



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of October 13, 2020

TO: Mayor Esquivias and Members of the City Council

SUBMITTED BY: Patrick Tang, City Attorney
Robert Reber, Community and Economic Development Director
Michael Roberts, Public Works Director/City Engineer

SUBJECT: SB 946 Sidewalk and Park Vending Requirements and Proposed Draft Ordinance

RECOMMENDED ACTION:

Accept staff report, discuss, and direct staff to agendize amendments to the Hercules Municipal Code to establish revised regulations for sidewalk and park vendors consistent with the requirements of SB 946.

FISCAL IMPACT OF RECOMMENDATION:

None as a result of this report. If Council approves proposed license requirements for sidewalk vendors, there would be some cost associated with administering and enforcing those requirements.

BACKGROUND:

Senate Bill 946 (SB 946) was signed into law on September 18, 2018 and became effective on January 1, 2019. It prohibits cities and counties from regulating sidewalk vendors unless an ordinance is adopted in accordance with the legislation.

DISCUSSION:

SB 946 requires a local authority to adopt a sidewalk vending program to enable regulation of vending on sidewalks in order to protect the health, safety, and welfare of the public. The proposed Sidewalk Vending Ordinance outlines:

- Key definitions associated with sidewalk vending;
- Permit requirements;
- Application requirements;
- Operational parameters;
- Vending prohibitions; and
- Administrative Citations and license revocation for failure to comply.

In conjunction with any new code requirements adopted by the City Council, staff would also prepare administrative Sidewalk Vending Rules and Regulations to assist vendors and potential vendors to better understand program requirements. The administrative rules and regulations would track the proposed Municipal Code requirements, with additional detail pertinent to the vendors.

In drafting the proposed ordinance, staff reviewed sidewalk vending ordinances from a number of jurisdictions, and selected as a primary model an example that, in staff's opinion, would be consistent with the goals of SB 946, protect the health and safety of the residents of Hercules and, in consideration of limited staffing, and allow for a simple administrative and enforcement scheme.

The ordinance if adopted would among other requirements, require a vendor to obtain a license that would need to be renewed annually, undergo background checks if requested by the Police Department, submit to inspection and approval by the County Health Department, regulate the size and dimensions of any vending cart or kiosk, regulate the signage used by vendors, impose requirements regarding trash and noise, regulate what locations within the city stationary or roaming carts could operate and the hours of operation, and regulate placement of carts to avoid blocking pedestrian use of sidewalks.

ATTACHMENTS:

1. Draft Ordinance
2. SB 946