



**OFFICE OF THE
CITY ATTORNEY**

JAMES P. JACKSON
CITY ATTORNEY

THEODORE H. KOBAY, JR.
ASSISTANT CITY ATTORNEY

**CITY OF SACRAMENTO
CALIFORNIA**

March 8, 1988

812 TENTH STREET
SACRAMENTO, CA
95814-2694

916-449-5346

DEPUTY CITY
ATTORNEYS:
SAMUEL L. JACKSON
WILLIAM P. CARNAZZO
LAWRENCE M. LUNARDINI
GARLAND E. BURRELL, JR.
DIANE B. BALTER
RICHARD F. ANTOINE
TAMARA MILLIGAN-HARMON
RICHARD E. ARCHIBALD
LINDA M. GONZALEZ

Law and Legislation Committee
City Council Chambers
Sacramento, California 95814

RE: An Ordinance Amending Sections 7.72
and 7.73 of the Sacramento City Code,
Relating to Outdoor Sales and
Display of Merchandise

Honorable Members in Session:

SUMMARY

This report recommends enactment of an ordinance amending Sections 7.72 and 7.73 of the City Code to strengthen prohibitions on outdoor sales, particularly from vacant parcels.

BACKGROUND

Law and Legislation Committee Chairperson Terry Kastanis asked the City Attorney's Office to prepare amendments to the City Code which will strengthen prohibitions against temporary vending activities being set up within the City, primarily on vacant property.

A similar effort was undertaken in 1987, but the language then proposed by the City Attorney's Office and enacted by the Council was later interpreted to permit outdoor vending if the vending stand, cart, etc., were shrouded in a tarpaulin.

This new proposal deletes language which authorizes outdoor sales "from an area screened so as not to be visible from an adjacent public street or public sidewalk", which was the language interpreted unfavorably to the Council's expressed policy to prohibit outdoor vending. Added are exceptions for

construction equipment sales and rental, and flea markets, where allowed by the City's zoning ordinance.

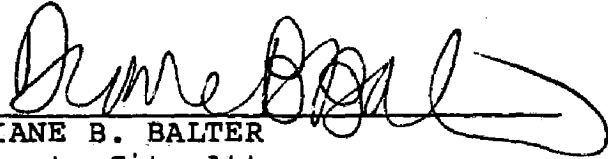
RECOMMENDATION

It is recommended that the Law and Legislation Committee endorse the proposed ordinance and recommend enactment by the full Council.

Very truly yours,

JAMES P. JACKSON, City Attorney

By


DIANE B. BALTER
Deputy City Attorney

Attachments

March 31, 1988
All Districts

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING SECTIONS 7.72
AND 7.73 OF THE SACRAMENTO CITY
CODE, RELATING TO OUTDOOR SALES
AND DISPLAY OF MERCHANDISE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 7.72 of the Sacramento City Code is hereby amended to read as follows:

§ 7.72 Outdoor sales and displays unlawful.

It is unlawful to sell, attempt to sell, or display for sale any merchandise, food or drink on private property except from within a fully enclosed building.

SECTION 2.

Section 7.73 of the Sacramento City Code is hereby amended to read as follows:

The prohibition of Section 7.72 shall not apply to the following activities or businesses, when conducted in a zone where such sale or display is permitted as a matter of right pursuant to the city's comprehensive zoning ordinance (Ordinance No. 2550, fourth series, as amended):

- (a) Display of merchandise outside a fully enclosed building, in association with a business where purchase of such merchandise ordinarily takes place within the building;
- (b) Automobile, boat, trailer, camper, motorcycle and construction equipment sales and rental;
- (c) Retail lumber yards;
- (d) Fruit and vegetable stands possessing a valid special permit from the City Planning Commission and authorization from the California Department of Agriculture;

- (e) Horticultural nurseries;
- (f) Vending machines, when located in service stations, motels, and other "drive-in" businesses;
- (g) Gasoline pumps, oil racks and accessory items when located on pump islands;
- (h) Christmas tree sales;
- (i) Fireworks sales;
- (j) Yard sales (maximum one per calendar year not to exceed two consecutive days);
- (k) Sale of newspapers, books, periodicals and other printed material;
- (l) Mobile health and veterinary clinics;
- (m) Fund-raising activities conducted by organizations exempted from the business operations tax by Section 23.103(b) of the Sacramento City Code;
- (n) Flea markets.

DATED PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE AMENDING SECTIONS 7.72
AND 7.73 OF THE SACRAMENTO CITY
CODE, RELATING TO OUTDOOR SALES
AND DISPLAY OF MERCHANDISE

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Section 7.72 of the Sacramento City Code is hereby amended to read as follows:

§ 7.72 Outdoor sales and displays unlawful.

It is unlawful to sell, attempt to sell, or display for sale any merchandise, food or drink on private property except from within a fully enclosed building. ~~or from an area screened so as not to be visible from an adjacent public street or public sidewalk.~~

SECTION 2.

Section 7.73 of the Sacramento City Code is hereby amended to read as follows:

The prohibition of Section 7.72 shall not apply to the following activities or businesses, when conducted in a zone where such sale or display is permitted as a matter of right pursuant to the city's comprehensive zoning ordinance (Ordinance No. 2550, fourth series, as amended):

- (a) Display of merchandise outside a fully enclosed building, in association with a business where purchase of such merchandise ordinarily takes place within the building;
- (b) Automobile, boat, trailer, camper, and motorcycle and construction equipment sales and rental;
- (c) Retail lumber yards;
- (d) Fruit and vegetable stands possessing a valid special permit from the City Planning Commission and authorization from the California Department of Agriculture;

- (e) Horticultural nurseries;
- (f) Vending machines, when located in service stations, motels, and other "drive-in" businesses;
- (g) Gasoline pumps, oil racks and accessory items when located on pump islands;
- (h) Christmas tree sales;
- (i) Fireworks sales;
- (j) Yard sales (maximum one per calendar year not to exceed two consecutive days);
- (k) Sale of newspapers, books, periodicals and other printed material;
- (l) Mobile health and veterinary clinics;
- (m) Fund-raising activities conducted by organizations exempted from the business operations tax by Section 23.103(b) of the Sacramento City Code;
- (n) Flea markets.

DATED PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK