



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council

FROM: City Administrator

SUBJECT: Approve Second Reading and Adoption, by Reading by Title only and waiving further reading, of Ordinance No. 705, Related to the Regulation of Sidewalk Vendors, Pursuant to SB 946

MEETING DATE: JANUARY 15, 2018

Recommendation:

1. Approve Second Reading and Adoption, by Reading by Title only and waiving further reading, of Ordinance No. 705, Related to the Regulation of Sidewalk Vendors, Pursuant to SB 946; and/or
2. Make any motion(s) to execute any City Council directive(s).

BACKGROUND:

Senate Bill No. 946 (Lara) ("SB 946") was approved by the legislature and signed by Governor Brown on September 17, 2018. SB 946 prohibits a city from regulating "sidewalk vendors" except in accordance with the provisions of SB 946 (codified as Government Code Sections 51036-51039). SB 946 went into effect on January 1, 2019. A city may not cite, fine, or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with SB 946 beginning January 1, 2019.

DISCUSSION:

On December 18, 2018, the City proposed the consideration and passage of Urgency Ordinance No. 704 to be consistent with SB 946. A 4/5 vote by City Council was required to introduce and pass Urgency Ordinance No. 704, related to the regulation of sidewalk vendors. To err on the side of caution, the City also proposed "back-up" Ordinance No. 705, by way of usual ordinance introduction, reading and adoption procedures.

The ordinances proposed repealing in its entirety Chapter 5.16, "Vendors," of the Commerce Municipal Code, and replacing it with Chapter 5.16, "Sidewalk Vending." The ordinances further proposed to amend Section 5.05.010 of the Commerce Municipal Code, concerning permit requirements as they relate to vendors, as the new chapter had

provisions for permit requirements. Lastly, the ordinances proposed to repeal in its entirety Chapter 5.17, "Itinerant Vendors." The proposed changes were made in order to be consistent with state law, and to provide the City with a local, regulatory permitting procedure.

On December 18, 2018, Urgency Ordinance No. 704 passed with a 5-0 City Council vote. On December 18, 2018, City Council also moved to introduce and waive the first reading of "back-up" Ordinance No. 705, which is before the City Council today for second reading and adoption.

FISCAL IMPACT:

The ordinances provides authority for the passage of a fee resolution, to impose a sidewalk vendor permit fee in order for the City to recover its costs of processing said permit applications, and enforcing said regulatory program. After passage of this ordinance, a fee resolution will be presented to City Council for review and consideration.

ATTACHMENT

Ordinance No. 705

Respectfully submitted: Edgar P. Cisneros, City Administrator
Recommended by: Norma Copado, Assistant City Attorney
Approved as to form by: Norma Copado, Assistant City Attorney