



REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: January 8, 2008

SUBJECT: Ordinance Regarding Vendors in Parks

Report in Brief

The proposed Ordinance will require peddlers or vendors to obtain permission to park on property owned by public entities. That provision also applies to standing or parking any vehicle such as a wagon or pushcart, lunch wagon or eating cart or vehicle where goods, wares, merchandise, materials, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged.

Staff recommends that the City Council adopt Ordinance No. _____ amending City Code Section 14-6-9 to require public entity property owners' permission for parking of peddlers or vendors.

Background

Currently vendors may enter on 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. An Ordinance was originally introduced to Council at the request of a Council Member on September 18, 2007, returned for adoption on October 2, 2007 and not approved at that time. The reintroduction of the Ordinance took place at the December 18, 2007 meeting and is now before the Council for final approval and adoption following changes as requested.

Discussion

The Ordinance would change Sections 14-6-9 to clearly define the type of vehicle, cart, etc. that would apply in the restriction and what type of goods would also be restricted. The language also provides direction on the various permits and permissions necessary to secure approval.

As discussed during the December 18 Council meeting, 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

There are some issues of cost related to staff time to enforce. However, there is little concern regarding such enforcement as it is believed once vendors know of the restrictions, they will comply.

Public Contact

Posting of the City Council agenda. Item previously introduced at the September 18, 2007, returned for consideration of approval at the October 4th Council meeting, reintroduced at the December 18, 2007 Council meeting and is now before the Council at this meeting for adoption.

Commission Recommendation

Approved by the Parks and Recreation Commission.

Recommendation for Action

Staff recommends that the City Council adopt Ordinance No. _____ amending City Code Section 14-6-9 to require public entity property owners' permission for parking of peddlers or vendors.

Prepared by: Sue Vannucci, Director of
Administrative Services and City Clerk

Mark G. Deven
City Manager

Attachment: Ordinance

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:

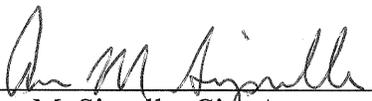
AYES:
NOES:
ABSENT:
ABSTAIN:

David Flory, Mayor

ATTEST:

Susan L. Vannucci, City Clerk

APPROVED AS TO FORM:



Ann M. Siprelle, City Attorney