

RESOLUTION NO. 2024-155

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF POMONA, CALIFORNIA, AMENDING THE RULES
AND REGULATIONS FOR SIDEWALK VENDING AND
FINDING THE SAME EXEMPT FROM CEQA**

WHEREAS, Government Code Section 51038, as enacted through Senate Bill 946 (“SB 946”), authorizes the City Council to adopt, by ordinance or resolution, rules and regulations governing the time, place, and manner of sidewalk vending in the City;

WHEREAS, on October 21, 2019, the City Council adopted a licensing and regulatory program for sidewalk vending through Ordinance No. 4270, and accompanying rules and regulations through Resolution No. 2019-162 in the interests of the public health, safety, and welfare;

WHEREAS, SB 946 authorizes cities to prohibit sidewalk vendors within the immediate vicinity of a certified farmers’ market and a swap meet and within the immediate vicinity of temporary permitted events—such as filming sets, parades, and Pomona’s 2nd Saturday Artwalk—to promote orderly commerce;

WHEREAS, SB 946 further authorizes cities to regulate sidewalk vending for objective reasons of public health and safety;

WHEREAS, crowded sidewalks endanger the public safety by encouraging pedestrians to step into roadways to keep moving forward, and the presence of vendors increases these dangers by encouraging pedestrians to cross mid-block or to congregate on sidewalks to purchase food or merchandise;

WHEREAS, children, persons with disabilities, the elderly, as well as vendors are at particularly high risk of being harmed by the dangers of congested, or overcrowded, sidewalks;

WHEREAS, restricting vending in the Mixed Use-Central Business District (MU-CBD) of the Downtown Specific Plan, is necessary to protect the public safety given the high pedestrian traffic district, the relatively narrow width of the sidewalks, and large crowds drawn to the nightclubs and events;

WHEREAS, restricting vending near the Fairplex during the Los Angeles County Fair is necessary because the County Fair annually attracts over a million visitors to the City, and, given its scale, results in increased motor traffic and adverse impacts to the residential communities surrounding the Fairplex, which would be aggravated by sidewalk vending;

WHEREAS, restricting vending near school grounds when school is open for student instruction is necessary to protect the safety of children traveling to and from campus and to avoid disrupting classroom instruction and school activities;

WHEREAS, restricting sidewalk vending in areas zoned exclusively residential and restricting vendors' use of sound amplifying equipment is necessary to protect residents and visitors from excessive noise and traffic impacts;

WHEREAS, restricting sidewalk vending in public parks is necessary to ensure the public's use and enjoyment of recreational opportunities, and to prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of the parks;

WHEREAS, on October 14, 2022 at 7:42 p.m. a driver making an unsafe turn collided with the curb line and proceeded to drive on the sidewalk injuring approximately 12 people, including one fatality, each person was waiting to purchase food or pick up their order from a sidewalk food vendor;

WHEREAS, regulating the placement of vending equipment is necessary to ensure the safe flow of pedestrian and motor traffic, including ingress and egress from buildings, and to ensure that vendors are not blocking access to driveways, fire hydrants, street furniture, parking areas, or interfering with access for police, fire, and emergency services;

WHEREAS, regulating vending is further necessary to ensure clear paths of travel on public sidewalks in compliance with disability access laws;

WHEREAS, regulating commercial activity on public property is necessary to prevent obstructions and encroachments on sidewalks and unsanitary conditions, particularly in the sale of food to the public, and to ensure that vendors take part in keeping vending locations clean;

WHEREAS, regulating sidewalk vending benefits the City as a whole as it leads to orderly commerce; and is also necessary to protect public health, safety, and welfare, while accommodating legitimate commercial uses that generally promote an active and social pedestrian environment within appropriate areas with compatible land uses of the City; and

WHEREAS, the proposed amendments to the rules and regulations are consistent with SB 946 as they are grounded in objective concerns for the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. Based on the preceding recitals, which are incorporated herein by reference, the City Council finds that the amended Rules and Regulations operate in accordance with Ordinance No. 4349 and Urgency Ordinance. No. 4351, to create a regulatory scheme necessary to protect the health, safety, and welfare of the people of Pomona while enabling sidewalk vendors to participate in the City's dynamic economy, consistent with state law.

SECTION 2. The City Council hereby approves and adopts the amended Rules and Regulations for Sidewalk Vending as presented in "Attachment No. 1." The City Council hereby

authorizes the City Manager to administratively amend The Rules and Regulations as necessary to protect the health, safety, and welfare of the community.

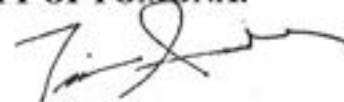
SECTION 3. CEQA. The City Council, on the basis of the whole record and exercising independent judgment, finds that this Ordinance is not subject to environmental review pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State Guidelines for Implementations of the California Environmental Quality Act (CEQA). Sections 15060(c)(2) and 15060(c)(3) pertain to activities that will not result in a direct or reasonably foreseeable indirect change to the environment and that are not defined as a project under Section 15378. The underlying land use activities authorized by this Ordinance may be subject to future discretionary approval(s) by the Planning Commission and/or City Council, and accordingly environmental review of any resulting impact is premature.

SECTION 4. Severability. If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution that can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable. The City Council hereby declares that it would have adopted this resolution irrespective of the invalidity of any particular portion thereof.

SECTION 5. Effective Date. The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall take effect concurrently with the first effective date of either Ordinance No. 4349 or Urgency Ordinance No.4351.

PASSED, APPROVED AND ADOPTED this 21st day of October, 2024.

CITY OF POMONA:




Tim Sandoval
Mayor

APPROVED AS TO FORM:



Sonia Carvalho
City Attorney

ATTEST:



Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on October 21, 2024 by the following vote of the Council:

AYES: Nolte, Preciado, Garcia, Ontiveros-Cole, Lustro, Sandoval, Torres
NOES: None
ABSTAIN: None
ABSENT: None



Rosalia A. Butler, MMC
City Clerk

**ATTACHMENT NO. 1
CITY OF POMONA**

RULES AND REGULATIONS FOR SIDEWALK VENDING

1. *Trash and Sanitation.* Vendors are responsible for maintaining clean vending sites. To this end, vendors shall be equipped with trash receptacles large enough to ensure proper disposal of trash generated by vending operations, including food wrappers, containers, and utensils. Vendors may not dispose of such trash in City streets, or City trash cans intended for use by the general public.
 - (a) A vendor shall pick up all refuse generated by his or her sidewalk vending operations within a 20-foot radius of the vending equipment before such equipment is moved.
 - (b) A sidewalk vendor shall not discharge any liquid (e.g. water, grease, oil, etc.) onto or into city trash cans, streets, storm drains, catch basins, tree wells, or sewer facilities. All liquid shall be contained in vendor's trash can and properly disposed of by the vendor.

2. *Placement and Clearances.* No person shall install, use, or maintain any vending equipment which projects onto, into, or over any sidewalk or parkway when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such equipment unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, the ingress into or the egress from any residence or place of business, bus stops, or the use of poles, posts, driveways, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said locations. No sidewalk vendor shall obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where goods, wares, food, or merchandise of any kind is being sold or offered for sale.
 - (a) No equipment may be placed or sidewalk vending occur at the following sites:
 - (1) On any public property, including parks, other than a public sidewalk as those terms are defined in Pomona City Code Section 30-671;
 - (2) Within five (5) feet of the following structures:
 - (A) Street lights
 - (B) Edges of tree wells
 - (C) Parking meters
 - (D) Street furniture (e.g., benches and bike racks)

- (E) Newsstands
- (F) Above ground utility structure
- (3) Within 15 feet of fire hydrants;
- (4) Within two (2) feet of any subsurface utility structure, valve, or vault;
- (5) Within 45 feet of the intersection of two (2) sidewalks bounded by the curb return (see Diagram 1).
- (6) Within 20 feet of another vendor (see Diagram 2);
- (7) Within 15 feet of a bus zone, bus stop, bus bench, or transit shelter;
- (8) Adjacent to any red curbs (see Diagram 3);
- (9) Upon or within any roadway, median strips, pedestrian islands, or bikeways;
- (10) Within 20 feet of an entrance or exit door to any building, including, but not limited to, any theater, movie house, house of worship or place of public assembly;
- (d) No vending equipment may occupy more than one-third (1/3) the depth of an existing sidewalk or project more than five (5) feet from the edge of the curb into the sidewalk, whichever distance is smaller. (See Diagram 3.)

3. Restricted Vending Locations.

- (a) No vendor may operate in the following locations:
 - (1) On any sidewalk that is less than nine (9) feet wide.
 - (2) On any sidewalk or space that does not provide for at least forty-eight (48) inches of a clear path of travel.
 - (3) On any parking lot or City-owned property without prior City approval, subject to zoning requirements and special permits.
 - (4) In the Mixed Use-Central Business District (MU-CBD) of the Downtown Specific Plan (see Diagram 4).
 - (5) Within 200 feet of the Fairplex every day of the Los Angeles County Fair.

(6) Within 500 feet of any K-12 school (public or private) from 6:00 a.m. through 6:00 p.m. on days that school is open to students.

(7) No sidewalk vending is permitted on ballfields, grass turf, playground areas, public parks, or other public paved or unpaved trails or paths.

(8) Within 200 feet of a farmers' market or a swap meet, during the limited operating hours of these events.

(9) On any private property without first having obtained permission in writing and carrying with them evidence of such permission as well as the contact information for the property owner, lessee or property manager that granted such permission, subject to zoning requirements.

(c) Vending equipment may not be located on a sidewalk if the equipment would reduce the pedestrian access route clearance thereon to a width of less than four (4) feet.

(d) Stationary sidewalk vendors may not operate in exclusively zoned residential areas and in accordance with all other time, place and manner restrictions set forth in Article X, Chapter 30 of the Pomona City Code and these Rules and Regulations.

4. Operating Requirements. A sidewalk vendor must operate in compliance with Article X, Chapter 30 of the Pomona City Code and these Rules and Regulations at all times.

(a) All vendors must display a valid vendor permit decal on the vending equipment and identification card at all times during vending operations.

(b) All sidewalk vendors of food must obtain a mobile food facility permit from the Los Angeles County Department of Public Health. The permit decal shall be displayed on the vending equipment.

(c) Vending activity may not block the entrances to any buildings, driveways, or vehicle parking spaces.

(d) Vending equipment used in connection with sidewalk vending may not be stored or left unattended in public spaces or in any portion of the public right-of-way. (Equipment or objects left unattended in public spaces or in the public right of-way for more than thirty (30) minutes, or outside the hours of permitted vending operations, will be considered discarded and may be seized or disposed of by the city.)

(e) Signs, tables, chairs, shade structure, fences, or other furnishings not approved for use in a sidewalk vending license may not be used in vending operations.

(f) Vendors may not use any horns, music, flashing lights, digital signs, digital advertising, any other visual media, or any sound amplifying device unless

expressly approved in the vending license.

- (g) Sidewalk vendors are not permitted to sell or offer for sale lottery tickets, alcohol, cannabis, adult oriented material, tobacco or electronic cigarette products, or fireworks.
 - (h) Sidewalk vending of services, including rental services, is prohibited.
 - (i) Vendors may not connect equipment to any water lines, electrical lines, or gas lines external to the equipment during vending operations.
 - (j) Vendors may not affix, lean, or touch any sidewalk vending equipment to, on, or against any street fixture or structure, including, but not limited to, trees, utility posts, bus shelters, public trash cans, parking meters, or street signs.
 - (k) Equipment and vending activity may not soil, physically alter or otherwise damage the underlying sidewalk.
 - (l) Vendors must maintain adequate insurance to protect the City from any liability associated with sidewalk vending as determined by the City's Risk Manager, or the Risk Manager's designee, and specified in the license and permit application.
 - (m) Every stationary conveyance must not exceed a length of 72 inches, a width of 54 inches, or a height, including roof or awning, of 78 inches, including all wheels, axles, and other vending appurtenances.
 - (n) Roaming vendors must keep their operations moving except when completing a transaction for a maximum of seven (7) minutes for each sale, and may not operate on any city block for more than one (1) hour in any four (4) hour period.
 - (o) Stationary sidewalk vendors may only operate between the hours of 7:00 a.m. and 12:00 a.m. daily.
 - (p) Roaming sidewalk vendors may not operate in exclusively zoned residential areas between the hours of 8:00 p.m. and 8:00 a.m. daily.
5. Permit Requirements. Applicants for a Sidewalk Vending Permit shall complete a City application that includes the following:
- (A) The name, current mailing address, and telephone number of the applicant vendor and vending equipment owner;
 - (B) If the applicant is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;

- (C) Proof of the applicant's personal identification. Proof is satisfied if the applicant presents a valid California driver's license or identification number, an individual taxpayer identification number, or any other government-issued identification card. Such information is not a public record and will remain confidential as required by Government Code section 51038(c)(4);
- (D) The number of vending equipment an applicant will operate within the City under the license (two (2) maximum);
- (E) A description of the food or merchandise to be offered for sale;
- (F) Affirmation that any food equipment will be operated by a vendor who has been issued a food handler's card issued by the Los Angeles County Department of Public Health;
- (G) A copy of the food handler's card issued to any sidewalk vendor of food;
- (H) Provide evidence of approval of the pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance by the Los Angeles County Public Health Department and display a current Public Health Permit.
- (I) Whether vending equipment will be operated by a stationary sidewalk vendor or a roaming sidewalk vendor;
- (J) The location(s) in which the applicant proposes to operate, including vending routes along or in proximity to any major cross streets;
- (K) The day(s) and hours of operation at such location(s);
- (L) An agreement by the applicant to defend, indemnify, and hold harmless the City, its officers, and employees from and against any and all claims, demands, damages, actions, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to applicant's sidewalk vending activities;
- (M) An acknowledgement that the use of public property is at a sidewalk vendor's own risk as the City does not ensure public property is safe for or conducive to sidewalk vending;
- (N) Proof of comprehensive general liability insurance with minimum policy limits of one million dollars (\$1,000,000) per occurrence, combined single limit coverage, and two million dollars (\$2,000,000) in the aggregate against any injury, death, loss, or damage resulting from wrongful or negligent acts or omissions by the permittee, with an endorsement naming the City as an additional insured;

- (O) The applicant's certification that, to his or her knowledge and belief, the information contained in the application is true;
- (P) A signed acknowledgment that the applicant has received a copy of Urgency Ordinance No. 4351, Ordinance No. 4349, and these Rules and Regulations and fully understands its contents; and
- (Q) Any other relevant information required by the City Manager.
- (R) A permit is not transferrable to another vending equipment, location or route. Violations are subject to suspension or revocation of Sidewalk Vending License and/or Permit.

6. Definitions. The following definitions shall apply to these rules and regulations:

Citation means an Administrative Citation issued pursuant to Section 2.1184 of Article X, Code Enforcement of this Code, unless otherwise specified.

City means the City of Pomona.

City Manager means the City Manager or designee.

Conveyance means any non-motorized device, wheeled or non-wheeled, used to carry persons or property and includes carts, pushcarts, pedal-driven carts, stands, displays, showcases, racks, and wagons.

County means the County of Los Angeles.

Curb return means the curved section of a curb located at a corner of an intersection, connecting a curb on one street to another curb on the intersecting street. A curb return starts at the point where the curb begins to turn toward the direction of the intersecting street and ends at the point where it meets the curb on the intersecting street.

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, or any successor chapter.

Food means any type of edible substance or beverage.

Merchandise means any good that is not food or an item for rent.

Public Park means any property designated, dedicated or developed by or on behalf of the City of Pomona for park or open space use, including sidewalks and paths within the park or immediately adjacent to the park perimeter.

Pedestrian path means any paved path or walkway owned or controlled by the City and intended specifically for pedestrian travel.

Roaming sidewalk vendor or vending means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

Rules and Regulations means detailed requirements respecting sidewalk vending designed to supplement this Article.

Sidewalk means that portion of the street between the curb line and the adjacent property line, a public sidewalk or paved pedestrian path specifically designed for pedestrian travel or any surface in the public right-of-way provided for the exclusive use of pedestrians

Sidewalk vendor or vending means a person who sells or offers for sale 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.

Stationary sidewalk vending means a sidewalk vendor who vends from a fixed location, as specified in the Rules and Regulations, and is not mobile, except when being pushed, carried, or transported to and from a space on the Sidewalk.

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, or any successor article.

Temporary event permit means a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or other public or private area, including, but not limited to, an encroachment permit, special event permit, or a permit for gatherings in public parks issued for purposes including, but not limited to, filming, parades, or outdoor concerts.

Vending equipment means any conveyance, table, stand, display, showcase, rack, or any other free-standing equipment used for vending on the sidewalk.

Vending equipment owner means a person who owns or controls the operations of one or more vending equipment and includes a self-employed, independent sidewalk vendor.

Diagram 1

**Beginning of curb return* BCR means the area that includes the intersection of two sidewalks bounded by the adjoining corner.

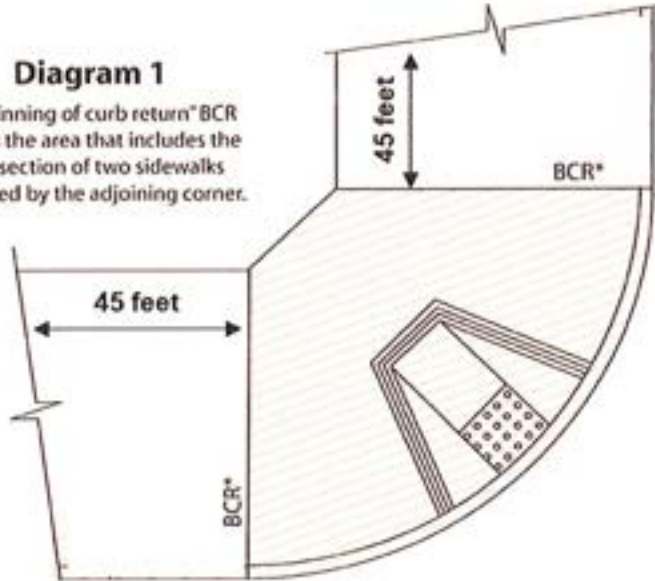


Diagram 2

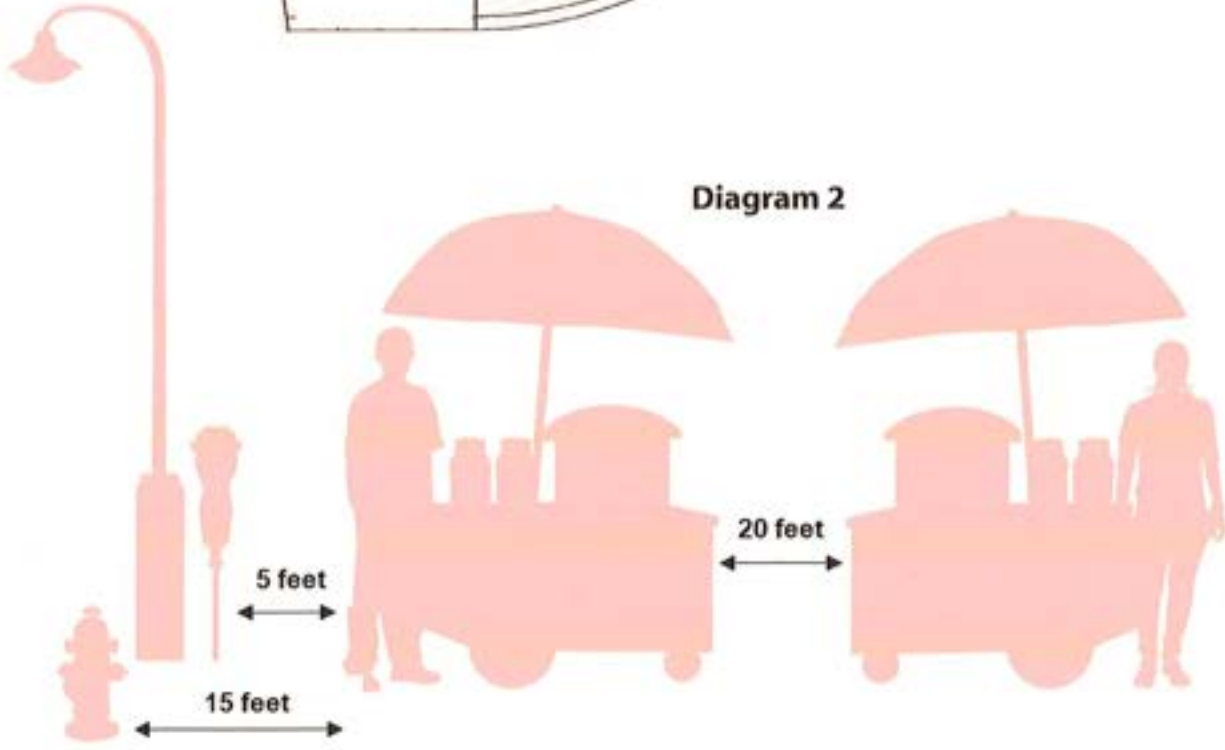


Diagram 3

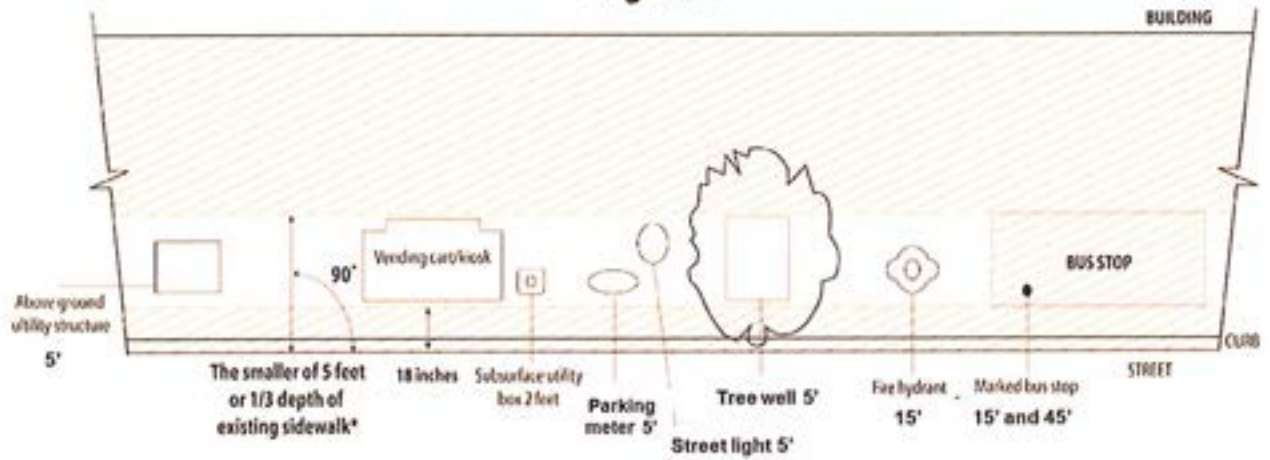


Diagram 4

