

ORDINANCE NO. 2025-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, AMENDING AND RESTATING TITLE 5, CHAPTER 5.31 OF THE
LAKE ELSINORE MUNICIPAL CODE TO PROVIDE FOR MORE EFFECTIVE CODE
ENFORCEMENT REGARDING SIDEWALK VENDING**

Whereas, the City of Lake Elsinore (City) is authorized by California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws;

Whereas, Government Code Sections 36901, 38771, and 38773.1, among others, authorize the City to enact an ordinance declaring what constitutes a public nuisance, procedures for abating nuisance conditions, recovery of all related costs and attorney fees to abate the nuisance, and the collection of civil penalties;

Whereas, violations of the Lake Elsinore Municipal Code (LEMC) and other violations of law threaten the health, safety and welfare of the public, burden City resources and diminish the quality of life in the City and thus constitute nuisances;

Whereas, Government Code Sections 51036 through 51039, among others, decriminalize sidewalk vending and limit cities and counties ability to regulate sidewalk vendors to requirements in state law and other applicable laws, or otherwise directly related to objective health, safety, or welfare concerns;

Whereas, sidewalk vending regulations are necessary to protect the public health, safety and welfare;

Whereas, the City has identified a need to address objective health, safety, and welfare concerns and regulations in parks, to ensure the public's use and enjoyment of natural resources and recreational opportunities, and to prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of these parks and public recreation areas;

Whereas, the City has observed a need for impounding procedures and increased enforcement measures to address vendors who disregard the sidewalk vending regulations and operate in a manner that disrupts public safety, obstructs sidewalk access, or creates unsanitary conditions;

Whereas, including a process for impound of vendor equipment in certain specified circumstances and including disposal of such equipment for repeated violations and recalcitrant offenders in order to provide enforcement tools provides an enforcement tool to address vendors who refuse to comply with the sidewalk vending regulations to the detriment of public health, safety, and welfare;

Whereas, the City recognizes the need to promote the public health, safety and welfare, regulating sidewalk vending is necessary to ensure no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, place of business, park, areas located within the immediate vicinity of a permitted certified farmers'

market and a permitted swap meet, an area designated by a temporary special permit issued by the City, street to the sidewalk, and by persons exiting or entering parked or standing vehicles;

Whereas, pursuant to the American with Disabilities Act of 1990 and other disability access standards, sidewalk vending may not restrict sidewalk and pathway access and enjoyment by individuals with disabilities;

Whereas, it is, therefore, appropriate and necessary to address those who disregard the sidewalk vending regulations and operate in a manner that disrupts the public health, safety and welfare of the community, and other, legally operating vendors; and,

Whereas, on May 13, 2025 at a duly noticed public hearing, the City Council has considered the recommendation of the Community Development Department, as well as evidence presented by the Community Development Department and other interested parties with respect to this item.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES ORDAIN AS FOLLOWS:

Section 1: The foregoing recitals are true and correct and are hereby incorporated into these findings by this reference.

Section 2: The City Council has reviewed and analyzed the proposed amendment to the LEMC and finds and determines that the ordinance will not be detrimental to the public interest, health, safety, convenience, or general welfare of the city; and that it is internally consistent with other applicable provisions of the LEMC.

Section 3: The City Council hereby finds and determines that the proposed amendment to the LEMC is exempt from the California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq. "CEQA") and the State CEQA Guidelines (14. Cal. Code Regs §§15000 et seq.), specifically pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility that it may have a significant effect on the environment, and because it is not a "project" as that term is defined in Section 15378 of the State CEQA Guidelines.

Section 4: Chapter 5.31 of the LEMC is hereby amended in its entirety to read as follows:

Chapter 5.31 SIDEWALK VENDORS

Sections:

- 5.31.010 Purpose.**
- 5.31.020 Definitions.**
- 5.31.030 Sidewalk vendor license required.**
- 5.31.040 Issuance of a sidewalk vendor license.**
- 5.31.050 Operating conditions.**
- 5.31.060 Prohibited activities and locations.**
- 5.31.070 Enforcement.**
- 5.31.080 Impoundment.**

5.31.010 Purpose.

(a) The purpose and intent of this chapter is to regulate sidewalk vendors on publicly owned or operated property in accordance with State law in order to promote and protect the health, safety, and general welfare of the residents and businesses within the City and in and in compliance with other requirements imposed upon the City, such as the Americans with Disabilities Act and other accessibility laws.. The City is authorized to regulate and enforce this activity pursuant to Government Code Sections 51036 through 51039, California Constitution Art 11, Section 7, Government Code sections 38771 and other provisions of law.

(b) The City Council finds and declares that these regulations are directly related to objective health, safety, and welfare concerns created by competing uses of sidewalks by residents, visitors, and sidewalk vendors. The City Council further finds and declares that regulations on sidewalk vending in City parks and other public recreation areas are necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities and are necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the parks and other recreation areas.

5.31.020 Definitions.

For purposes of this chapter, the following definitions shall apply, unless the context clearly indicates otherwise:

“Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced pursuant to Business and Professions Code section 23003.

“Alcoholic beverage” includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains 0.5% or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances pursuant to Business and Professions Code section 23004.

“City Manager” mean the City Manager of the City of Lake Elsinore or their designee.

“Enforcement Officer” means any peace officer, city code enforcement officer, city employee or agent with the authority to enforce any provision of this code, or designee of the City Manager.

“Farmers' Market” means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter, or any successor chapter, and which is operating in compliance with all City approvals and requirements.

“Food” means any item provided in Health and Safety Code Section 113781, or any successor section.

“Impound” means to seize or take custody of vending equipment, carts, goods, food or merchandise because of an infringement of a law.

“Merchandise” means any item(s) that can be sold and immediately obtained from a sidewalk vendor which is not considered food or drinks, including but not limited to, souvenirs, toys, articles of clothing, flowers, etc. Items for rent shall not be considered “merchandise”.

“Park” means any area dedicated or established as a public park.

“Pathway” means a paved or improved path or walkway developed primarily for pedestrian travel, or bicycles, other than a sidewalk. “Pathway” does not include emergency shoulders abutting paved roadways and highways throughout the city. Such emergency shoulders are designated for vehicles to pull over in the event of an emergency only.

“Person” means all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business or common law trusts, societies, and individuals transacting and carrying on any business in the city.

“Public property” means all property owned or controlled by the city, including, but not limited to, alleys, parks, pathways, streets, parking lots, sidewalks, and walking or biking trails.

“Residential” means any area zoned exclusively as residential in Title 9 of this code.

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place-to-place and stops temporarily only to complete a transaction.

“Sidewalk” means any paved or improved portion of a street or highway, other than the roadway, set apart by curbs, barriers, markings or other delineation developed primarily for pedestrian travel. “Sidewalk” does not include emergency shoulders abutting paved roadways and highways throughout the city. Such emergency shoulders are designated for vehicles to pull over in the event of an emergency only.

“Sidewalk vending receptacle” means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or non-motorized conveyance used for sidewalk vending activities.

“Sidewalk vendor” or “vendor” means a person who sells food or merchandise from a sidewalk vending receptacle or from one's person, upon a public sidewalk or pathway.

“Sidewalk vendor activities” or “sidewalk vending activity” means actions that qualify a person as a sidewalk vendor or actions done in anticipation of becoming a sidewalk vendor such as, but not limited to, installation, placement, or maintenance of any sidewalk vendor receptacles.

“Sidewalk vendor license” means a City business license to engage in sidewalk vending activity in accordance with the terms and conditions of this chapter, this code, and the conditions of approval for the business license.

“Special Event” means any temporary permitted event approved by the city.

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

“Street” means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

“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 chapter, or any successor chapter, and which is operating in compliance with all City approvals and requirements.

“Vending” means the offering or displaying for sale or selling of any food, merchandise, goods, or wares.

“Vending equipment” means any conveyance, table, stand, display, showcase, rack, or any other free-standing equipment used for vending on the sidewalk, including any gas-fueled appliances used to heat, cook, or prepare food or beverages on a conveyance by a sidewalk vendor.

5.31.030 Sidewalk vendor license required.

- A. All sidewalk vendors shall obtain and maintain a sidewalk vendor license from the City in accordance with the criteria and process set forth in this chapter and this code. Sidewalk

vendor licenses issued pursuant to this chapter shall be valid from the date of issuance for a period of one year, or shorter period as specified at the time of application, unless the sidewalk vendor license has been terminated, suspended, or revoked for any of the causes set forth in this chapter.

- B. No person shall own, control, operate, manage, lease, or contract with any other person for the operation of a cart in the city without a valid sidewalk vendor license. It is unlawful for any person to operate a cart in the city without having a current and valid sidewalk vendor license obtained from the city. A copy of the sidewalk vendor license shall be displayed in conspicuous view on each cart at all times business is conducted.
- C. All applicants wishing to obtain a sidewalk vendor license from the City shall file an application with the City upon a form provided by the City and shall pay a sidewalk vendor license fee as established by the City. An application for a sidewalk vendor license shall include at least the following information:
 - 1. The name address, and telephone number of the person applying to become a sidewalk vendor.
 - 2. If the applicant is an agent of an individual, company, partnership, or corporation, the name and business address of the principal.
 - 3. The name, address, and telephone number of the person who will be in charge of any roaming sidewalk vendors, sidewalk vending activity and/or be responsible for the person(s) working at the sidewalk vending receptacle.
 - 4. The name, address, and telephone number of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending receptacle.
 - 5. The California seller's permit number (California Department of Tax and Fee Administration sales tax number), if any, of the applicant.
 - 6. A recent photograph of the applicant and photograph of any pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance used in such sidewalk vending activity taken within 60 days immediately prior to the date of filing the application; photograph of applicant shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner.
 - 7. A copy of the applicant's government issued photo identification, California driver's license or identification number, social security card, individual taxpayer identification number, or municipal identification number, which shall not be available to the public and shall not be disclosed except as required to administer the license or comply with a state law or state or federal court order.
 - 8. The number of sidewalk vending receptacles the sidewalk vendor will operate within the city under the license.
 - 9. Whether the vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor.
 - 10. The day(s) and hours of operation the stationary sidewalk vendor intends to operate at such location(s).
 - 11. The location(s) in the City where the stationary sidewalk vendor intends to operate.
 - 12. The dimensions of the sidewalk vendor's sidewalk vending receptacle(s), including a picture of each sidewalk vending receptacle operating under the license.
 - 13. Whether the sidewalk vendor will be selling food, merchandise, or both.

14. If the sidewalk vendor is selling food, a description of the type of food to be sold, whether such foods are prepared on site, and whether the vendor requires a heating element to prepare the food.
 15. If the vendor is selling merchandise, a description of the merchandise to be sold.
 16. A copy of a current and valid permit from the Riverside County Department of Environmental Health. This requirement shall only apply to applicants for a sidewalk vendor license to sell food products that have not been commercially packaged.
 17. A certification by the applicant that, to his or her knowledge and belief, the information contained on the application is true.
 18. An acknowledgment that the sidewalk vendor will comply with all other generally applicable local, state, and federal laws.
 19. An agreement by the sidewalk vendor to defend, indemnify, release and hold harmless the city, its City Council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the permit or the vendor's sidewalk vending activities. This indemnification shall include, but not be limited to, damages awarded against the city, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the licensee, City, and/or the parties initiating or bringing such proceeding.
 20. Proof of business and general liability insurance covering the City of Lake Elsinore, its employees, agents, and consultants.
 21. An acknowledgment that the sidewalk vendors use of public property is at their own risk, the city does not take any steps to ensure public property is safe or conducive to the sidewalk vending activities, and the sidewalk vendor uses public property at his or her own risk.
 22. Any other relevant information required by the City Manager.
- D. Such application shall be accompanied by the nonrefundable sidewalk vendor license application fee as established by resolution of the City Council.

5.31.040 Issuance of a sidewalk vendor license.

- A. Within 30 calendar days of receiving a complete application, the City Manager may issue a sidewalk vendor license to a sidewalk vendor if he or she finds, based on all of the relevant information, that:
1. The conduct of such sidewalk vending activity will not interfere with traffic or pedestrian movement, or tend to interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property, or otherwise be detrimental to the public peace, health, safety or general welfare or encourage loitering;
 2. The conduct of such sidewalk vending activity will not unduly interfere with normal governmental or city operations, threaten to result in damage or detriment to public property, or result in the city incurring costs or expenditures in either money or personnel not reimbursed in advance by the sidewalk vendor;
 3. The conduct of such sidewalk vending activity will not constitute a fire hazard;

4. The conduct of such sidewalk vending activity will not require the diversion of police officers to properly police the area of such activity as to interfere with normal police protection for other areas of the city;
5. The sidewalk vendor has paid all previous administrative fines, completed all community service, and completed any other alternative disposition associated in any way with a previous violation of this article or its predecessors;
6. The sidewalk vendor has not had a previous license or permit for sidewalk vendor activity revoked by the city within the past five years;
7. The application for a sidewalk vendor contains all required information and the sidewalk vendor has not made a materially false, misleading or fraudulent statement of fact to the city in the application process;
8. The sidewalk vendor has satisfied all the requirement of this article;
9. The sidewalk vendor has paid the sidewalk vendor license fee;
10. The sidewalk vendor's cart and proposed activities conform to the requirements of this article;
11. The sidewalk vendor has provided adequate insurance to protect the city from liability associated with sidewalk vendor activities, as determined by the city manager;
12. The sidewalk vendor has not been convicted of, or committed, any offense that is directly related to sidewalk vendor activities, within the last five years;
13. The sidewalk vendor has not had an individual or business permit or license with any agency, board, city, county, territory, or state denied, revoked, restricted, or suspended within the last two years; and
14. The sidewalk vendor has not been subject to an injunction for nuisance, as defined by state or local laws, within the last five years.

5.31.050 Operating conditions.

All sidewalk vendors operating within the City shall comply with the following provisions:

- A. Sidewalk vendors shall comply with all applicable City, State, and Federal laws and regulations. When a motor vehicle or trailer is involved in the vending activity, the vendor shall maintain a valid California driver's license, proof of insurance and valid registration, and shall be subject to inspection by the Riverside County Sheriff's Department and/or the California Highway Patrol
- B. The sidewalk vendor license shall be displayed conspicuously at all times on the sidewalk vending receptacle or the sidewalk vendor's person. If multiple sidewalk vendors are staffing a sidewalk vendor receptacle or working as roaming sidewalk vendors, each person shall wear their license on their person in a conspicuous manner.
- C. All food and merchandise shall be stored either inside or affixed to the sidewalk vendor receptacle or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the sidewalk vendor receptacle, the overall space taken up by the sidewalk vendor receptacle shall not exceed the size requirements provided in this section.
- D. Sidewalk vendors shall maintain a current and valid permit from the Riverside County Department of Environmental Health. This requirement shall only apply to sidewalk vendors selling food products that have not been commercially packaged.

- E. Sidewalk vendors shall maintain sanitary conditions.
- F. Sidewalk vendors shall not leave their sidewalk vending receptacle unattended to solicit business for their sidewalk vending activities. Sidewalk vending receptacles shall not be stored on public property and shall be removed when not in active use by a vendor.
- G. Sidewalk vendors shall not cause damage to city property, including furniture, landscaping, irrigation, or any other facilities or structures located in the public right-of-way.
- H. All sidewalk vendors shall allow a city police officer or other law enforcement, firefighter, or code enforcement officer, at any time, to inspect their sidewalk vending receptacle for compliance with the size requirements of this chapter and to ensure the safe operation of any heating elements used to prepare food.
- I. Sidewalk vending receptacles shall not exceed a total height of three feet, a total width of three feet, and a total length of three feet to not block or obstruct the free movement of pedestrians on sidewalks and must maintain an accessible path of travel, without obstruction, along 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. No sidewalk vending receptacle shall be motorized or pedal-driven.
- K. No sidewalk vendor shall utilize machines, electronics, or other objects to generate noise.
- L. Signs prohibited by LEMC Section 17.196.100 for stationary businesses are also prohibited for sidewalk vendors.
- M. No sidewalk vendor may employ the use of lighted signs or automated moving displays.
- N. Sidewalk Vendors shall not place freestanding displays or signs within the public right-of-way, which would obstruct pedestrian or vehicle traffic.
- O. If a sidewalk vending receptacle requires more than one person to conduct the sidewalk vending activity, all sidewalk vendors associated with the sidewalk vending receptacle shall be within five feet of the sidewalk vending receptacle when conducting sidewalk vending activities.
- P. Sidewalk vendors that sell food shall maintain a trash container in or on their sidewalk vending receptacle and shall not empty their trash into public trashcans. The size of the vendor's trash container shall be taken into account when assessing the total size limit of a sidewalk vending receptacle. Sidewalk vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation.
- Q. Sidewalk vendors shall maintain a minimum four foot clear accessible path free from obstructions, including sidewalk vending receptacles and customer queuing area.
- R. Sidewalk vendors shall comply with the noise standards provided in Chapter 17.176 of this code, and any successor chapters.

5.31.060 Prohibited activities and locations.

- A. Sidewalk vendors shall comply with all operating conditions, including those conditions set forth in Section 5.31.050.
- B. Sidewalk vending receptacles shall not touch, lean against or be affixed at any time to any building or structure including, but not limited to lampposts, parking meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters, newsstands, trash cans, or traffic barriers.
- C. Sidewalk vendors shall not engage in any of the following activities:

1. Renting merchandise to customers.
 2. Displaying merchandise or food that is not available for immediate sale.
 3. Selling of adult-oriented materials, cannabis, alcohol, or alcoholic beverages.
 4. Using an open flame on or within any sidewalk vending receptacle.
 5. In nonresidential areas, all sidewalk vendors, regardless of whether a roaming sidewalk vendor or stationary sidewalk vendor, operating after sunset shall provide adequate lighting in the immediate vicinity of the sidewalk vending receptacle to ensure safe transactions with the public.
 6. In residential areas, all stationary sidewalk vending is prohibited. In residential areas, roaming sidewalk vending activity is prohibited from one-half hour after sunset to one-half hour before sunrise.
 7. Continuing to offer food or merchandise for sale, following, or accompanying any person who has been offered food or merchandise after the person has asked the vendor to leave or after the person has declined the offer to purchase food or merchandise.
 8. Sidewalk vendors shall not approach persons to sell food or merchandise and shall not interfere in any way with anyone engaged in an activity to sell food or merchandise.
 9. Sidewalk vendors shall not vend or sell food or merchandise to any persons in a moving vehicle or in an illegally parked or stopped vehicle.
 10. Knowingly making false statements or misrepresentations during the course of offering food or merchandise for sale.
 11. Blocking or impeding the path of the person(s) being offered food or merchandise to purchase.
 12. Advertising any product or service that is not related to the food or merchandise being offered for immediate sale.
 13. Using any horns, music, lights, visual media, or sound amplifying device unless expressly approved in the sidewalk vendor license.
 14. Physically altering or otherwise damaging the sidewalk.
 15. Making any statements, gesture, or other communication which a reasonable person in the situation of the person(s) being offered food or merchandise to purchase would perceive to be a threat and which has a reasonable likelihood to produce in the person(s) a fear that the threat will be carried out.
 16. Placing of any type of fencing or other divider around the vending area.
 17. Touching the person(s) being offered to purchase food or merchandise without that person(s)' consent.
- D. All sidewalk vendor activities shall comply with the Americans with Disabilities Act, as the same may be amended from time to time, as well as with the proposed accessibility guidelines for pedestrian facilities in the public right-of-way.
- E. Sidewalk vendors shall not operate on the following segments of roadways due to safety factors including high volume or speed of traffic, lack of parking, and pedestrian safety:
1. Railroad Canyon Road
 2. Central Avenue

3. Riverside Drive
4. Canyon Hills Road
5. Diamond Drive
6. Summerhill Drive
7. Lincoln Street
8. Collier Avenue
9. Chaney Street
10. Corydon Road
11. Auto Center Drive
12. Mission Trail
13. Malaga Road
14. Grand Avenue
15. Main Street
16. Streets on which there is active construction.
17. Streets that do not have a sidewalk and/or safe pedestrian circulation.
18. Streets where there is a Special Event.

F. Sidewalk vendors shall not engage in sidewalk vending activities at the following locations:

1. Any public alley or public parking lot.
2. No stationary sidewalk vendors shall operate in a park owned or operated by the City where the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire. Such restriction, if imposed, shall be set forth as a condition of approval of the sidewalk vendor license and identify the restricted park(s).
3. No sidewalk vendors shall operate in a park owned or operated by the City in a manner that impedes the public's use and enjoyment of natural resources and recreational opportunities, or that causes an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park. Such restriction, if imposed, shall be set forth as a condition of approval of the sidewalk vendor license and identify the restricted park(s).
4. No stationary sidewalk vendors shall operate in any areas that are zoned exclusively residential.
5. No sidewalk vendors shall operate in areas located within 200 feet of a permitted certified farmers' market or a permitted swap meet during the operating hours of that certified farmers' market or swap meet.
6. No sidewalk vendors shall operate within 200 feet of an area designated for Special Event issued by the City unless the sidewalk vendor is specifically associated with the Special Event permittee. This prohibition shall only be effective for the duration of the Special Permit.
7. Sidewalk vendors shall not engage in sidewalk vending activities within 100 feet of an Automated teller machine (ATM).

8. Sidewalk Vendors shall not operate within fifteen feet (20') of another Sidewalk Vendor.
9. Sidewalk Vendors shall not obstruct vehicle or pedestrian traffic, shall not place items connected to the vending operation within the Public Right-of-Way that hinders such visibility, and shall not engage in vending within the following locations:
 - i. Fifteen feet (15') of a curb which has been duly designated by the City as a white, yellow, blue or red zone.
 - ii. Five hundred feet (500') of a freeway entrance or exit in accordance with California Vehicle Code section 22520.5, as may be amended from time to time.
 - iii. Fifteen feet (15') of a fire hydrant, fire escape, pedestrian signal crossing, bus stop, driveway, or any accessible curb ramp.
 - iv. Three feet (3') from the edge of a curb.
 - v. Fifteen feet (15') of a building entrance or exit.
 - vi. Upon or within any roadway, median strip, or dividing section.

5.31.070 Enforcement.

A violation of this chapter constitutes a public nuisance subject to abatement and enforcement by the administrative remedies provided herein, and civil enforcement, including injunctive relief. Any person or entity that causes, commits or maintains in a violation of this chapter shall be subject to the following penalties and remedies:

- A. Except as otherwise provided in this chapter, any violation of this article shall be assessed administrative fines in the following amounts:
 1. An administrative fine not exceeding \$100.00 for a first violation.
 2. An administrative fine not exceeding \$200.00 for a second violation within one year of the first violation.
 3. An administrative fine not exceeding \$500.00 for each additional violation within one year of the first violation.
- B. If a sidewalk vendor violates any portion of this article and cannot present the citing officer with a proof of a valid city sidewalk vendor license, the sidewalk vendor shall be assessed administrative fines in the following amounts in lieu of the administrative fines set forth in paragraph (A):
 1. An administrative fine not exceeding \$250.00 for a first violation.
 2. An administrative fine not exceeding \$500.00 for a second violation within one year of the first violation.
 3. An administrative fine not exceeding \$1,000.00 for each additional violation within one year of the first violation.
- C. Upon proof of a valid city sidewalk vendor license issued by the local authority, the administrative fines set forth in paragraph (B) shall be reduced to the administrative fines set forth in paragraph (A), respectively.
- D. The City may revoke a sidewalk vendor license issued to a sidewalk vendor for the term of that sidewalk vendor license upon the fourth violation or subsequent violations of any provision of this chapter.

- E. A violation of any provision of this chapter or failure to pay an administrative fine pursuant to this section shall not be punishable as an infraction or misdemeanor.
- F. Any person alleged to have violated any provision of this chapter shall not be subject to arrest except when otherwise permitted by law.
- G. When assessing an administrative fine pursuant to this section, the City Manager designee shall take into consideration the sidewalk vendor's ability to pay the fine. The City shall provide the sidewalk vendor with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The sidewalk vendor may request an ability-to-pay determination at adjudication or while the fine remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program. If the sidewalk vendor meets the criteria described in Government Code Section 68632(a) or (b), the City shall accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to this section.
- H. A request for an ability-to-pay determination shall be submitted to the City Clerk for determination by City Manager.
- I. The City reserves the right to allow any sidewalk vendor in violation of any provision of this chapter to complete community service in lieu of paying the total administrative fine. A failure to timely and properly submit any appeal applicable pursuant to this chapter shall result in the fine or other decision being deemed final and not appealable, and shall constitute a failure to exhaust administrative remedies. Any determination from a properly filed appeal or request for any determination pursuant to this chapter shall be the final decision of the City.
- J. A failure to timely and properly submit any appeal applicable pursuant to this chapter shall result in the fine or other decision being deemed final and not appealable, and shall constitute a failure to exhaust administrative remedies. Any determination from a properly filed appeal or request for any determination pursuant to this chapter shall be the final decision of the City.
- K. It is a violation of this chapter for any employer or other principal of a person to cause, direct or maintain a violation of this chapter.
- L. Each day a violation exists shall constitute a separate and distinct violation.
- M. The remedies provided herein are intended to be cumulative, not exclusive, and may be used in lieu of or in conjunction with each other.

5.31.080 Impoundment.

- A. The City through any Enforcement Officer may impound a sidewalk vendor's vending equipment, food and/or utensils used in violation of this chapter pursuant to the provisions of California Civil Code section 2080.10, California Health and Safety Code section 114393, Government Code section 38773 and/or any other applicable City, county, or state law for any of the following reasons:
 - 1. Leaving vending equipment, food, or merchandise unattended in violation of this chapter;
 - 2. Such items are found to be, or suspected of being, unsanitary or in such disrepair that food, equipment, or utensils may become contaminated or adulterated;
 - 3. Vending without a valid sidewalk vendor license in violation of this chapter;

4. Vending without a valid permit from the Riverside County Department of Environmental Health;
 5. Vending in violation of this chapter and the sidewalk vendor refuses or fails to provide identification upon request by an Enforcement Officer who provides proper identification;
 6. Vending in an apparent violation of this chapter and the sidewalk vendor refuses or fails to remove the vending equipment from the sidewalk or public right of way within 30 minutes after being instructed to do so by an Enforcement Officer;
 7. Vending in a manner that blocks or obstructs the free movement of pedestrians or other traffic on sidewalks and fails to maintain an accessible path of travel;
 8. Vending in a manner that creates an imminent and substantial danger or environmental hazard to the health, safety, or general welfare of the public or the property at the location of the vending equipment;
 9. Vending by a repeat offender, a sidewalk vendor who has been found responsible by the City, hearing officer or a court of law for a violation of this chapter two or more times within a 12-month period after being contacted by the City or Enforcement Officer who issued an administrative citation;
 10. Upon the fourth (4th) violation by a vendor within a 12-month period within a 24-month period, and upon the expiration of the time to appeal such fourth (4th) violation or upon the unsuccessful appeal, the City shall dispose of all seized equipment.
- B. Vending equipment, food, or merchandise that are evidence of a crime or booked as property after arrest of a sidewalk vendor for violation of any local, state, or federal laws or regulations, excluding this chapter, may be impounded in accordance with Riverside County Sheriff's Office applicable policies and procedures.
- C. The City may immediately dispose of impounded goods that cannot be safely stored, or that are perishable, hazardous, or dangerous.
- D. Any owner of impounded vending equipment, food, or merchandise may, within 10 days, request an administrative hearing before a hearing officer appointed by the City.
- E. The City Manager shall provide the person from whom the vending equipment, merchandise, utensils, and/or food were impounded with a receipt and instructions for retrieval of the impounded items, excluding items that were disposed of according to section 5.31.080(C). The receipt and instructions shall either be given to the person from whom the items were taken at the time of impound or shall be mailed within two business days of the impound to the address received by the City when the person applied for a vending license.
- F. Impounded vending equipment, merchandise, utensils, and/or food, excluding any times disposed of according to section 5.31.080, will be released to the sidewalk vendor or owner provided that proper proof of ownership is presented, and the City received payment in full of all administrative costs incurred as a result of the violation. Any unclaimed items will be considered abandoned and forfeited to the City after 90 days following impoundment and may be disposed of by the City as permitted by law.

Section 5: Severability. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or

applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

Section 6: Effective Date. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

Section 7: Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause a synopsis of the same to be published according to law.

Passed and Adopted on this ____ day of _____, 2025.

Brian Tisdale, Mayor

Attest:

Candice Alvarez, MMC
City Clerk

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, do hereby certify that the foregoing Ordinance No. 2025-____ was introduced at the Regular meeting of May 13, 2025, and adopted by the City Council of the City of Lake Elsinore at its Regular meeting of _____, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Lake Elsinore, California on the ____ day of _____, 2025, and on the ____ day of _____, 2025.

Candice Alvarez, MMC
City Clerk