

## **CHAPTER 5.10. COUNTY PROPERTY VENDING LICENSES**

### **Sec. 5.10.010. Title.**

This chapter shall be known and may be referred to in all proceedings as the County Property Vending License Ordinance.

(Code 1997, § 5.10.010)

### **Sec. 5.10.020. Purpose.**

The ordinance from which this chapter is derived is enacted to regulate the legal use of County property and rights-of-way by vendors.

(Code 1997, § 5.10.020)

### **Sec. 5.10.030. Applicability.**

This chapter shall apply to all vendors seeking to sell any and all goods, services or food items on County rights-of-way, as defined in Section 12.08.030, as well as on other County-owned real property.

(Code 1997, § 5.10.030)

### **Sec. 5.10.040. County rights-of-way prohibition.**

All use of any County right-of-way space adjacent to County-maintained roads and streets is strictly prohibited.

(Code 1997, § 5.10.040)

### **Sec. 5.10.050. Vending activity on non-right-of-way County property.**

- A. Vending activity license applications pursuant to this chapter are exempt from the temporary use permit requirements of Chapter 130.23.
- B. The process, authority and standards, as set forth herein, shall apply to all County parks and those other lands owned by the County which contain offices, shops or other County facilities which may, in the County's determination, require or be suitable for vending activities serving the public and/or County employees.

(Code 1997, § 5.10.050)

### **Sec. 5.10.060. Charitable nonprofit organization exemption.**

A vending permission request may be approved by the County agency administratively responsible for the affected property without complying with Section 5.10.070 if all of the following conditions are satisfied:

- A. The vendor is a charitable and/or nonprofit organization;

- 
- B. The vendor will not use the County property beyond a period of three days;
  - C. Said use will not violate any zoning or health laws or regulations.

Any vendor denied vending permission pursuant to this section may appeal the matter to the Board of Supervisors within ten days of being denied permission, stating the reason for his or her appeal.

(Code 1997, § 5.10.060)

**Sec. 5.10.070. Vending license application process.**

- A. The Chief Administrative Office, Facilities Division, is hereby assigned responsibility to process all applications submitted for vending service as permitted herein. The Chief Administrative Office, Facilities Division, may also initiate a request for vending services on its own accord, should it find a need for such activity exists.
- B. Upon receipt of an application from a potential vendor requesting approval of a vending activity by the Chief Administrative Office, Facilities Division, said office shall distribute the application to all affected County departments, including, but not limited to, the Department of Planning and Building, Department of Transportation, Environmental Health Department, and the Sheriff's Department.
- C. The noticed departments shall have ten calendar days to respond, noting either compliance with their applicable concerns, itemization of recommended conditions to be required of the vendor, and/or disapproval of the request with justification provided.
- D. After expiration of the ten-day notice period to affected departments, the Chief Administrative Office, Facilities Division, shall place the matter on the Board agenda to determine first if the proposed service is needed and appropriate on County property, and secondly, if deemed appropriate use and location, authorize a competitive process. The Board shall be advised of the departmental responses on the vending application.
- E. Except as otherwise provided herein, a vending service request cannot be approved without a competitive process. It is intended that, through the competition, the County will receive the best value possible for the citizens of the County. Prospective vendors will be requested to describe the type of service they are proposing, the equipment to be used, the location of the service if not prescribed by the County, the person to be performing/managing the service, and their offer of license revenue to the County in the form of a monthly license fee.
- F. The Chief Administrative Office, Facilities Division, shall utilize the request for proposal process outlined in Board of Supervisors Policy C-17, and as may be amended, to solicit proposals for the vending operation. The Chief Administrative Office, Facilities Division, shall determine which proposal will best meet the needs of the County.
- G. Prior to final approval of the license agreement with the successful vendor, the Chief Administrative Office, Facilities Division, shall request the Sheriff's Department to perform a background vendor responsibility search on the proposed licensee vendor and his or her employee designated to operate the vending activity on County property. A determination of responsibility shall be based on this search report. The license permit shall be awarded to a responsible vendor providing the best service and value.
- H. The Chief Administrative Office, Facilities Division, shall prepare a license agreement which shall include, along with other standard provisions recommended by County Counsel, the following:
  - 1. The exclusive use of a designated area;
  - 2. Conditions of operation as required by County departments;
  - 3. Insurance requirements as specified by risk management;

- 
4. Conditions specifying the amount and timing of payment of the license fee;
  5. Conditions causing termination, and method of termination;
  6. Duration of the license, generally not to exceed one year, or automatic renewal if the Chief Administrative Office, Facilities Division, has not had a request from another vendor to provide the service. The renewal of the license can also be subject to bidding or re-negotiation of license fees if the Chief Administrative Office, Facilities Division, determines fee adjustments are appropriate.
- I. The license agreement, after approval of form and content by County Counsel, shall be submitted to the Chief Administrative Officer for review and approval. Should the Chief Administrative Officer have concern with any of the provisions of the license agreement, the matter may be forwarded to the Board of Supervisors for final determination.
  - J. The license agreement shall not be approved if the proposal is found to be in conflict with the applicable rules, ordinances, and policies of the County, nor can it be approved if the personnel assigned to operate the vending operation is found by the Sheriff's Department to be a potential risk to the security of County property.
  - K. The Board of Supervisors may authorize an exception to the requirement to utilize a competitive process for a vending operation that is ancillary to a facility management agreement.

(Code 1997, § 5.10.070; Ord. No. 4780, 6-24-2008; Ord. No. 5051, § 2, 4-18-2017)

#### **Sec. 5.10.080. Enforcement.**

Any vendor violating this chapter shall have committed a misdemeanor subject to citation, arrest and prosecution pursuant to Chapters 1.16 and 1.24.

(Code 1997, § 5.10.080; Ord. No. 4285, 1993)