



ALAMEDA COUNTY  
Community Development Agency

# Sidewalk Vending Ordinance Draft

EDEN MAC  
October 8, 2024

Planning Department  
Community Development Agency



## Sidewalk Vending

- **Background:**

- 2018: California Senate Bill 946 (“SB 946”) sought to encourage sidewalk vending across the state, in part by decriminalizing sidewalk vending and limiting local authorities to administrative citations as enforcement tools.
- 2022: California Senate Bill 972 (“SB 972”) encouraged permitting for sidewalk vendors and further limited local authorities’ ability to penalize sidewalk vending.
- Existing provisions of the County of Alameda Ordinance Code prohibit or limit the activities of sidewalk vendors in a manner that are likely in conflict with the recent changes to state law and are thus likely unenforceable.
- The proposed Sidewalk Vending Ordinance is intended to create a regulatory system for sidewalk vending that brings Alameda County law in clearer compliance with the recent Senate Bills.



- **Purpose:**

- To establish a permitting and administrative program for sidewalk vendors that is consistent with Senate Bill 946 and Senate Bill 972.
  - These Senate Bills mandate that local authorities (including Alameda County) may only restrict sidewalk vending when it is “directly related to objective health, safety, or welfare concerns.”
  - Through these Senate Bills, the CA Legislature intended to “promote entrepreneurship and support immigrant and low-income communities.”
- Therefore, in furtherance of the Legislature’s goals, while also addressing health, safety, and welfare concerns raised by sidewalk vending, this Ordinance intends to:
  - Create a permitting system for sidewalk vending, with an emphasis on ease of access for sidewalk vendors to encourage permitting;
  - Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including travel to and from any residence, business, or public facility;



- Provide reasonable access for the safe and efficient use and maintenance of public utilities, including but not limited to sidewalks, traffic signs or ramps, hydrants, mailboxes, delivery areas, loading zones, transit shelters, curb ramps, and locations used for 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 in areas where sidewalk vending occurs; and
- Prevent or minimize other public health, safety, or welfare hazards caused or exacerbated by unregulated vending.



- **Limitations on County authority from state law:**
  - Cannot restrict sidewalk vending in certain areas, except when the restriction is directly related to objective health, safety, or welfare concerns.
    - E.g. Following a recent lawsuit, the City of Los Angeles removed restrictions on sidewalk vending in eight “no-vending zones” including Dodger Stadium and the Hollywood Walk of Fame.
  - Cannot require sidewalk vendors to obtain consent or approval of any nongovernmental entity/individual.
  - Cannot restrict hours of operation for sidewalk vending beyond hours of operation imposed on other businesses in the same street.



- **Limitations on County authority from state law:**
  - Cannot place a blanket ban on roaming sidewalk vendors from residential areas.
  - Cannot prohibit sidewalk vendors from selling food/merchandise in County-owned parks (with some exceptions).
  - Cannot use “community animus” or “economic competition” (e.g. with brick and mortar stores) as a basis for limiting sidewalk vending.
  - For enforcement, County is limited to administrative citations of specific amounts (see later slides).



- **Definitions:**

- **“Sidewalk”** means the area of the public right-of-way which is designated or ordinarily used for pedestrian travel, and does not include alleys.
- **“Sidewalk Vending Unit”** means a facility for the sale of Food and/or Merchandise that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, **or other nonmotorized conveyance.**
- **“Sidewalk Vendor Activities” or “Sidewalk Vending Activity”** includes Vending and/or actions done in anticipation of being a Sidewalk Vendor such as, but not limited to, operation, installation, placement, or maintenance of any Sidewalk Vending Units.



- **“Sidewalk Vendor”** means a person who Vends from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon the public right-of-way. The term “sidewalk vendor” does not include a person or entity that vends from a Mobile Food Facility as defined by Chapter 6.68.
- **“Vend”** means to sell, offer for sale, expose or display for sale, solicit offers to purchase, or barter Food or Merchandise. Vending includes offering free samples of Food or Merchandise that are also for sale, or negotiating fees for Food or Merchandise.





## 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 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 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 Planning Department will enforce the Sidewalk Vending Ordinance.
- Other County Departments will enforce in their own areas, e.g. Environmental Health (food), and Sheriff's Office (criminal activity)
- Under state law, the County is limited to the following methods of enforcement:
  - 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.
    - This provision is mandated by state law.
  - Appeals shall be heard and determined by the appropriate Board of Zoning Adjustments.
- Public Nuisance law may apply to especially bad actors that are “injurious to health” or “obstruct free enjoyment of life or property.” See Civil Code sections 3479-3480.



- **Complaint response:**

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



- **Implementation needs:**
  - **Resources:**
    - Standardize referral process with partner agencies (ACSO, EHD)
    - Program Staffing & Funding.
  
  - **Program set up:**
    - Develop and implement outreach and education efforts
      - Produce printed materials handouts/flyers etc.
      - Presentations at public meetings.
      - Facilitate workshops etc.
    - Set up public information- website content.
    - Set up permit application process, workflow – software integration, forms, notifications, tracking etc.
    - Set up enforcement process, workflow, intake, notice templates, tracking etc.



- **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 (MAC) - Castro Valley, Fairview, Eden, Sunol to solicit input.
- Compile feedback and return the item back to the Unincorporated Services Committee.



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<https://deh.acgov.org/operations/mff.page>

## Overview

Mobile Food Facilities (MFF) and Compact Mobile Food Operations (CMFO) require an Alameda County Environmental Health Department (ACEHD) permit to operate. All MFF's and CMFO's are inspected by ACDEH to ensure compliance with the California Health and Safety Code (CALCODE). Apply for a permit by following the instructions on this webpage. The CALCODE requirements for a MFF or CMFO permit depend on the food menu and level of food handling risk the operation proposes. A summary of food handling risks is described at the link provided here. [Click here for more information.](#)



## EXAMPLES OF CMFO



To submit plans to build and/or obtain a permit for your CMFO (CART) use the [CMFO Plan Check Requirements](#) and [Examples of Structural Requirements](#) for a CMFO for guidance.

A summary of CMFO (cart) structural requirements that may be required are found [here](#). [Prepackaged Food](#) and [Non-Prepackaged Food](#) A CMFO (cart) may be eligible for a [Legal Exemption CMFO](#) from possessing an ACDEH permit to operate.

## EXAMPLES OF MFF



A summary of requirements for MFF's can be found [here](#).

Requirements for plan submittal can be found [here](#).

Join our free "**INFORMATION SESSION**" led by inspectors experienced in the requirements and permitting process.

[Click here for more information.](#)



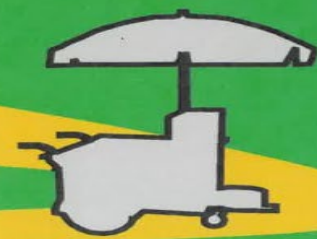


**Are you thinking of starting a mobile or temporary food business?  
Then you are invited to the Info Session Day!**

Come to our FREE Info-session, on the first Wednesday of the month from 10:00 - 11:00 AM at the Alameda County Department of Environmental Health, 1131 Harbor Bay Parkway, Alameda, Room 106



Scan Code to go to our website





**FREE  
INFO**

**FREE  
HELP**

## Want to sell food from your home? Need more info about a permit?

Join us for a **FREE** informational meeting with the Department of Environmental Health.

We will discuss the permit options and review regulations for the permits available in Alameda County. We will discuss the differences between a CFO permit and a MEHKO permit.

We will answer your frequently asked questions and assist in finding the best permit for your proposal.

If you have any questions call the front desk at (510) 567-6700 or use the QR code to look at our website

No reservations are required !

### DO YOU WANT TO SELL ANY

- BAKED GOODS
- CANDY & CONFECTIONS
- HONEY
- JAMS
- VINEGARS AND MUSTARDS
- DRINK MIXES
- FULL MEALS AND SO MANY MORE OPTIONS ! ?



**INFORMATIONAL MEETING  
HELD EVERY 1ST WEDNESDAY  
OF THE MONTH FROM  
9AM-10AM AT  
1131 HARBOR BAY PARKWAY,  
ALAMEDA  
ROOM 106**





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# End

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