

- 1 C. "Public road right-of-way" means forty (40) feet from the pavement edge of any road, public
2 street, private street, intersection, county highway or alley up to, but not within, the
3 boundaries of the adjacent private properties.
- 4 D. "Residential Street" means any public or private street within a residence district as defined
5 within California Vehicle Code section 515.
- 6 E. "Street" means any road, public street, private street, intersection, county highway or alley.
- 7 F. "Vehicle" means a motorized vehicle as defined in California Vehicle Code Section 670.
- 8 G. "Vending" means the offering or displaying for sale or selling of any food, merchandise,
9 goods, or wares, including from a vending stand, pushcart or vehicle.
- 10 H. "Vending stand" means any stationary trailer, tent, non-operable motor vehicle, or structure,
11 not erected on a foundation and not exceeding 120 square feet, which is erected for the
12 temporary purpose of selling food, goods, wares or merchandise.
- 13 I. "Vendor" means any person that engages in vending activities including from a vending
14 stand, pushcart, or lawfully parked vehicle.

15 **Section 3. Prohibition**

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

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

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

23 A. No person vending from a lawfully parked vehicle shall operate any time from one-half hour
24 after sunset to one-half hour before sunrise and any other time when visibility is not sufficient to render
25 clearly discernible any person or vehicle on the highway at a distance of 1,000 feet, unless in conjunction
26 with a special event as set forth in Riverside County Ordinance No. 348;

27 B. No person shall engage in vending from a lawfully parked vehicle at one fixed location longer
28 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.

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2 **Section 5. Compliance with Other Applicable Law**

3 A. Any vendor who engages in vending activities that fall within the specified exception in Section
4 4 of this Ordinance or beyond the public road right-of-way on private property shall comply with otherwise
5 applicable laws, including business licensing, permitting and zoning requirements

6 B. Any vendor engaged in the retail sale of food shall obtain a food facility permit from the
7 Department of Environmental Health.

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9 **Section 6. Enforcement**

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

21 B. Pursuant to Riverside County Ordinance No. 725, the Transportation and Land Management
22 Agency Director or his or her authorized designee shall determine whether the seller was in
23 violation of this Ordinance. If, after the hearing, the Transportation and Land Management
24 Agency Director or his or her authorized designee determines, beyond a preponderance of the
25 evidence, that the seller violated any provision of this Ordinance, the seized items will be
26 considered forfeited to the County, and any enforcement officer may destroy or otherwise
27 dispose of the seized items no sooner than the ninety-fifth (95th) day after the Transportation
28 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

1 items will be considered forfeited to the County and may be immediately destroyed or otherwise
2 disposed of by the enforcement officer. If the seller or his or her agent does not appear for the
3 hearing provided for in this Ordinance, the nonperishable seized items shall be deemed
4 abandoned and forfeited to the County, and may be immediately destroyed or otherwise
5 disposed of by the enforcement officer without further notice to the seller. If the nonperishable
6 seized items are evidence in a criminal proceeding, those items shall not be returned or
7 destroyed pending release by the appropriate authorities.

8 D. Pursuant to California Code of Civil Procedure Section 1094.6, any action to review the
9 decision of the authorized designee shall be commenced no later than the ninetieth (90th) day
10 after the date that the authorized designee's decision is mailed or personally served on the
11 vendor.

12 **Section 7. Severability**

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

16 **Section 8. Public Nuisance Declaration**

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

18 **Section 9. Incorporation by Reference**

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

21 **Section 10. Effective Date**

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

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26 BOARD OF SUPERVISORS OF THE COUNTY
27 OF RIVERSIDE, STATE OF CALIFORNIA

28 By: _____
Chairman of the Board

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ATTEST:

Clerk of the Board

By: _____
Deputy

(SEAL)