

BILL NO.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTIONS 10-2603 AND 10-2604 OF THE
FRESNO MUNICIPAL CODE

SECTION 1. Section 10-2603 – 10-2604 of the Fresno Municipal Code are amended to read:

SECTION 10-2603. DEFINITIONS.

For purposes of this article, the following words and phrases shall have the following meanings:

- (a) "Certified Farmer's 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.
- (b) "Food" means any type of edible substance or beverage intended primarily for consumption by human beings.
- (c) "Immediate vicinity" means within two hundred (200) feet.
- (d) "Median" means roadway medians and parkway islands.
- (e) "Merchandise" means items of tangible personal property or other things of value, including small and easily carried or worn items that are not food or drinks, including but not limited to, souvenirs, toys, articles of clothing, flowers, cellular telephones, etc.
- (f) "Private Property" means any property owned by a private property owner or by a non-City of Fresno entity.

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: CR

Ordinance No.

- (g) “Public right-of-way” means the area dedicated to public use for street or pedestrian purposes, including privately owned and maintained roads within the city that are generally held open to the public for purposes of vehicular and pedestrian traffic and includes alleys, driveways, highways, medians, parkways, planter strips, roads, sidewalks, and streets.
- (h) “Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place with stops to complete a transaction.
- (i) “Sidewalk” means that portion of the public right-of-way provided for the primary use of pedestrians along or adjacent to the street, including a public pathway provided for the primary use of pedestrians.
- (j) “Sidewalk vendor” means a person who sells or offers to give away food, drinks, merchandise, other items of tangible personal property, or other things of value, from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a sidewalk, other pedestrian path, or upon private property accessible to the public. “Sidewalk vendor” includes “roaming sidewalk vendor” and “stationary sidewalk vendor.”
- (k) “Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location.
- (l) “Stationary sidewalk vendor preparing food” means a stationary sidewalk vendor who prepares the food on site with a heated cooking

surface, such as a barbeque or flat top grill, and uses some type of fuel, such as propane or charcoal.

(m) "Temporary special permit" means a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, athletic events, public assemblies, carnivals, festivals, and outdoor concerts.

(n) "Vend, vends, vended or vending" means to sell, offer for sale, expose or display for sale, solicit offers to purchase, give away, offer to give away, or to barter food or merchandise~~[, or services]~~, or to require someone to negotiate, establish, or pay a fee before providing food or merchandise, even if characterized as a donation.

SECTION 10-2604. REGULATIONS.

(a) No sidewalk vendor shall sell food or drinks in the City without first obtaining all the following:

1. A Business License pursuant to Chapter 7, Article 10 of the Fresno Municipal Code.
2. A Permit to Operate from the County of Fresno Department of Environment Health.
3. Such other permits as may be required by State or local law.
4. This subsection shall not apply to vendors operating from a compact mobile food operation with 25 square feet or less of

display area from which only prepackaged non-potentially hazardous food and whole uncooked produce are sold, pursuant to Health and Safety Code section 114368.1(a).

Those vendors must comply with subsection 2.3(3).

(b) No sidewalk vendor shall sell merchandise in the City without first obtaining all of the following:

1. A Business License pursuant to Chapter 7, Article 10 of the Fresno Municipal Code.
2. Such other permits as may be required by State or local law.

(c) At all times, a sidewalk vendor shall be in possession of a valid government issued identification, business license, and Health Department permit, if applicable. The City-issued business license or other emblem or sticker issued by the City shall be prominently displayed in a publicly visible location at all times while vending. Acceptable government issued identification includes any identification issued by any state or foreign government, including a matricula. If a stationary sidewalk vendor is vending on Private Property, the stationary sidewalk vendor shall also carry a authorization to vend from the Private Property owner.

(d) A sidewalk vendor shall maintain a clean and trash-free 10-foot radius around his or her pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance at all times when it is located on public property. A sidewalk vendor shall

immediately clean up any food, grease, or other fluid or item related to sidewalk vending activities which fall onto the sidewalk or other public property. When departing a location used for vending, the sidewalk vendor shall remove all trash and debris from the location. No trash or refuse generated by sidewalk vending activities shall be disposed of in public or private trash receptacles; sidewalk vendors must take the trash generated by their activities with them and dispose of it appropriately.

(e) Within the City, for public safety reasons, including pedestrian, vehicular, public and vendor safety, a sidewalk vendor shall not operate within the number of feet designated below from the nearest portion of the corresponding location:

1. Within 200 feet from any freeway on-ramp or off-ramp, except if the vending occurs on private property with owner's permission.
2. Within 10 feet of another sidewalk vendor, except with the written consent of each vendor to partner with one another.
3. For stationary sidewalk vendors, within 100 feet of a residence with the following exceptions:
 - i. This provision shall not apply to Microenterprise Home Kitchen Operations (MEHKOs) that are fully

licensed and approved by the County of Fresno
Department of Public Health.

- ii. This provision shall not apply to vendors selling only
fresh produce or non-prepared hot food items such
as fruit cups, corn, or snow cones, or prepared
items such as bread or tamales.

- 4. For stationary sidewalk vendors, within 50 feet of the
entrance or exit from any place of business that has an
operational kitchen. If a business closes its kitchen, this
restriction shall not apply. This restriction shall only apply
to businesses located on the same side of the street the
sidewalk vendor is operating on. If a business consents to
the vendor's presence, this restriction shall not apply.
- 5. For stationary sidewalk vendors preparing food, within 3
feet of a building.
- 6. For stationary sidewalk vendors preparing food,
underneath an awning attached to a building.

(f) Within the City, for public safety reasons, including pedestrian,
public, and vendor safety, a sidewalk vendor shall not operate in
such a manner that the vendor, the vendor's cart, the vendor's
display, the vendor's goods, or any combination thereof:

- 1. impedes public use of the sidewalk or right-of-way as
required by the Americans with Disabilities Act; or

2. impedes access to or the use of abutting property, including, but not limited to, residences and places of business; or
 3. impedes emergency access for the Police, Fire Department, or medical personnel to any abutting property; or
 4. is located within 18 inches from the edge of the curb face.
- (g) In the event of a traffic accident, medical emergency, gas leak, natural disaster, fire, on-site construction or related work on a capital improvement project, or an emergency situation, the City may temporarily require sidewalk vendors to relocate to another location if doing so is necessary to protect the public's health and safety.
- (h) The sale of alcohol, marijuana, adult-oriented material, tobacco products, electronic cigarettes or products that contain nicotine, or any product used to smoke/vape nicotine or marijuana, is prohibited.
- (i) Vendors shall be present at all times while any food, drink or merchandise is on display on a Sidewalk. Unsupervised vending is prohibited.
- (j) Vendors shall comply with all applicable noise ordinances, including but not limited to, Chapter 10, Article 1, of the Fresno Municipal Code.
- (k) Vendors shall comply with all applicable odor ordinances, including but not limited to Fresno Municipal Code section 15-2510.

- (l) Vendors shall comply with Resolution 2024-024 for vending in parks in the City.
- (m) Vendors are prohibited from placing canopies, chairs, or tables for customers in public right of way or in a roadway, except for the purpose of their own shade, not for the use of their customers. This provision shall not apply to Microenterprise Home Kitchen Operations (MEHKOs) that are fully licensed and approved by the County of Fresno Department of Public Health and the City of Fresno.
- (n) In the Tower District defined as south of McKinley Avenue, west of Blackstone Avenue, north of Belmont Avenue, and east of Palm Avenue, there shall be no vending Thursday through Sunday, 12:30 a.m. to 8:00 a.m. Additionally, vendors shall serve their last patron by 12:00 a.m. and leave the area by 12:30 a.m.
- (o) During a certified Farmer's Market, sidewalk vendors not associated with the Farmer's Market shall not operate within 200 feet of the certified Farmer's Market.
- (p) During an event that has been issued a Temporary Special Permit, sidewalk vendors not associated with the Temporary Special Permit shall not operate within 200 feet of the event.
- (q) When allowing vending on a private property, the property owner shall be responsible for ensuring vendors are complying with the regulations contained within this [Ordinance]~~Resolution~~. The

property owners are ultimately responsible for public nuisance violations on the property pursuant to the Fresno Municipal Code. [Failure to comply with this subsection is unlawful and subject to Chapter 10, Article 6, as a public nuisance.]

- (r) [Vending of services or anything other than Food or Merchandise is unlawful and subject to Chapter 10, Article 6, as a public nuisance. Vending of services is unlawful even if the vending of services is combined with the Vending of Food or Merchandise, and even if the services are deemed to be free of charge with the purchase of Food or Merchandise. This section does not make unlawful services provided by a public entity, or through a direct contract with a public entity. Funding through a government provided subsidy is not considered a service provided by a public entity or through a direct contract with a public entity.]

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, AMY ALLER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2026.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2026
Mayor Approval/No Return: _____, 2026
Mayor Veto: _____, 2026
Council Override Vote: _____, 2026

AMY ALLER
Interim City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ,
City Attorney

BY: _____
Christina Roberson Date
Assistant City Attorney