

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEAUMONT, CALIFORNIA, AMENDING BEAUMONT MUNICIPAL CODE CHAPTER 5.64 "PEDDLERS," AND CHAPTER 5.66 "SIDEWALK VENDING"

THE CITY COUNCIL OF THE CITY OF BEAUMONT DOES ORDAIN AS FOLLOWS:

**SECTION 1. CEQA.** The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**SECTION 2. Prosecution of Prior Ordinances.** Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution of any violation of any City ordinance or provision of the City of Beaumont Municipal Code, committed prior to the effective date hereof, nor be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

**SECTION 3.** City Code Chapter 5.64, Section 5.64.010 "Definitions" is amended to read as follows:

**5.64.010 Definitions.**

For purposes of this Chapter, the following definitions apply unless the context in which they are used clearly requires otherwise:

"*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 and any regulations adopted pursuant to that chapter.

"*Chief of Police*" means the Chief of Police of the City or his or her designee.

"*City*" means the City of Beaumont.

"*Director*" means the Planning Director of the City or his or her designee.

"*Food*" means any type of raw, cooked, or processed edible substance, including any food product or beverage.

"*Merchandise*" means goods, wares, merchandise, meats, fish, vegetables, fruits, farm products, or prepared foods.

"*Peddler*" shall mean any person, traveling by foot, automotive vehicle, or any other type of conveyance from place to place, house to house, or from street to street carrying, conveying, or transporting merchandise and offering and exposing the same for sale, or making sales and delivering articles to purchasers, or any person who traveling from place to place, shall sell or offer for sale such merchandise from an automotive vehicle, or other vehicle or conveyance; or any

person who solicits orders and as a separate transaction makes deliveries to purchaser. "Peddler" shall not include a person engaged in, conducting or carrying on the business of vending on a sidewalk, pursuant to a valid permit issued pursuant to Chapter 5.66.

"*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, and any regulations adopted pursuant to that article.

"*Temporary special permit*" means a permit issued by the City 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, or temporary event permit, for purposes including, but not limited to, filming, parades, outdoor concerts, festivals, carnivals, and street fairs.

"*Vend*" or "*vending*" means 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.

**SECTION 4.** City Code Chapter 5.64, Section 5.64.150 "Operating requirements" is amended to read as follows:

**5.64.150 Operating requirements.**

- A. Except as otherwise permitted in this Chapter or the Municipal Code, no peddler shall vend in the following locations:
1. To the fullest extent permitted by law, any public property, including, without limitation, streets, alleys, and City-owned parking structures;
  2. Within 100 feet of a police officer, firefighter, or emergency medical personnel who is actively performing his or her duties or providing services to the public;
  3. Within 100 feet of a street intersection or traffic signal;
  4. Within 15 feet of a fire hydrant, fire call box, police call box, traffic signal controller, or streetlight controller;
  5. Within ten feet of any driveway or driveway approach;
  6. Within ten feet of a marked crosswalk;
  7. Within ten feet of the curb return of an unmarked crosswalk;
  8. Within any median strip or dividing section;
  9. Within 200 feet of a Police Station or Fire Station.
  10. Within 200 feet of a Certified Farmers Market or Swap Meet during the limited operating hours of that Certified Farmers Market or Swap Meet.
  11. Within 200 feet of an event held pursuant to a Temporary Special Permit during the limited duration of that special event, provided the City provides the peddler any notice, business interruption mitigation, or other rights the City provided to any affected business or property owners under the City's Temporary Special Permit.

- B. Vending is permitted only between the hours of 8:00 a.m. and 9:00 p.m. or one-half hour after sunset, whichever comes first, except that the hours of operation in non-residential areas shall not be more restrictive than the hours of operation imposed on other businesses or uses on the same street.
- C. Peddlers shall possess at all times, while vending, a copy of a valid current permit issued pursuant to this Chapter, as well as any other permit required by any other appropriate governmental agency. The peddler shall display a copy of the permit upon request by authorized City employees.
- D. If a peddler of food, the peddler shall possess and display in plain view on a valid current mobile food facility permit from Riverside County Department of Public Health and, if issued by the Riverside County Department of Environmental Health, a grade.
- E. Peddlers shall comply with all applicable state and local laws, as amended from time to time, including without limitation, Chapter 9.02 (Noise Control) of the Municipal Code, Chapter 9.36 (Panhandling, Soliciting and Aggressive Solicitation the Municipal Code (Aggressive Solicitation), Chapter 8.04 (Food Handlers) of the Municipal Code, applicable California Health and Safety Code and Riverside County Ordinances, state Food labeling and preparation requirements, fire codes and regulations, and the Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards (both state and federal).
- F. Peddlers shall not engage in any of the following activities:
  - 1. Vending lottery tickets, alcohol, cannabis, adult oriented material, or tobacco or electronic cigarette products;
  - 2. Vending illegal or counterfeit merchandise;
  - 3. Damaging public or private property, including trees, shrubs, grass, flowers, plants or vegetation;
  - 4. Causing vehicles to stop in traffic lanes or persons to stand in traffic lanes or parking spaces; or
  - 5. Vending in a manner that blocks or obstructs the free movement of vehicles, including parked vehicles.
  - 6. Where food of any kind is dispensed from a vehicle, pushcart or other conveyance, shall maintain a clearly designated litter receptacle in the immediate vicinity, marked with a sign requested use by patrons; and provided further, prior to leaving the location, shall pick up, remove, and dispose of all trash or refuse which consists of materials originally dispensed by that person, including any packages or containers, or parts thereof, used with or for dispensing such food.

**SECTION 5.** City Code Chapter 5.66, Section 5.66.010 “Definitions” is amended to read as follows:

**5.66.010 Definitions.**

For purposes of this Chapter, the following definitions apply unless the context in which they are used clearly requires otherwise:

*“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 and any regulations adopted pursuant to that chapter.

*“Chief of Police”* means the Chief of Police of the City or his or her designee.

*“City”* means the City of Beaumont.

*“Director”* means the Planning Director of the City or his or her designee.

*“Fire Station”* means any facility where fire engines and other equipment of the City’s Fire Department are housed.

*“Food”* means any type of raw, cooked, or processed edible substance, including any food product or beverage.

*“Merchandise”* means any tangible goods or items that are not food.

*“Park”* shall mean any park open to the public located within the City and includes all sidewalks and parking lots located within or on the perimeter of a public park.

*“Police station”* means any facility where police vehicles and other equipment of the City’s Police Department are housed.

*“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 sidewalk.

*“Stationary sidewalk vendor”* means a sidewalk vendor who vends from a fixed location.

*“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, and any regulations adopted pursuant to that article.

*“Temporary special permit”* means a permit issued by the City 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, or temporary event permit, for purposes including, but not limited to, filming, parades, outdoor concerts, festivals, carnivals, and street fairs.

*“Vend”* or *“vending”* means 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.

*“Vending 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 6.** City Code Chapter 5.66, Section 5.66.150 “Operating requirements” is amended to read as follows:

**5.66.150 Operating requirements.**

- A. Except as otherwise permitted in this Chapter or the Municipal Code, no sidewalk vendor shall vend in any of the following locations:
1. To the fullest extent permitted by law, any public property other than a sidewalk, including, without limitation, streets, alleys, and City-owned parking structures;
  2. Within 200 feet of any other sidewalk vendor;
  3. Within 100 feet of a police officer, firefighter, or emergency medical personnel who is actively performing his or her duties or providing services to the public;
  4. Within 100 feet of a street intersection or traffic signal;
  5. Within 15 feet of a fire hydrant, fire call box, police call box, traffic signal controller, or streetlight controller;
  6. Within ten feet of any driveway or driveway approach;
  7. Within ten feet of a marked crosswalk;
  8. Within ten feet of the curb return of an unmarked crosswalk;
  9. Within any median strip or dividing section;
  10. Within 200 feet of a Police Station or Fire Station.
  11. Within 200 feet of a Certified Farmers Market or Swap Meet during the limited operating hours of that Certified Farmers Market or Swap Meet.
  12. Within 200 feet of an event held pursuant to a Temporary Special Permit during the limited duration of that special event, provided the City provides the sidewalk vendors any notice, business interruption mitigation, or other rights the City provided to any affected business or property owners under the City’s Temporary Special Permit.
  13. If a stationary sidewalk vendor, within any residential zone of the City. The prohibition of stationary sidewalk vendors in residential zones shall in no way be construed to and expressly does not permit a roaming sidewalk vendor to operate within a residential zone of the City without a City permit.
  14. If a stationary sidewalk vendor, within any Park with a concession stand operated by a vendor under agreement for concessions with the City that exclusively permits the sale of food or merchandise by the concessionaire.
- B. Sidewalk vendors must at all times maintain a clearance within a sidewalk sufficient to enable persons to freely pass while walking, running, or using mobility assistance devices.
- C. Sidewalk vending is permitted only between the hours of 8:00 a.m. and 9:00 p.m. or one-half hour after sunset, whichever comes first, except that the hours of operation in non-residential areas shall not be more restrictive than the hours of operation imposed on other businesses or uses on the same street.

- D. If a sidewalk vendor of food other than solely prepacked food, the vendor shall possess hand sanitizer for use by the sidewalk vendor and patrons.
- E. If a stationary sidewalk vendor, the vendor shall maintain a clearly designated litter receptacle in the immediate vicinity, marked with a sign requesting use by patrons. The litter receptacle must be large enough to accommodate customer litter without resort to existing litter receptacles located on any block for use by the general public. The vendor's litter receptacle may not be left on the sidewalk upon leaving any vending location.
- F. If a roaming sidewalk vendor vending from a vending cart, the vendor shall maintain a litter receptacle attached to the vending cart large enough to accommodate customer litter without resort to existing litter receptacles located on any block for use by the general public and marked with a sign requesting use by patrons.
- G. Sidewalk vendors shall maintain a neat, sanitary, hazard and trash-free ten foot radius of the vending location during hours of operation, and prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all litter generated by the vending operations within a ten foot radius of the vending location in the sidewalk vendor's litter receptacle. Sidewalk vendors shall not throw, deposit, or leave, or permit to be thrown, deposited, or left, any litter, food, or other discarded or abandoned objects, in or upon any street, sidewalk, gutter, storm drain, inlet, catch basin, or other drainage structure, or upon any public or private land in the City, so that the same might be or become a pollutant.
- H. Sidewalk vendors shall immediately clean up any food, grease or other fluid or item related to sidewalk vending activities that falls on public property.
- I. If a stationary sidewalk vendor remains in place for one hour or longer, the sidewalk vendor must be located within 300 feet of a publicly-accessible restroom.
- J. Sidewalk vendors must ensure that food and merchandise are securely fastened to the vending cart in such a manner that the food or merchandise does not fall off or extend outside of the frame of the vending cart.
- K. All food and merchandise shall be stored either inside or affixed to the vending cart or carried by the sidewalk vendor.
- L. To the fullest extent permitted by law, vending carts shall not be placed on any public property other than a sidewalk.
- M. Vending carts shall not touch, lean against or be affixed at any time to any building or structure including, but not limited to poles, signs, trees, lampposts, parking meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters, newsstands, trashcans or traffic barriers, or other objects on public property or in the public right-of-way.
- N. All signage and advertising related in any way to the sidewalk vendor must be attached to the vending cart or the sidewalk vendor's person, and shall not be electrical, flashing, wind-powered or animated.
- O. A vending cart approved by the Riverside County Department of Environmental Health to vend one type or types of food may not be used to vend a different type of food.
- P. Sidewalk vendors shall possess at all times, while vending, a copy of a valid current permit issued pursuant to this Chapter, as well as any other permit required by any other appropriate

governmental agency. The sidewalk vendor permit shall be displayed conspicuously at all times on the vending cart or the sidewalk vendor's person. If multiple sidewalk vendors are staffing a vending cart or working as roaming sidewalk vendors, each person shall wear their permit on their person in a conspicuous manner. With respect to all other required permits, the sidewalk vendor shall display a copy of the permit upon request by authorized City employees.

- Q. If a sidewalk vendor of food, the vendor shall possess and display in plain view on the vending cart a valid current mobile food facility permit from Riverside County Department of Public Health and, if issued by the Riverside County Department of Environmental Health, a grade.
- R. Sidewalk vendors shall comply with all applicable state and local laws, as amended from time to time, including without limitation, Chapter 9.02 (Noise Control) of the Municipal Code, Chapter 9.36 (Panhandling, Soliciting and Aggressive Solicitation the Municipal Code (Aggressive Solicitation), Chapter 8.04 (Food Handlers) of the Municipal Code, applicable California Health and Safety Code and Riverside County Ordinances, state Food labeling and preparation requirements, fire codes and regulations, and the Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards (both state and federal).
- S. Not including an attached litter receptacle, vending carts shall not exceed a length of four feet, a width of four feet, or a height, including a roof, umbrella, or awning, of ten feet provided that any umbrella or awning shall be no less than seven feet above the surface of the sidewalk.
- T. Vending carts shall not be accompanied by accessories, including, but not limited to, tables, chairs, benches and umbrellas except that one chair and one umbrella may be provided for the purpose of allowing the vendor or an employee to be seated in shade.
- U. Vending carts for merchandise, if stored in the City, shall be fully enclosed by a structure with walls and a roof when not in use for sidewalk vending.
- V. Vending carts for food shall be stored in accordance with all requirements of the Riverside County Department of Public Health and the City's Health Department.
- W. Vending carts shall have locking wheels to prevent uncontrolled movement.
- X. Vending carts shall not be left unattended.
- Y. Vending carts shall not be left overnight on any public property or rights-of-way.
- Z. Sidewalk vendors shall not engage in any of the following activities:
  - 1. Vending lottery tickets, alcohol, cannabis, adult oriented material, or tobacco or electronic cigarette products;
  - 2. Vending illegal or counterfeit merchandise;
  - 3. Damaging public or private property, including trees, shrubs, grass, flowers, plants or vegetation;
  - 4. Causing vehicles to stop in traffic lanes or persons to stand in traffic lanes or parking spaces; or
  - 5. Vending in a manner that blocks or obstructs the free movement of vehicles, including parked vehicles.

**SECTION 7. Effective Date and Publication.** The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

**NOW, THEREFORE, BE IT ORDAINED** that the City Council of the City of Beaumont, California, approves an amendment to the City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the 6th day of February, 2024, by the following roll call vote:

AYES:  
NOES  
ABSENT  
ABSTAIN

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Beaumont, California, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
David Fenn, Mayor

Attest: \_\_\_\_\_  
Elaine Morgan, City Clerk