

## SIDEWALK VENDING PERMIT CHECKLIST - NEW

Date Submitted \_\_\_\_\_

Business Name \_\_\_\_\_

\$104 Fee	Permit Application	Identification	Seller's Permit (if applicable)

Valid Orange County Health Permit (if applicable)	Certificate of Insurance & Additional Insured	Approved Fictitious Business Name Statement (if applicable)	Business License Application

**NOTE:** REQUESTED DOCUMENTATION ON THIS LIST MUST BE PRESENTED  
WHEN SUBMITTING APPLICATION



# CITY OF TUSTIN SIDEWALK VENDING PERMIT APPLICATION

For an application to be accepted, all supplemental information required by Resolution 20-55 for purposes of clarification of the activity must be included with this application and the application fee.

**PLEASE PRINT OR TYPE**

Name of Applicant \_\_\_\_\_ Business Telephone \_\_\_\_\_

Name of Business (if applicable) \_\_\_\_\_

Business Address \_\_\_\_\_

Name of Business Operator \_\_\_\_\_ Title \_\_\_\_\_

Identification:  Driver's License  State ID  Passport  Other: \_\_\_\_\_

Identification Number: \_\_\_\_\_ Issuer: \_\_\_\_\_

Applicant's Residence Address \_\_\_\_\_

Email \_\_\_\_\_ Applicant's Phone Number \_\_\_\_\_

Ownership Type  Sole Proprietor  LLC  Corporation  Partnership

Hours of Operation (Hours) \_\_\_\_\_ (Days) \_\_\_\_\_

Vending Activity  Roaming Vendor  Stationary Vendor  Both

Items Being Sold  Merchandise  Food/Drinks  Both

Type(s) of merchandise sold \_\_\_\_\_

Type(s) of food/drinks sold \_\_\_\_\_

List all persons/employees that will be vending with you or in place of you:  
\_\_\_\_\_

I declare under penalty of perjury the information entered on this form is true and correct to the best of my knowledge and belief. As a condition for the issuance of the permit applied for, I agree to submit any additional information required and to conduct all phases of this business in conformance with applicable laws, ordinances, and regulations established for such business. **By signing below I certify that I will comply with all applicable local, state and federal laws and acknowledge that I have been provided a copy of Resolution 20-55.**

Date \_\_\_\_\_ Signature \_\_\_\_\_

(Return to the City of Tustin Business License Desk, 300 Centennial Way, Tustin, CA 92780 or email [businesslicense@tustinca.org](mailto:businesslicense@tustinca.org). For more information, please call 714-573-3144.)

**FOR OFFICE USE ONLY**

Date Received \_\_\_\_\_ Permit Type \_\_\_\_\_ Amount \_\_\_\_\_ How Paid \_\_\_\_\_ Initials \_\_\_\_\_

RESOLUTION NO. 20-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUSTIN  
ADOPTING REGULATIONS REGARDING SIDEWALK VENDORS AND  
ADOPTING A FEE FOR APPLICATIONS FOR SIDEWALK VENDING PERMIT.

WHEREAS, on September 17, 2018, California Governor Brown signed Senate Bill 946 ("SB 946") into law, which added Chapter 6.2 (commencing with Section 51036) to Part 1 of Division 1 of Title 5 of the California Government Code to regulate sidewalk vendors throughout the state, including within the City of Tustin; and

WHEREAS, SB 946 establishes requirements for local regulation of sidewalk vendors and authorizes such regulations to be adopted by resolution or ordinance;

WHEREAS, the City seeks to implement sidewalk vending regulations to provide a licensing and permitting process and impose operational requirements for sidewalk vendors in the City to comply with SB 946 and protect the health, safety, and welfare of the community; and

WHEREAS, the City finds that the regulations set forth herein are directly related to objective health, safety, and welfare concerns, including but not limited to the health, safety and welfare of vendors, their prospective customers, pedestrians, those protected by the Americans With Disabilities Act, those operating motor vehicles at intersections and in rights-of-way adjacent to sidewalks, and the public at large; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUSTIN  
RESOLVES AS FOLLOWS:

SECTION 1: FINDINGS.

A. The purpose of this Resolution is to regulate sidewalk vendors consistent with Government Code section 51036 through 51039 while also protecting the health, safety, and welfare of the public.

B. Prohibiting sidewalk vending in streets and medians is necessary to protect the health and safety of vendors and their patrons, because they are at risk of being struck by vehicles and/or causing vehicular accidents if vending occurs in streets or medians.

C. Limiting sidewalk vendors' hours of operation within residential neighborhoods to specific daylight hours consistent with a residential atmosphere is necessary to protect the safety of vendors and residents who would be more vulnerable to criminal activities during evening hours, and to promote the welfare of the residents by prohibiting commercial activities and associated noise and traffic during hours when residents should be able to enjoy peace and quiet.

D. Prohibiting stationary sidewalk vendors in residential neighborhoods and limiting the amount of time a roaming sidewalk vendor may stay in one location within a residential neighborhood is necessary for the welfare of the residents of the City. Allowing sidewalk vendors to operate at a fixed location in a residential neighborhood would subject the residents to increased noise and traffic, which may be appropriate in commercial areas, but will interfere with the peace and quiet that residents should enjoy while in their homes.

E. Prohibiting sidewalk vending within 500 feet of schools is necessary to protect the health and safety of the K-12 school students because if vendors operate closer, there is a danger that school children may run into traffic and be injured or killed trying to reach the vendor. Furthermore, at the end of each school day when children leave in large numbers at or around the same time, occupying a portion of the sidewalk with vending would narrow the available sidewalk area for groups of students to pass, and could cause students to move into the street, subjecting themselves and the occupants of oncoming vehicles to greater risks of injury.

F. Prohibiting sidewalk vendors from operating within 500 feet from freeway onramps and offramps will reduce unnecessary or unanticipated slowing of vehicles (i) approaching freeway onramps where vehicular traffic immediately adjacent to the curb and sidewalk is most frequently crowded with vehicles, and (ii) exiting freeway offramps where drivers merging into oncoming traffic often have their attention focused in the direction of on-coming traffic and away from the vehicles ahead of them such that unexpected slowing of vehicles ahead is more likely to result in accidents and injuries. Prohibition of sidewalk vending within 500 feet of such areas will reduce the likelihood of such unexpected slowing in those areas and protect the health, safety and welfare of the vendor, customer, and motorists, as it reduces reduce the likelihood of accidents in those critical areas.

G. Prohibiting sidewalk vendors from operating within 100 feet from street intersections will ensure that such vending does not impede visual line-of-sight of drivers approaching intersections. Many right-turn pockets in the City are 100 feet in length, and prohibiting street vending adjacent to those stretches will reduce unanticipated slowing of vehicles in an area where drivers approaching the intersections are likely to have their attention focused in the direction of on-coming cross-traffic. In these ways, the prohibition protects the health, safety and welfare of the driving public as well as pedestrians, and vendors and their customers.

H. Prohibiting sidewalk vendors from using sound amplifying devices is necessary to protect the welfare of residents and visitors to the City by preventing excessive noise from disturbing the peace and quiet of residential areas or from an accumulation of excessive noise in commercial and other area. Further, sound amplifying devices may cause traffic hazards by distracting drivers resulting in automobile accidents and harm to pedestrians, so prohibiting their use is necessary for the health and safety of motorists and pedestrians.

I. Prohibiting the use of flashing lights or animated devices by sidewalk vendors will reduce unusual visual distractions to the driving public, thus protecting the health, safety and welfare of motorists and pedestrians.

J. Prohibiting sidewalk vendors from operating within 100 feet of a marked or unmarked crosswalk, or within 50 feet of a bus stop sign, marked bus zone or transit shelter, is necessary to protect the health, safety and welfare of disabled persons by maintaining minimum access needed to comply with the Americans with Disabilities Act, as well as to ensure that the City's senior residents and visitors have readily accessible pedestrian pathways in areas commonly utilized by pedestrians.

K. Prohibiting sidewalk vendors from operating within 18 inches from the edge of the curb face or within 50 feet of a driveway is necessary to protect the health, safety and welfare of the vendor, customer, and motorists, as it reduces exposure to pedestrian versus vehicle contact, and ensures better visibility for drivers of vehicles entering or exiting driveways.

L. Prohibiting sidewalk vendors from operating where placement impedes pedestrian access to or the use of an abutting property, including but not limited to residences and places of business, or within parks in areas located within 75 feet of residences, or within 15 feet of the entrance or exit from any place of business is necessary to protect the welfare of residents of the City by maintaining property values and use of said buildings.

M. Prohibiting sidewalk vendors from locating within 50 feet of another sidewalk vendor will avoid the appearance of a "marketplace" of vendors that would be more likely to generate crowding on public sidewalks that would further impede pedestrian and disabled use of the sidewalks, and in turn reduce the likelihood that pedestrians would enter the vehicular right-of-way, thus protecting the public's health, safety and welfare.

N. Requiring sidewalk vendors to obtain insurance is necessary to protect the health and safety of the public and employees of sidewalk vendors, because insurance would help ensure a source of funding for bodily and property damage resulting from sidewalk vendors' activities. Further, compelling sidewalk vendors to provide liability insurance with the City named as an additional insured with respect to liability arising out of a vendor's use of City property is necessary to protect the City against claims for bodily injury and property damage arising during the vendors' and patrons' uses of City property for their commercial activity.

O. The regulations set forth herein are directly related to objective health, safety, and welfare concerns, including but not limited to the health, safety and welfare of vendors, their prospective patrons, pedestrians, those protected by the Americans With Disabilities Act, those operating motor vehicles at intersections and in rights-of-way adjacent to sidewalks, and the public at large.

P. Requiring vendors to be present at all times while food, drink or merchandise is on display on a Sidewalk ensures the safety of pedestrian and vehicular traffic by ensuring that Sidewalk and Public right-of-way remain unobstructed as required by this Resolution, and helps ensure that the handling and healthiness of food and drinks complies at all times with all requirements in the Health Department permit.

Q. The fee established in Section 4 of this Resolution has been determined by City staff based on the estimated cost of staff time involved in reviewing and processing each sidewalk vendor permit or renewal application, and thus does not exceed the estimated cost of the regulatory program and service required hereunder.

SECTION 2: The foregoing recitals and findings are true and correct and incorporated herein.

SECTION 3: The following regulations are adopted effective immediately:

### **Section 3.1 - Purpose**

The purpose of this Resolution is to establish a program to regulate street vending in accordance with state law. The reasonable time, place and manner regulations set forth in this Resolution are necessary to protect the public health, safety and welfare by, among other things, ensuring unobstructed pedestrian travel on City sidewalks and safe and unfettered access to school sites, limiting the potential for noise and disruption in residential zones, and minimizing potential conflicts between motor vehicles and pedestrians and vendors in the public right-of-way. Furthermore, regulations are necessary to prevent unsanitary conditions, and to ensure trash and debris in the areas vending is taking place are removed by vendors.

### **Section 3.2 - Definitions**

The following terms used in this Resolution shall have the meaning indicated below:

“Certified farmers’ market” means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

“Director” means the Director of Finance or designee.

“Food” means any type of edible substance or beverage intended primarily for consumption by human beings.

“Immediate vicinity” means within five hundred (500) feet.

“Median” means roadway medians and parkway islands.

“Merchandise” means small and easily carried or worn items that are not food or drinks, including but not limited to, souvenirs, toys, articles of clothing, flowers, etc.

“Public right-of-way” means the area dedicated to public use for street or pedestrian purposes, including privately owned and maintained roads within the city that are generally held open to the public for purposes of vehicular and pedestrian traffic and includes alleys, driveways, highways, medians, parkways, planter strips, roads, sidewalks, and streets.

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place with stops to complete a transaction.

“School” means any public or private educational institution which is run by the state or a subdivision thereof or which is licensed by the state to offer pre-school, elementary or secondary academic instruction, including kindergartens, elementary schools, middle or junior high schools, and high schools.

“Sidewalk” means that portion of the public right-of-way provided for the primary use of pedestrians along or adjacent to the street, including a public pathway provided for the primary use of pedestrians.

“Sidewalk vendor” means a person who sells food, drinks or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a sidewalk or other pedestrian path. “Sidewalk vendor” includes “roaming sidewalk vendor” and “stationary sidewalk vendor.”

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

“Swap meet” means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

“Temporary special permit” means a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, athletic events, public assemblies, carnivals, festivals, and outdoor concerts.

“Vend, vends, vended or vending” means to sell, offer for sale, expose or display for sale, solicit offers to purchase, or to barter food or merchandise, or to require someone to negotiate, establish, or pay a fee before providing food or merchandise, even if characterized as a donation.

### **Section 3.3 - Vending on Sidewalks**

- A. A sidewalk vendor shall only operate on sidewalks and no other portion of the public right-of-way. Sidewalk vendors shall not operate in the landscaped portions or medians of the public right-of-way.
- B. No sidewalk vendor shall sell food or drinks on any portion of the sidewalk without first obtaining all of the following:
  - 1. A business license pursuant to Chapter 5 of Article 2 of the Tustin City Code.
  - 2. A sidewalk vending permit pursuant to section 3.7 of this Resolution;
  - 3. A Health Department permit pursuant to Part 1 of Chapter 1 of Article 4 of the Tustin City Code.
- C. No sidewalk vendor shall sell merchandise on any portion of the sidewalk without first obtaining both of the following:
  - 1. A business license pursuant to Chapter 5 of Article 2 of the Tustin City Code.
  - 2. A sidewalk vending permit pursuant to section 3.7 of this Resolution.
  - 3. Such other permits as may be required by State or local law, such as a secondhand dealer permit under Part 2 of Chapter 5 of Article 3 of the Tustin City Code for the sale of secondhand goods.
- D. At all times, a sidewalk vendor shall be in possession of a valid government-issued identification, business license, sidewalk vending permit, and Health Department permit, if applicable. The City-issued sidewalk vending permit and business license shall be prominently displayed in a publicly visible location at all times while vending. No trash or refuse generated by sidewalk vending activities shall be disposed of in public trash receptacles. A sidewalk vendor shall immediately clean up any food, grease or other fluid or item related to sidewalk vending activities which fall onto the sidewalk or other public property.
- E. A sidewalk vendor shall maintain a clean and trash-free 10-foot radius around his or her pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance at all times when it is located on public property. When departing a location used for vending, the sidewalk vendor shall remove all trash and debris from the location.

- F. No pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance shall be chained or fastened to any pole, sign, tree, or other object in the public right-of-way or left unattended.
- G. For public safety reasons, including pedestrian, vehicular, public and vendor safety, a sidewalk vendor shall not operate within the number of feet designated below from the nearest portion of the corresponding location:
  - 1. Within 500 feet from any freeway on-ramp or off-ramp.
  - 2. Within 100 feet from any street intersection.
  - 3. Within 100 feet from any marked or unmarked crosswalk.
  - 4. Within 50 feet of any fire hydrant or fire call box.
  - 5. Within 50 feet of any bus stop sign, marked bus zone or transit shelter.
  - 6. Within 50 feet of any driveway or other vehicle entrance.
  - 7. Within 50 feet of another sidewalk vendor.
  - 8. On a sidewalk immediately adjacent to any portion of the Tustin Civic Center or other city facility.
  - 9. Within 15 feet of the entrance or exit from any place of business.
  - 10. A sidewalk vendor in a park or sidewalk adjacent to a park is prohibited from operating within 75 feet of the nearest point of any residential parcel.

It shall not constitute a violation of this subsection G for a roaming sidewalk vendor to move through the areas designated in this subsection G provided that the roaming vendor does not engage in any transaction while in any such area.

- H. For public safety reasons, including pedestrian, public and vendor safety, a sidewalk vendor shall not operate in such a manner that the vendor, the vendor's cart, the vendor's display, the vendor's goods, or any combination thereof:
  - 1. reduces the clear space for pedestrian and other public use to a width of less than 4 feet; or

2. impedes public use of the sidewalk or right-of-way as required by the Americans with Disabilities Act; or
  3. impedes access to or the use of abutting property, including, but not limited to, residences and places of business; or
  4. impedes emergency access for the Police, Fire Department, or medical personnel to any abutting property; or
  5. is located within 18 inches from the edge of the curb face.
- I. Sidewalk vendors are prohibited from operating within a City parking structure or surface lot without supplemental authorization from the City.
- J. In the event of a traffic accident, medical emergency, gas leak, natural disaster, fire, on-site construction or related work on a capital improvement project, or an emergency situation, the City may temporarily require sidewalk vendors to relocate to another location if doing so is necessary to protect the public's health and safety.
- K. Sidewalk vendors may not utilize sound amplifying equipment nor non-amplified musical or noise making devices.
- L. No sidewalk vendor shall willfully make, continue, or cause to be made or continued, noise of such a nature or degree as to violate Chapter 6 of Article 4 of the Tustin City Code.
- M. Sidewalk vendors shall not utilize flashing lights or animated devices.
- N. The size of the vendor cart(s) and display(s) shall not exceed the width, length or height necessary for the intended purpose of the vending, nor may the vendor cart(s) and display(s) impede pedestrian movement, create an unsafe condition, or be visually unsightly.
- O. Vendor carts and displays are allowed subject to all other regulations herein. Use of tents, "push-up" or other canopies, or generators are not permitted. Subject to all other requirements of this Resolution, a vendor's pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, including any tables utilized, shall not exceed a combined length of six (6) feet when measured along the longest axis of each such device. A vendor may have a single chair for the vendor's use only. A vendor may use an umbrella for shade or protection from rain, but the umbrella shall not exceed 8 feet in height nor 8 feet in diameter. The umbrella and chair shall comply at all times with all location restrictions set forth in this Resolution.

- P. Vending of services is prohibited.
- Q. Sidewalk vendors shall not move in, or be located in, any bicycle lane.
- R. The sale of alcohol, marijuana, adult-oriented material, tobacco products, electronic cigarettes or products that contain nicotine, or any product used to smoke/vape nicotine or marijuana, is prohibited.
- S. Use of electrical outlet or power source that is owned by the City, or any other entity, other than the sidewalk vendor's own battery source is prohibited.
- T. Sidewalk vendors are prohibited from affirmatively offering to vend food or goods to any person who, on the same day, has declined to purchase food or merchandise from the vendor, unless the person subsequently and affirmatively expresses interest in purchasing the food or goods.
- U. Vendors shall be present at all times while any food, drink or merchandise is on display on a Sidewalk. Unattended vending is prohibited.

### **Section 3.4 - Vending in City Parks**

In addition to the requirements set forth in Section 3.3, sidewalk vendors in parks owned or operated by the City are subject to the following restrictions:

- A. No stationary sidewalk vendor shall sell food, drinks or merchandise in a park if the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.
- B. No sidewalk vendor shall sell food, drinks or merchandise in a park when the park has been designated for a temporary special permit issued by the City, including nearby parking lots used to accommodate the event. A prohibition of sidewalk vendors pursuant to this section shall only be effective for the limited duration of the temporary special permit.
- C. A sidewalk vendor shall be restricted to operating within the posted hours of the park.
- D. A sidewalk vendor shall not interfere in any way with anyone participating in a sporting activity.

### **3.5 - Vending in Residential Areas**

In addition to the requirements set forth in Section 3.3 herein, the following restrictions shall apply to sidewalk vendors in residential zones:

- A. Stationary sidewalk vendors are prohibited.
- B. A roaming sidewalk vendor shall move from place to place and stop only to complete a transaction.
- C. A roaming sidewalk vendor shall be restricted to operating within the limited hours of 8:00 a.m. to dusk.

### **Section 3.6 - Vending Near Schools**

In addition to the requirements set forth in Section 3.3, no sidewalk vendor shall operate within 500 feet of any school property from 7:00 a.m. to 4:00 p.m. when school is in session or during the period of time scheduled for graduation ceremonies, and for one hour before and after such graduation ceremonies.

### **Section 3.7 - Sidewalk Vending Permits**

- A. Application. To obtain or renew a Sidewalk Vending Permit from the Director, a sidewalk vendor must provide the following as part of their application:
  - 1. Proof of the applicant's valid government-issued identification.
  - 2. The name, address, and telephone number of the applicant.
  - 3. Whether the applicant intends to operate as a stationary or a roaming sidewalk vendor, or both.
  - 4. Proof of the applicant's valid City of Tustin business license.
  - 5. A description of the food, drinks or merchandise offered for sale.
  - 6. If food or drink products will be vended, proof of a valid County health permit for prepared food products for vending.
  - 7. Proof of a valid State Department of Tax and Fee Administration Seller's Permit and additional licenses from State or local agencies to the extent required by law.
  - 8. Payment of the sidewalk vendor application or renewal fee established in Section 4 below, as the same may be updated from time to time by Resolution.
  - 9. A certification by the sidewalk vendor that to his or her knowledge and belief, the information contained on the form is true.

10. If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal.
  11. Such other information deemed necessary to protect public health, safety or welfare by the City Manager or designee.
  12. Insurance in such types and amounts as the City's Risk Manager determines should be required for the type of vended materials.
- B. Expiration. Permits shall expire one year after the date of issuance.
  - C. Transfer of Permit. Permits are not transferable.
  - D. Renewal of Permit After Revocation. A person whose permit is revoked may not renew their permit for one year from the date it is revoked.
  - E. Representatives of the Police Department, health department, Fire Authority, code enforcement, Department of Community Development, or other City departments or agencies charged with enforcing the City Code and other laws related to sidewalk vending activities shall be permitted, at any time a sidewalk vendor is operating in the City, to inspect a sidewalk vendor's operation and its vended food and goods for compliance with local or state laws and regulations.

### **Section 3.8 - Prohibition of Vending During Farmers' Markets, Swap Meets and Special Events**

- A. No sidewalk vendor shall operate in areas located within the immediate vicinity of a permitted certified farmers' market or a permitted swap meet, including nearby parking lots used to accommodate the event, during the limited operating hours of that certified farmers' market or swap meet.
- B. No sidewalk vendor shall operate in areas located within the immediate vicinity of an area designated for a temporary special permit issued by the City, including nearby parking lots used to accommodate the event, during the limited duration of the temporary special permit.

### **Section 3.9 - Violations**

A person found in violation of this Resolution shall be subject to the following, and except as provided in subsection E of this Section 3.9, these provisions shall be the exclusive penalties applicable to violations of this Resolution:

- A. Operating without a valid sidewalk vending permit:

1. An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.
  2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one year of the first violation.
  3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year of the first violation.
  4. Payment of any administrative fine imposed pursuant to this section 3.9 shall be due within thirty (30) days after notice of the fine is either (a) delivered in person to the permit holder or (b) deposited in the mail to the address identified in the permit-holder's most recent application, whichever occurs first. Failure to pay an administrative fine within the timeframe established herein may be enforced pursuant to Section 1170 of the Tustin City Code, subject to subsections C and D of this Section 3.9.
  5. The administrative fines listed in paragraph (A) of section 3.9 may be reduced from \$250 to \$100, \$500 to \$200, and \$1,000 to \$500, upon submission of proof of a sidewalk vending permit before payment of each such fine is due.
- B. Operating as a sidewalk vendor in violation of this chapter, other than the failure to possess a valid sidewalk vending permit:
1. An administrative fine not exceeding one hundred dollars (\$100) for a first violation.
  2. An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one year of the first violation.
  3. An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.
  4. The city manager, or designee, may revoke a sidewalk vending permit issued to a sidewalk vendor upon the fourth or subsequent violation(s).
- C. A sidewalk vendor may contest an administrative fine or revocation of a sidewalk vending permit issued pursuant to this section 3.9 as follows:
1. an administrative fine may be appealed pursuant to the provisions set forth in sections 1166 through 1169 and section 1171 of the Tustin City Code.

2. a revocation of a sidewalk vending permit may be appealed pursuant to the procedures set forth in Tustin City Code section 9294. The Finance Director's decision to revoke a sidewalk vending permit shall constitute a "decision of the Director of Community Development" solely for the purposes of an appeal taken pursuant to section 9294 of the Tustin City Code to contest the decision to revoke a sidewalk vending permit.
- D. A sidewalk vendor who has been issued an administrative fine pursuant to this Resolution may request a determination of his or her ability to pay the administrative fine pursuant to the provisions of Government Code section 51039(f). If the sidewalk vendor shows proof to the satisfaction of the hearing officer (if the request is made at the time of an administrative appeal hearing), or the City Manager or his or her designee (if the request is made at any other time), that he or she meets the criteria set forth in Government Code section 68632, subsections (a) or (b), the fine amount shall be reduced to 20 percent of the original fine amount.
- E. Violations of the Tustin City Code not specifically subject to the limitations set forth in Section 51039 of the Government Code shall be subject to enforcement pursuant to Chapter 1121 through 1173 of the Tustin City Code, as the same may be amended from time to time, in addition to any other applicable penalties or remedies prescribed by law at the time of the violation.

**SECTION 4: SIDEWALK VENDOR PERMIT APPLICATION OR RENEWAL FEE.**

The fee for a sidewalk vendor permit application or renewal shall be One Hundred and Four dollars (\$104), until this Resolution is superseded by Resolution of the City Council revising or revoking the fee.

**SECTION 5: EFFECTIVENESS:** This Resolution shall take effect immediately upon adoption. The provisions of this Resolution shall remain in effect until superseded by a subsequent Resolution or Ordinance regulating sidewalk vendors, except that the provisions of Section 4 (Sidewalk Vendor Permit Application or Renewal Fee) shall remain in effect until superseded by subsequent Resolution of the City Council expressly revising or revoking the fee established in Section 4. In the event an ordinance regulating sidewalk vendors is adopted that requires payment of a fee for a sidewalk vendor permit application or renewal fee, it is expressly the intent of the City Council that the fees established by Section 4 of this Resolution shall be the fee required by the subsequent ordinance, unless superseded by subsequent Resolution expressly revising or revoking the fees established in Section 4.

**SECTION 6:** If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have adopted this Resolution and each section, subsection, subdivision,

sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 7: The Mayor shall sign, and the City Clerk shall certify to the passage and adoption of, this Resolution.

PASSED AND ADOPTED, at a regular meeting of the City Council for the City of Tustin on this 18th day of August, 2020.



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DR. ALLAN BERNSTEIN,  
Mayor

ATTEST:



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ERICA N. YASUDA,  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF TUSTIN )

CERTIFICATION FOR RESOLUTION NO. 20-55

I, Erica N. Yasuda, City Clerk and ex-officio Clerk of the City Council of the City of Tustin, California, does hereby certify that the whole number of the members of the City Council of the City of Tustin is five; that the above and foregoing Resolution No. 20-55 was duly approved at the regular meeting of the City Council held on the 18<sup>th</sup> day of August, 2020 by the following vote:

COUNCILMEMBER AYES:	<u>Bernstein, Clark, Puckett, Cooper, Lumbard</u>	<u>(5)</u>
COUNCILMEMBER NOES:	_____	<u>(0)</u>
COUNCILMEMBER ABSTAINED:	_____	<u>(0)</u>
COUNCILMEMBER ABSENT:	_____	<u>(0)</u>

*Erica Yasuda*

\_\_\_\_\_  
ERICA N. YASUDA,  
City Clerk