

BILL NO.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,  
AMENDING SECTIONS 10-2603, 10-2604, AND 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, the Tower District is an area of high concentration of businesses,  
events, and associated vehicular and foot traffic, particularly on Friday and Saturday  
nights; 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  
protected by the Americans with Disabilities Act; and

WHEREAS, the Tower District is experiencing persistent public safety and  
regulatory compliance issues related to late-night activities; and

WHEREAS, the Fresno Police Department (FPD) has identified the presence of  
food vendors as a key factor in attracting and prolonging large, disorderly crowds in the  
Tower District; and

WHEREAS, these Tower District crowds have contributed to incidents of public  
intoxication and disturbances; and

WHEREAS, there were 5,528 FPD calls for service (CFS) in the Tower District  
from January 1, 2025 through September 1, 2025. Of these CFS, 3,500 calls were located  
on E Olive Ave between N Echo Ave and N College Ave, and 348 calls were located on

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E Fern Ave between N Linden Ave and N Maroa Ave. These areas correspond to areas frequented by food vendors; and

WHEREAS, the most common days and times for CFS were Fridays-Saturdays between 1800 and 0200 hours (1,060 CFS) and Saturdays-Sundays between 1800 and 0200 hours (1,108 CFS). On Saturdays between 0200 and 0400 hours, there were an additional 90 CFS; on Sundays between 0200 and 0400 hours, there were an additional 108 CFS. In total, 42.8% of the Tower District CFS for the entire week occurred on Friday nights, Saturday early mornings, Saturday nights, and Sunday early mornings; and

WHEREAS, these CFS resulted in multiple arrests, including for Penal Code (PC) 602 (Trespass), PC 647(f) (Drunk in Public), and multiple crimes against police officers, including: PC 69(A) (Resist Officer), PC 148(A)(1) (Resist/Obstruct Officer), and PC 217.1(A) (Assault Officer); and

WHEREAS, most arrests occurred during the peak times identified above: 80% of Trespass arrests; 72.5% of Drunk in Public arrests, and 81.3% of arrests for crimes against police officers; and

WHEREAS, there has also been significant gang activity in the Tower District, including violent assaults; and

WHEREAS, law enforcement received information that a violent gang was attempting to claim turf in the Tower District near a sidewalk vendor, and another gang was planning a confrontation. Although law enforcement was able to prevent this violence from occurring, other similar incidents may lead to danger to the public and the vendors themselves; and

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WHEREAS, the City adopted the Sidewalk Vending Ordinance (SVO), which was effective on January 1, 2025; and required education only until July 1, 2025; and

WHEREAS, the City amended the SVO effective May 2, 2025, to allow for citations to begin in the Tower District; and

WHEREAS, enforcement has been ongoing in the Tower District, but the public safety and congestion concerns remain and have escalated; and

WHEREAS, the chart below demonstrates the number of Tower District CFS by month from January through August 2025.

Month	CFS Count
January	240
February	273
March	307
April	223
May	365
June	212
July	272
August	474
<b>Total</b>	<b>2366</b>

Although CFS dipped slightly in June and July, they escalated greatly in August; and

WHEREAS, the City desires to amend the Sidewalk Vending Ordinance to prohibit sidewalk vending in the Tower District on Friday and Saturday nights between the hours of 6:00 p.m. and 3:00 a.m.

SECTION 1. Sections 10-2603, 10-2604, 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:

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(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 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.

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(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]~~) "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.

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## 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

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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:

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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.

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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.

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- (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~~Friday through Sunday.

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~~12:30 a.m. to 8:00 a.m. [6:00 p.m. to 3:00 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 Resolution. The property owners are ultimately responsible for public nuisance violations on the property pursuant to the Fresno Municipal Code.

#### 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.

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(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)d) 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.

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(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.

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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

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