

ALVAREZ-GLASMAN & COLVIN

CITY OF COMMERCE



CHAPTER 5.16 SIDEWALK VENDING PRESENTATION June 13, 2023

Sidewalk Vending Presentation Topics

1. Senate Bill 946 (SB 946)
2. Sidewalk Vendors
3. Senate Bill 972 (SB 972)
4. Commerce Municipal Code Chapter 5.16
Amendments
5. Questions & Answers

Senate Bill 946 (SB 946)

3



- ❑ In September 2018, SB 946 was enacted to provide equitable access to street vending licenses in California by decriminalizing vending.
- ❑ Local governments cannot restrict vending on the public right-of-way unless directly related to health, safety, or welfare concerns.
- ❑ Cities and counties can regulate the time, place and manner of sidewalk vending, provided they relate to objective health, safety, or welfare concerns.
- ❑ The time, place, and manner regulations cannot be unduly restrictive.

SB 946- Permitted Actions

4

- Cities can regulate street vendors through their ordinance by:
 - Limiting Hours of Operation
 - Prohibiting Stationary Sidewalk Vending in Residential Areas
 - Prohibiting Sidewalk Vending near farmers markets, swap meets and temporary permit areas
 - Require Vendors to comply with the Americans with Disabilities Act
 - Require a permit or license
 - Request certain information about the business' information (i.e., name, address, type of sale)

SB 946- Unpermitted Actions

5

- Local Authorities cannot:
 - Require sidewalk vendors to operate in a specific area
 - Unless to protect the community's health, safety or welfare
 - Prohibit sidewalk vendors from operating in public parks
 - Unless the park has a concession agreement or
 - To protect the community's health, safety or welfare
 - Restrict the number of sidewalk vendors throughout the City
 - Unless to protect the community's health, safety or welfare
 - Require vendors to ask permission from business owners

Sidewalk Vendors

6

- Sidewalk vendor(s) include person(s) who sell food or merchandise from a:
 - Pushcart
 - Stand
 - Display
 - Pedal-driven cart
 - Wagon
 - Showcase
 - Rack
 - From one's person upon a public sidewalk or other pedestrian path (i.e., roaming or stationary vendors) or
 - Other non-motorized conveyance



Roaming vs. Stationary Vendors

7

□ Roaming Vendor(s)

- Moves from place to place and stops only to complete a transaction



□ Stationary Vendor(s)

- Vends from a fixed location



SB 946 Language- Time, Place, and Manner Restrictions

8

- SB 946 allows cities and counties to adopt time, place, and manner restrictions for sidewalk vending, provided those restrictions are directly related to “objective health, safety or welfare concerns.”
- For example, Commerce Municipal Code 5.16.020 (e) places vending restrictions in residential areas, stating in relevant part, “No person shall vend before nine o'clock a.m., or later than six o'clock p.m. during periods of standard time, or later than eight o'clock p.m. during periods of day light savings time in areas zoned exclusively for residential (i.e., low-density residential ("R-1"), medium-density residential ("R-2"), and high-density residential ("R-3")).”

SB 946- Health, Safety, and Welfare Concerns

9

- SB 946 does not specifically define “objective health, safety, or welfare concerns.”
- However, generally, this means that a City has a reasonable tendency to promote the public health, morals, safety, or general welfare of the community. *Carlin v City of Palm Springs* (1971) 14 CA3d 706, 711 (City has broad discretion in determining what is reasonable in endeavoring to protect public health, safety, morals, and general welfare of community).

Senate Bill 972

10

- There are now two bills that regulate Sidewalk Vending: SB 946 and SB 972.
- SB 972 simplifies the retail food code by creating a category specifically for street food vendors named “compact mobile food operation” and adds “limited food preparation” and “mobile food facility” definitions.
- Additionally, this bill also focuses on:
 - Encouraging cities to reduce/waive permit costs to make sidewalk vending costs accessible.
 - Giving cities autonomy to create food cart designs and setting equipment standards for mobile food facilities.
 - Encouraging cities to provide accessible Commissary Spaces to store and prepare food.
 - Vendors in violation of state and local laws can be issued administrative citations.

Chapter 5.16 Amendments

11

- Expansion of CMC § 5.16.010 “Definitions” Section
- Including additional restrictions to CMC § 5.16.020 “General Prohibitions”
- Amending standards found in CMC § 5.16.030 “Sidewalk Vending Standards”

QUESTIONS? THANK YOU.



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