



Sidewalk Vending in the Public Right-of- Way



**Planning & Development
Department**

October 13, 2021

Overview

- SB 946 (Sidewalk Vendors)
- Corona Municipal Code Chapter 5.34, Peddlers and Solicitors
- Comparison of Sidewalk Vending Ordinances for Riverside County & City of Riverside
- New City Ordinance on Sidewalk Vending (Regulations to Consider)



The Ask...

Provide direction to staff on preparing a draft ordinance for sidewalk vendors for review and discussion at a future City Council Study Session.



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



A local agency shall **NOT**:

- Restrict sidewalk vendors to only specific parts of the public right-of-way or to only designated neighborhoods, **except** if the restriction is related to objective health, safety or welfare concerns.

Perceived community animus or economic competition does not constitute an objective health, safety or welfare concern (CA Gov't Code Section 51038 (e))

- Require a sidewalk vendor to first obtain consent or approval of any non-government entity or individual before selling merchandise or food.



A local agency shall **NOT**:

- Restrict the overall number of sidewalk vendors permitted to operate within the jurisdiction, **unless** the restriction is related to objective health, safety or welfare concerns.
- Prohibit sidewalk vendors from selling products in a park owned by a local authority **but can prohibit a stationary vendor if there is an existing agreement for concessions that exclusively permits the sale of food and merchandise by the concessionaire.**



A local agency **MAY**:

Adopt additional requirements regulating time, place and manner of sidewalk vending in a **park** owned by the local agency if the requirements are any of the following:

- Objective health, safety, or welfare concerns.
- To ensure the public's use and enjoyment of natural resources and recreational opportunities.
- To prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.



A local agency **MAY**:

- Prohibit sidewalk vending in the immediate vicinity of a permitted farmers' market or swap meet during the hours of operation.
- 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 adopting requirements for time, place and manner of sidewalk vending.
- Requirements must be directly related to objective health, safety or welfare concerns.



Examples of objective health, safety or welfare concerns...

- Limitation on hours of operation that are not unduly restrictive.
 - Hours for sidewalk vending shall not be more restrictive than limitations on hours of operation on other businesses or uses on the same street.
- Distance to curbs or driveways.
- Requirement to maintain sanitary conditions.
- Requirement to ensure compliance with the American Disabilities Act of 1990.
- Requiring additional licenses from other government agencies to the extent required by law.

Examples of objective health, safety or welfare concerns...

- Requiring a sidewalk vendor to obtain a local regulatory permit for sidewalk vending.
- Requiring a sidewalk vendor to obtain a local business license.

The above requirements can be done provided that the local agency accepts a:

- California Drivers License or identification number.
- Individual taxpayer identification number or a municipal identification number **in lieu** of a social security number.

Enforcement

A violation of a local agency's sidewalk vending program in compliance with CA Gov't Code Section 51038 is punishable only by an administrative fine.

Administrative fine schedule includes:

- **First violation:** not to exceed \$100.
- **Second violation:** not to exceed \$200 within one year of first violation.
- **Each additional violation:** not to exceed \$500 within one year of first violation.


Upon the fourth violation, the local agency may rescind a permit issued to a sidewalk vendor for the term of that permit.



Enforcement

A sidewalk vendor vending without a local agency permit can be issued administrative citations in the following amount:

- **First violation:** not exceeding \$250.
- **Second violation:** not exceeding \$500 within one year of first violation.
- **Each additional violation:** not exceeding \$1000 within one year of the first violation.

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Corona Municipal Code Chapter 5.34, Peddlers & Socltors Compared to State Law (SB 946)

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 Compliant



- Definition. Peddler definition does not match the state definition of a sidewalk vendor.
- Social Security Number required for a permit.
- Criminal background check done by Police Department.
- Permit can be denied if background check confirms crimes listed in CMC Section 5.34.040.
- 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.



Comparison of Riverside County and City of Riverside Sidewalk Vending Ordinances

Examples of Time, Place and Manner Requirements

Summary of Sidewalk Vending Ordinances in Riverside County and City of Riverside

Y = Yes **N** = No

Regulation	Riverside County Ordinance	City of Riverside Ordinance
Sidewalk Vending Permit	Y	Y
Agency Business License	N	Y
Other regulatory permits as required by other agencies (ex: County Environmental Health Permit)	Y	N

Summary of Sidewalk Vending Ordinances in Riverside County and City of Riverside

Regulation	Riverside County Ordinance	City of Riverside Ordinance
Clearance of 4 feet to allow clear pedestrian movement	Y	Y
Distance to schools during school days	Y 500'	N
Prohibited from obstructing vehicular and pedestrian traffic	Y	Y
Distance to painted zones	Y 15'	Y 15'
Distance to freeway entrance and exit ramps	Y 500'	N
Distance to fire hydrants, ADA ramps, bus stops, signal crossings	Y 15'	Y 15'

Summary of Sidewalk Vending Ordinances in Riverside County and City of Riverside

Regulation	Riverside County Ordinance	City of Riverside Ordinance
Distance to fire and police stations & hospitals	Y 200'	Y 50'
Distance to edge of curb	Y 5'	N
Distance to a building entrance	Y 15'	N
Distance to another sidewalk vendor	Y 15'	N
Hours of operation per state law	Y	Y
Stationary vendors prohibited on residential streets	Y	Y

Summary of Sidewalk Vending Ordinances in Riverside County and City of Riverside

Regulation	Riverside County Ordinance	City of Riverside Ordinance
Roaming vendors allowed in residential neighborhoods	Y (sunrise to sunset)	Y
Restricted from using sound amplifying equipment	Y	Y
Restricted from having vending conveyance affixed to any buildings or structures (light poles, benches, etc.)	Y	Y
Maximum size for carts, stands or tables	N	Y (Table limited to 16 sf)
Trash receptacle required	Y	Y

Summary of Sidewalk Vending Ordinances in Riverside County and City of Riverside

Regulation	Riverside County Ordinance	City of Riverside Ordinance
Distance to a farmer's market, swap or temporary/special event	Y 200'	N
Prohibited from vending on certain streets	Y	N
Stationary vending prohibited in certain parks with an agreement for concessions	N	Y
Prohibited from vending in certain regional reserves/open space parks	N	Y
Prohibited within any roadway, center median or dividing section	Y	Y

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Proposed Ordinance on Sidewalk Vending in the Public Right-of-Way

Proposed City Ordinance on Sidewalk Vending

The Ask:

Provide direction to staff to prepare a draft ordinance for sidewalk vending that has regulations similar to those identified by Riverside County, or less restrictive regulations similar to those identified by the City of Riverside.

Examples:

- Distance to curb face
- Distance to driveway corners
- Distance to special events and schools
- Distance to farmer's markets
- Distance to other sidewalk vendors
- Restricted areas (ex: Downtown)
- Distance to building entrances
- Distance to freeway entrance/exits
- Other regulations for staff to research and consider

More Restrictive Ordinance - PROS & CONS

PRO:

- Controls the overcrowding of sidewalk vending on public sidewalks and within parks.
- Allows opportunity for independent small operators to sell merchandise by having it easily accessible to the public but in a more controlled environment.
- Allows economic opportunity for small operators but in a more controlled environment.

CON:

- Additional time spent by Code Compliance in the field to ensure certain regulations, such as distances and separation requirements are maintained.

Less Restrictive Ordinance - PROS & CONS

PRO:

- Allows opportunity for independent small operators to sell merchandise by having it easily accessible to the public.
- Allows economic opportunity for small operators.

CON:

- Less time spent by Code Compliance in the field to ensure certain regulations, such as distances and separation requirements are maintained in the field.
- Vendors participating in a farmer's market or outdoor market would not likely participate in such markets if no distance requirement exists.

NEXT STEPS:

- Present the sidewalk vendor regulations at a Parks and Recreation Commission.
- Present a proposed Sidewalk Vending Ordinance to the City Council at a future study session



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