

ORDINANCE NO. __

AN ORDINANCE OF THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AMENDING DIVISION 2, CHAPTER 6, SECTIONS 2800 THROUGH 2811 OF THE VENTURA COUNTY ORDINANCE CODE REGULATING SIDEWALK VENDING

The Board of Supervisors of the County of Ventura ordains as follows:

Section 1: Division 2 of the Ventura County Ordinance Code, Chapter 6, Sections 2800 through 2811, are hereby amended to read as follows:

2800 — Purpose; Short Title

The purpose of this Chapter is to regulate sidewalk vendors to enhance entrepreneurship while securing the protection of public health, safety, and welfare in accordance with state law. This Chapter shall be known as the "Sidewalk Vending Ordinance."

2801 — Applicability

(1) This Chapter applies to sidewalk vending on sidewalks that are owned or controlled by the County except as provided herein.

(2) This Chapter does not apply to sidewalk vending in County parks which shall continue to be regulated pursuant to Division 6, Chapter 3, Article 4 of the Ventura County Ordinance Code and regulations promulgated thereunder, except that the County shall only enforce the sidewalk vending regulations in County parks in substantial compliance with the provisions of Sections 2810 and 2811 of this Chapter.

(3) This Chapter does not apply to sidewalk vending in the Channel Islands Harbor area which shall continue to be regulated pursuant to Division 6, Chapter 4, Article 6, Section 6406-7 of the Ventura County Ordinance Code and regulations promulgated thereunder, except that the County shall only enforce the sidewalk vending regulations in the Channel Islands Harbor area in substantial compliance with the provisions of Sections 2810 and 2811 of this Chapter.

(4) In addition to complying with the requirements of this Chapter, sidewalk vendors must comply with all other applicable local, state, and federal laws and are subject to separate enforcement for violations of such other laws.

2802 — Exemptions

Occasional sidewalk vending to fundraise for a Ventura County-based school or an Internal Revenue Code section 501 (c)(3) non-profit charitable or service organization is exempt from this Chapter.

2803 — Definitions

(a) The following definitions apply to this Chapter only. Words and phrases whenever used in this Chapter shall be construed as defined in this Section, unless from the context

a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

(1) "Business tax certificate" means a tax certificate issued pursuant to Division 2, Chapter 1 of the Ventura County Ordinance Code.

(2) "Conveyance" means any non-motorized wheeled device used to carry persons or property and includes but is not limited to pushcarts, pedal-driven carts, and wagons.

(3) "County" means the County of Ventura, a political subdivision of the State of California.

(4) "County parks" mean any park, campground, trail, community center, or other recreation facility owned by, leased by, or under the control of the County, either exclusively or concurrently with another governmental entity or entities.

(5) "Display" means a table, rack, stand, or other equipment or device used to display goods and otherwise conduct vending operations.

(6) "Goods" means items, personal property, merchandise, or any other similar items that are generally sold, including food and beverages.

(7) "Hardscape" means paving material such as concrete, tiles, mortared pavers, or decomposed granite.

(8) "Permittee" means the person named as permittee on a duly issued vending permit.

(9) "Permitted event" means any event that has a County-issued special event permit, facility use permit, or equivalent permit authorizing the temporary use of County-owned or controlled property including for farmer's markets, street fairs, and similar outdoor events.

(10) "Portable cooking equipment" means any appliance used to heat, cook, or prepare food or beverages by a sidewalk vendor.

(11) "Residential" means any area that is zoned exclusively for residential uses

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

(13) "School" means an institution of learning that offers instruction in those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education. This definition does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college, or university.

(14) "Services" are activities involving the performance of work for others or the provision of intangible items that cannot be returned once they are provided such as hair braiding, face painting, and massage.

(15) "Sidewalk" means a County-owned or controlled publicly accessible paved or hardscape pedestrian path or walkway that is set apart by curbs, barriers, markings, or other delineation for pedestrian travel. "Sidewalk" does not include any private property or areas not traditionally used or designated for pedestrian travel such as road shoulders or other portions of public road rights-of-way, public parking lots, bike paths, or medians.

(16) "Sidewalk vendor" and "sidewalk vending" means a person who vends goods, or the act of vending goods, from a conveyance, table, rack, showcase, stand, display, or from one's person, upon a sidewalk. It includes both roaming sidewalk vendors and stationary sidewalk vendors.

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

(18) "Vend" or "vending" means with respect to goods, to sell, offer to sell, expose or display for sale, solicit offers to purchase, barter, or require someone to negotiate, establish, or pay a fee before providing goods, even if characterized as a donation. This definition does not include the solicitation of charitable or political contributions that does not involve the exchange of goods for the donation.

(19) "Vending permit" means a written County-issued approval required prior to sidewalk vending.

Section 2804 — Vending Permit Requirement

(a) Sidewalk vending is authorized but only in accordance with the provisions of this Chapter or when otherwise specifically authorized by the County.

(b) All sidewalk vendors must obtain a vending permit prior to vending on any sidewalk. Permits shall be processed and issued by the Code Compliance Division of the Resource Management Agency.

(c) A vending permit shall be valid for one year from the date of issuance and must be renewed annually. A vending permit may only be issued to an individual at least 18 years of age. The sale, assignment, or transfer of a vending permit is prohibited. A vending permit that is sold, assigned, or transferred is void.

(d) To obtain a vending permit, a sidewalk vendor must submit the following information and present copies of the following documents with a permit application form provided by the County:

(1) the name, address and telephone number of the sidewalk vendor;

(2) a valid government-issued photo identification, provided that the identification number shall be confidential and not subject to public disclosure or inspection;

(3) the name and business address of the company, partnership, or corporation if the sidewalk vendor is an agent of an entity;

(4) a current valid business tax certificate issued to the sidewalk vendor or to the sidewalk vendor's principal entity;

(5) a valid California Department of Tax and Fee Administration seller's permit number;

(6) a specific description of the goods that will be vended, including the types of food and beverages that will be vended if applicable;

(7) for those sidewalk vendors selling food, proof of both:

(A) a valid County Environmental Health Permit applicable to the vending equipment to be used for food preparation and storage to the extent required by law; and

(B) either a Manager's Food Safety Certificate or a County Food Handlers Card applicable to the sidewalk vendor to the extent required by law;

(8) a certification by the sidewalk vendor that, to the sidewalk vendor's knowledge and belief, the information contained on the application form is true; and

(9) such other information as the Code Compliance Director or designee deems reasonably necessary to administer this Chapter.

(e) Each vending permit application shall be accompanied by a non-refundable permit fee and a signed waiver of release and indemnification consistent with the provisions of Section 2804(g).

(f) Each individual who vends on a sidewalk must complete an application and obtain a vending permit even if the person is employed or engaged by another person or entity, or will use vending equipment owned by another person or entity.

(g) Release and Indemnification Requirements.

(1) If the County issues a vending permit, as a condition of such permit issuance, permittee agrees to waive and release the County and its officers, agents, employees, contractors, and volunteers from and against any and all claims, costs, liabilities, expenses, or judgments including attorney fees and court costs arising out of any vending activities or any illness or injury resulting therefrom, and shall agree to indemnify and hold harmless the County, its officers, agents, employees, contractors, and volunteers from and against any and all such claims, whether caused by negligence or otherwise, except for illness and injury resulting directly from gross negligence or willful misconduct on the part of the County, its officers, agents, employees, contractors and volunteers.

(2) If the County issues a vending permit, as a condition of such vending permit issuance, permittee shall acknowledge that the use of any sidewalk is at the sidewalk vendor's own risk and the County will not take any steps to ensure any sidewalk is safe or conducive to the vending activities.

(h) A permittee must immediately notify the County in writing of any changes to the facts provided in a vending permit application after the issuance of a vending permit.

Section 2805 — Permit Denial and Revocation

(a) A vending permit application may be denied, and a vending permit may be revoked or not renewed, for any of the following reasons:

(1) failure to provide all required information and documentation with a vending permit application;

(2) failure to provide the required application fee;

(3) providing materially inaccurate information or documentation with a vending permit application;

(4) the vending permit of a sidewalk vendor who commits four or more violations of this Chapter within 12 months is subject to revocation, and the sidewalk vendor is ineligible to obtain or renew a vending permit for a period of 12 months from the most recent violation; or

(5) a sidewalk vendor must pay all outstanding administrative fines and complete any other alternative disposition associated with a previous violation of this Chapter before a vending permit may be issued or renewed.

(b) The County shall provide a sidewalk vendor with written notice of a vending permit application denial or permit revocation. Such notice shall:

(1) identify all grounds for permit application denial or permit revocation;

(2) for permit revocation, be mailed at least 30 calendar days before the revocation becomes effective to the address listed on the permittee's most recent vending permit application or such other address provided by the permittee.

(3) notify the applicant or permittee of the right to appeal the permit application denial or permit revocation and provide information regarding the appeal process as set forth in Section 2805(c).

(c) Any sidewalk vendor whose application for a vending permit is denied or whose vending permit is revoked may appeal such decision by filing a written notice of appeal on a Code Compliance Division appeal form within 15 calendar days after the County's provision of the notice of denial or revocation. Failure to file a timely appeal shall result in the County's decision becoming final. The vendor's written appeal must be signed by the vendor under penalty of perjury under the laws of the State of California, and set forth with particularity the reason(s) for the vendor's appeal. The appeal shall be reviewed by an independent and impartial review officer who was not involved in the permit revocation. The review officer shall notify the vendor and the Code Compliance Division of the review officer's decision to uphold or vacate the appealed decision within 15 calendar days via U.S. mail. The filing of a complete appeal form shall stay the effectiveness of a permit revocation pending the outcome of the review officer's review. County appeal decisions are final and non-appealable.

Section 2806 — Sidewalk Vending Generally

- (a) Sidewalk vendors shall comply with the following general requirements in this Section in addition to all other applicable local, state, and federal laws.
- (b) Sidewalk vendors must visibly display their individual vending permit at all times, with name and photograph clearly visible, when vending.
- (c) Roaming sidewalk vendors may vend on residential blocks only between the hours of 7:00 a.m. and 7:00 p.m. Only roaming sidewalk vendors may operate in residential areas.
- (d) Vending activities on non-residential blocks may occur only between the hours of 6:00 a.m. and 8:00 p.m. or the hours of operation imposed on other businesses on the same block, whichever is least restrictive.
- (e) A vending permit does not provide an exclusive right to operate on any sidewalk or portion thereof.
- (f) Sidewalk vendors shall only use one conveyance or one display to conduct operations. No goods may be displayed on the ground. Sidewalk vendors shall not set up tables or chairs for customer use. One chair or stool may be used by the sidewalk vendor for personal use. The one authorized conveyance or display shall not exceed a length of 74 inches, a width of 34 inches, or a height of 80 inches.
- (g) Sidewalk vendors shall not use a freestanding shade or weather canopy but may use one umbrella with a diameter not to exceed 48 inches.
- (h) Freestanding signs are prohibited. The one authorized conveyance or display may have affixed signs advertising the sidewalk vendor and goods vended.
- (i) No amplified sound-making devices shall be used while vending such as speakers, microphones, and public address systems.
- (j) Sidewalk vendors shall not use portable generators; outdoor wood burning ovens or charcoal barbecues; or any gasoline or kerosene powered appliance or equipment.
- (k) Sidewalk vendors shall not litter and must keep the area surrounding the vending space clean and free of trash and debris associated with their vending. All waste generated by the preparation or service of food or other goods shall be maintained within the conveyance, or under the table or stand, until properly disposed of in a receptacle that is lawfully contracted for use of the sidewalk vendor. Sidewalk vendors may not use receptacles placed for public convenience as a means of disposal.
- (l) Sidewalk vendors shall not connect any equipment or device to an external source of power, water, or any other utilities located on public property.
- (m) Sidewalk vendors shall not vend services or rent goods.
- (n) Sidewalk vendors shall display only goods that are available for immediate onsite sale.

Section 2807 — Vending Locations

(a) Sidewalk vendors shall comply with the following locational requirements in this Section.

(b) Vendors shall not vend on any County-owned or controlled property that is not a sidewalk unless authorized by the County.

(c) Stationary vendors shall not occupy the area directly in front of a transparent window of a building fronting a public street.

(d) Distance of the locations set forth in Section 2807(e) shall be measured along a sidewalk as the closest point between the places to be measured. When a distance is being measured between the one authorized vending conveyance or display and the entrance to a location, the measurement is made to the point where the pathway to the entrance intersects the sidewalk. When a distance is measured to a school or other building or facility, the measurement is made to the exterior boundary of the grounds on which the school or other building or facility is located.

(e) No stationary sidewalk vendor shall vend, and no roaming sidewalk vendor shall stop to make sales, in the following locations:

(1) in any location where the sidewalk is less than six (6) feet wide since vending a such locations would unreasonably interfere with the safe flow of pedestrians;

(2) in any location, even if not specifically prohibited below, that (A) blocks or hinders the safe passage or flow of bicycles, vehicles, or pedestrians including individuals with disabilities and those using mobility devices, or (B) is inherently dangerous;

(3) within 18 inches from the edge of a curb;

(4) within 10 feet of a driveway or marked crosswalk;

(5) within 15 feet of any:

(A) other sidewalk vendor;

(B) fire hydrant;

(C) intersection;

(D) building entrance or exit during the hours when the business is open to the public;

(E) loading zone, parking space, or access ramp designed for individuals with disabilities;

(F) outdoor dining or patio area;

- (G) public restroom; or
- (H) curb ramp;
- (6) within 50 feet of any railroad crossing;
- (7) within 100 feet of the vehicle entrance of any fire station, police department, hospital, or any other structure dedicated to health and safety emergency matters;
- (8) within 500 feet of:
 - (A) any permitted event;
 - (B) any school during school hours and within 30 minutes before or after the school's opening or closing hours; or
- (9) on any multi-use path that is intended for off-street bicycle travel;
- (10) on any County-owned or -controlled property subject to a lease agreement so long as proper notice is provided of the prohibited location(s);
- (11) on a beach;
- (12) at the Ventura County Government Center or Ventura County Medical Center; and
- (13) in any portion of the public right-of-way that is not a sidewalk including but not limited to road shoulders and medians.

Section 2808 — Vending of Food and Beverages

- (a) Sidewalk vendors who vend food or beverages shall comply with the following requirements.
 - (1) All requirements of County Environmental Health Division applicable to the sidewalk vending.
 - (2) A trash receptacle shall be provided for customers that must be large enough to accommodate customer trash and regularly emptied. All waste shall be disposed of, including waste generated from preparation of food or other goods and customer trash, in a proper receptacle that is lawfully available for use by the vendor.
 - (3) Hand sanitizer shall be provided in a conspicuous location readily available for use by customers.
 - (4) Stationary sidewalk vendors that vend food for one hour or more shall operate within 200 feet of a readily available toilet and handwashing facility as required by Health and Safety Code section 114315.
 - (5) Sidewalk vendors with required valid permits from the County Environmental Health Division, such as a Mobile Food Facilities permit, may use portable cooking equipment authorized by such permits in compliance with the California Retail

Food Code, provided that such equipment is used in compliance with the manufacturer's instructions and all applicable Fire Code regulations.

Section 2809 — Prohibited Goods

- (a) Sidewalk vendors are prohibited from vending the following goods:
 - (1) alcoholic beverages;
 - (2) tobacco products and vaping or electronic smoking devices;
 - (3) illicit drugs and related paraphernalia;
 - (4) pharmaceuticals;
 - (5) cannabis and cannabis products;
 - (6) real or imitation weapons such as knives, firearms, or explosive devices;
 - (7) live animals; and
 - (8) any other goods which are prohibited by law from being vended from a conveyance or display on a sidewalk.

Section 2810 — Enforcement

- (a) A sidewalk vendor's noncompliance with any applicable requirement of this Chapter constitutes a violation and a public nuisance.
- (b) The Code Compliance Division is responsible for the enforcement of this Chapter. Any other County department enforcing the Ventura County Ordinance Code, and state or federal laws, may assist the Code Compliance Division in enforcement of this Chapter.
- (c) The Code Compliance Division may promulgate administrative guidelines and regulations to implement and enforce the provisions of this Chapter.
- (d) A sidewalk vendor who is notified by a County official that the vendor is in violation of this Chapter must immediately cease and abate the violation if directed to do so by the County official and shall be subject to the penalties set forth in Section 2810, subsections (e) and (f) below.
- (e) Any violation of this Chapter by sidewalk vendor holding a valid vending permit shall be punishable as follows:
 - (1) a written administrative citation warning for a first violation;
 - (2) an administrative citation with a fine of \$200 for a second violation within one year of the first violation.
 - (3) an administrative citation with a fine of \$500 for a third and each subsequent violation within one year of the first violation.

(4) upon the fourth or subsequent violation, the County may revoke the vending permit for its remaining term.

(f) Any sidewalk vendor who is vending without a valid vending permit shall immediately cease the vending and be subject to the following:

(1) a written administrative citation warning for a first violation.

(2) an administrative citation with a fine of \$500 for a second violation within one year of the first violation.

(3) an administrative citation with a fine of \$1,000 for a third and each subsequent violation within one year of the first violation.

(g) The County shall provide a sidewalk vendor with a written administrative citation warning or administrative citation. An administrative citation shall:

(1) identify all violations and amount of administrative fine if any;

(2) be provided to the sidewalk vendor in person or mailed to the address listed on a permittee's most recent vending permit application or such other address provided by the sidewalk vendor.

(3) notify the sidewalk vendor of the right to request an ability-to-pay determination pursuant to Section 2810(i).

(4) Notify the sidewalk vendor of the right to appeal an administrative citation on a Code Compliance Division appeal form. Such written appeal must be received by the Code Compliance Division within 15 calendar days of the issuance of the administrative citation. The citee's written appeal must be signed by the citee under penalty of perjury under the laws of the State of California, and must set forth, with particularity, the reason(s) the citee believes the violation did not occur or that the citee was not responsible for the violation. The appeal shall be reviewed by an independent and impartial review officer who was not involved in the issuance of the administrative citation. The review officer shall notify the citee and the Code Compliance Division of the review officer's decision to uphold or vacate the administrative citation within 15 calendar days via U.S. mail. County appeal decisions are final and non-appealable.

(h) If a sidewalk vendor who receives a notice of violation provides the County with proof that the vendor possessed a valid vending permit that was in effect on the date of a violation, the administrative fines set forth in Section 2810(f) shall be reduced to the corresponding fines set forth in Section 2810(e).

(i) When assessing fines pursuant to this Section, the County will consider the person's ability to pay and will provide the person with notice of their right to request an ability-to-pay determination. If the person requests such a determination, and they meet the criteria set forth in California Government Code section 68632(a) or (b), or any successor statute, the County will accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to this Chapter. A person may request such an ability-to-pay determination, and reduction in an imposed administrative fine, at any time

the fine remains unpaid. The County may allow the person to complete community service in lieu of paying an administrative fine.

(j) Amounts owed under this Chapter which are not paid to the County when due will constitute a debt to the County that may be collected in compliance with the County Code through a civil action, a lien against any property owned or operated by the debtor, or any other legal remedy.

Section 2811 — Impounding of Vending Equipment

(a) In addition to assessing administrative warnings and fines for violations pursuant to Section 2810, the County may impound a sidewalk vendor's vending equipment and/or goods under the following circumstances:

(1) if a sidewalk vendor is notified by a County official that the vendor is violating this Chapter in a manner that presents an imminent threat or hazard to public health or safety, and the sidewalk vendor is directed to immediately cease and abate the violation but the vendor fails or refuses to immediately do so; or

(2) if a sidewalk vendor leaves their vending equipment or goods unattended for one hour or more.

(b) Upon impoundment, the County may immediately dispose of impounded goods that cannot be safely stored or that are perishable.

(c) Impounded vending equipment and goods shall be stored at a location designated by the County and may be retrieved by the sidewalk vendor during normal business hours beginning the next business day following impoundment. The County shall provide reasonable notice to sidewalk vendors of the impoundment and property reclamation process, including their right to appeal the impoundment decision pursuant to Section 2811 (e) below, which notice may be provided in-person upon impoundment, by posting in a prominent location on the County's website, or by written notice distributed to sidewalk vendors in connection with the issuance or renewal of a vending permit.

(d) Vending equipment and goods shall be released to a sidewalk vendor upon proper identification of the property and execution by the vendor of a statement under penalty of perjury declaring ownership of the property, and payment for the County's reasonable impoundment and storage costs incurred.

(e) If the sidewalk vendor from whom vending equipment is impounded disputes the basis for impoundment, the person may file a written notice of appeal on a Code Compliance Division appeal form within 15 calendar days after the date of impoundment. Failure to file a timely appeal shall result in the County's impoundment decision becoming final. The sidewalk vendor's appeal must be signed under penalty of perjury under the laws of the State of California and must set forth, with particularity, the reason(s) why the sidewalk vendor disputes the impoundment. The appeal shall be reviewed by an independent and impartial review officer who was not involved in the impoundment. The review officer shall notify the sidewalk vendor and Code Compliance Division of the review officer's decision to uphold or vacate the impoundment within 15 calendar days via U.S. mail. County appeal decisions are final and non-appealable. If the vendor

prevails in the appeal, the vendor shall not be required to pay for the County's reasonable impoundment and storage costs and shall be refunded any such costs already paid.

(f) Any unclaimed vending equipment and goods will be considered abandoned and forfeited to the County after 30 days following impoundment.

Section 2: If any provision or any part of any provision of this ordinance or the application thereof to any person, property or circumstances is held invalid by a court of competent jurisdiction, such invalidity shall not affect any other provision or part of a provision or any application of the ordinance that can be given effect without the invalid provision, part of a provision or application, and, to this end, the provisions and the parts of the provisions of this ordinance are hereby declared to be severable.

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Section 3: This ordinance shall become effective and operative 30 days after adoption.

PASSED and **ADOPTED** on this 10th day of September, 2024, by the following vote:

AYES _____

NOES _____

ABSENT _____

CHAIR, BOARD OF SUPERVISORS

ATTEST: DR. SEVET JOHNSON
Clerk of the Board of Supervisors
County of Ventura, State of California

By _____
Mia Martinez
Deputy Clerk of the Board