



Administrative Report

N.2., File # 21-2652

Meeting Date: 6/15/2021

To: MAYOR AND CITY COUNCIL

From: BRANDY FORBES, COMMUNITY DEVELOPMENT DIRECTOR

TITLE

DISCUSSION AND POSSIBLE ACTION ON POTENTIAL REDONDO BEACH MUNICIPAL CODE AMENDMENTS TO REGULATE SIDEWALK VENDING IN COMPLIANCE WITH SENATE BILL 946

EXECUTIVE SUMMARY

On January 1, 2019, Senate Bill 946, the "Safe Sidewalk Vending Act," (hereinafter, "SB-946") became effective, which largely decriminalized sidewalk vending. If a local jurisdiction wishes to regulate sidewalk vending, it must adopt local sidewalk vending provisions that comply with SB-946. It establishes the requirements for local regulation and prohibits **all** criminal penalties for sidewalk vending violations, enforcement must consist solely of escalating fines.

Current Redondo Beach Municipal Code sections relating to vending and soliciting are out of compliance with SB-946, and need to be amended. If the City Council wishes to regulate sidewalk vending, it must adopt regulations compliant with SB-946. Exemplar ordinances from other cities are included with this administrative report in order to see how other cities have addressed this issue and to guide the discussion.

Lastly, amendments complying with SB-946 will be limited to sidewalk vendors using carts, and shall not apply to vending from a vehicle, such as food trucks.

BACKGROUND

Senate Bill 946, defines a sidewalk vendor as a person who sells food or merchandise on a sidewalk or pedestrian path. The law controls the way that local jurisdictions may regulate sidewalk vending. Such regulation *must* be based on specific, objective public health, safety, and welfare concerns.

Pursuant to SB-946, local jurisdictions can:

- Limit hours of operation with specified parameters;
- Prohibit stationary sidewalk vending in residential areas, however, roaming sidewalk vendors must be permitted to operate in those zones;
- Prohibit sidewalk vending near farmers' markets, swap meets, and temporary special permit areas, as well as in parks where the City has a concessionaire agreement;
- Require compliance with sanitary conditions;
- Require the vendor to obtain necessary approvals from other regulatory agencies (such as the

Department of Health for food vendors), prove that they possess necessary licenses prior to issuing a local permit, as well as displaying such licenses/permits on their sidewalk vending receptacles;

- Require vendors to comply with the Americans with Disability Act (for example, vendors cannot block curb ramps, they must leave a minimum of forty-eight inches (48") of accessible route area);
- Request certain information about the business' operations (name, mailing address, type of sales);
- Implement a local sidewalk vending licensing program, requiring a local license; and
- Make violations subject to administrative fines.

Local jurisdictions cannot:

- Require sidewalk vendors to operate in a specific area, *unless* the local authority is implementing such restrictions in order to protect the community's health, safety, or welfare;
- Require vendors to ask permission from businesses, non-governmental organizations or anyone besides the local jurisdiction;
- Prohibit sidewalk vendors from operating in public parks, unless the park has a concessionaire agreement, or the park is restricting vending if:
 - It is to protect the community's health, safety, or welfare;
 - Necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities; or
 - Necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.
- Restrict the total number of sidewalk vendors, unless the restriction is to protect the community's health, safety, or welfare;
- Make violations punishable by infraction or misdemeanor. Even failure to pay levied administrative fines cannot be criminalized.

All local sidewalk vendor regulations must be directly related to "objective health, safety or welfare concerns." The City must demonstrate a rational basis for the regulation, and the regulations cannot be arbitrary. The recitals and purpose section of the ordinance amendment must clearly explain why the City is enacting the regulations.

Lastly, sidewalk vending violations cannot be punishable by misdemeanor or infraction. As such, in order to enforce violations of local sidewalk vending provisions, the City would need to establish administrative fines for such violations.

Staff has attached ordinances from various municipalities, as well as the Redondo Beach Municipal Code sections which may need amending. Staff requests that Council review the various provisions in order to specifically direct staff on how to amend our ordinances.

Any new ordinance will regulate sidewalk vendors only, and would not apply to vending on streets from a vehicle, such as a food truck.

COORDINATION

The legislation research has been coordinated with the City Attorney's Office.

FISCAL IMPACT

Fiscal impact of a local sidewalk vendor licensing program will be assessed upon adoption of a resolution establishing the fee.

APPROVED BY:

Joe Hoefgen, City Manager

ATTACHMENTS

Bill Text SB-946
SB-946 (Lara) Sidewalk Vending Brief
RBMC Title 4 Chapter 15
RBMC Chapter 3 Article 7 Chapter 20
RBMC Section 12-1.501
RBMC Section 12-1.503
City of Torrance regulations
City of Hermosa Beach regulations
City of Manhattan Beach regulations
City of Oceanside Regulations
City of Glendale regulations
City of Glendale Hold Harmless Agreement