economic opportunities consistent with the intent of SB 946; and

WHEREAS; the Downtown Truckee Plan Area, as described in the Downtown Truckee Plan, is an extremely popular tourist destination with unusually high pedestrian traffic volume and restrictions on sidewalk vending are necessary to protect the public from injury given the popularity of the tourist destination and the potential for ongoing conflicts.

The Town Council of the Town of Truckee Does Ordain as Follows:

Section 1.

The recitals above are incorporated herein.

Section 2.

CEQA Findings: The Council has determined that the proposed Municipal Code amendments were assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the Town. The amendments are exempt from the requirements of CEQA because the adoption of this ordinance and resolution is not a “project” pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations, and because under Section 15061(b)(3) of the State CEQA Guidelines, the amendments are exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

Section 3.

Enactment: Title 13, Streets and Sidewalks, of the Truckee Municipal Code is hereby amended as set forth in Exhibit “A”, attached hereto and incorporated herein by reference.

Section 4.

Severability: If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other section, subsection, sentence, clause, or phrase or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this are severable. The Town Council declares that it would have adopted this ordinance irrespective of the invalidity of any portion thereof.

Section 5.

Notice of Exemption: The Town Council Hereby directs staff to prepare, execute, and file with the Nevada County Clerk a notice of exemption within five (5) working days of the adoption of this ordinance.

Section 6.

Records: The Custodian of Records for this Ordinance is the Town of Truckee Town Clerk and the records comprising the administrative record for this Ordinance are located at 10183 Truckee Airport Road, Truckee, California.

Section 7.

Posting and Publications: The Town Clerk is hereby directed to publish this ordinance in accordance with the law.

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The foregoing ordinance was introduced at a regular meeting of the Truckee Town Council held on the 9TH day of September 2025, and adopted at a regular meeting of the Truckee Town Council, on the ___ day of ____; 2025; _____ moved for the adoption, the motion was seconded by _____ and was carried by the following vote:

AYES:

NOES:

ABSENT:

Jan Zabriskie, Mayor

ATTEST:

APPROVED AS TO FORM:

Kelly Carpenter, Town Clerk

Andy Morris, Town Attorney

EXHIBIT "A"

Chapter 13.08 SIDEWALK VENDING

- 13.08.010 Definitions
- 13.08.020 Permit Required
- 13.08.030 Application for Permit
- 13.08.040 Review of Application; Decision
- 13.08.050 Sidewalk Vending Permit Expiration and Renewal
- 13.08.060 Sidewalk Vending Permit Revocation
- 13.08.070 Sidewalk Vending Permit Appeals
- 13.08.080 Sidewalk Vendor Regulations
- 13.08.090 Enforcement

13.08.010 Definitions

For the purpose of this Ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this Section:

- (a) Certified farmers market: A location that is certified by the State of California through the enforcement officers of the county agricultural commissioners and operated pursuant to Chapter 10.5 (commencing with Section 47000 of Division 17 of the Food and Agricultural Code) and regulations adopted pursuant to that chapter.
- (b) Permit: A permit issued to a sidewalk vendor under this Chapter.
- (c) Right-of-way: All of the area within the boundaries of a street, as defined by the instruments creating or conveying such road, and with respect to town streets, created by use, all of the area used for road purposes, including the roadbed, shoulders, drainage ditches and fixtures, the entire surface of cuts and fills and other road appurtenances.
- (d) Roaming sidewalk vendor: A sidewalk vendor who moves from place to place and stops only to complete a transaction.
- (e) Sidewalk: That portion of a highway, other than the roadway, set apart by curbs, barriers, marking or other delineation specifically designed for pedestrian travel and that is owned by the Town or other public entity.
- (f) Sidewalk vending receptacle or sidewalk vendor receptacle: A pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or other nonmotorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.
- (g) Sidewalk vendor: 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.
- (h) Stationary sidewalk vendor: A sidewalk vendor who vends from a fixed location.
- (i) Swap meet: Any event where secondhand goods are offered or displayed for sale or exchange.

- (j) Vend or vending: To barter, exchange, sell, offer for sale, display for sale, or solicit offers to purchase, 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.

13.08.020 Permit Required

It is unlawful for any person to engage in, conduct, or carry on the business of vending on a sidewalk or public right-of-way without a permit issued under the provisions of this Chapter.

13.08.030 Application for permit

- (a) To apply for a sidewalk vending permit, the applicant shall submit a permit application to the Community Development Department containing, at minimum, the following:
1. The applicant's name and mailing address and the name of any person(s) that will be employed by the vendor as sidewalk vendors.
 2. Description of the merchandise offered for sale or exchange.
 3. The days and hours of operation.
 4. If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal and any owners of the company, partnership, or corporation.
 5. A copy of a valid California Department of Tax and Fee Administration seller's permit, as required.
 6. A copy of a valid mobile food facility permit, authorization, or equivalent issued by Nevada County Environmental Health, as required.
 7. Whether the sidewalk vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor.
 8. For stationary sidewalk vendors, a site plan map of the proposed location(s) where vending will take place, showing that the sidewalk location maintains a minimum of 48 inches of accessible route area, unimpeded by the sidewalk vendor or the sidewalk vending receptacle, in compliance with the Americans with Disabilities Act.
 9. The dimensions of the sidewalk vending receptacle.
 10. A non-refundable application fee as established by Town Council resolution or adopted master fee schedule.
- (b) At the time of application, applicant shall provide proof of a policy or policies of comprehensive general liability insurance with minimum limits of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the permittee, with an endorsement naming the Town as additional insured.
- (c) Each application must bear the applicant's signature agreeing to:
1. Certification by the applicant, under penalty of perjury, that the information contained in the application is true to his or her knowledge and believe;
 2. Agreement by the applicant to comply with all the provisions of this Chapter and

all applicable provisions of this code; and

3. Indemnify, defend, and hold the Town harmless, its elected and appointed boards, officers, employees, agents, volunteers, contractors, and invitees from any and all liability, for any and all claims, demands, actions, losses, damages, and injuries direct or indirect, including any and all costs and expenses in connection therewith, arising from the applicant's activities, from and against each and every claim and demand of whatsoever nature made on behalf or by any person, persons, firm, partnership, corporation or otherwise, including the applicant's employees, except for claims arising out of the sole negligence or willful misconduct of the Town.
- (d) Applications for permits must be filed a minimum of thirty (30) days prior to the date requested for issuance of the permit. Renewal applications shall be filed a minimum of thirty (30) days prior to the expiration of any existing permit.

13.08.040 Review of application – decision

- (a) Within thirty (30) calendar days of receiving a complete application, the Community Development Director, or the Community Development Director's designee, may issue a sidewalk vendor permit, with appropriate conditions, as provided for herein, if he or she finds 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 Town operations, threaten to result in damage or detriment to public property, or result in the Town 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 Town;
 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 has not had a permit revoked within the past twelve (12) months;
 7. The sidewalk vendor's application contains all required information;
 8. The sidewalk vendor has not made a materially false, misleading or fraudulent statement of fact to the Town in the application process;
 9. The sidewalk vendor has satisfied all the requirements of this Chapter;
 10. The sidewalk vendor has paid all applicable fees as set by Town Council resolution;

11. The sidewalk vendor's sidewalk vending receptacle and proposed activities conform to the requirements of this Chapter;
 12. The sidewalk vendor has adequate insurance to protect the Town from liability associated with the sidewalk vendor's activities; and
 13. The sidewalk vendor has satisfactorily provided all information required by the Community Development Director, or the Community Development Director's designee, to consider the vendor's application.
- (b) A sidewalk vendor permit is non-transferrable. Any change in ownership or operation of a sidewalk vendor or sidewalk vending receptacle requires a new permit under this chapter.
- (c) All permits issued under this Chapter shall expire 12 months from date of issuance.

13.08.050 Sidewalk vending permit expiration and renewal

A sidewalk vending permit shall be valid for 12 months from the date of issuance and shall expire and become null and void on the anniversary of its issuance. An applicant may apply for a permit renewal on a form provided by the Town prior to the expiration of his or her active sidewalk vending permit.

13.08.060 Sidewalk vending permit revocation

The Community Development Director may revoke a permit issued to a sidewalk vendor for a fourth violation or subsequent violation of this Chapter, as described in Section 13.08.090 (Enforcement). A sidewalk vendor whose permit is revoked may apply for a new sidewalk vending permit upon the expiration of the term of the revoked permit.

13.08.070 Sidewalk vending permit appeals

An applicant who has been denied a sidewalk vending permit or whose sidewalk vending permit has been revoked may appeal to the Town Council under the administrative appeal procedures in Truckee Municipal Code Chapter 2.04.

13.08.080 Sidewalk vendor regulations

- (a) Except as otherwise provided in this Chapter, sidewalk vendors may only conduct transactions in the paved public right-of-way and on paved pedestrian paths and trails.
- (b) All sidewalk vendors must comply with the following requirements:
1. No sidewalk vendor shall vend in the following locations:
 - i. Within 100 feet of any public picnic area, playground area or playground equipment;
 - ii. Within 100 feet of any public community center, athletic field, softball/baseball diamond, basketball court, handball court, pickleball court, tennis court, soccer field, or volleyball court or any other recreational opportunity;
 - iii. Within 100 feet of a street intersection or traffic signal;
 - iv. Within 100 feet of an entrance of any public park;

- v. Within 100 feet of any loading zone or bus stop;
 - vi. Within the Downtown Truckee Plan Area as defined in the Downtown Truckee Plan;
 - vii. Within 100 feet of an open-air dining area;
 - viii. Within 500 feet of a certified farmers market, swap meet, or any area subject to a special event permit;
 - ix. Sidewalk vendors must at all times maintain a clearance of not less than 48 inches unimpeded by the sidewalk vendor or sidewalk vending receptacle on all sidewalks and pedestrian paths so as to enable persons to freely pass while walking, running, or using mobility assistance devices;
 - x. Sidewalk vending receptacles shall not be placed on any public property other than a public right-of-way;
 - xi. On a public right-of-way with a slope greater than five percent;
 - xii. Stationary sidewalk vendors are prohibited from operating in areas that are exclusively zoned residential.
2. Sidewalk vendors shall not engage in any of the following activities:
- i. Conducting sidewalk vending activities:
 - 1. Anywhere in the Town between the hours of 10:00 p.m. and 7:00 a.m. daily;
 - 2. On sidewalks or pathways directly adjacent to or within residential areas, between the hours of 9:00 p.m. and 8:00 a.m. daily;
 - ii. Using verbal or physical conduct that would cause a reasonable person to fear for his or her safety;
 - iii. Intentionally causing physical contact with any member of the public;
 - iv. Following a person who walks away after expressing a desire not to be vended to;
 - v. Approaching a person on a bicycle or occupying a motor vehicle;
 - vi. Intentionally blocking the path of the person being vended to or who has expressed a desire not to be vended to;
 - vii. Impeding or obstructing ingress or egress from any private property or any structure, parking space, or loading facility;
 - viii. Renting merchandise to customers;

- ix. Vending lottery tickets, alcohol, cannabis, adult-oriented materials, tobacco, or electronic cigarette products;
 - x. Displaying merchandise or food that is not available for immediate sale;
 - xi. Knowingly making false statements or misrepresentations during the course of vending;
 - xii. Vending illegal or counterfeit merchandise;
 - xiii. Bartering, exchanging, selling, offering for sale, or soliciting offers to purchase services;
 - xiv. To prevent dangerous distractions, making any outcry, blowing a horn, or using any sound devices or musical instrument for the purpose of attracting the attention of potential patrons;
 - xv. Damaging public or private property, including trees, shrubs, grass, flowers, plants, or vegetation;
 - xvi. Causing vehicles to stop in traffic lanes or persons to stand in traffic lanes or parking spaces; or
 - xvii. Vending in a manner that blocks or obstructs the free movement of vehicles, including parked vehicles.
3. Sidewalk vendors shall comply with the following operating conditions:
- i. 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;
 - ii. 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.
 - iii. Sidewalk vendors shall not leave their sidewalk vending receptacle unattended to solicit business for their sidewalk vending activities.
 - iv. All signage and advertising relate in any way to the sidewalk vendor shall be attached to the sidewalk vending receptacle, if any, or the sidewalk vendor's person;
 - v. Sidewalk vendors shall not use any electrical, flashing, wind powered, or animated sign;

- vi. Sidewalk vending receptacles shall not be stored on public property and shall be removed when not in active use by a sidewalk vendor;
- vii. 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 the sidewalk vending receptacle for compliance with the size requirements of this chapter and to ensure the safe operation of any heating elements used to prepare food;
- viii. Sidewalk vending receptacles and any attachments thereto, including, but not limited to, signage, umbrellas, and canopies, 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;
- ix. No sidewalk vending receptacle shall contain or use propane, natural gas, batteries, or other explosive or hazardous materials;
- x. A sidewalk vendor may not use an open flame on or within any sidewalk vending receptacle;
- xi. If a sidewalk vending receptacle requires more than one (1) person to conduct the sidewalk vending activity, all sidewalk vendors associated with the sidewalk vending receptacle shall be within five (5) feet of the sidewalk vending receptacle when conducting sidewalk vending activities;
- xii. 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 trashcans. The size of the vendor's trash container shall be taken into account when assessing the total size limit of a sidewalk vending receptacle. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation;
- xiii. Sidewalk vendors shall immediately clean up any food, grease or other fluid or item related to sidewalk vending activities that falls on public property;
- xiv. Sidewalk vendors shall maintain a minimum four (4) foot clear accessible path free from obstructions, including sidewalk vending receptacles and customer queuing area;
- xv. Sidewalk vendors shall comply with the noise standards provided in Chapter 18.44 of the Truckee Municipal Code;
- xvi. Sidewalk vendors shall ensure that all required insurance is in effect prior to conducting any sidewalk vendor activities and maintained for the duration of the permit.

13.08.090 Enforcement

Violations of this Chapter shall not be prosecuted as infractions or misdemeanors and shall only

be punished by the following administrative citation and revocation structure:

- (a) Except as otherwise provided in this Chapter, any violation of this Chapter shall be assessed administrative fines in the following amounts:
 1. An administrative fine not exceeding one hundred dollars (\$100) for a first violation;
 2. An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year of the first violation;
 3. An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year of the first violation.
- (b) If a sidewalk vendor violated any portion of this Chapter and cannot present a citing officer with proof of a valid permit, the sidewalk vendor shall be assessed administrative fines in the following amounts:
 1. An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation;
 2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation;
 3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.
- (c) Upon proof of a valid permit issued by the Town, the administrative fines set forth in Subsection 13.08.090(b) shall be reduced to the administrative fines set forth in Subsection 13.080.090(a), or any successor sections; and
- (d) The Community Development Director, or the Community Development Director's designee, may revoke a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations within one (1) year of the first violation.