

BILL NO.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING SECTION 10-2606 OF THE FRESNO
MUNICIPAL CODE

WHEREAS, the Tower District is defined as the area south of McKinley Avenue, west of Blackstone Avenue, north of Belmont Avenue, and east of Palm Avenue; and

WHEREAS, there is an increased concentration of Sidewalk Vendors and their patrons in the Tower District due to high concentration of businesses, events, and associated vehicular and foot traffic; and

WHEREAS, this increased concentration, combined with the high foot and vehicular traffic, causes increased congestion on the sidewalks, leading to increased risk of vehicular accidents, blocking of the public right-of-way, and decreased access for those protection by the Americans with Disabilities Act; and

WHEREAS, immediate monetary citations are necessary to ensure Sidewalk Vendors in the Tower District are compliant with the existing Sidewalk Vending Resolution; and

WHEREAS, compliance with the Sidewalk Vending Ordinance in the Tower District is necessary to protect the health, safety, and welfare of the vendors, their patrons, pedestrians, those protected by the Americans with Disabilities Act, those operating motor vehicles in the area, and the public at large; and

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: CR

Ordinance No.

WHEREAS, the City desires to amend the Sidewalk Vending Ordinance to allow for immediate monetary citations in the Tower District.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 10-2606 of the Fresno Municipal Code is amended to read:

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]. If a vendor has already been subject to warning or citation under Resolution 23-211 (Tower District Pilot Program) or Resolution 2024-024, monetary citations will be given from effective date. [Except in the Tower District, a]~~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, a person found in violation of this Article shall be subject to the following, and except as provided in subsection (d) of this section, these provisions shall be the exclusive penalties applicable to violations of this 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.

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

(c) 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.

(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