



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: Oct. 2, 2007

SUBJECT: Ordinance Regarding Vendors in Parks

Report in Brief

In response to concerns expressed by park users, an Ordinance has been proposed that would set restrictions on peddling or solicitation businesses from engaging in such business in any park or recreational facility owned, operated or maintained by the City of Woodland unless such person(s) are associated with a special event. The proposed ordinance has been favorably reviewed by the Parks and Recreation Commission.

Staff recommends that Council adopt Ordinance _____ to approve restrictions on peddling or solicitation businesses in City parks as described herein and amending Sections 15A-4 and 20-11-3 of the Woodland Municipal Code.

Background

Currently vendors may enter or come upon City property such as parks to solicit business from those utilizing those facilities. In some instances, there have been solemn occasions, such as weddings, taking place whereby these vendors interrupt the festivities to attempt to sell their wares.

As these instances are becoming more frequent and have become an irritant to the users of the facilities, the Ordinance was brought forth to set some parameters for the vendors.

Staff has worked with the City Attorney to develop the Ordinance to address the concerns on this issue.

Discussion

The Ordinance would change Sections 15A-4, which would expand the current restriction of vendors entering private property where "No Solicitation" signage is posted to include entrance on public park properties without having secured a Special Event Permit.

The benefits associated with the City Council's approval of the staff recommendation will provide for members of the public holding special events in or on City property to not be approached by vendors who are not associated with their particular event.

Should Council determine the Ordinance is not to be approved, there are no substantive issues other than for the comfort and convenience of citizens holding events in the parks.

As the enforcement of the proposed Ordinance will be complaint driven, staff anticipates that related costs will be absorbed within available resources. In addition, staff will work with the vendors to inform them about the Ordinance in order to gain their compliance.

Fiscal Impact

The costs associated with enforcement will be absorbed within available resources.

Public Contact

Posting of the City Council agenda. This item was previously introduced at the September 18, 2007 Council meeting.

Commission Recommendation

The Parks and Recreation Commission recommended that the City Council adopt the proposed Ordinance.

Recommendation for Action

Staff recommends that Council adopt Ordinance _____ to approve restrictions on peddling or solicitation businesses in City parks as described herein and amending Sections 15A-4 and 20-11-3 of the Woodland Municipal Code.

Prepared by: Sue Vannucci
City Clerk

Mark G. Deven
City Manager

Attachment: Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND
ADDING ARTICLE VII TO CHAPTER 13 AND AMENDING SECTION 15A-5 OF THE
WOODLAND MUNICIPAL CODE TO REQUIRE POSSESSION OF A VENDOR
LICENSE WHEN VENDING, PEDDLING, OR SELLING GOODS OR SERVICES IN
CITY PARKS AND RECREATIONAL FACILITIES**

The City Council of the City of Woodland does hereby ordain as follows:

- 1. Purpose.** The purpose of this Ordinance is to add Article VII to Chapter 13 and amend Section 15A-5 of the City of Woodland Municipal Code to create and establish the regulation of vendor licenses and to require all persons vending, peddling, or selling goods or services in parks and recreational facilities owned and/or maintained by the City of Woodland Parks and Recreation Department to possess a valid vendor license.
- 2. Authority.** The City Council enacts this Ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.
- 3. Amendment.** Article VII is hereby added to Chapter 13 of the City of Woodland Municipal Code to read as follows:

Article VII: Vendor License

Sec. 13-7-1. Definitions.

“Vending Business” means vending, peddling, soliciting, or engaging in similar business activities on any public or private property within the City where such vending, peddling, soliciting, or similar business activity is conducted from any motorized or non-motorized vehicle, cart, trailer, stand, booth, wagon, box, grocery cart or similar container, or other wheeled conveyance movable by human, animal, electrical, or gasoline power.

“Parks” means any park or recreational facility owned, operated, or maintained by the City of Woodland.

“Special Events” means any organized formation, parade, procession, demonstration, assembly, or temporary activity which may include persons, animals, vehicles, or any combination thereof, at any public place, property or facility and which is conducted by a person, organization, or the City for a common or collective use, purpose or benefit which involves the use of, or has an impact on, public property or facilities and which may require the provision of city public services in response thereto. Examples of special events include, but are not limited to, concerts, parades, circuses, fairs, festivals, community events, mass participation sports (such as marathons and other running events), athletic or sporting events, and community celebrations and observances conducted on public property or public rights of way.

Sec. 13-7-2. Licenses.

No person(s) shall engage in any Vending Business in any Park without first obtaining a valid vendor license from the Parks and Recreation Department and maintaining the same during all times of operation. Such licensing requirements shall be in addition to the required business license. However, there shall be no fee for processing an application for a vendor license other than that already due and payable as and for a business license.

Sec. 13-7-3. Issuance; terms and conditions.

(a) The Parks and Recreation Director or his or her designee shall review each completed application submitted to the Parks and Recreation Department for a vendor license and shall, based on input from other departments/officials and all applicable information, approve or deny the license. No license shall be transferable to any other person.

(b) For Special Events, the Parks and Recreation Director or his or her designee may determine a set number of vendor licenses necessary for said Special Event based on the size and location of the Special Event and thereafter grant vendor licenses on a first-come first-served basis. Vendor licenses for Special Events are valid for the term of that Special Event.

(c) A person possessing a valid vendor license may only engage in the Vending Business specified in the license, if applicable, in any Park during regular Park hours of operation unless otherwise provided by the Parks and Recreation Department. Any restrictions on the location or time in which a vendor license is valid shall be noted on the license. If no restrictions are noted on the license, the license holder may engage in his or her Vending Business at any Park during such Park's regular hours of operation. The license shall be kept available for immediate inspection at all times while carrying on business.

Sec. 13-7-4. Revocation or suspension.

A vendor license may be suspended or revoked by the Parks and Recreation Director or his or her designee on the grounds that the vendor has violated a term or condition of his or her license, engages in an unlawful business, or engages in a lawful business in an unlawful manner or at an unlawful location or time.

Sec. 13-7-5. Appeal.

(a) A person aggrieved by a decision of the Parks and Recreation Director or of any other officer of the city made under this article may appeal the decision to the city council. A person appealing a decision shall file written notice of the appeal with the city clerk within ten calendar days after written notice of the decision. The written notice of appeal shall state the grounds relied upon for appeal.

(b) The city clerk shall cause the matter to be sent for hearing before the city council within thirty calendar days from the date of receipt of the notice of appeal, giving the appellant not less than ten calendar days notice in writing of the time and place for hearing. Within ten calendar days after the findings and determinations are made, the city clerk shall give notice of them to the appellant.

(c) If no appeal is taken, the decision of the Parks and Recreation Director or other officers is final and conclusive on expiration of the time fixed for appeal.

Sec. 13-7-6. Penalty for violation.

Any person who knowingly or intentionally misrepresents a material fact to procure a vendor license or who willfully fails to exhibit his or her vendor license on demand or who otherwise violates this article is guilty of an infraction. All violators shall be punished in accordance with Chapter 14A, Article VII of the Woodland Municipal Code.

4. Amendment. Section 15A-5 of the City of Woodland Municipal Code is hereby amended in its entirety to read as follows:

Sec. 15A-5. Identification.

(a) Peddlers and solicitors shall wear a photo identification consisting of the peddler's or solicitor's legal name, and the name, address, and phone number of the business entity represented.

(b) Peddlers and solicitors shall also have on their person a copy of a current business license for the business entity represented as per City Code Section 13-1-27(2).

(c) Any peddler or solicitor distributing written material or contacting or attempting to contact any member of the public in any park or recreational facility owned, operated, or maintained by the city of Woodland shall have on their person a copy of a current vendor license as per City Code Section 13-7-3(c).

5. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City of Woodland.

PASSED AND ADOPTED by the City Council of the City of Woodland this 18th day of September, 2007, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

David Flory, Mayor

ATTEST:

Susan L. Vannucci, City Clerk

APPROVED AS TO FORM:

Ann M. Siprelle, City Attorney