



# Sidewalk Vendor Ordinance

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# The Ask

That Council provide direction to staff on preparing a draft sidewalk vendor ordinance to include objective development standards allowed by SB 946.



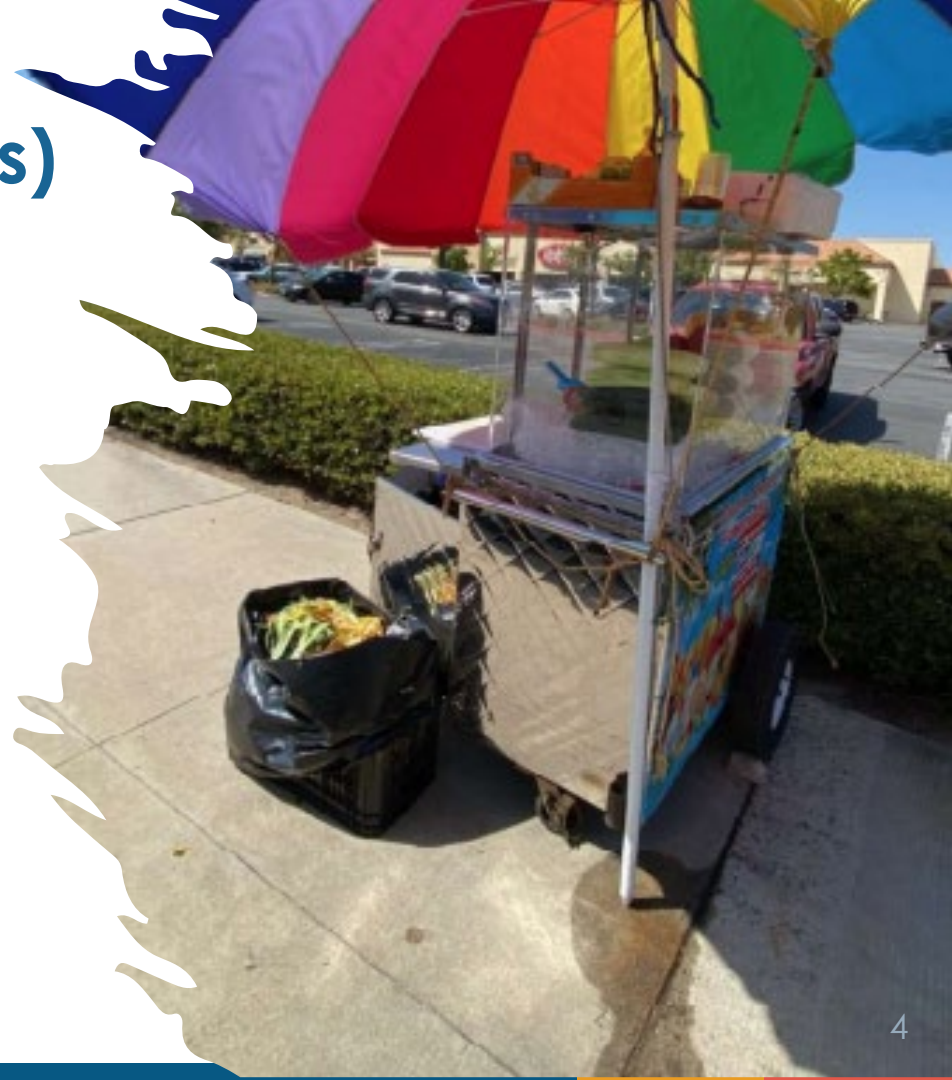
# Overview

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- ▷ What is SB946?
- ▷ Prior discussion on SB 946.
- ▷ Current City ordinance covering sidewalk vendors.
- ▷ What the City *can* and *cannot* do on regulating sidewalk vendors.
- ▷ Overview of Sidewalk Vendor Ordinances in other jurisdictions.
- ▷ Pros and Cons of a Sidewalk Vendor Ordinance.
- ▷ Typical Objective Development Standards.
- ▷ Options for City Council consideration.

# SB 946 (Sidewalk Vendors)

- Became effective in 2019.
- Adopted into the CA Gov't Code (Chapter 6.2. Sections 51036-51039)
- Established regulations for sidewalk vendors.
- Local agencies are to allow sidewalk vendors in accordance with the provisions of this law.
- Vendors in violation of the law would only be punishable by an administrative fine.



# What is a sidewalk vendor?

A person who sells food or merchandise upon a public sidewalk or pedestrian path from a:

- Pushcart
- Stand
- Display
- Pedal Driven Cart
- Wagon
- Showcase
- Rack
- Other Non-Motorized conveyance



# Prior Discussion on SB 946

- ❑ **October 13, 2021: Committee of the Whole**
  
- ❑ **Staff provided an overview of sidewalk vendor ordinances adopted by City of Riverside and County of Riverside covering objective development standards such as:**
  - Permit & Business License
  - Distance to freeway ramps
  - Distance to bus stops
  - Distance to edge of curb
  - Distance to street corners
  - Distance to other sidewalk vendors
  - Distance to schools
  - Distance to building entrances
  
- ❑ **Direction from the Committee included:**
  - Review of additional sidewalk vendor ordinances from other cities (development standards, complaints, insurance requirement)
  - Staff outreach to the sidewalk vendor community
  - Staff outreach to the Chamber of Commerce

# Items Completed Since the COTW



Reviewed Sidewalk Vendor Ordinances from 25 jurisdictions.



Contacted the County of Environmental Health to obtain a list of sidewalk vendors in the County. No list was available with contact information.



Contacted the Corona Chamber of Commerce three times to meet on the regulations of SB 946. No response from the Chamber.

## Current CMC Chapter 5.34 compared to State Law (SB 946)

### Compliant

- Permit required for a peddler or solicitor.
- Business License required.
- Permit fees.
- Not allowed in areas with a special event or within 100 yards of a parade route.
- Not allowed to approach persons traveling in a vehicle along a public right-of-way.
- Not allowed to sell from a motorized vehicle to a person within the public rights-of-way.
- Regulations on the use of sound-making devices.

### Not Conforming

- City's peddler definition does not match the state definition of a sidewalk vendor.
- Social Security Number required for a permit.
- Hours of operation limited to 8:00 a.m. to 8:00 p.m., and to 8:00 a.m. to 9:00 p.m. during daylight savings time.
- Vendor in violation of the CMC is deemed a misdemeanor, unless the violation is reduced to an infraction.
- Does not identify restrictions related to time, place and manner.

### More Restrictive

- Criminal background check done by Police Department.
- Permit can be denied if background check confirms crimes listed in CMC Section 5.34.040.



# The City cannot...

- Limit a sidewalk vendor to specific parts of the public right-of-way
  - **Except** when that restriction is directly related to objective health, safety, or welfare concerns.
- Limit the hours of operation for sidewalk vending to be more restrictive than other businesses or uses on the same street (non-residential areas)
- Require consent or approval of any non-governmental entity or individual before he or she can sell food or merchandise
- Restrict sidewalk vendors to only a designated neighborhood or area
  - **Except** when that restriction is directly related to objective health, safety, or welfare concerns
- Prohibit roaming sidewalk vendors, including residential areas
- Limit the number of sidewalk vendors
  - **Except** when the restriction is directly related to objective health, safety, or welfare concerns
- Prohibit a sidewalk vendor from selling food or merchandise in a park
  - **Except** in cases where the local authority has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.
- Impose criminal penalties, such as misdemeanors or infractions
- Cite or fine a sidewalk vendor for a violation of any rule or regulation that is inconsistent with SB 946





## A local agency **MAY**...

1. Adopt sidewalk vending requirements in a **park** owned by the local agency regulating **time, place and manner**. Requirements shall be based on:
  - Objective health, safety, or welfare concerns.
  - Ensuring the public's use and enjoyment of natural resources and recreational opportunities.
  - Preventing an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.
2. Prohibit sidewalk vending in the immediate vicinity of a permitted farmers' market or swap meet during the hours of operation.
3. Prohibit sidewalk vending in the immediate vicinity of an area issued a temporary special use/event permit.




## A local agency **MAY**...

- Adopt an ordinance or resolution for sidewalk vending requiring **time**, **place** and **manner**.
- Requirements must be directly related to **objective health, safety** or **welfare concerns**.



# 25 Jurisdictions Reviewed

- ▷ Riverside County
- ▷ Riverside
- ▷ Moreno Valley
- ▷ Eastvale
- ▷ Norco
- ▷ Lake Elsinore
- ▷ Murietta
- ▷ Temecula
- ▷ San Diego
- ▷ San Bernardino
- ▷ Fontana
- ▷ Rancho Cucamonga
- ▷ Ontario
- ▷ Chino
- ▷ Chino Hills
- ▷ Anaheim
- ▷ Santa Ana
- ▷ Tustin
- ▷ Newport Beach
- ▷ Laguna Niguel
- ▷ Claremont
- ▷ Pomona
- ▷ Pasadena
- ▷ Glendale
- ▷ Burbank



## Summary of Sidewalk Vendor Ordinances



Required Vendor Permits &  
Business Licenses

Required Liability Insurance

Residential Time Restrictions

Distance Restrictions

Required vendors to provide trash  
receptacles



# Summary of Sidewalk Vendor Requirements From The Cities Studied

## Vendor Permit Fees

Corona	Average Based on Other Jurisdictions	Highest Cost Found in Other Jurisdictions
\$190	\$150	\$471

## Business License

Corona	Corona's Cost	Other Jurisdictions		
		Yes	No	Cost Range
Yes	Solicitor Fee: \$55 Peddler Fee: \$110	20	5	Business license: \$25 - \$280 Vending Permit: \$12 - \$471



## Summary of Sidewalk Vendor Requirements From The Cities Studied

### Health Permit From County Department of Environmental Health

Corona	Other Jurisdictions	
	Yes	No
Yes	22	3

### Liability Insurance

Corona	Other Jurisdictions		
	Yes*	Release of Indemnity	No
No	17	1	7

\* Insurance amounts vary from \$500,000 to \$1,000,000



## Summary of Sidewalk Vendor Requirements From The Cities Studied

### Permit Display Required

Corona	Other Jurisdictions		
	Yes	No	Must Carry Permit
No, But must carry permit	13	11	1

### Trash Receptacle Required by Vendor

Corona	Other Jurisdictions	
	Yes	No
No	22	3





## Summary of Sidewalk Vendor Requirements From The Cities Studied

### Distance From Farmers Markets, Swapmeets or Special Events

Corona	Other Jurisdictions	
	Yes*	No
100 Yards (Parade route or Special Event)	22	3
* Distances vary from 100 feet to 1,000 feet. Some only require a distance of one-block.		

### Distance From Another Vendor

Corona	Other Jurisdictions	
	Yes*	No
No	15	10
* Distances vary from 3 feet to 250 feet.		



## Summary of Sidewalk Vendor Requirements From The Cities Studied

### Pedestrian Path Clearance

Corona	Other Jurisdictions	
	Yes*	No
4 feet	20	5

\* Path Clearances vary from 3 feet to 6 feet.

### Distance To Building Entrances

Corona	Other Jurisdictions	
	Yes*	No
No	18	7

\* Distances vary from 10 feet to 25 feet. Some jurisdictions only require “no blocking.”



## Summary of Sidewalk Vendor Requirements From The Cities Studied

### Distance From Schools

Corona	Other Jurisdictions	
	Yes*	No
300 feet	16	9
* Distances vary from 100 feet to 1,000 feet. One jurisdiction requires a distance of one-block.		

### Distance From Fire Hydrants

Corona	Other Jurisdictions	
	Yes*	No
NO	19	6
* Distances vary from 5 feet to 50 feet.		



## Summary of Sidewalk Vendor Requirements From The Cities Studied

### Time Restriction in Residential Areas (Roaming Vendors)

Corona	Other Jurisdictions	
	Yes	No
8:00 p.m. to 8:00 a.m.	21	4
End times vary: 7:00 a.m. to 9:00 a.m. Start times vary: dusk to 9:00 p.m.		



# Administrative Penalties

Administrative citations are allowed to be issued in the following amounts for violating the requirements in an ordinance

<b>Violations Associated with a Vendor Permit</b>	
1 <sup>st</sup> Violation	\$100
2 <sup>nd</sup> Violation	\$200
3 <sup>rd</sup> + Violation	\$500

<b>Violations Associated without a Vendor Permit</b>	
1 <sup>st</sup> Violation	\$250
2 <sup>nd</sup> Violation	\$500
3 <sup>rd</sup> + Violation	\$1000

# Number of City Vendor Permits issued in Year 2022



Apparel & Flags (1)



Flower (2)



Phone Sales (3)

# Sidewalk Vendor Ordinance Pro and Con



An updated ordinance will provide additional objective standards related to time, place and manner to regulate sidewalk vendors in an orderly manner.



Maintaining the status quo will provide limited objective standards related to time, place and manner and provide more flexibility for sidewalk vendors.

## Typical Objective Development Standards Included in a Sidewalk Vendor Ordinance

- Permit Required:
  - Individual ✨
  - Organization ✨
- Business License ✨
- County Environmental Health Permit ✨
- Display of Permit ✨
- Liability Insurance
- Trash Receptacle For Food Vendors ✨
- No Reliance on Other Businesses ✨
  - Restrooms
  - Electricity
- Dimensions of Cart/Stand/Display ✨
- Minimum Distances to:
  - Street Curb ✨
  - Street Intersection ✨
  - Fire Hydrants ✨
  - Pedestrian Clearance ✨
  - Building Entrances ✨
  - Schools ✨
  - Other Vendors ✨
  - Special Events ✨
- Restrictions
  - Parks with Concession Agreements ✨
  - Residential End Time ✨
  - Residential Start Time ✨

✨ Indicates Staff recommendation



# Options For City Council Consideration

## OPT. 1

Keep the City's current Peddlers and Solicitors Ordinance and use SB 946 as applicable

## OPT. 2

Keep the City's current Peddlers and Solicitors Ordinance but remove the requirement for criminal background checks from the Police Department and have the Planning and Development Department issue sidewalk vendor permits.

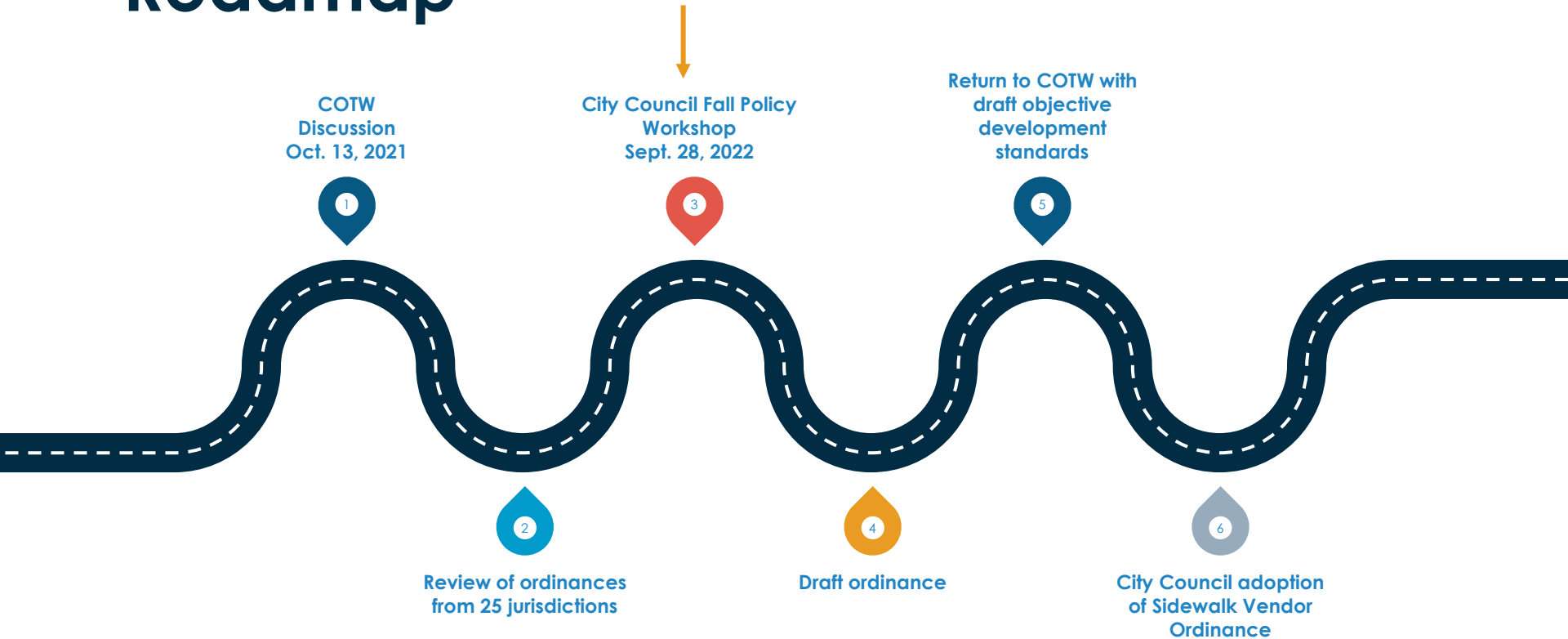
## OPT. 3

Draft a new sidewalk vendor ordinance that replaces the current ordinance that includes additional objective standards related to health, safety and welfare that are **similar to** the cities reviewed. ✨

## OPT. 4

Draft a new vendor ordinance that replaces the current ordinance that includes additional objective standards related to health, safety and welfare that are **more restrictive** than the cities reviewed.

# Roadmap



# The Ask

That Council provide direction to staff on preparing a draft sidewalk vendor ordinance to include objective development standards allowed by SB 946.



# Questions?

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