

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

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE,  
CALIFORNIA, AMENDING SECTION 5.20.010 AND ADDING SECTION 5.20.110 OF  
THE GLENDALE MUNICIPAL CODE, 1995, RELATING TO THE SIDEWALK  
VENDOR LICENSE**

**WHEREAS**, since 2012, the City of Glendale has issued 61 sidewalk vendor licenses, known until 2019 as peddlers' licenses, to persons who sell food or merchandise from their persons or carts on public rights-of-way; and

**WHEREAS**, in 2018, the California State Legislature passed, and the Governor of California signed into law, the Safe Sidewalk Vending Act (the "Act"), which, effective January 1, 2019, authorizes local authorities to adopt sidewalk vending programs, yet prohibits the issuance of criminal penalties for violations of sidewalk vending ordinances and regulations; and

**WHEREAS**, in 2019, the Council of the City of Glendale adopted Ordinance No. 5936, originally codified at Chapter 5.35, since recodified at Chapter 5.20, of the Glendale Municipal Code, 1995, which requires sidewalk vendors to obtain a sidewalk vendor license before engaging in sidewalk vending and prescribes time, place, and manner regulations that are directly related to objective health, safety, and welfare concerns; and

**WHEREAS**, engaging in sidewalk vending without a valid sidewalk vendor license, or violating any of the time, place, and manner regulations prescribed in Chapter 5.20 of the Glendale Municipal Code, 1995, is punishable only by administrative fines; and

**WHEREAS**, the Council of the City of Glendale held a study session on August 27, 2024, in which it received testimony that, as of July 23, 2024, only five (5) sidewalk vendor licenses issued by the City were active; yet, sidewalk vendors were operating at 41 known locations in the City; and

**WHEREAS**, the testimony reveals that, at minimum, eighty-eight percent (88%) of sidewalk vending receptacles in the City of Glendale as of July 23, 2024, are being operated by sidewalk vendors that have not first obtained a sidewalk vendor license for those receptacles pursuant to Chapter 5.20 of the Glendale Municipal Code, 1995; and

**WHEREAS**, the Act expressly permits local authorities to require from sidewalk vendor license applicants a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number; and Chapter 5.20 of the Glendale Municipal Code, 1995, imposes such a requirement; and

**WHEREAS**, in order to issue an unlicensed sidewalk vendor an administrative fine pursuant to Chapter 5.20 of the Glendale Municipal Code, 1995, the City of

Glendale must positively identify the sidewalk vendor; yet, the City cannot compel a sidewalk vendor to produce identification absent, at minimum, reasonable suspicion of criminal activity, which a violation of Chapter 5.20 does not constitute; and

**WHEREAS**, whether the City of Glendale can positively identify a sidewalk vendor, either because the vendor is licensed or unlicensed and produces valid identification, after being issued an administrative fine, a sidewalk vendor may continue to engage in unlicensed vending or violate any of the time, place, or manner regulations that Chapter 5.20 imposes, leaving the City without a mechanism by which to mitigate objective health, safety, or welfare concerns to which the sidewalk vendor license requirement and time, place, and manner regulations directly relate; and

**WHEREAS**, the Council of the City of Glendale finds and declares that impounding the instrumentalities of a violation of Chapter 5.20 of the Glendale Municipal Code, 1995, where a sidewalk vendor cannot, fails or refuses to remedy the violation, and fails or refuses to remove such instrumentalities from the sidewalk, or where they pose an imminent threat to public health or safety, is necessary to mitigate objective health, safety, or welfare concerns; and

**WHEREAS**, the Council of the City of Glendale finds and declares that impounding the instrumentalities of a violation of Chapter 5.20 of the Glendale Municipal Code, 1995, does not criminalize unlawful sidewalk vending, nor does it constitute criminal punishment, within the meaning of the California Penal Code; and

**WHEREAS**, the Council of the City of Glendale finds and declares that impounding the instrumentalities of a violation of Chapter 5.20 constitutes an administrative mechanism by which to address objective health, safety, and welfare concerns posed by continued unlawful vending by sidewalk vendors that cannot, fail or refuse to remedy such violations, and fail or refuse to remove such instrumentalities from the sidewalk.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:**

**SECTION 1.** The above recitals are true and correct.

**SECTION 2.** Section 5.20.010 of the Glendale Municipal Code, 1995, is hereby amended to read as follows:

**5.20.010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them unless otherwise noted:

"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.

"City" means the city of Glendale.

"Exclusively residential" means the following zones: all single-family and multi-family zones, as described in Chapter 30.11, Residential Districts, of this code. For purposes of this chapter, any area not within an exclusively residential zone shall be deemed commercial.

"Immediate vicinity" means within 500 feet.

"Park" means a public park owned or operated by the city.

"Person" means any natural person, firm, association, organization, partnership, joint venture, business trust, corporation, or company.

"Receptacle" means equipment used by a sidewalk vendor for vending activities, including, but not limited to, a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance.

"Sidewalk" means a public sidewalk or paved pedestrian path specifically designed for pedestrian travel. A sidewalk shall not include streets, alleys, plazas, or city-owned parking lots or structures.

"Sidewalk vendor" or "vendor" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path. A sidewalk vendor may be either a:

1. "Roaming sidewalk vendor," which means a sidewalk vendor who moves from place to place and stops only to complete a transaction; or
2. "Stationary sidewalk vendor," which means a sidewalk vendor who vends from a fixed location.

"Sidewalk vending items" means a sidewalk vendor's receptacle and any other equipment used by a sidewalk vendor to facilitate the sale of food or merchandise, and any food or merchandise offered, exposed or displayed for sale by a sidewalk vendor.

"Special event permit" means a permit issued for the temporary use of, or encroachment on, a sidewalk or other public area, including, but not limited to, a special event permit issued pursuant to Chapter 5.88 of this code and a special event permit issued by the city's community services and parks department for events at any city park.

"Vend" 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. Vend or vending does not include the offering of services.

**SECTION 3.** Section 5.20.110 of the Glendale Municipal Code, 1995, is hereby added to read as follows:

**5.20.110 Impoundment.**

A. A vendor's sidewalk vending items may be impounded under any one or more of the following circumstances:

1. A vendor engaged in sidewalk vending without a sidewalk vendor license in violation of Section 5.20.020, that is asked to produce valid identification to facilitate the issuance of an administrative citation pursuant to Section 5.20.090, subsection B, and remove their sidewalk vending items from the sidewalk until the vendor obtains a sidewalk vendor license, fails or refuses to either produce valid identification or remove their sidewalk vending items.

- a. Subsection A.1 does not preclude the issuance of an administrative citation to an unlicensed vendor that produces valid identification, yet whose sidewalk vending items are impounded because the vendor fails or refuses to remove them.

2. A vendor that holds a valid sidewalk vendor license issued pursuant to Section 5.20.020 and otherwise engages in sidewalk vending in violation of this chapter, after being asked to remedy the violation or remove their sidewalk vending items from the sidewalk until the violation can be remedied, fails or refuses to either remedy the violation or remove their sidewalk vending items.

- a. Subsection A.2 does not preclude the issuance of an administrative citation pursuant to Section 5.20.090, subsection B, to a vendor whose sidewalk vending items are impounded.

3. A vendor's sidewalk vending items pose an imminent threat to public health or safety.

4. A vendor's sidewalk vending items are abandoned on any public property.

B. Sidewalk vending items subject to impoundment shall be removed, stored, and retrieved pursuant to the following procedures:

1. A vendor whose sidewalk vending items are impounded pursuant to section A shall be personally served a receipt with retrieval instructions at the time of

impoundment. Alternatively, if the vendor holds a valid sidewalk vendor license, or is unlicensed and produces valid identification, the vendor may be served the receipt by U.S. mail. If the vendor cannot be identified or refuses personal service, the receipt shall be conspicuously posted on the sidewalk from which the sidewalk vending items were removed.

2. Impounded sidewalk vending items shall be stored and may be retrieved for a period of 90 days after impoundment. Any impounded sidewalk vending items not retrieved after 90 days shall be subject to disposal.

a. A vendor may retrieve impounded sidewalk vending items by producing proof of ownership and making payment of a sum equal to the city's cost to enforce this section, which the city council shall establish by resolution.

b. Notwithstanding subsection B.2, any sidewalk vending items that are perishable or cannot be safely stored because, without limitation, they pose a potential health or safety hazard, are subject to immediate disposal.

3. The city manager may promulgate additional regulations consistent with this subsection to facilitate the removal, storage, and retrieval of impounded sidewalk vending items.

C. A vendor whose sidewalk vending items are impounded may administratively appeal the impoundment within 30 days thereof pursuant to the procedures set forth in Sections 1.24.260 through 1.24.280 of this code.

1. A vendor that has received an administrative citation pursuant to Section 5.20.090, subsection B, and whose sidewalk vending items have been impounded, and that has administratively appealed both the citation and impoundment, shall receive concurrent administrative appeal hearings.

2. Notwithstanding subsection B.2, sidewalk vending items shall not be subject to disposal during the pendency of an administrative appeal in which they are at issue.

**SECTION 4. Compliance with California Environmental Quality Act.** The City Council finds and determines that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") because it is not a "project" within the meaning of CEQA. Pursuant to section 15378, subdivisions (b)(2) and (b)(5), of Division 6 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"), the term "project" does not include continuing administrative or maintenance activities, including general policy or procedure making (except as applied to specific instances not germane to this Ordinance), or to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. Even if it is a "project," the City Council finds and determines with certainty that there is no possibility that the activity in question, namely, adopting an ordinance to regulate sidewalk vending, may

have a significant effect on the environment; thus, it is exempt from CEQA pursuant to CEQA Guidelines section 15061, subdivision (b)(3).

**SECTION 5. Severability.** This Ordinance is adopted under the authority of the Charter of the City of Glendale and state law. If any section, subsection, clause or phrase is declared invalid or otherwise void by a court of competent jurisdiction, it shall not affect any remaining provisions hereof. In this regard, the City Council finds and declares that it would have adopted this measure notwithstanding any partial invalidity hereof.

**SECTION 6. Effective Date.** This Ordinance shall take effect and be in force thirty (30) days after the date of its passage.

Passed and adopted by the Council of the City of Glendale on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    )     SS.  
CITY OF GLENDALE            )

I, Suzie Abajian Ph.D., City Clerk of the City of Glendale, certify that the foregoing Ordinance No. \_\_\_\_\_ was passed by a majority vote of the Council of the City of Glendale, California, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, and that the same was passed by the followed vote.

Ayes:

Noes:

Absent:

Abstain:

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City Clerk