



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: December 18, 2007

SUBJECT: First Reading of an Ordinance Requiring Possession of a Vendor License When Vending, Peddling, or Selling Goods or Services in City Parks and Recreational Facilities

Report in Brief

The proposed ordinance requires all person(s) with mobile vending, peddling, or solicitation businesses to obtain a vendor license from the Parks and Recreation Department prior to engaging in such business in any park or recreational facility owned, operated, or maintained by the City of Woodland. This requirement is in addition to, and not as a substitute for, the City's current business license requirements.

The purpose of this ordinance is to regulate the sale of goods and services in parks and recreational facilities. Currently, person(s) are allowed to operate mobile vending, peddling, or solicitation businesses in parks and recreational facilities with very little regulation as to the location, hours of operation, and number of businesses concurrently operating in parks and recreational facilities.

Staff recommends that the City Council introduce Ordinance No. _____ amending Section 14-6-9 of the City of Woodland Municipal Code to require public entity property owner's permission for parking of peddlers or vendors in order to regulate mobile vending activity.

Background

The first vendor's ordinance was created by Code Enforcement many years ago as a response to food vendors using City parking lots for selling food. The current ordinance requires vendors to get permission from the owners of "Private Property" before they can use their property to sell goods. Code Enforcement interpreted "Private Property" to also include City of Woodland property. However, the City Attorney does not believe that is a correct interpretation of the ordinance. Therefore, if the City of Woodland endeavors to regulate vendors on "Public Properties" it needs to pass the attached ordinance.

Additionally, the City has received many complaints regarding mobile vendors disturbing groups that do have permits in parks. These complaints have involved solemn occasions such as wedding ceremonies and memorial services as well as celebrations wherein the groups felt that the mobile vending activity was intrusive and interfered with their reserved use of the recreational area.

Discussion

This action corrects the misinterpretation of the current Vendor's Ordinance that would now allow mobile vendors to use public property to sell their goods. Additionally, it would regulate mobile vending activity in a manner that will reduce conflicts with groups that hold permits.

This action does not prevent mobile vendors from selling their goods in the public right-a-ways (side walks) around public facilities. Also, mobile vendors would have the opportunity to participate at permitted events by getting permission from the organizers of an event and receive a special event permit.

The intention of this ordinance is not to issue citations but to meet the expectations of individuals and groups that have permits to conduct events, whether large or small, in a City of Woodland parks or facilities.

In an effort to education the mobile vendors the City of Woodland will:

- ✓ Send a copy of this ordinance with a cover letter in English/Spanish explaining the ordinance.
- ✓ When mobile vendors renew their business licenses we will include a copy of the ordinance with a letter in English/Spanish explaining the ordinance.

It is anticipated that with proper outreach and education of the mobile vendors, enforcement of the proposed Ordinance will be infrequent and based on complaints from permit groups. Police and Code Enforcement staff will make every effort to educate the mobile vendors if they respond to complaints.

Fiscal Impact

The focus on outreach and education and enforcement of the Ordinance in response to complaints will enable the proposed action to be implemented without any impact to the General Fund.

Alternative Courses of Action

1. Introduce Ordinance No. _____ amending Section 14-6-9 of the City of Woodland Municipal Code to require public entity property owner's permission for parking of peddlers or vendors in order to regulate mobile vending activity.
2. Approve the Ordinance but exclude parks in the ordinance.
3. Cease further consideration of the Ordinance or future actions to regulate mobile vending activity in parks.

Recommendation for Action

Staff recommends that the City Council approve Alternative No. 1.

Prepared by: Daniel W. Gentry, Director
Park & Recreation Department

Reviewed by: Ann Siprelle
City Attorney

Reviewed by: Carey Sullivan
Police Chief

Reviewed by: Mark Dennis
Code Enforcement

Mark G. Deven
City Manager

Attached: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND
AMENDING SECTION 14-6-9 OF THE WOODLAND MUNICIPAL CODE TO REQUIRE
PUBLIC ENTITY PROPERTY OWNERS' PERMISSION FOR PARKING OF PEDDLERS OR
VENDORS

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND
AMENDING SECTION 14-6-9 OF THE WOODLAND MUNICIPAL CODE TO
REQUIRE PUBLIC ENTITY PROPERTY OWNERS' PERMISSION FOR PARKING
OF PEDDLERS OR VENDORS**

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

- 1. Purpose.** The purpose of this Ordinance is to amend Section 14-6-9 of the City of Woodland Municipal Code to require peddlers or vendors to obtain permission to park on property owned by public entities.
- 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.** Section 14-6-9 of the City of Woodland Municipal Code is hereby amended in its entirety to read as follows:

Sec. 14-6-9. Parking of peddlers or vendors.

- (a) Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, materials, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating cart or vehicle on any portion of the public right of way within this city without first obtaining an encroachment permit from the traffic engineer and/or in conjunction with a permitted temporary outdoor use or special event (See Code Sec. 25-13-30), except that the same may stand or park at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this section shall not apply to persons delivering such articles upon order of, or by agreement from a customer from a certified farmer's market licensed pursuant to Section 13.32-1 of this code.
- (b) No person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, materials, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating cart on private property, or on property owned by a public entity, except in compliance with the following standards:
 - (1) A valid city business license shall be obtained;
 - (2) A valid county health permit shall be obtained, if applicable;
 - (3) Written permission of the property owner shall be provided;

- (4) Mobile vendors may be parked in conjunction with a permitted temporary outdoor use permit or special event (see Code Section 25-13-30);
- (5) Must meet all city, county, state and federal requirements that may apply (Ord. No. 938, § 1).

4. 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 4th day of December, 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