

ORDINANCE NO. 10-2012

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING ELK GROVE MUNICIPAL CODE CHAPTER 4.35
RELATING TO VENDOR PERMITS FOR CITY OUTDOOR FESTIVALS**

WHEREAS, the City of Elk Grove ("City") directly operates or co-sponsors outdoor festivals for the enjoyment of both Elk Grove residents as well as visitors to the City; and

WHEREAS, some festivals include the offering of food, drinks or goods for profit by commercial vendors; and

WHEREAS, City staff regulates the number, type and location of vendors in order to ensure a safe and enjoyable event; and

WHEREAS, in order to regulate vendors, both staff time and materials are expended by the City, and the City desires to recover the costs for facilitating private business being conducted at City festivals.

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Amendment to Chapter 4.35 Outdoor Festivals.

Elk Grove Municipal Code Sections 4.35.300, 4.35.305 and 4.35.310 are hereby added to read in their entirety:

Article III. Outdoor Vendor Permits

4.35.300 Vendor Permit.

A. The City shall require that a permit be obtained for any vendor that establishes, or seeks to establish, at either a fixed location or in a mobile fashion, a business or activity selling or providing food, drink, or other merchandise, product or service at any City outdoor festival.

B. The Finance Director or his or her designee is authorized to issue the required vendor permit, subject to the provisions of this article. The permit shall be valid only for the duration of the specific event for which the permit is issued.

C. The permit shall require, as a condition of issuance, that the permittee agree to defend, indemnify and hold the City harmless from any activity arising out of the permittee's activities. The City may also require, in its discretion, appropriate proof of

insurance of the permittee, as determined by the City, as a condition to issuance of the permit.

4.35.305 Permit Fee.

The Finance Director shall establish a fee or fees required to be paid upon filing of an application for permit(s) as provided by this article, which fees shall not exceed the reasonable cost of administering this article.

4.35.310 Permit Denials.

A. Any application for a vendor permit may be denied by the Finance Director, the City staff member acting as supervisor of the particular festival, or their designees for the following reasons:

1. Product or service offered is inappropriate for the event.
2. Product or service offered is unsafe, unsanitary, threatens the cleanliness of event facilities, or threatens the public health, safety and welfare.
3. Product or service offered is already offered by a permitted vendor and issuance of an additional permit would be unnecessarily duplicative.
4. Person or entity offering product or service has demonstrated unsuitable activity in the past.
5. Person or entity offering product or service is currently prohibited from conducting business in the City of Elk Grove.
6. Person or entity offering product or service fails to possess required licenses or permits for the product or retail operation offered.

B. Notwithstanding any other provision of this code, any permit applicant denied a permit may appeal the permit denial by placing the appeal in writing and submitting it to the City Manager within seven (7) days of the denial. The appeal may be decided by the City Manager or his/her designee prior to the event for which the permit is sought. The decision of the City Manager shall be final. The failure to provide a decision on an appeal of a permit before the event for which the permit is sought shall be deemed a denial of the appeal.

Section 2: Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.


Section 3: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4: Effective Date and Publication.

This Ordinance shall take effect thirty (30) days after its adoption. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the Office of the City Clerk, pursuant to GC 36933(c)(1).

ORDINANCE: 10-2012
INTRODUCED: May 9, 2012
ADOPTED: May 23, 2012
EFFECTIVE: June 22, 2012



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

Date signed: May 30, 2012

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 10-2012**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on May 9, 2012 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 23, 2012 by the following vote:


AYES : **COUNCILMEMBERS:** *Hume, Davis, Detrick, Scherman*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Cooper*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



**Jason Lindgren, City Clerk
City of Elk Grove, California**