



SIDEWALK VENDING ORDINANCE WORKSHOP

Community & Economic Development

City Council
September 21, 2021

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BACKGROUND

1. Senate Bill 946 establishing sidewalk vending regulations in the State of California was adopted in January 2020.
2. Riverside Municipal Code Chapter 5.38 was amended in July 2020 to comply with new State Law and regulates sidewalk and pedestrian vending activity.
3. Restrictions on sidewalk vending must be directly related to an objective health, safety or welfare concern.
4. At the time the City Council amended Chapter 5.38, they also instructed staff to explore other opportunities to regulate sidewalk vending specific to the City of Riverside.
5. Staff performed outreach with all involved City Departments (Police, Parks & Recreation, Traffic Engineering, City Attorney, Code Enforcement) as well as the Inland Coalition for Immigrant Justice.



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BACKGROUND

6. Staff brought recommendations to the Land Use, Sustainability and Resilience Committee (Committee) on January 11, 2021.
7. Committee directed staff to conduct additional community outreach and research other local codes/ordinances and bring it back for further consideration.
8. On May 27, 2021, the Committee directed staff to bring proposed ordinance to City Council.
9. On July 20, 2021, City Council considered the proposed ordinance and directed staff to conduct an additional workshop at City Council prior to taking further action.



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DISCUSSION

Seven areas for further discussion were raised by City Council:

1) Inclusion of sidewalk vendors in Business Improvement Districts (BID)

- California Government Code states vendors need not get approval to do business from any non-governmental entities, nor shall a local authority restrict vendors to operate in designated areas only.
- Businesses that register their place of business in a BID are automatically charged BID fees and become members. This may apply to sidewalk vendors as well.
- No local area BIDs that include sidewalk vendors were identified.
- Other transitory businesses that operate in a BID from time to time do not become members (i.e.: dog groomers, auto detailers, etc.)



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DISCUSSION

2) Business License/Sales Tax information

- Vendors need City Business License and Vendor's Permit.
- Must submit valid identification (ID), proof of Health Permit if selling food, insurance certificate, indemnity agreement, cart description and locations and names of all employees.
- Currently there are 5 active licenses with 2 more pending.
- State requires Seller's Permit, but City does not require one to obtain a Business License.
- Sales of food is exempt from sales tax unless it is heated, sold as a meal, sold for consumption on the seller's premises or is considered candy, confectionary or snack food.



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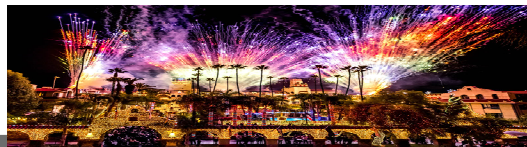
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DISCUSSION

3) Restriction of vending during special events

- State Law does allow local agencies to restrict vending in the "immediate vicinity" of temporary or special events, swap meets and certified farmer's markets.
- Doing so would not only preserve health/safety/welfare within the event outline, but also protect organizers from certain liabilities and provide better control of an event for the organizers. Authorized vendors at such events are also often a source of revenue for the event.
- The term "immediate vicinity" is ambiguous and would need to be better defined as an actual measurement (i.e.: 500 ft.) to be easily enforced.



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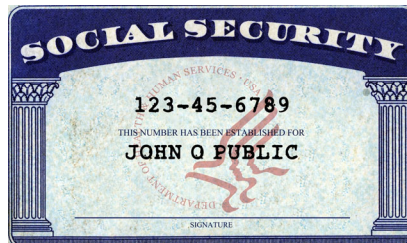
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DISCUSSION

4) Requirement to collect Social Security Numbers to obtain permits

- State Law requires local agencies to accept certain other forms of ID in lieu of a Social Security Number.
- Other acceptable documents shall include a California Driver's License or ID card, individual taxpayer ID number or other Municipal identification.



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DISCUSSION

5) Ability to regulate hours of operation

- A local agency does have an opportunity to regulate hours of operation as long as:
 - a) Hours are not unduly restrictive.
 - b) Non-residential hours shall not be more restrictive than other businesses on the same street.
 - c) Restrictions are based on an objective health, safety or welfare concern.



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DISCUSSION

6) Comparison of “Best Practices” in local jurisdictions

LOCAL AGENCY SIDEWALK VENDING CODE COMPARISON						
REGULATION	RIVERSIDE	ANAHEIM	LOS ANGELES	PASADENA	POMONA	JURUPA VALLEY
1) REGULATE HOURS OF OPERATION				X		X
2) PROHIBIT DURING SPECIAL EVENTS & FARMERS MARKETS		X	X	X	X	X
3) REQUIRE “BID” MEMBERSHIP						
4) REQUIRE SSN TO OBTAIN PERMIT (NOT ALLOWABLE PER GOVT CODE)	X					
5) DESIGNATED NO VENDING AREAS		X	X	X	X	
6) PROHIBIT IN PARKS WITH CONCESSIONAIRES AGREEMENT				X	X	
7) REGULATE SIZE OF CART	X				X	
8) REQUIRE BUSINESS LICENSE & VENDOR PERMIT	X	X	X	X	X	X
9) INCLUDE SANITATION REQUIREMENTS	X	X	X	X	X	X
10) REGULATE SOUND MAKING DEVICES	X			X	X	
11) REQUIRE COMPLIANCE WITH ADA GUIDELINES		X	X	X	X	X
12) ENFORCE VIA ADMINISTRATIVE CITATIONS	X	X	X	X	X	X
13) SEPARATION REQUIREMENTS FROM OTHER VENDORS			X	X	X	X



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DISCUSSION

7) Enforcement

- Code Enforcement staff partners with County Health and Riverside Police Department on special enforcement details on weekends and evenings.
- 13 existing Code Enforcement Officers on duty Mon-Fri from 7am-6pm.
- There is 1 Code Enforcement Officer on each weekend day assigned to PSET.
- Code Enforcement is reactive; not proactive.
- Violations have been decriminalized and enforced administratively only.
- County Health can enforce Health and Retail Food code and can confiscate/destroy food and equipment.
- 352 vendor complaints received during Fiscal Year 2020/2021.
- Riverside Municipal Code empowers “anyone employee with the authority to enforce this code” as an enforcement officer for purposes of administrative code enforcement remedies.



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DISCUSSION

- The most important point to remember when developing regulatory framework for sidewalk vendors is that other than a few specific exemptions within State Law, any restrictions a local agency imposes must be directly related to an objective health, safety or welfare issue
- If City Council adopts a revised sidewalk vending ordinance, staff will work with the Marketing Division to create and implement an educational component for the business community with guidelines and infographics as well as links to resources that assist prospective business owners with financial and other assistance



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STRATEGIC PLAN ALIGNMENT

Envision Riverside 2025 Strategic Plan Priorities

 #3 Economic Opportunity

Cross-Cutting Threads



Community Trust



Fiscal Responsibility

Sustainability &
Resiliency

Equity



Innovation



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RECOMMENDATIONS

That the City Council:

1. Receive a report and conduct a workshop on proposed changes to RMC Chapter 5.38 regarding sidewalk vending;
2. Provide guidance regarding desired regulatory framework for sidewalk vending in the City of Riverside and direct staff to bring back proposed amendments to the existing Riverside Municipal Code Chapter 5.38 regarding sidewalk vending; or
3. Adopt staff's proposed Revised Ordinance to RMC 5.38 – Attachment 4



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