



City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: APRIL 11, 2023**
FROM: COMMUNITY & ECONOMIC DEVELOPMENT **WARDS: ALL**
DEPARTMENT
SUBJECT: SIDEWALK VENDING AND FOOD TRUCK UPDATE

ISSUE:

An update on the educational and enforcement efforts related to the City's Sidewalk Vending Ordinance – RMC 5.38 and Food Truck Ordinance – RMC 5.36.

RECOMMENDATIONS:

That the City Council receive and file an update on education and enforcement efforts related to the City's Sidewalk Vending and Food Truck Ordinances.

BACKGROUND:

On February 21, 2023, Councilmember Perry requested an update on sidewalk vendors and food trucks be presented to the City Council.

LEGISLATIVE HISTORY:

Senate Bill SB 946 became effective on January 1, 2019, as Government Code sections 51036 – 51039. This law decriminalized 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. The City's existing laws related to sidewalk vending conflicted with numerous provisions of SB 946. The City amended its sidewalk vending ordinance to comply with State law, and on December 7, 2021, adopted amendments to RMC Chapter 5.38 (Attachment 8), bringing the municipal code into compliance with State Law. Shortly thereafter, the City also adopted amendments to the existing mobile food vending ordinance (food trucks) – RMC 5.36 (attachment 7) - which significantly broadened the allowances for these types of businesses to operate in the City.

In December 21, 2021, the City Council adopted amendments to the City's Sidewalk Vending Ordinance (RMC 5.38) to comply with new State Law as it pertains to regulating sidewalk and pedestrian vending activity. Shortly thereafter, the City Council adopted amendments to the Food Truck Ordinance (RMC 5.36) to significantly broaden allowances for food truck operations

throughout the City.

DISCUSSION:

Implementation Strategy

Since RMC 5.36 and 5.38 included numerous substantive changes, the Code Enforcement Division developed a careful approach to applying this new law that included community and stakeholder engagement, an initial public education and outreach phase, creation of informational brochures in both English and Spanish (Attachment 1-4) and finally, more focused enforcement on habitual offenders and problem locations.

The Division also recognized the need to build a team of Code Enforcement staff that was dedicated primarily to addressing issues arising out of sidewalk vending proactively and in “real time” at the time a complaint is received based on the nature of the activity. This team needed to work later into the evening hours when the majority of sidewalk and mobile vending activity takes place, as well as on the weekends. To this end, the Code Enforcement Division assigned one Senior Code Enforcement Officer and one Code Enforcement Officer to this detail and assigns numerous other staff to this function daily, as needed. This team is responsible for application and enforcement of both the City’s sidewalk vending and food truck/mobile vending ordinance. Members of this specialized team are all bilingual English/Spanish to facilitate better communication with the community.

The Code Enforcement Division employs several different enforcement methods and under normal circumstances, uses an escalating enforcement methodology beginning with education and verbal warnings, followed by additional education attempts and written Notices of Violation and finally, Administrative Citations/Fines and the summary abatement of hazardous, unpermitted food items as authorized by the Riverside Municipal Code governing food facilities:

6.08.040 - Permits.

No person shall operate a food facility without holding a valid permit issued by the Department of Environmental Health.

6.08.060 - Public nuisance declaration.

In addition, any violation of this chapter is hereby deemed to be public health nuisance and may be abated by the Enforcement Officer, irrespective of any other remedy hereinabove provided.

In addition to regular daily reactive and proactive education and enforcement efforts by Code Enforcement Division staff, the Division continues to regularly coordinate and partner with members of the Riverside County Department of Environmental Health and Riverside Police Department for joint operations focusing on the Downtown Entertainment District and other points throughout the City where we are experiencing a high number of complaints or particularly resistant unpermitted sidewalk and mobile vendors. During these details, the Police provide personnel security for City and County staff while Code Enforcement and County Health Inspectors concentrate on municipal code education and enforcement and food safety/sanitation.

Statistics

As of the writing of this report, the City of Riverside Finance Department/Business Licensing Division has recorded 25 active business licenses/vendor permits associated with sidewalk vendors (Attachment 5) and 21 business licenses for food trucks in the City (Attachment 6).

The following metrics reflect the sidewalk and mobile vending education and enforcement activity since the adoption and implementation of the City's sidewalk and mobile vending ordinances:

Table 1. Number of Sidewalk Vendor Complaints via 311 by Ward

WARD	Jan 2022 – July 2022	July 2022 – Feb 2023
1	12	27
2	8	14
3	20	41
4	17	29
5	15	30
6	34	136
7	13	35
TOTAL	119	553

Table 2. Enforcement Numbers Citywide

	Total
Sidewalk vendors	
Number of reactive and proactive sidewalk vendor contacts combined	2,195
Administrative citations issued to sidewalk vendors	271
Food trucks	
Total number of food truck cases Citywide	8
Administrative Citations issued to food trucks	0
Sidewalk vendors and Food trucks	
Approximate amount of unpermitted/hazardous food abated	28,000 pounds
Number of joint City/County enforcement operations	10

Observations And Challenges

Many sidewalk vendors that staff is encountering are unpermitted/unlicensed stationary taco vendors that set up a larger scale cooking and serving area with EZ up, lighting, customer seating, etc., in the City's right-of-way. These vendors have primarily been from Los Angeles and tend to require numerous contacts/citations/enforcement action before they comply. Most employees do not possess I.D. or refuse to provide it. Staff has also learned that most employees are poorly paid and are cautioned by their employer not to speak with or cooperate with City Officials.

Staff has observed that many of the out of area vendors are connected to one or several operators who drop them off in several locations in the city each night. Operators often use fully stocked secondary vehicles to replenish food supplies at the stands as needed to avoid having their product confiscated/destroyed by Health Inspectors. These vendors are also adapting to City enforcement efforts by attempting to identify Code Enforcement work schedules and utilizing "look-outs" to alert operators that Code Enforcement is nearby.

Food truck activity has seen an increase in frequency, but in general, most of the food trucks encountered possess all the required permits/approvals, are operating legally and/or are willing to comply. It is also worth noting that food trucks represent less than 1% of complaints.

Case Examples

The following examples represent several cases involving complaints of unpermitted sidewalk and mobile vendors that have been resolved. They support how our measured approach to education followed by enforcement can be successful in gaining compliance and outline some cases where repeated enforcement has not been effective. Ultimately, the goal of the program is to facilitate a safe and inclusive environment for legitimate entrepreneurs to obtain the required permits and approvals and conduct business in compliance with the law.

1) Festival of Lights (Ward 1)

Staff conducted directed outreach and enforcement during the Festival of Lights within the perimeter of the event and contacted 538 unpermitted merchandise vendors and eight food trucks throughout the course of the festival. Seven of those were food vendors. 19 citations were issued.

2) Forest and 14th St. (Ward 2)

Unpermitted taco stand - After multiple education efforts were made with stand owner, staff began enforcement. The stand owner was remained non-compliant. Multiple citations were issued and after several months of enforcement efforts, the unpermitted taco stand finally ceased all operations.

3) Streeter and Arlington (Ward 3)

Unpermitted taco stand - After multiple education efforts made with stand owner, staff began enforcement. Multiple citations were issued and after several months of enforcement efforts, the stand owner obtained a properly permitted food truck and now operates legally.

4) Iowa and Massachusetts (Ward 1)

Unpermitted taco stand - After multiple education efforts made with stand owner, staff began enforcement. Multiple citations were issued and after several months of enforcement efforts, the stand owner obtained a properly permitted food truck and now operates legally.

5) Van Buren and Challen (Ward 6)

Unpermitted taco stand - After multiple education efforts made with stand owner, staff began enforcement. Multiple citations were issued and after several months of enforcement efforts, the stand owner obtained a properly permitted food truck and now operates legally.

6) 12321 Magnolia (Ward 7)

While addressing a nearby unpermitted taco stand, Staff observed a subject cooking outside of an industrial building. Staff determined that the location was being used as a makeshift food commissary to supply food to several unpermitted food stands within the City of Riverside. Staff coordinated a joint inspection with Riverside County Environmental Health and Riverside Fire Department and identified multiple violations, including an insect infestation inside of the

refrigerators storing the meat. A citation was issued and approximately 3,500 pounds of hazardous food was confiscated and disposed of. The tenant has since been evicted by the property owner.

7) Chicago and 12th St (Ward 2)

Los Angeles based taco stand – Repeated enforcement efforts and fines totaling more than \$27,000 have been issued as well as more than 3,300 pounds of food has been abated at this location. The operator remains non-compliant and enforcement efforts are ongoing.

8) 7600 Arlington (Ward 6)

Los Angeles based taco stand – Repeated enforcement efforts and fines totaling more than \$16,000 have been issued as well as more than 3,500 pounds of food has been abated at this location. The operator remains non-compliant and enforcement efforts are ongoing.

9) Cypress and Harold (Ward 6)

Los Angeles based taco stand – Repeated enforcement efforts and fines totaling more than \$26,000 have been issued as well as more than 3,400 pounds of food has been abated at this location. The operator remains non-compliant and enforcement efforts are ongoing.

10) Wells and Noble (Ward 6)

Los Angeles based taco stand – Repeated enforcement efforts and fines totaling more than \$7,000 have been issued as well as more than 1,700 pounds of food has been abated at this location. The operator remains non-compliant and enforcement efforts are ongoing.

STRATEGIC PLAN ALIGNMENT:

This update is aligned with the Envision Riverside 2025 Strategic Plan Cross Cutting Threads:

1. **Community Trust** – The ordinances were vetted through robust public comment in 2021 and 2022 by way of two community roundtable meetings, several Council Committee Meetings and City Council meetings. These meetings were conducted in both English and Spanish as will the subject meeting. Code Enforcement responded to 672 complaints as well as proactive enforcement and education to over 1,500 sidewalk vendors.
2. **Equity** – Sidewalk and mobile vending can serve as a means to provide income and/or deliver food to underserved or socio-economically disadvantaged segments of the community. It also creates opportunities for existing brick and mortar establishments to branch out and expand their business footprint. Further, the Code Enforcement Division developed a careful approach to applying these new laws that included community and stakeholder engagement, an initial public education and outreach phase, creation of informational brochures in both English and Spanish, and finally, more focused enforcement on habitual offenders and problem locations.
3. **Fiscal Responsibility** – Sidewalk and food truck vending activity in the City of Riverside can 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** – Sidewalk and mobile vending in Riverside can offer additional food options across the City, as well as, deliver dining options to underserved areas. Sidewalk vending can provide a means of income to new entrepreneurs and existing businesses, especially during periods of economic downturn.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

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

1. Informational Flyer/Sidewalk Vendors – English
2. Informational Flyer/Sidewalk Vendors– Spanish
3. Informational Flyer/Food Trucks– English
4. Informational Flyer/Food Trucks– Spanish
5. List of vendor permits
6. List of food truck licenses
7. Riverside Municipal Code 5.36
8. Riverside Municipal Code 5.38
9. Presentation