

Chapter 9.52

TRANSIENT MERCHANTS AND TEMPORARY BUSINESSES**Sections:**

- 9.52.010** Transient merchants and temporary businesses prohibited.
- 9.52.020** Property owner responsible for transient merchants and temporary businesses.
- 9.52.030** Evidence.
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- 9.52.060** Exceptions.
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Section 9.52.010 Transient merchants and temporary businesses prohibited.

No person shall sell merchandise, foodstuffs, fruits, vegetables, flowers, or similar items from a temporary stand, temporary location or vehicle upon any public street, public right-of-way, alley or other public place, doorway of any room or building, unenclosed building or vacant lot, or parcel of land, either paved or unpaved. This Section does not apply to businesses with registration certificates issued pursuant to another section or sections of this Code. (Ord. 6865 § 2, 2006; Ord. 6231 § 2 (part), 1995)

Section 9.52.020 Property owner responsible for transient merchants and temporary businesses.

No property owner shall authorize or allow the sale of merchandise, foodstuffs, fruits, vegetables, flowers, or similar items from a temporary stand, temporary location or vehicle upon any doorway of any room or building, unenclosed building, or vacant lot, or parcel of land, either paved or unpaved, unless a business registration certificate is allowed and granted pursuant to another section or sections of this Code. A property owner shall be conclusively presumed to have allowed a commercial activity occurring on his or her property. (Ord. 6865 § 3, 2006; Ord. 6231 § 2 (part), 1995)

Section 9.52.030 Evidence.

Any authorized officer may seize or confiscate the items offered for sale contrary to Sections 9.52.010 and 9.52.020, and hold the items as evidence in a criminal proceeding or as evidence under an administrative citation. (Ord. 6865 § 4, 2006; Ord. 6231 § 2 (part), 1995)

Section 9.52.040 Perishable items--Animals.

If the items seized under Sections 9.52.010 or 9.52.020 are perishable, and/or violate State or federal health and safety laws, they shall be inventoried, photographed, and destroyed. Any animals seized pursuant to this Chapter shall be impounded, and returned or disposed of pursuant to this Chapter and Chapter 8.14. (Ord. 6865 § 5, 2006; Ord. 6231 § 2 (part), 1995)

Section 9.52.050 Failure to appear or timely appeal administrative citation.

If the seller fails to appear at his/her criminal arraignment or fails to timely appeal an administrative citation, the items seized shall be deemed abandoned, and may be disposed of

pursuant to existing property disposal procedures as allowed for under California Civil Code Section 2080.6. (Ord. 6865 § 6, 2006; Ord. 6231 § 2 (part), 1995)

Section 9.52.060 Exceptions.

The provisions of this Section shall, in addition to the exceptions noted above, not apply to:

A. Vehicles or persons when they are engaged in the sole activity of making a pick-up or delivery of articles;

B. The vending of such items in conjunction with special activities or events for a limited time, and a limited location, subject to the authorization and regulation of temporary uses as set forth elsewhere in this Code;

C. The commercial or noncommercial sale or distribution of newspapers, books, handbills or other printed materials upon such public streets, sidewalks or parks in the City;

D. Any other activity that is otherwise permitted pursuant to Title 19 of this Code. (Ord. 6231 § 2 (part), 1995)

Section 9.52.070 Enforcement.

Violations of this Chapter are punishable as an infraction, or as a misdemeanor, at the discretion of the City Attorney.

As an alternative to criminal prosecution, the provisions of this Chapter may be enforced through the administrative code enforcement remedies set forth in Chapter 1.17 of this Code. (Ord. 6865 § 7, 2006; Ord. 6231 § 2 (part), 1995)

Section 9.52.080 Severability.

If any part or provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the Chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this chapter are severable. (Ord. 6231 § 2 (part), 1995)