

ORDINANCE NO. 853
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
REGULATING ROADSIDE VENDING
(Incorporating Riverside County Ordinance No. 725)

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Purpose, Intent, and Findings

The purpose and intent of this chapter is to protect the public safety and welfare against the problems created by the proliferation of roadside vending in the unincorporated areas of Riverside County. The increase in the number of unregulated roadside vendors has created significant public safety and welfare concerns in the unincorporated areas of Riverside County.

The Board of Supervisors finds that the regulation and prohibition of the vending activities specified in this Ordinance are necessary to prevent significant health and traffic hazards causing bodily harm to persons in Riverside County. Further, the Board of Supervisors finds that the vending activities within the public road right-of-way may cause automobile accidents that could result in serious and fatal bodily harm to citizens traveling through and living within Riverside County, and for those reasons, additional regulation of roadside vendors is needed.

Section 2. Definitions.

Whenever, in this Ordinance, the following terms are used, they shall have the meaning ascribed to them in this Section. If not otherwise defined in this Section, all terms shall have their ordinary meaning.

- A. "Enforcement officer" means all of the following
 1. the Riverside County Director of Environmental Health and his or her duly authorized designees;
 2. the Riverside County Sheriff and his or her duly authorized designees;
 3. the Transportation and Land Management Agency Director and his or her duly authorized designees.
- B. "Pushcart" means a non-motorized vehicle propelled by human or other non-motorized force.
- C. "Public road right-of-way" means forty (40) feet from the pavement edge of any road, public street, private street, intersection, county highway or alley up to, but not within, the boundaries of the adjacent private properties.
- D. "Residential Street" means any public or private street within a residence district as defined within California Vehicle Code section 515.
- E. "Street" means any road, public street, private street, intersection, county highway or alley.
- F. "Vehicle" means a motorized vehicle as defined in California Vehicle Code Section 670.
- G. "Vending" means the offering or displaying for sale or selling of any food, merchandise, goods, or wares. including from a vending stand, pushcart or vehicle.
- H. "Vending stand" means any stationary trailer, tent, non-operable motor vehicle, or structure, not erected on a foundation and not exceeding 120 square feet, which is erected for the temporary purpose of selling food, goods, wares or merchandise.

- I. "Vendor" means any person that engages in vending activities including from a vending stand, pushcart, or lawfully parked vehicle.

Section 3. Prohibition

No person shall offer or display for sale or sell any food, merchandise, goods, or wares within the public road right-of-way, road median, or street unless otherwise allowed under Section 4 of this Ordinance.

Section 4. Roadside Vending From Lawfully Parked Vehicle on Residential Streets

A person may engage in vending from a lawfully parked vehicle on a residential street, provided the following restrictions are followed:

- A. No person vending from a lawfully parked vehicle shall operate any time from one-half hour after sunset to one-half hour before sunrise and any other time when visibility is not sufficient to render clearly discernible any person or vehicle on the highway at a distance of 1,000 feet, unless in conjunction with a special event as set forth in Riverside County Ordinance No. 348;
- B. No person shall engage in vending from a lawfully parked vehicle at one fixed location longer than necessary to complete a sales transaction. Such sale shall not exceed five (5) minutes;
- C. No vendor shall leave any location without first picking up, removing and disposing of all trash or refuse remaining as the result of sales.

Section 5. Compliance with Other Applicable Law

- A. Any vendor who engages in vending activities that fall within the specified exception in Section 4 of this Ordinance or beyond the public road right-of-way on private property shall comply with otherwise applicable laws, including business licensing, permitting and zoning requirements
- B. Any vendor engaged in the retail sale of food shall obtain a food facility permit from the Department of Environmental Health.

Section 6. Enforcement

- A. In addition to any criminal, civil, or administrative action that may be taken pursuant to Riverside County Ordinance No. 725, an enforcement officer may seize any goods, wares, merchandise, perishable or nonperishable foods, and/or equipment, including pushcarts, but not including vehicles, used in violation of this Ordinance pending an administrative hearing before the Transportation and Land Management Agency Director or his or her authorized designee as set forth in Section 6(B). At the time of seizure, the seller shall be served by the enforcement officer with an itemized Receipt identifying the seized items, and a Notice of Hearing, which shall have the date, time, and place (address) of the hearing on the seized items. The said hearing must be held within ten business (10) days following the service of Receipt and Notice of Hearing for the seized items. If the seller is unavailable or unknown, the Receipt and Notice of Hearing may be posted at the location where the items were seized.
- B. Pursuant to Riverside County Ordinance No. 725, the Transportation and Land Management Agency Director or his or her authorized designee shall determine whether the seller was in violation of this Ordinance. If, after the hearing, the Transportation and Land Management Agency Director or his or her authorized designee determines, beyond a preponderance of the evidence, that the seller violated any provision of this Ordinance, the seized items will be considered

forfeited to the County, and any enforcement officer may destroy or otherwise dispose of the seized items no sooner than the ninety-fifth (95th) day after the Transportation and Land Management Agency Director or his or her authorized designee's written decision is mailed or personally served on the seller.

- C. If the items are perishable, the enforcement officer may dispose of the perishable items immediately. If the seller waives his or her right to a hearing, then the nonperishable seized items will be considered forfeited to the County and may be immediately destroyed or otherwise disposed of by the enforcement officer. If the seller or his or her agent does not appear for the hearing provided for in this Ordinance, the nonperishable seized items shall be deemed abandoned and forfeited to the County, and may be immediately destroyed or otherwise disposed of by the enforcement officer without further notice to the seller. If the nonperishable seized items are evidence in a criminal proceeding, those items shall not be returned or destroyed pending release by the appropriate authorities.
- D. Pursuant to California Code of Civil Procedure Section 1094.6, any action to review the decision of the authorized designee shall be commenced no later than the ninetieth (90th) day after the date that the authorized designee's decision is mailed or personally served on the vendor.

Section 7. Severability

If any clause, provision, sentence, or paragraph of this Ordinance; or the application thereof, is deemed to be invalid as to any person, entity, establishment, or circumstance, such invalidity shall not affect the other provisions of the Ordinance which shall remain in effect.

Section 8. Public Nuisance Declaration

Any violation of this Ordinance is hereby declared to be unlawful and a public nuisance.

Section 9. Incorporation by Reference

The additional remedies, penalties, and procedures set forth in Riverside County Ordinance No. 725 are incorporated herein by this reference.

Section 10. Effective Date

This Ordinance shall take effect thirty (30) days from the date of its adoption.

Adopted: 853 Item 15.1 of 05/01/07 (Eff: 05/31/07)