



**ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT
STAFF REPORT**

TO: Eden Municipal Advisory Council

HEARING DATE: October 8, 2024

SUBJECT: Sidewalk Vending Ordinance Draft
Alameda County Community Development Agency / Planning Department

PURPOSE:

To establish a permitting and administrative program for sidewalk vendors that is consistent with Senate Bill 946 and Senate Bill 972. The provisions of this chapter allow the County to facilitate sidewalk vending activities through proper administration, while also protecting the public’s health, safety, and welfare.

To promote entrepreneurship and support immigrant and low-income communities, while also promoting the public’s health, safety and welfare, laws on sidewalk vending are necessary to:

- Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress and egress from any residence, business, public facility or legally parked or stopped vehicles;
- Provide reasonable access for the safe and efficient use and maintenance of sidewalks, poles, posts, traffic signs or ramps, hydrants, mailboxes, police or fire call boxes, sidewalk elevators, delivery areas, loading zones, transit shelters, curb ramps, parking meters, and locations used for public transportation services;
- Ensure sidewalk vending activities comply with the Americans with Disabilities Act and do not restrict passage for persons with disabilities;
- Preserve sanitary conditions by ensuring that vendors properly maintain their area; and
- Prevent or minimize other public health, safety, or welfare hazards caused or exacerbated by unregulated vending.

BACKGROUND:

On September 17, 2018, California Governor Edmund Gerald Brown signed Senate Bill 946 (“SB 946”) into law to regulate sidewalk vendors throughout the state, including within the County of Alameda.

On **September 23, 2022**, California Governor Gavin Christopher Newsom signed Senate Bill 972 (“SB 972”) into law, further regulating specific types of sidewalk vendors throughout the state, including within the County of Alameda.

State law mandates provisions/limitations from SB 946 and 972.

Existing provisions of the County of Alameda Ordinance Code prohibit or limit the activities of sidewalk vendors in a manner that may be in conflict with the provisions of SB 946 and SB 972.

The provisions of this proposed Ordinance are intended to regulate the time, place, and manner of sidewalk vending directly relating to public health, safety, and welfare objectives and concerns.

PERMIT REQUIREMENTS:

- Permit Required. No person may perform any sidewalk vending activities in the unincorporated County of Alameda, including a public right-of-way or any other street, sidewalk, alley, walkway, or pedestrian path available to the public, without first having obtained a sidewalk vendor permit pursuant to this Chapter.
- Sidewalk vending permit to be issued by the Planning Department.

APPLICATION:

- Permit application to follow the draft regulations under **Section 3**.
- Simplified instruction, application form and checklist (to be developed and translated).
- Set fees (to be determined).
- Provide individual support as needed including translation services (to be developed)
- Issue a permit to be displayed on site that is highly visible (bold numbers), and complaint contact info. (to be developed).
- Separate permit may be required by the Alameda County Environmental Health Department for food sales. This will be required to be obtained **first** before applying for a sidewalk vending permit.

OUTREACH AND EDUCATION EFFORTS:

- Provide education and outreach materials (to be produced and translated).
- Provide a program coordinator to support vendors (consultation).
- Provide vendor workshops as needed.
- Include content for the program in the Planning website.
- Publicize the program and how to file a complaint.

ENFORCEMENT:

- The Code Enforcement Division of the Planning Department is charged with the enforcement of the provisions of this chapter. Any authorized enforcement official may at all reasonable times inspect the premises and operations of a sidewalk vendor in accordance with this chapter and all other laws and regulations.

- Violations of this chapter shall not be prosecuted as infractions or misdemeanors and shall only be punished by the following administrative fine and rescission provisions:
 - A warning for a first violation;
 - Escalating administrative fees for subsequent violations;
 - A person who is the subject of an administrative penalty may request that the County make an ability-to-pay determination on a form prescribed by the Director;
 - Appeals shall be heard and determined by the Director, or a hearing officer appointed by the Director.
 - The Director may allow the person subject to an administrative penalty to complete community service in lieu of paying the total administrative fine, may waive the fine, or may offer an alternative disposition.

- Vendors set up on **private property** are generally not allowed unless a use permit is issued by the Planning Department for a temporary event.
 - Currently if unpermitted, Code Enforcement will issue a notice of violation to the property owner and refer the vendor to the Dept of Environmental Health if the vendor does not have a permit for food sales. The owner is subject to fines and fees for unpermitted use if the activities continue.

- Regulations allow enforcement through either Planning (Code Enforcement), Environmental Health OR Sheriff's Office.

COMPLAINT RESPONSE:

- Provide a dedicated phone line and web-link for complaints dedicated to the sidewalk vending.
- Provide Code Enforcement staff available for evening and weekend site visits as needed.
 - Identify location
 - Verify – sidewalk vending only.
 - Coordinate site visit with DEH and/or ACSO
 - Document violations and conditions. Take pictures.
 - Obtain operator information.
 - Provide program information and operating conditions.
 - Issue a notice if warranted.

CHALLENGES:

- Low voluntary participation of vendors to obtain proper permits resulting in enforcement difficulty.
- Citing vendors with no proper identification.
- Staffing enforcement on activities occurring on nights and weekends.
- Identifying agency with enforcement authority – various conditions.

- Coordinating enforcement.
- Language barrier.

NEXT STEPS:

- Present the draft to the various Municipal Advisory Councils (MACs): Castro Valley, Fairview, Eden, Sunol to solicit input.
- Compile feedback and return the item back to the Unincorporated Services Committee.

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