



**SPECIAL SOUTH GATE CITY COUNCIL
SPECIAL SOUTH GATE CITY COUNCIL AGENDA**

Monday, June 26, 2023 at 5:30 p.m.

**SOUTH GATE COUNCIL CHAMBERS
8650 CALIFORNIA AVE
SOUTH GATE, CA 90280**

**DIAL-IN-NUMBER: 1 (669) 900-6833
MEETING ID: 883 6852 9697
[HTTPS://US02WEB.ZOOM.US/J/88368529697](https://us02web.zoom.us/j/88368529697)**

**TO ADDRESS THE CITY COUNCIL PRESS *9 TO RAISE YOUR
HAND THEN *6 TO UNMUTE YOURSELF WHEN INSTRUCTED.**

Call to Order/Roll Call

CALL TO ORDER:

Maria del Pilar Avalos, Mayor

ROLL CALL:

Yodit Glaze, City Clerk

City Officials

MAYOR

Maria del Pilar Avalos

CITY CLERK

Yodit Glaze

VICE MAYOR

Gil Hurtado

CITY TREASURER

Jose De La Paz

COUNCIL MEMBERS

Maria Davila

Joshua Barron

Al Rios

CITY MANAGER

Chris Jeffers

CITY ATTORNEY

Raul F. Salinas

Meeting Schedule

The regular meetings of the City Council are held on the second and fourth Tuesday of each month, closed session business will usually commence at 5:30 p.m., when scheduled, and general business session will commence at 6:30 p.m.

Brown Act

Agendas are drafted to accurately state what the legislative body is being asked to consider.

The legislative body can take action on "all items" listed on the agenda and be in compliance with the open meeting laws. Under the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The governing body may direct staff to investigate and/or schedule certain matters for consideration at a future meeting.

City's Vision Statement

We envision a thriving, safe and inclusive community where everyone has the opportunity to access exceptional services, education and support to be resilient and live full, vibrant lives.

Public Communications

Public Comments on agenda items are limited to three (3) minutes. All comments are to be addressed directly to the Agency Members not to the members of the public.

Emails for public comment received prior to 12pm on the day of the Council Meeting will be summarized by the City Clerk, not read in its entirety. A copy of the email will be provided to the City Council and will also be available at the City Clerk's Office for public review. A copy of each email will be recorded for public record and noted on the official minutes of tonight's meeting.

Meeting Compensation Disclosure

Pursuant to Government Code Section 54952.3: Disclosure of compensation for meeting attendance by City Council Members is \$790 monthly regardless of the amount of meetings.

Reports, Recommendations And Requests

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1. INTRODUCTION OF AN ORDINANCE AMENDING PROVISIONS OF THE SOUTH GATE MUNICIPAL CODE PERTAINING TO SIDEWALK VENDORS

Following the conclusion of a Public Hearing, the City Council will consider: (CM)

a. Waiving the reading in full and approving the introduction of an **Ordinance** amending provisions of the South Gate Municipal Code pertaining to Sidewalk Vendors Section 2.10.150 (Business Requiring a Business Permit) and Section 2.10.970 (Sidewalk Vending Program) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses - Business Regulations), and Section 7.39.010 (Sales from Nonmotorized Vehicles on City Streets Prohibited) of Chapter 7.39 (Sales from Nonmotorized Vehicles on City Streets Prohibited Except During City-Sponsored Parades) of Title 7 (Public Safety and Morals), and Section 8.14.010 (Unlawful Parking - Peddlers, Vendors and Vehicles Advertised for Sale or Rent) of Chapter 8.14 (Unlawful Parking - Peddlers, Vendors and Vehicles Advertised for Sale or Rent) of Title 8 (Traffic) of the South Gate Municipal Code; and

b. Determining that the proposed Ordinance is Exempt pursuant to Sections 1506(b)(2) and (b)(3) and 1308 of the California Environmental Quality Act (CEQA).

Documents:

[Item 1 Report 06262023.pdf](#)

Adjournment

I, Yodit Glaze, City Clerk, certify that a true and correct copy of the foregoing Meeting Agenda was posted on June 19, 2023, at 5:15 p.m., as required by law.

Yodit Glaze

City Clerk

GENERAL NOTICE TO THE PUBLIC

The City Council adopted new rules relating to the conduct of the public meetings, proceedings, and business in the City of South Gate on July 12, 2022, (Resolution 2022-38-CC) and go into effect on August 1, 2022. Resolution #2022-38-CC is available at the City Clerk's Office.

MEETING SCHEDULE

Regular meetings of the City Council are held on the second and fourth Tuesday of each month, closed session meetings will commence at 5:30 p.m. unless posted otherwise on its agenda. The regular City Council meetings will commence at 6:30 p.m. Agendas are available at the following locations: City Clerk Office, Public Notice Boards at City Hall, and on the City's web page at <https://www.cityofsouthgate.org>

The Public can sign up to receive automatic notices of postings of agendas for the City Council or any other Commission or Board of the City of South Gate. Visit the City webpage and click on the Agenda & Minutes icon. That will take you the page where an individual can enter their email in the "Email Updates" box to register.

PUBLIC COMMENT/PARTICIPATION

Any person may request to address a legislative body during a public meeting. The Presiding Officer will call upon those present in the Council Chambers first. After all speakers in the Chambers have spoken, the Presiding Officer will call upon those participating via zoom or teleconference.

Speakers are limited to three (3) minutes on any item listed on the agenda, including public hearings. Under Comments from the Audience portion, speakers are also limited to a single three (3) minutes time limit. Comments from the Audience is initially limited to 45 minutes at each meeting. Any speaker still wishing to speak, that did not speak, will have an addition Comments from the Audience opportunity after the last business item is finished. The Presiding Officer may extend the time limit as long as there is no objection from the City Council as a body.

To ensure that the public is able to participate, the City provides the opportunity to submit their comments in person, virtually, email, phone call, mail and any other method which may become available. Methods of participation may be subject to change during other such times when a State of Emergency, Health Order or State Executive Order limits in-person participation.

CURFEW

In absence of a motion duly adopted by majority vote of the City Council, the Presiding Officer may adjourn the City Council meetings at 10:30 p.m. The Presiding Officer may ask the City Council if any agenda items listed should be continued or dealt with during the meeting. For those items to be continued, the City Council can direct the item be placed on the next City Council agenda or the current meeting may be adjourned to a time certain at which time the meeting shall be reconvened as an Adjourned Regular Meeting of the City Council and action upon the published agenda continued.

STAFF REPORTS

As a general rule, staff reports, or other written documentation are prepared/organized with respect to each item of business listed on the agenda. Meeting agendas and staff reports are available at least 72-hours prior to the scheduled regular City Council meeting and a minimum of 24-hours prior to a Special City Council meeting. There are times when the City Council receives written material, revised material after the posting of agendas, these materials are become a public record and will be available for public view within 72-hours after the meeting in which they were received. Those materials and any other public document can be inspected in the City Clerk's Office located at 8650 California Avenue, South Gate.

SERVICES TO FACILITATE ACCESS TO PUBLIC MEETINGS

In compliance with the American with Disabilities Act, if you need special assistance to participate in the City Council Meetings, please contact the Office of the City Clerk. Notification 48 hours prior to the City Council Meeting will enable the City to make reasonable arrangements to assure accessibility. For further information, please contact the Office of the City Clerk at (323) 563-9510 or via email at yglaze@sogate.org.

JUN 19 2023

4:45pm

City of South Gate
CITY COUNCIL

AGENDA BILL

For the Special Meeting of: June 26, 2023
Originating Department: City Attorney's Office

City Attorney:

Raul Salinas (A)

Raul Salinas

City Manager:

Chris Jeffers

Chris Jeffers

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING PROVISIONS OF THE SOUTH GATE MUNICIPAL CODE PERTAINING TO SIDEWALK VENDORS SECTION 2.10.150 (BUSINESS REQUIRING A BUSINESS PERMIT) AND SECTION 2.10.970 (SIDEWALK VENDING PROGRAM) OF CHAPTER 2.10 (BUSINESS REGULATION) OF TITLE 2 (LICENSES – BUSINESS REGULATIONS), AND SECTION 7.39.010 (SALES FROM NONMOTORIZED VEHICLES ON CITY STREETS PROHIBITED) OF CHAPTER 7.39 (SALES FROM NONMOTORIZED VEHICLES ON CITY STREETS PROHIBITED EXCEPT DURING CITY-SPONSORED PARADES) OF TITLE 7 (PUBLIC SAFETY AND MORALS), AND SECTION 8.14.010 (UNLAWFUL PARKING – PEDDLERS, VENDORS AND VEHICLES ADVERTISED FOR SALE OR RENT) OF CHAPTER 8.14 (UNLAWFUL PARKING – PEDDLERS, VENDORS AND VEHICLES ADVERTISED FOR SALE OR RENT) OF TITLE 8 (TRAFFIC) OF THE SOUTH GATE MUNICIPAL CODE

PURPOSE: To consider introducing an Ordinance changing the South Gate Municipal Code pertaining to sidewalk vending which would address the changes required by state law relating to Senate Bill 946 and Senate Bill 972.

RECOMMENDED ACTION: Following the conclusion of a Public Hearing, the City Council will consider:

- a. Waiving the reading in full and approving the introduction of an Ordinance amending provisions of the South Gate Municipal Code pertaining to Sidewalk Vendors Section 2.10.150 (Business Requiring a Business Permit) and Section 2.10.970 (Sidewalk Vending Program) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations), and Section 7.39.010 (Sales from Nonmotorized Vehicles on City Streets Prohibited) of Chapter 7.39 (Sales from Nonmotorized Vehicles on City Streets Prohibited Except During City-Sponsored Parades) of Title 7 (Public Safety and Morals), and Section 8.14.010 (Unlawful Parking – Peddlers, Vendors and Vehicles Advertised for Sale or Rent) of Chapter 8.14 (Unlawful Parking – Peddlers, Vendors and Vehicles Advertised for Sale or Rent) of Title 8 (Traffic) of the South Gate Municipal Code; and

- b. Determining that the proposed Ordinance is Exempt pursuant to Sections 1506(b)(2) and (b)(3) and 1308 of the California Environmental Quality Act (CEQA).

FISCAL IMPACT: There is no anticipated significant fiscal impact. Costs for processing business licenses and permits shall be borne by applicants.

ANALYSIS: The City previously adopted Section 2.10.970 ("Sidewalk Vending Program") on September 17, 2018, in response to Senate Bill 946 ("SB 946"), the Safe Sidewalk Vending Act. SB 946 allows sidewalk vending to occur on public sidewalks and within public parks and precludes cities from outright prohibiting the activities of sidewalk vendors. Pursuant to SB 946, cities may enact some limited regulations, however, such regulations must adhere to the requirements of SB 946 and must be directly related to objective health, safety, and welfare concerns.

The goal of the proposed ordinance is to be sure the City remains compliant with applicable state law on this topic, and to be sure we continue protecting health, safety, and welfare concerns (to the extent possible under SB 946) from those adverse conditions which naturally result from business operations that are conducted on public property; especially accessways like sidewalks that are dedicated to pedestrian travel. It is important to restate, cities and counties cannot prohibit sidewalk vending outright or establish standards that are not reasonably and directly tied to health, safety, and welfare concerns. To help explain the complexity of sidewalk vending, the following areas are covered in an effort to help guide the discussion and why the proposed ordinance is developed as presented.

Senate Bill 946 (Cities Can and Cannot) -

Per SB 946, Cities' regulations of sidewalk vending must comply with the following standards. Specifically, the program adopted by the City cannot:

1. Require a sidewalk vendor to operate within specific parts of the public right-of-way, except when the restriction is directly related to objective health, safety, or welfare. An example is vending cannot block the passage of pedestrians as determined by our standard clearance for the Americans with Disabilities Act (ADA). The standard is 36 inches from the curb back; and
2. Prohibit a "stationary" sidewalk vendor from selling food or merchandise in a park owned or operated by the City, except the City may prohibit stationary sidewalk vendors from vending in a park if there is an existing agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire. In our situation, South Gate Park has two such exclusive concession agreements (South Gate Park and Hollydale Park). The City may adopt additional requirements regarding the time, place, and manner of sidewalk vending in parks if the requirements are necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities or necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park, or that otherwise are directly related to a health, safety, and welfare concern.

It is important to note that a “roaming” sidewalk vendor may still operate within any park regardless of whether an exclusive concession agreement exists or not. However, they must be properly licensed and permitted for the specific area and must otherwise adhere to the operating conditions enacted by the City Council. A roaming vendor is one that is constantly in motion with an approved cart and only stops to complete a sales transaction; and

3. Require a sidewalk vendor to obtain the consent or approval of any non-government entity or individual, such as a nearby business, before the vendor can sell food or merchandise. In this regard, the City may **not** prohibit sidewalk vending or impose regulations that result from “economic competition” or “community animus”; and
4. Restrict sidewalk vendors to designated neighborhoods or areas, except when the restriction is directly related to objective health, safety, or welfare concerns; however, the City may prohibit stationary sidewalk vendors in areas zoned exclusively residential where no commercial activity is permitted, but the City cannot prohibit roaming sidewalk vendors in such areas; and
5. Restrict the overall number of sidewalk vendors permitted to operate in the city, unless the restriction is directly related to objective health, safety, or welfare concerns.

On the other hand, SB 946 **allows** the City to impose time, place, and manner restrictions on sidewalk vending provided said requirements are directly related to objective health, safety, and welfare concerns, such as:

1. Limitation on hours of operation in residential areas that are not unduly restrictive (while allowing sidewalk vendors to operate in non-residential areas during the same hours as other businesses in that area); and
2. Requirements to maintain sanitary conditions as established by local health departments; and
3. Regulations to ensure the collection and disposal of trash and other debris to avoid any remnant pollutants on sidewalks or in gutters at the conclusion of sidewalk vending activities; and
4. Requirements necessary to maintain safe paths of travel for pedestrians and to ensure compliance with the Americans with Disabilities Act and other disability access standards; and
5. Requirements to obtain a permit and a valid business license, possess a Seller’s Permit from the California Department of Tax and Fee Administration, or obtain additional licenses from other state and local agencies to the extent required by law; and
6. Requirements that sidewalk vendors submit information on their operations; and

7. Requirements to ensure no interference with the performance of police, fire, and emergency medical personnel services; and
8. Additional time, place, and manner restrictions provided said restrictions are directly related to objective health, safety, and welfare concerns, such as imposing a required distance between vendors and traffic safety devices, public transit stops, business entrances, driveways, and other sidewalk vendors; and
9. A city can prohibit sidewalk vending within the immediate vicinity of a certified farmer's market or swap meet during their operating hours; and
10. A city may restrict or prohibit sidewalk vending within the immediate vicinity of an area designated for a temporary special permit issued by the city, such as permit for filming, a parade, an outdoor concert, or a street fair.

Enforcement under SB 946 –

SB 946 has decriminalized sidewalk vending. As such, the City may not treat sidewalk vending violations as either misdemeanors or infractions nor impose corresponding criminal penalties. Sidewalk vending violations are only punishable as administrative fines.

Misdemeanor/Infraction – under a misdemeanor, a violation of state, county or local law is alleged. The maximum penalty for a misdemeanor violation of a local law is up to 6 months in County jail and/or a fine of up to \$1000. Since incarceration is a possible penalty, defendants are entitled to a trial by jury. With an infraction violation of a local law, the maximum penalty (with limited exceptions) ranges from \$100 for a first offense and \$500 for a third or greater offense. Since incarceration is not a potential penalty, a defendant is only entitled to a bench/court trial. Failure to pay the fine in either a misdemeanor or infraction could result in follow up action, including the issuance of a warrant for a defendant's arrest.

Administrative Fine – this is a non-criminal fine. A person accused under this section is punished only by a fine which is set by local ordinance subject to limitations imposed by state law. Due process afforded a person is not with the judicial branch, rather the case will be heard either by the legislative body of the local government or some other mechanism the local government has established. A violation cannot involve any jail time.

Under SB 946, a violation of the vending program by a person with a permit is punishable only by the following administrative fines: \$100 for the first violation, \$200 for a second violation, and \$500 for each additional violation with one year of the first violation. If a city seeks to impose administrative fines, SB 946 allows the violator to appeal the fine and requires that the hearing officer take into account the cited vendor's ability to pay the fine. If a vendor meets the financial criteria, the City must accept 20% of the fine in full satisfaction and can allow the vendor to complete community service in lieu of paying the fine.

SB 946 also applies to all pending criminal prosecutions specifying that those that have not reached final judgement must be dismissed. Additionally, any person who is serving or completed a sentence or who is subject to a fine or misdemeanor or infraction conviction of sidewalk vending may petition for dismissal, the court must grant the petition and dismiss and seal the conviction because the sentence, fine, and conviction are legally invalid.

Senate Bill 972 (SB 972) -

SB 972 which took effect on January 1, 2023, modifies the California Retail Food Code – which sets uniform health and sanitation standards enacted by the State Department of Public Health for retail food facilities throughout the state, and requires local health agencies to enforce those provisions. SB 972 modifies existing law to decriminalize violations of the California Retail Food Code (and provisions of local Health Codes that apply to sidewalk vendors) to ensure consistency with SB 946. While the local health department can require standards for carts, continue to inspect carts for compliance and regulate the preparation of the food, violations can only be treated as administrative citations for violations; similar to violations of a local sidewalk vending program.

SB 972 attempts to facilitate greater access for food vendors to get the required county and city approvals for food vending permits, and mandates that local health codes reduce some of the “outdated” health standards that proved to be an unsurmountable barrier to sidewalk vendors including those requirements applicable to the sale of “non-potentially hazardous food” (e.g., baked goods without cream, cookies, churros, popcorn, fruit empanadas and fruit tamales, etc.) and “pre-packaged food” (those that are pre-packaged at the manufacturer or food facility to prevent any direct human contact with the food). The bill provides that counties may approve a food cart design which meets safety requirements, in lieu of approving individually manufactured carts. The legislature’s hope is that by easing the process to come into compliance with the law, it will incentivize greater compliance than currently exists.

Proposed Ordinance –

An attempt has been made to ensure compliance with both SB 946 and SB 972 by ensuring that all regulations are tied to identifiable direct health, safety, and welfare concerns. Yet, the ordinance must not unreasonably restrict the ability to engage in sidewalk vending.

Major changes proposed are:

1. Eliminating the prohibition against sidewalk vending on whole streets/corridors within the City, and instead relying on ensuring adequate distances from vending operations through either enhanced or new language to ensure that health, safety, and welfare is being addressed. Such items include ensuring adequate accessible paths of travel along all City sidewalks; distance from driveways to ensure ingress and egress are safely permitted as they relate to visibility clearance; distance from intersections which also is a consideration of both vehicular and pedestrian safety; distances from bus stops; and exclusion from zones exclusively for residential.

2. Clarifying the definition of what is a stationary versus a roaming vendor, and other types of itinerant vending activities that do **not** qualify as sidewalk vending.
3. Creating a requirement that licensed and permitted vendors have a present city issued identification picture card. This requirement will assist in enforcement to allow responding staff to know if the vendors are who they claim to be and if they are properly licensed with the City.
4. The ordinance maintains provisions for health, safety, and welfare reasons relating to distances for items such as clearance on a sidewalk for pedestrian travel; distance from any school property boundary because these locations often become congested with vehicles and pedestrians arriving and exiting schools due to limited parking onsite for schools; and from traffic control devices.

It is important to restate that regulations cannot be based on economic competition or a community perceived view of the business model. All regulations are required to be directly related to identifiable health, safety, and welfare reasons.

Attached is a presentation that will be reviewed at the meeting to help further simplify and show examples of terms or concepts through pictures.

ATTACHMENT: Proposed Ordinance (with redlines)

ORDINANCE NO. _____

CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, AMENDING PROVISIONS OF THE SOUTH GATE MUNICIPAL CODE PERTAINING TO SIDEWALK VENDORS SECTION 2.10.150 (BUSINESS REQUIRING A BUSINESS PERMIT) AND SECTION 2.10.970 (SIDEWALK VENDING PROGRAM) OF CHAPTER 2.10 (BUSINESS REGULATION) OF TITLE 2 (LICENSES – BUSINESS REGULATIONS), AND SECTION 7.39.010 (SALES FROM NONMOTORIZED VEHICLES ON CITY STREETS PROHIBITED) OF CHAPTER 7.39 (SALES FROM NONMOTORIZED VEHICLES ON CITY STREETS PROHIBITED EXCEPT DURING CITY-SPONSORED PARADES) OF TITLE 7 (PUBLIC SAFETY AND MORALS), AND SECTION 8.14.010 (UNLAWFUL PARKING – PEDDLERS, VENDORS AND VEHICLES ADVERTISED FOR SALE OR RENT) OF CHAPTER 8.14 (UNLAWFUL PARKING – PEDDLERS, VENDORS AND VEHICLES ADVERTISED FOR SALE OR RENT) OF TITLE 8 (TRAFFIC) OF THE SOUTH GATE MUNICIPAL CODE

WHEREAS, pursuant to the police powers delegated to it by the California Constitution, the City of South Gate has the authority to enact laws that promote the public health, safety, and welfare of its citizens, including sidewalk vending;

WHEREAS, the state legislature recognized that the establishment of a sidewalk vending program would benefit local communities as a whole by facilitating entrepreneurship and providing economic opportunity for people to support themselves and their families, and by contributing to a diversity of food options and lively streets;

WHEREAS, Senate Bill (“SB”) 946 was signed into law on September 17, 2018, and became effective January 1, 2019; and,

WHEREAS, SB 946 limits the authority of cities and counties to regulate sidewalk vendors, except in accordance with California Government Code Sections 51038 and 51039;

WHEREAS, on December 11, 2018, the City Council of the City of South Gate adopted Ordinance No. 2357 which amended various provisions of the South Gate Municipal Code to create a sidewalk vending program in compliance with the City’s general police powers and within the limitations imposed by SB 946;

WHEREAS, SB 972 was signed into law on September 23, 2022, and became effective January 1, 2023;

WHEREAS, SB 972 amends provisions of the California Retail Food Code, in part, in an effort to (i) increase Statewide opportunities for mobile food vending; (ii) modify potentially outdated health and safety regulations pertaining to mobile food facilities; and (iii) decriminalize violations of the Retail Food Code by sidewalk vendors to be consistent with SB 946;

WHEREAS, the City has recently seen a proliferation of sidewalk vendors that obstruct pedestrian paths of travel along sidewalks, and it is urgent that the City clearly set forth reasonable restrictions for the placement of sidewalk vendors to ensure free and clear access for pedestrians, including those using mobility devices;

WHEREAS, the City has recently seen a proliferation of itinerant vendors conducting business on private real property under the concept that they qualify as sidewalk vendors, and it is urgent to modify the City's laws to clearly delineate the distinction between itinerant vendors/peddlers and sidewalk vendors;

WHEREAS, with the passage of SB 972 and the adoption of more relaxed health standards by the Los Angeles County Health Department, some sidewalk vendors (Compact Mobile Food Operations) are exempt from the requirement of a Health Permit, and it is urgent for the City to modify its laws to allow such vendors to obtain a sidewalk vending permit from South Gate, as well as to impose reasonable time, place, and manner regulations upon the vendor to protect the public health, safety, and welfare; and,

WHEREAS, the City Council of the City of South Gate seeks to balance the benefits provided by sidewalk vending (including promoting entrepreneurship, creating economic opportunities for financial self-support, and increasing access to desired foods and goods) with public health, safety, and welfare by imposing appropriate time, place, and manner regulations upon sidewalk vending activities within the City.

NOW, THEREFOR, THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 2.10.150.A (Businesses requiring a business permit) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby amended as follows:

- 49. Sidewalk vendor;⁺
- ~~50~~49. Skateboard center;^o
- ~~51~~50. Skating rink;^o
- ~~52~~51. Social club (proprietary);^{*o}
- ~~53~~52. Solicitation for charitable purpose;
- ~~54~~53. Taxicab and taxicab driver;^{*+o}
- ~~55~~54. Tow truck and non-owner tow truck driver;⁺
- ~~56~~55. Used vehicle sales;^{*o}
- ~~57~~56. Used equipment sales;^o

~~5857.~~ Vehicle, trailer or equipment rental.

SECTION 2. Section 2.10.970. A.6 (Sidewalk vending program: Definitions: Goods or merchandise)) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby amended to read as follows:

6. “Goods” or “merchandise” means any item that is not food.
Neither goods nor merchandise includes any type of service.

SECTION 3. Section 2.10.970.A.9 (Sidewalk vending program: Definitions: Pushcart or mobile cart) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code:

9. ~~“Pushcart” or “mobile cart” means a piece of equipment used for vending, as specified in the rules and regulations, which is mobile, has no motor and is capable of being propelled by an individual.~~

is hereby deleted in its entirety, with all remaining subsections of Section 2.10.970.A to be renumbered accordingly.

SECTION 4. Section 2.10.970.A.13 (Sidewalk vending program: Definitions: Sidewalk) of Chapter 2.10 (“Business Regulation”) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby amended to read as follows:

13. “Sidewalk” means any **paved** surface in the public right-of-way provided for the use of pedestrian traffic. A sidewalk shall not include streets, alleys, parking lots or structures, designated bicycle paths/lanes, or any other public right-of-way used in whole or in part for motor vehicular travel, nor any parkway, roadway median, crosswalk, freeway on-ramp, or any privately-owned real property.

SECTION 5. Section 2.10.970.A.15 (Sidewalk vending program: Definitions: Sidewalk vendor) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby amended to read as follows:

15. “Sidewalk vendor” ~~or “street vendor”~~ means a person who sells food or merchandise from a sidewalk vending cart ~~pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance~~, or from one’s person, exclusively upon a public sidewalk or other public ~~pedestrian~~ path provided for the exclusive use of pedestrians – or within a public park. ~~For purposes of this chapter, the words “peddler” and “sidewalk vendor” or “street vendor” shall be~~

~~interchangeable.~~ Sidewalk vendor does not include any person who is selling services. A sidewalk vendor shall also not include any vendor whose operation (including location of vendor, equipment, vending cart, merchandise/food, or queue of customers) takes place in or upon any portion of a street, alley, parking lot or structure, dedicated bicycle path/lane, or any other public right-of-way used in whole or in part for vehicular travel, nor in or upon any parkway, roadway median, crosswalk, freeway on-ramp, or any privately-owned real property.

SECTION 6. Section 2.10.970.A.16 (Sidewalk vending program: Definitions: Sidewalk vendor) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby amended to read as follows.

16. “~~Stationary~~ Sidewalk vending cart” or “vending cart” shall mean a pushcart, stand, table, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending that is not a vehicle as defined by the California Vehicle Code ~~means a piece of equipment used for vending, as specified in the rules and regulations, which has no motor and is not mobile, except when being pushed, carried, or transported to and from a space on the sidewalk on a daily basis.~~

SECTION 7. Section 2.10.970.A.22 (Sidewalk vending program: Definitions: Sidewalk vendor) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby added to read as follows.

22. “Parkway” shall mean that portion of City property located between the sidewalk and the roadway.

SECTION 8. Section 2.10.970.D. (Sidewalk vending program: Business Licenses and Vending Permits) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby amended to read as follows:

D. Business Licenses and Vending Permits.

1. Business License.

(a) ~~Every~~ No person shall commence or conduct, or purport to commence or conduct, or to engage in the activities of a sidewalk vendor in the City without having in possession a current and valid business license and paying the required tax therefor (as set forth in Section 2.08.040 of this code).

~~(b) — Every vendor must vend in compliance with the terms and conditions of the license, which may be amended from time to time, and shall agree to abide by any amendments and/or changes to this chapter, as amended from time to time.~~

~~(c) — To apply for a license, the vendor must present a valid identification, such as a state of California identification, matricula consular or any other government-issued identification card and provide the following information:~~

~~(1) — The name, address and telephone number of the vendor.~~

~~(2) — Proof of liability insurance in an amount of not less than one million dollars per occurrence.~~

~~(3) — Any other information required by the rules and regulations as may be established by the city.~~

~~(4) — A statement as to whether the applicant has been convicted of any criminal offense.~~

~~(5) — A vendor who sells food, in addition to the requirements of this section, shall certify completion of a food handler course and present a copy of the course completion certificate.~~

~~(d) — A license must be renewed every year, prior to expiration.~~

~~(e) — No license is transferable.~~

~~(f) — The applicant must pay an application or renewal fee, as established by the city.~~

~~(g) — A person may only apply for a maximum of one license per year.~~

2. Sidewalk Vendor Permit.

(a) **Permit.** No person shall commence or conduct, or purport to commence or conduct, or to engage in the activities of a sidewalk vendor in the City without having in possession a current and valid sidewalk vendor business permit and paying the required fees therefor (as set forth in Section 2.10.050 of this code).

(b) **Application.** In addition to the information required by Section 2.10.140 of this code, an application for a sidewalk vending business permit shall include the following information:

(1) The legal name, date of birth, current mailing address and telephone number of the applicant;

(2) Whether the applicant is seeking authorization to operate as a roaming sidewalk vendor or a stationary sidewalk vendor;

(3) A description of the food and/or merchandise the applicant proposes to vend;

(4) A description of any sidewalk vending cart the applicant intends on using in conjunction with the vending operation – including measurements of the height, width, and depth of the vending cart;

(5) A description, map, or drawing of the specific location (for stationary sidewalk vendor) or route (for roaming sidewalk vendor) where the applicant proposes to vend;

(6) The hours per day and the days per week during which the applicant proposes to vend;

(7) A maintenance plan that includes litter pickup in the vicinity of the proposed vending location or the proposed vending route, as well as the lawful disposal of any liquid or solid waste resulting from the vending operation (including, but not limited to, fats, oil, juice, cooking material, scraps, etc.). The maintenance plan shall also include a description of how any equipment used in the sidewalk vending operation (including, but not limited to, utensils, containers, grills, etc.) will be cleaned and sanitized;

(8) A copy of a current and valid business license issued pursuant to Title 2, Chapter 2.08 of this code – or, alternatively, proof that a complete business license application and corresponding business taxes have been submitted to the City to be processed concurrently with the sidewalk vending business permit;

(9) A copy of a current and valid California Seller's Permit issued to the applicant by the California Department of Tax and Fee Administration pursuant to California Revenue and Taxation Code Section 6067 (or any subsequently adopted amendment thereto);

(10) If the applicant proposes to vend food, a certification of completion of a food handler course and proof of all required approvals from the Los Angeles County Department of Public Health – including a copy of the applicant's current and valid Los Angeles County Health Permit (unless the applicant is exempt from a Health Permit pursuant to California Health & Safety Code Section 114368.1(a));

(11) If the applicant proposes to vend food, proof of access to an approved and readily available toilet and handwashing facility, in accordance with California Health & Safety Code Sections 114315 and 114368.7 (as those provisions may be amended from time to time);

(12) A copy of the applicant's current and valid social security card, driver's license or identification card issued by the State of California, taxpayer identification number, or an identification card issued by another municipality;

(13) Proof of comprehensive liability insurance in an amount not less than one million dollars (\$1,000,000.00). Such insurance shall name as additional insured the City of South Gate, its officers and employees, and shall further provide that the policy shall not terminate or be cancelled without thirty (30) days advance written notice to the City of South Gate;

(14) An agreement by the applicant to indemnify and hold harmless the City, its officers and employees, from any and all damages or injury to persons or property proximately caused by the act or neglect of the applicant or by hazardous or negligent conditions maintained at the applicant's vending location;

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

(16) Any other reasonable information regarding the time, place, and manner of the proposed sidewalk vending activities.

The applicant shall also submit a photograph of the applicant and a complete set of the applicant's fingerprints to the South Gate Police Department, or designee thereof, in a manner and form approved by the South Gate Police Department. The applicant shall pay for any fees for the photographs and fingerprints. Pursuant to California Penal Code Sections 11105 and 13300, the City Council explicitly authorizes the South Gate Police Department to obtain such information as it relates to disqualifying convictions or conduct related to the crimes or offenses described in this Chapter.

(c) **Renewal of Permit.** Notwithstanding any other section of this Code to the contrary (including the provisions of Sections 2.10.060.B and 2.10.250 of this Code), any applicant seeking to renew a sidewalk vending permit shall submit a new application for a sidewalk vending permit in accordance with the provisions of Sections 2.10.140 and 2.10.970.D.2(b); and any application for a renewal of a sidewalk vending

permit shall be reviewed and acted upon by the City in accordance with the provisions of Chapter 2.10 applicable to new business permits.

(1) An applicant's stationary location and/or roaming route will be reviewed for compliance with the provisions of this Code with each renewal application; and the issuance of a sidewalk vending permit does not convey a vested right to any permittee or applicant to vend at the same stationary location or along the same roaming route during any subsequent permitting period.

(d) **Permit Non-Transferable.** A sidewalk vending permit issued pursuant to the provisions of this Chapter shall be valid only for the individual sidewalk vendor to whom the permit has been issued and shall not be transferable to any other vendor, person, employee, entity, cart, location, or route.

(e) **Conditions of Approval.** Notwithstanding the provisions of Section 2.10.330 of this code, sidewalk vendors shall adhere to all operating requirements set forth in this Chapter, and all restrictions, limitations, and operating requirements set forth in this Chapter (including those set forth in Section 2.10.970.E) shall constitute conditions upon any sidewalk vending permit issued pursuant to this Chapter.

~~(a) — Every cart used for vending must obtain and display a valid permit.~~

~~(b) — Every operator of a cart must obtain and display a valid permit.~~

~~(c) — Every cart must be placed and used at all times in compliance with the terms and conditions of the permit and all other applicable laws and regulations.~~

~~(d) — An applicant for a permit shall present a valid identification, such as a state of California identification, matricula consular or any other government issued identification and provide the following information:~~

~~(1) — The name, address and telephone number of the vendor.~~

~~(2) — A complete list of the types of food or merchandise that will be sold.~~

~~(3) — The hours per day and days per week during which sidewalk vending will be conducted.~~

~~(4) — An application for placement of a stationary cart in a commercial or industrial area of the city shall contain the~~

~~proposed location, marked by major cross streets, and either the north, south, east or west side of the street and a photo or sketch of that location. An application for a pusheart in a residential area of the city shall contain a sketch showing the route the vendor will travel. Commercial, industrial and residential areas will be specified by the city.~~

~~(5) — Proof of liability insurance in the amount of one million dollars per occurrence.~~

~~(6) — A statement as to whether the applicant has been convicted of any criminal offense.~~

~~(7) — Any other information required by the city.~~

~~(e) — A person may apply for a maximum of one permit.~~

~~(f) — A permit must be renewed every year, prior to expiration.~~

~~(g) — The vendor shall pay an application and renewal fee, as established by the city.~~

~~(h) — No person may vend on the sidewalk unless it has a permit. The permit must be attached to the cart and be posted where visible.~~

~~(i) — Every cart used to vend food must be approved by the Los Angeles County health department. A cart approved by the Los Angeles County health department to vend one type or types of food may not be used to vend a different type or types of food.~~

~~(j) — A permit is not transferable to another person, vendor, entity, cart, location or route.~~

SECTION 9. Section 2.10.970.E. (Sidewalk vending program: Additional Operational Requirements for Vending) of Chapter 2.10 (Business Regulation) of Title 2 (“Licenses – Business Regulations”) of the South Gate Municipal Code is hereby amended to read as follows:

E. Additional Operating Requirements for Sidewalk Vending.

1. General Operating Requirements. All sidewalk vendors shall comply with the following operating requirements and prohibitions.

(a) Stationary sidewalk vendors shall only conduct vending operations at the location approved by the City and shall display a City-issued sidewalk vending permit on the street-side portion of the City-

approved vending cart, or, if no cart is utilized, upon his or her person at all times while conducting vending operations.

(1) Stationary sidewalk vending is prohibited in all areas of the City that are zoned exclusively residential.

(b) Roaming sidewalk vendors shall only conduct vending operations along the route approved by the City and shall prominently display a City-issued sidewalk vending permit on the City-approved vending cart where visible to patrons, or, if no cart is utilized, upon his or her person at all times while conducting vending operations.

(1) Roaming sidewalk vendors shall move continuously except when necessary to complete a sale—~~which must last no more than seven minutes per sale, except as may be approved or alternatively regulated in a special sidewalk vending district.~~

(2) Roaming sidewalk vending within residential areas of the City is prohibited between the hours of 6 p.m. and 9 a.m. of the subsequent day.

(c) No sidewalk vendor shall utilize a vending cart that has not been issued and is not displaying a current and valid decal issued by the City for said vending cart.

(d) Unless otherwise exempted, pursuant to California Health & Safety Code Section 114368.1, no sidewalk vendor shall utilize a vending cart for the display or sale of food that has not been inspected and approved by the Los Angeles County Department of Public Health for sidewalk vending activities.

(1) No sidewalk vendor shall utilize any vending cart to vend any type of food for which the vending cart was not explicitly authorized and approved by the Los Angeles County Department of Public Health.

(e) No sidewalk vendor shall utilize any vending cart before sunrise or after sunset, or in a location with insufficient lighting (as determined by the City), unless it is equipped with lighting or reflectors to alert pedestrians and vehicular travelers to the presence of the cart.

(f) For the health and safety of vendors, patrons, pedestrians, and motorists, sidewalk vendors shall not vend to customers in vehicles unless said vehicles are lawfully parked, and shall not cause vehicles to stop in traffic lanes nor any persons (including vendors and patrons) to stand on a street, alley, parking lot or structure, bicycle path/lane, or any other public right-of-way used in whole or in part for

vehicular travel or parking, nor in or upon any privately-owned real property.

~~————— (g) — For the health and safety of vendors, patrons, pedestrians, and motorists, to minimize collision incidents, and to minimize stop-and-go or added sudden movements on City streets, sidewalk vendors shall not operate in the areas designated as:~~

- ~~————— (1) — Tweedy Boulevard Corridor;~~
~~(2) — Garfield Avenue Corridor;~~
~~(3) — Paramount Boulevard Corridor;~~
~~(4) — Imperial Highway Corridor;~~
~~(5) — Long Beach Corridor;~~
~~(6) — Otis Street Corridor;~~
~~(7) — Atlantic Avenue Corridor;~~
~~(8) — California Avenue Corridor;~~
~~(9) — Firestone Boulevard Corridor;~~
~~(10) — State Street;~~
~~(11) — Independence Avenue;~~
~~(12) — Ardmore Avenue;~~
~~(13) — San Juan Avenue;~~
~~(14) — Santa Ana Street;~~
~~(15) — Southern Avenue;~~
~~(16) — Any other venue or zone as determined~~
~~by the City Council;~~

(g) Sidewalk vendors shall not operate in any location set forth in Section 2.10.970.F of this Chapter.

(h) Sidewalk vendors shall not operate in any manner that results in the blocking or obstructing of the free movement of pedestrians on sidewalks by the vendor, vendor's cart or equipment, or patrons; and sidewalk vendors must maintain a minimum of thirty-six inches (36") of accessible path of travel, without obstruction, along the

paved portion of the sidewalk upon which the vendor is vending so as to enable persons to freely pass while walking, running, or using mobility assistance devices.

(j) Sidewalk vendors shall not block or impede pedestrian or vehicular access to buildings, driveways, parking spaces, or windows.

(j) Vending carts or other accessory equipment shall not touch, lean against, or be affixed or fastened at any time to a building or to any pole, sign, tree, lamppost, parking meter, mailbox, traffic signal, hydrant, bench, bus shelter, newsstand, waste receptacle, or traffic barrier located in or adjacent to the public right-of-way.

(k) No vending cart shall exceed a length of seventy-two inches (72"), a width of forty-eight inches (48"), or a height – including roof or awning, of seventy-two inches (72").

~~(l) A permit application may request, and the City may approve, a small table [not exceeding thirty inches (30") by seventy-two inches (72")] for condiments to be used in conjunction with a vending cart selling food if the placement of the table otherwise adheres to the requirements and limitations for vending carts set forth in this Chapter, including, but not limited to, locational criteria.~~

(l) Sidewalk vendors shall not vend, use, or display any of the following:

(1) Live animals;

(2) Adult-oriented material depicting, describing, or relating to specified anatomical areas or specified sexual activities [as defined by Section 2.10.400.C of this code];

(3) Alcohol;

(4) Cannabis;

(5) Tobacco, tobacco products, e-cigarettes, or any product used to smoke, inhale, or vape nicotine or cannabis;

(6) Counterfeit merchandise; or,

(7) Any food or merchandise for which a conditional use permit or other land-use entitlement is required, ~~or which is otherwise prohibited within the zone.~~

(m) Sidewalk vendors shall not use or operate, or permit to be played, used, or operated, any radio, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound.

(n) Sidewalk vendors shall not attach balloons, streamers, ribbons, pinwheels, flags, and other visual marketing aids to the vending cart other than a sign(s) that is/are attached to the vending cart and that does not exceed or extend beyond the height, width, or length of the vending cart.

(o) Sidewalk vendors shall not cause, allow, or suffer the placement of fences, shade structures, umbrellas, chairs, or other furniture, rugs, towels, blankets, tarps, or fabric of any kind upon the sidewalk or upon private property in conjunction with the vending operation (whether for the display of goods or any other reason).

(1) An umbrella or other shade structure may be used in the sidewalk vending operations if attached to the vending cart and it does not exceed the overall width, length, or height restriction applicable to vending carts set forth in Section 2.10.270.E.1(k) of this Chapter.

(p) Sidewalk vendors shall provide a City-approved waste receptacle for use by its patrons, and shall not otherwise cause, permit, or suffer any litter, food, or other discarded or abandoned object to be thrown, deposited, or left 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. Sidewalk vendors shall maintain the area within a twenty-five-foot (25') radius of the vending area in a neat, clean, orderly, and sanitary condition. Prior to leaving any vending location, the sidewalk vendor shall pick-up, remove, and lawfully dispose of all byproducts (including fats, oils, and grease) and litter generated by the vending operation (whether by the vendor or patron) within a twenty-five-foot radius (25') of the vending location. Cooking oil and grease resulting from the sidewalk vending operation must be removed from the sidewalk vending area in a non-flammable, sealed container.

(q) Food, goods, merchandise, carts, and other equipment used in sidewalk vending activities shall not be left unattended or abandoned in the public right-of-way at any time.

(r) Sidewalk vendors shall offer all patrons to receive proof of purchase of any food or merchandise in the following manners:

(1) E-mail receipt;

- (2) Text message receipt;
- (3) Paper receipt;
- (4) No receipt.

(s) Sidewalk vendors who prepare food onsite by means of a grill, stove, or open flame shall keep an easily accessible, properly charged and maintained 10 BC-rated fire extinguisher on the vending cart at all times and be familiar with its use. The fire extinguisher must also meet the following criteria:

(1) Fire extinguisher must have been serviced within the previous twelve (12) months and have a valid California State Fire Marshal service tag attached;

(2) Fire extinguisher must be securely mounted to the vending cart;

(3) Fire extinguisher shall not be located directly next to a cooking surface or open flame.

(t) Notwithstanding any other provision of this code, sidewalk vendors shall not operate in any location or in any manner that creates a hazard to pedestrians or vehicular traffic.

(u) Sidewalk vendors shall strictly comply with all other applicable Federal, State, and local laws and regulations.

2. Additional Operating Requirements for Stationary Sidewalk Vendors. In addition to the general operating requirements set forth in Sections 2.10.970.E.1 and 2.10.970.F of this Chapter, stationary sidewalk vendors shall comply with the following operating requirements and prohibitions, and each of these operating requirements and prohibitions shall constitute conditions of any sidewalk vending business permit for a stationary sidewalk vendor.

(a) Stationary sidewalk vendors shall remove any vending cart or equipment used in the vending operation from the sidewalk each day at the close of business.

(b) Stationary sidewalk vendors shall maintain a separation of at least twenty-five feet (25') from any other stationary sidewalk vendor regulated by this Chapter or any other sidewalk sale or display as permitted pursuant to Chapter 5.10 of this code, so as to allow for queuing and to prevent sidewalk congestion, while safeguarding the health and safety of vendors, patrons, pedestrians, and motorists, and to protect accessibility requirements on sidewalks.

(c) Stationary sidewalk vendors shall not cause, allow, or suffer the erection or placement of any signs on upon the public sidewalk, nor upon any pole, sign, tree, lamppost, parking meter, mailbox, traffic signal, hydrant, bench, bus shelter, newsstand, waste receptacle, or traffic barrier located in or adjacent to the public right-of-way.

(d) Stationary sidewalk vendors shall not attach or use any water lines, electrical lines, or gas lines that originate from or otherwise service any public or private property during the vending operation;

3. **Additional Operating Requirements in Parks.** In addition to the operating requirements set forth in Sections 2.10.970.E.1, 2.10.970.E.2, and 2.10.970.F of this Chapter, sidewalk vendors operating within a park shall comply with the following operating requirements and prohibitions, and each of these operating requirements and prohibitions shall constitute conditions of any sidewalk vending business permit for a sidewalk vendor operating within a park.

A. Stationary sidewalk vendors are prohibited from operating within any portion of a City park or on any sidewalk within one hundred feet (100') of a City park for which the City has signed an agreement for concessions that permits for the sale of merchandise or food exclusively by the concessionaire.

B. In order to protect the health, safety, and welfare of sidewalk vendors, patrons, and other persons frequenting or using the services available at a park, and to ensure the public's use and enjoyment of natural resources and recreational opportunities within a park, sidewalk vendors shall not vend within one hundred feet (100') of the following locations within a park:

(1) Any field, court, or pitch that is primarily designed for use in sporting activities (including, but not limited to, baseball field, softball field, football field, basketball court, tennis court, soccer pitch, volleyball court, and handball court), while said area is in use for such sporting activity;

(2) Any playground, recreational water feature, or exercise area, while said area is in use;

(3) Any restroom facilities;

(4) Any concession area.

C. Notwithstanding any provisions to the contrary, to protect the health, safety, and welfare of sidewalk vendors, patrons, and other persons frequenting or using the services available at a park, and to

prevent fires, burns, and other injuries, sidewalk vendors of food shall not operate within any park except in those portions of the park designated for cooking or barbecuing.

D. Sidewalk vendors shall not conduct any portion of their vending operation on unpaved surfaces within a park.

~~1.— At all times, a vendor must vend in compliance with the South Gate Municipal Code, and city department regulations.~~

~~2.— Every vendor who vends with a cart must be in possession of a valid license and the cart must display a valid permit.~~

~~3.— A vendor may not use a stationary cart to vend in a residential area. Only a pushcart may be used to vend in a residential area.~~

~~4.— A vendor may operate a stationary cart only in a commercial or industrial zone.~~

~~5.— In order to ensure the health, safety, and welfare of the public, no more than two stationary carts with approved permits may be used to vend on the sidewalk of a single block face within commercial and industrial area sidewalks of the city, except as may be approved or alternatively regulated in a special sidewalk vending district.~~

~~6.— In order to ensure the health, safety, and welfare of the public, and to avoid collisions involving pedestrians and vehicles, sidewalk and mobile vending is permitted between the hours of nine a.m. and six p.m., and vending in city parks is only permitted during park operating hours.~~

~~7.— A vendor who vends in a residential area with a pushcart shall move continuously, except when conducting a sale, which must last no more than seven minutes per sale, except as may be approved or alternatively regulated in a special sidewalk vending district.~~

~~8.— A decal issued by the city and certifying the issuance of a permit for the cart, as well as the health department permit, shall be attached to and prominently displayed on each cart in use by a vendor to sell food.~~

~~9.— Every cart must not exceed a length of seventy-two inches, a width of fifty-four inches, or a height, including roof or awning, of seventy-eight inches. A permit application may request, and the city may approve, a small table for condiments to be used in conjunction with a cart selling food.~~

~~10.— A food vendor must provide a trash receptacle for customers and must ensure proper disposal of customer trash. The trash receptacle must be large enough to accommodate customer trash without resorting to~~

~~existing trash receptacles located on any block for use by the general public. A vendor may not dispose of customer trash in existing trash receptacles on sidewalks.~~

~~11.— In order to prevent any slip and fall injuries or contaminants from entering into storm drains, vendors must maintain a clean and trash-free ten-foot radius from the vendor's cart during hours of operation and must leave the area clean by the approved closing time, including cleaning all areas of the sidewalk used by the vendor.~~

~~12.— Vendors are prohibited from receiving mobile support throughout the day, be it for food or merchandise, including, but not limited to, from mobile commissaries.~~

~~13.— No cart, condiment table or vendor's trash receptacle may be left on the sidewalk after the vendor's approved closing time.~~

~~14.— No cart shall be chained or fastened to any pole, sign, tree or other object in the public right of way or left unattended.~~

~~15.— Vending within five hundred feet of any K-12 school or playground is prohibited from six a.m. through six p.m., unless the vendor is selling exclusively healthy food.~~

~~16.— In order to provide for the health, safety and welfare of the public, to minimize collision incidents, including pedestrian and vendor safety, to minimize stop and go or added sudden movements on city streets, vending is not allowed within the areas designated as the "Tweedy Boulevard Corridor," "Garfield Avenue Corridor," "Paramount Boulevard Corridor," the "Azalea Shopping Center," the "Crossroads Retail Center," the "Imperial Highway Corridor," the "Long Beach Boulevard Corridor," the "Otis Street Corridor," the "Atlantic Avenue Corridor," the "California Avenue Corridor," the "Firestone Boulevard Corridor," the "El Paseo Shopping Center," State Street, Independence Avenue, Ardmere Avenue, San Juan Avenue, Santa Ana Street, Southern Avenue, or any other venue or zone as determined by the city council.~~

~~17.— No vending is allowed one hour before, during and one hour after special events that are permitted by the city, including filming.~~

~~18.— City permitted filming and special events shall have priority over vending permits.~~

~~19.— Vending of illegal or counterfeit merchandise is prohibited.~~

~~20.— Vending of services is prohibited.~~

~~21.— All goods, wares or merchandise vended by a street vendor shall be contained upon or within the cart used by the street vendor or~~

~~contained upon the person of said vendor. In no case shall any goods, wares or merchandise be placed directly upon a street, sidewalk or public place. No person who vends shall place any blanket, tarp, or other covering on the sidewalk to vend, and all vending must be done on a cart.~~

~~22. All vendors must offer a receipt to a patron for the sale of any food or merchandise.~~

SECTION 10. Section 2.10.970.F. (Sidewalk vending program: Placement of Stationary or Pushcarts) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby amended to read as follows:

F. Prohibited Locations for Sidewalk Vending ~~Placement of Stationary or Pushcarts~~

1. To safeguard the health and safety of vendors, patrons, pedestrians, and motorists, to minimize stop-and-go or added sudden movements on City streets, protect accessibility requirements on sidewalks, and to ensure emergency egress from buildings adjacent to sidewalks, sidewalk vendors shall not operate in (nor shall a sidewalk vendor allow any employee, equipment, vending cart, merchandise/food, or queue of patrons to be located in) any of the following locations:

(a) Within twenty-five feet (25') of any street intersection;

(b) Within twenty-five feet (25') of any traffic control device (including traffic signals and traffic signs);

(c) Within ten feet (10') of a fire hydrant or connection, fire call box, or other emergency facility;

(d) Within three feet (3') of the edge of any curb;

(e) Within twenty-five feet (25') of any driveway or driveway apron;

(f) Within twenty-five feet (25') of a marked crosswalk;

(g) Within twenty-five feet (25') of a curb return of an unmarked crosswalk;

(h) Within forty-five feet (45') of a bus bench, bus shelter, any public transportation waiting area/stop, or sign designating a bus stop;

(i) Within fifty feet (50') of any railroad crossing or other opening providing pedestrian or vehicular access to railroad tracks;

(j) Within ten feet (10') of an outdoor dining or patio dining area;

(k) Within ten feet (10') of an Automatic Teller Machine ("ATM");

(l) Within forty-five feet (45') of a construction or maintenance zone;

(m) Within twenty-five feet (25') of any entrance or emergency exit of any business during the hours that the business is open to the public or to persons having or conducting lawful business therein;

(n) Within five hundred feet (500') of any permitted certified farmers' market, permitted swap meet, or an area designated for use pursuant to a temporary special permit (including, but not limited to, special event permits and filming permits), from one hour before, during, and one hour after the operating hours of the certified farmers' market, swap meet, or temporary special permit;

(1) For purposes of this Section, "certified farmers' market" shall mean a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the California Food and Agricultural Code and any regulations adopted pursuant to that Chapter (including those contained in Section 9420.16 of this code).

(2) For purposes of this Section, "swap meet" shall mean a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the California Business & Professions Code, and any regulations adopted pursuant to that Article.

(o) Upon any sidewalk in the City that is within five hundred feet (500') of the nearest property line of any property on which a school building or playground is located (irrespective of whether the school or playground is located in the City) between the hours of 6 a.m. and 6 p.m. of any school day.

(p) Within or on any median strip or dividing section of any street;

(q) Within any publicly- or privately-owned parking lot or parking structure;

(r) Within any landscaped area or on an unpaved surface;

(s) Within any public property that is not set aside for the exclusive use of pedestrians;

~~(t) Within any private property, including, but not limited to:~~

~~—— (1) Azalea Shopping Center;~~

~~—— (2) Crossroads Retail Center; and,~~

~~—— (3) El Paseo Shopping Center.~~

1. ~~For safety reasons, vending food or merchandise on city sidewalks shall be prohibited:~~

~~(a) Within ten feet of a marked crosswalk.~~

~~(b) Within ten feet of the curb return of an unmarked crosswalk.~~

~~(c) Within ten feet of any fire hydrant, fire call box or other emergency facility.~~

~~(d) Within ten feet ahead and forty five feet to the rear of a sign designating a bus stop.~~

~~(e) Within a marked bus zone.~~

~~(f) Within ten feet of a bus bench.~~

~~(g) Within ten feet of a transit shelter.~~

~~(h) Within five feet of an area improved with lawn, flowers, shrubs, trees or street tree wells.~~

~~(i) Within ten feet of a driveway or driveway apron.~~

~~(j) Within four feet of an outdoor dining or patio dining area.~~

~~(k) Within thirty six inches from the edge of the curb.~~

~~(l) In order to comply with the Americans with Disabilities Act, the vendor must leave free flow space of thirty six inches from the curb, structure, or fixed object to the edge of the cart.~~

~~(m) Where the cart blocks traffic signs.~~

~~(n) — Within forty feet of a construction or maintenance zone.~~

~~(o) — Where placement of a cart would impede stopping sight distance and/or site distance for any driveway or intersection.~~

~~(p) — On city owned property without prior city approval.~~

~~2. — Notwithstanding any specific prohibitions in this subsection, no vendor shall install, use or maintain a cart where placement endangers the safety of persons or property.~~

~~3. — Notwithstanding the requirements of this section, a bulky item, as defined in Section 5.08.005, may include a cart, as described in subsections (A)(1), (A)(8), (A)(14), and (A)(18) of this section, and is subject to disposal pursuant to Chapter 5.08 if the cart has been abandoned or discarded, as described in Section 5.08.010 or 5.08.020.~~

~~4. — In order to protect the safety, health and welfare of the public, and in order to avoid any collisions in the ingress and egress into any public park, no person shall sell, expose for sale or offer to sell any goods, wares or merchandise of any kind in or along any public street, lane, or thoroughfare adjoining or approaching any public park within the city within two hundred feet of said park.~~

SECTION 11. Section 2.10.970.G.1(a)(4) (Sidewalk vending program: Monitoring and Compliance) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby amended to read as follows:

(4) An administrative fine of one thousand dollars (\$1,000) for a fourth and each subsequent violation ~~and confiscation of the cart, food and merchandise.~~

SECTION 12. Section 2.10.970.G.1(b)(4) (Sidewalk vending program: Monitoring and Compliance) of Chapter 2.10 (Business Regulation) of Title 2 (“Licenses – Business Regulations”) of the South Gate Municipal Code is hereby amended to read as follows:

(4) An administrative fine of five hundred dollars for a fourth and each subsequent violation and revocation or suspension of permit or license ~~and/or confiscation of the cart, food and merchandise.~~

SECTION 13. Section 2.10.970.G.2 (Sidewalk vending program: Monitoring and Compliance) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby amended to read as follows:

2. The City may revoke or suspend a permit or license or order the confiscation, impoundment, or removal of a cart, food, or merchandise as allowed pursuant to the provisions of this Chapter or as otherwise allowed by law.

SECTION 14. Section 2.10.970.G.3 (Sidewalk vending program: Monitoring and Compliance) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby amended to read as follows:

3. Revocation or License or Permit.

(a) Upon a fourth or subsequent violation of any provision of this Chapter, the City shall suspend, revoke, or rescind a sidewalk vending regulatory permit pursuant to the provisions of Sections 2.10.270 et seq. of this Chapter. ~~Revocation or suspension proceedings shall be conducted pursuant to the requirements in the rules and regulations.~~

~~(b) Prior to revocation or suspension, the city shall afford the vendor or cart owner a due process hearing.~~

~~(c) A vendor whose license or permit is revoked may not renew their license or permit for one year.~~

SECTION 15. Section 2.10.970.H (Sidewalk vending program: Vending in City Parks) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby deleted in its entirety.

~~H.—Vending in City Parks. Subject to the licensing requirements of subsection (D) of this section, vending of food or merchandise in a city park is permitted, except that no vending of food or merchandise by either mobile or stationary vendors shall be allowed in any city park owned and operated by the city where the city has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire. The city may adopt additional requirements regulating the time, place, and manner of sidewalk vending in a park owned or operated by the city if it finds that vending in city parks negatively affects health, safety, or welfare concerns; is necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities; or finds it necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park. In any event, vending in city parks shall not be permitted during any time in which the city park is closed to the public.~~

~~1. — For safety reasons to prevent fires, burns or other injuries, vending food within city parks shall be prohibited as follows:~~

~~(a) — Within one hundred feet of any concession area; and~~

~~(b) — Vending of food shall be restricted to areas within the park that are designated for cooking or barbecuing.~~

~~2. — In order to ensure the public's use and enjoyment of natural resources and recreational opportunities, vending within city parks shall be prohibited as follows:~~

~~(a) — Within one hundred feet of any concession area;~~

~~(b) — Within one hundred feet of a playground; and~~

~~(c) — Within one hundred feet of any spectator seating or viewing area of any sports or recreational activity.~~

SECTION 16. Section 2.10.970.I (Sidewalk vending program: Vending Within the Immediate Vicinity of a Permitted Certified Farmer's Market or Permitted Swap Meet) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby deleted in its entirety.

~~I. — Vending Within the Immediate Vicinity of a Permitted Certified Farmer's Market or Permitted Swap Meet. No vending of food or merchandise is permitted within five hundred feet of a permitted certified farmer's market or a permitted swap meet during the limited operating hours of that certified farmer's market or swap meet. A "certified farmer's 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. 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, and any regulations adopted pursuant to that article.~~

SECTION 17. Section 2.10.970.J (Sidewalk vending program: Severability) of Chapter 2.10 (Business Regulation) of Title 2 (Licenses – Business Regulations) of the South Gate Municipal Code is hereby deleted in its entirety.

~~J. — Severability. If any subsection, subdivision, clause, sentence, phrase or portion of this section is held unconstitutional or invalid or unenforceable by any court or tribunal of competent jurisdiction, the remaining subsections, subdivisions, clauses, sentences, phrases or~~

~~portions of this section shall remain in full force and effect, and to this end the provisions of this section are severable.~~

SECTION 18. Section 7.39.010 (Sales from nonmotorized vehicles on city streets prohibited.) of Chapter 7.39 (Sales From Nonmotorized Vehicles On City Streets Prohibited Except During City-Sponsored Parades) of Title 7 (Public Safety and Morals) of the South Gate Municipal Code is hereby amended to read as follows:

Except as provided in Chapter 2.10.970 of this code and in Section 7.39.020 of this chapter, no person, firm or corporation shall peddle or use a pushcart, handcart or non-motorized vehicle to sell or distribute ice cream, popsicles, confections, food or other goods, wares or merchandise in or on any public street, sidewalk, doorway, building, unenclosed vacant lot or park in the City of South Gate. Except as provided in Chapter 2.10.970 of this code and in Section 7.39.020, no person, firm or corporation having ownership, control, dominion or the interest in or over a pushcart, handcart or other non-motorized vehicle shall authorize or permit such pushcart, handcart or other non-motorized vehicle to be used for the sale or distribution, or in connection with the sale or distribution, of ice cream, popsicles, confections or other goods, wares or merchandise in or on any public street, sidewalk, doorway, building, unenclosed vacant lot or park in the City of South Gate. For purposes of this chapter, "peddle" means and includes hawking, selling or offering to sell any foods, drinks goods, wares or merchandise:

1. By traveling from place to place, by foot or by use of a non-motorized vehicle; or
2. From a stationary location on any public street, sidewalk, doorway, building, unenclosed vacant lot or park in the City of South Gate. This section shall supersede other conflicting sections in this code.

SECTION 19. Section 8.14.010 (Unlawful parking – Peddlers, vendors and vehicles advertised for sale or rent.) of Chapter 8.14 (Unlawful Parking – Peddlers, Vendors and Vehicles Advertised For Sale Or Rent) of Title 8 (Traffic) of the South Gate Municipal Code is hereby amended to read as follows:

G. Notwithstanding any other provisions of this title, no person shall sell, offer for sale, give away, solicit the sale of, or expose for sale in or upon any street, sidewalk or parkway within the city, any foods, goods, wares or merchandise, fruits, vegetables, peanuts, popcorn, candy, ice cream, confections or other articles of food within ~~two~~ five hundred feet (500') of the nearest property or boundary line of any public, private or parochial school or school grounds; and no person shall sell, offer for sale, give away, solicit the sale of, or expose for sale any of such articles or

commodities in, or on the grounds of, any such school without first having obtained the written consent of an authorized official of any such school.

SECTION 20. **Savings Clause.** Neither the adoption of this Ordinance nor the repeal of any other Ordinance or provision of the South Gate Municipal Code referenced in this Ordinance shall affect in any manner any offense or act committed or done or any penalty or forfeiture incurred, or any right established or accruing before the effective date of this Ordinance; nor shall it affect any prosecution, suit, or proceeding pending or any judgment rendered prior to the effective date of this Ordinance. The provisions of this Ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. The provisions of this Ordinance shall have priority over substantially similar provisions previously adopted by the City relating to the same subject matter. All fee schedules shall remain in full force-and-effect until superseded by Council Resolution.

SECTION 21. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 22. This Ordinance shall take effect and be in force on the thirty-first (31st) day after its adoption.

SECTION 23. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this ___ day of _____ 2023.

CITY OF SOUTH GATE:

By: _____
Maria del Pilar Avalos, Mayor

ATTEST:

By: _____
Yodit Glaze, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: Raul F. Salinas 
Raul F. Salinas, City Attorney