



# City Council Memorandum

City of Arts & Innovation

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**TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: NOVEMBER 16, 2021**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT      WARDS: ALL**  
**DEPARTMENT**

**SUBJECT: ADOPTION OF AN ORDINANCE REVISING CHAPTER 5.38 OF THE RIVERSIDE**  
**MUNICIPAL CODE REGULATING SIDEWALK VENDING**

**ISSUE:**

Adoption of an Ordinance revising Riverside Municipal Code (RMC) Chapter 5.38 regarding sidewalk vending.

**RECOMMENDATION:**

That the City Council:

1. Adopt an Ordinance revising Riverside Municipal Code Chapter 5.38 regarding sidewalk vending.

**BACKGROUND:**

The Governor signed Senate Bill SB 946, and it became effective on January 1, 2019, as Government Code sections 51036 – 51039. This law decriminalizes sidewalk vending with the intent to promote entrepreneurship and economic development opportunities for low-income and immigrant communities. The general rule of SB 946 is that any restriction on a sidewalk vendor must be directly related to an objective health, safety, or welfare concern.

On July 21, 2020, City Council adopted amendments to RMC Chapter 5.38, bringing the City's municipal code into compliance with State Law. At that time, Council also directed staff to make recommendations for further revisions that were specific to the City of Riverside.

Subsequently, staff made two presentations to the Land Use, Sustainability and Resilience Committee (Committee) on January 11, 2021, and May 27, 2021, to discuss the sidewalk vending ordinance.

Also, pursuant to Committee direction, staff conducted several virtual community roundtable meetings to provide a background of the project to participants as well as solicit their feedback and perspectives on several topics related to the City's current sidewalk vending ordinance and future direction of the City concerning sidewalk vending.

On May 27, 2021, the Land Use, Sustainability and Resilience Committee directed staff to make changes to the existing sidewalk vending ordinance.

On July 20, 2021, City Council considered the changes as recommended by the Land Use, Sustainability and Resilience Committee and directed staff to present a workshop to City Council regarding sidewalk vending prior to taking further action on this item. The following seven topics were raised by City Council on July 20, 2021, as areas that required further discussion or information.

- 1) Inclusion of sidewalk vendors in local Business Improvement Districts (BID)
- 2) Business License/Sales Tax information
- 3) Restriction of sidewalk vending during temporary and special events such as Festival of Lights
- 4) The requirement to collect Social Security Numbers from applicants to obtain Vendor's Permits
- 5) Ability to regulate hours of operation
- 6) Comparison of local jurisdiction vending codes
- 7) Enforcement

A City Council Workshop was conducted on September 21, 2021, addressing these additional questions and concerns. At the conclusion of the workshop, City Council directed staff to draft an ordinance for adoption and bring an update back to City Council six months after adoption. The update should include information on staff's experience and feedback regarding the new provisions as well as an enforcement strategy moving forward which should address weekend and evening proactive vendor enforcement.

### **DISCUSSION:**

The proposed Ordinance is shown in red-line (Attachment 1) and in a clean version (Attachment 2) and includes the additional regulations and provisions as directed by the City Council on September 21, 2021, as well as those that were previously discussed at Committee and Council.

Section 5.38.100 was amended to set forth administrative fines for violations as well as authorize the revocation of a vendor's permit for a fourth or subsequent violation of this section.

Section 5.38.115 was amended to:

- 1) Set hours of operation from sunrise to sunset in residential areas and sunrise to midnight in all other areas/zones of the City.
- 2) Set the maximum dimensions for any sidewalk vendor cart or conveyance at 6 feet in length by four feet in width.
- 3) Remove the prohibition on restricting artificial lighting.
- 4) Prohibit sidewalk vending within 200 feet of any special or temporary event as allowed by California Government Code.

Should City Council adopt an Ordinance amending Chapter 5.38 of the RMC regulating sidewalk vending, then staff will develop and implement an educational component for the business and sidewalk vendor community. This effort will include information on the new regulations, brochures and pictorial guides addressing the sidewalk vending standards in the City, along with information on resources for prospective entrepreneurs needing financial and other assistance in starting a sidewalk vending business.

The inclusion of sidewalk vendors in the various Business Improvement Districts (BIDs) may be a possibility but should be addressed in other parts of the Riverside Municipal Code that pertain

directly to these BIDs and should not be specifically included in the sidewalk vending Ordinance. This initiative is still being explored by staff from the Business Tax/Finance Department and the City Attorney's Office.

### **STRATEGIC PLAN ALIGNMENT:**

This item supports **Strategic Priority: 3. Economic Opportunity** - Champion a thriving, enduring economy that provides opportunity for all. More specifically **Goals:**

- 3.1 – Facilitate partnerships and programs to develop, attract and retain innovative business sectors.
- 3.3 – Cultivate a business climate that welcomes innovation, entrepreneurship, and investment.
- 3.4 – Collaborate with key partners to implement policies and programs that promote local business growth and ensure equitable opportunities for all.

It aligns with the following Cross-Cutting Threads:

1. **Community Trust** – This item has been vetted through numerous Committees with robust public comment. In addition, two community roundtable meetings were held to solicit feedback from all stakeholders. Staff continues to engage the community and team members on a regular basis regarding sidewalk vending. The community meetings were marketed via e-mail blasts to constituent groups and the Greater Riverside Chambers of Commerce, direct messages to advocacy groups, flyer distribution to the actual sidewalk vendors, and via City Council newsletters. Roundtable meetings and Committee Meetings were conducted in both English and Spanish.
2. **Equity** – This item is being undertaken to provide equal entrepreneurship opportunities for segments of the business community that have been highly regulated and restricted. Sidewalk vending can be viewed as a cultural treasure in some communities and can serve as not only a means to provide income, but a means to deliver food to underserved or socio-economically disadvantaged segments of the community. Another often overlooked aspect of sidewalk vending is that not only does it open a pathway for new entrepreneurs, but it also creates opportunities for existing brick and mortar establishments to branch out and expand their business footprint. Spanish translation services have been provided throughout the meetings at the City Council sub-Committees, workshops, and the City Council meetings.
3. **Fiscal Responsibility** – Increased sidewalk vending activity in the City of Riverside can potentially generate additional sales tax and permit fee revenue. In addition, it can potentially attract additional visitors to areas such as the Downtown Entertainment District by providing additional dining options, thereby further increasing sales tax revenue for area businesses.
4. **Innovation** – The “street food” culture is a growing trend in many progressive areas of the country. Providing a regulatory framework that encourages this entrepreneurship while still safeguarding the public's health, safety and welfare would place Riverside among those model cities that are beginning to incorporate this “street food” culture into their downtowns.

5. **Sustainability & Resiliency** – Expanding the concept of sidewalk vending in Riverside would meet the needs of certain segments of the community and if properly approached, maintain the health and safety of the community. Sidewalk vending can be used as a means to bring prosperity and vibrance to a City as well as a vehicle to deliver dining options to underserved areas and provide a means of income to new entrepreneurs during periods of economic downturn.

**FISCAL IMPACT:**

There is no fiscal impact associated with this report. There is likely to be a significant impact on staff time/resources depending on the scope of enforcement programs that may be implemented in the future. Current code enforcement staffing levels are inadequate to provide a robust seven day per week and evening sidewalk vendor enforcement program as desired by the City Council.

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availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer  
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Attachments:

1. Proposed Riverside Ordinance - Redline
2. Proposed Riverside Ordinance - Clean Copy