

BILL NO.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTIONS 10-2603 AND 10-2606 OF THE
FRESNO MUNICIPAL CODE

SECTION 1. Sections 10-2603 and 10-2606 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.

(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

Date Adopted:

Effective Date:

City Attorney Approval: CR

Ordinance No.

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[,] or 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]m) “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 10-2606. VIOLATIONS.

(a) From effective date through June 30, 2025, no monetary citations shall be issued, except in the Tower District, defined as south of McKinley Avenue, west of Blackstone Avenue, north of Belmont Avenue, and east of Palm Avenue. Vendors in the Tower District shall be subject to monetary citations upon the effective date. Except in the Tower District, all violations will receive education and written warnings. After July 1, 2025, the citations below will be in full force and effect throughout the rest of the City.

(b) In accordance with State Law, Stationary Sidewalk Vendors Preparing Food found in violation of this Article shall be subject to the following, and except as provided in subsection (f) of this section, these provisions shall be the exclusive penalties applicable to violations of this Ordinance:

1. Violations:

(a) A written warning for a first violation.

(b) An administrative fine not exceeding one-hundred dollars (\$100) for a second violation within one year of the first violation.

(c) An administrative fine not exceeding two-hundred (\$200) for a third violation within one year of the first violation.

(d) An administrative fine not exceeding five-hundred dollars (\$500) for each additional violation within one year of the first violation.]

([c]b) In accordance with State Law, a person found in violation of this Article[, except Stationary Sidewalk Vendors Preparing Food, as discussed in subsection b above] shall be subject to the following, and except as provided in subsection ([f]d) of this section, these provisions shall be the exclusive penalties applicable to violations of this [Ordinance]Resolution:

1. Violations:

(a) A written warning for a first violation.

(b) An administrative fine not exceeding twenty-five dollars (\$25) for a second violation within one year of the first violation.

(c) An administrative fine not exceeding fifty dollars (\$50) for a third violation within one year of the first violation.

(d) An administrative fine not exceeding one hundred dollars (\$100) for each additional violation within one year of the first violation.

2. For egregious repeat offenders with more than three administrative fines are subject to the maximum allowable fine under state law.

([d]b) A sidewalk vendor may appeal an administrative fine pursuant to Chapter 1, Article 4, of the Fresno Municipal Code.

([e]e) A sidewalk vendor who has been issued an administrative fine pursuant to this Resolution may request a determination of his or her ability to pay the administrative

fine pursuant to the provisions of Government Code section 51039(f). If the sidewalk vendor shows proof to the satisfaction of the hearing officer (if the request is made at the time of an administrative appeal hearing), or the City Manager or his or her designee (if the request is made at any other time), that he or she meets the criteria set forth in Government Code section 68632, subsections (a) or (b), the fine amount shall be reduced to 20 percent of the original fine amount.

([f]d) Violations of the Fresno Municipal Code not specifically subject to the limitations set forth in Section 51039 of the Government Code shall be subject to enforcement pursuant to the Fresno Municipal Code, as the same may be amended from time to time, in addition to any other applicable penalties or remedies prescribed by law at the time of the violation.

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, TODD STERMER, 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 _____ 2025.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2025
Mayor Approval/No Return: _____, 2025
Mayor Veto: _____, 2025
Council Override Vote: _____, 2025

TODD STERMER, MMC
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ,
City Attorney

BY: _____
Christina Roberson Date
Assistant City Attorney