



SIDEWALK VENDING IN SOUTH GATE



SIDEWALK VENDING IN CALIFORNIA

SB 946 (“Safe Sidewalk Vending Act”) was enacted on September 17, 2018, in an attempt to incorporate “sidewalk vending” into our economy and to remove all criminal penalties for unlawful sidewalk vending to avoid adverse immigration consequences.

SB 946 allows for limited local regulation of sidewalk vending – primarily those that regulate the time, place, and manner of sidewalk vending that are directly related to objective health, safety, and welfare concerns.

*“Perceived community animus” and “economic competition” are **NOT** valid bases for regulations*



CURRENT SOUTH GATE

BUSINESS REGULATIONS

Business (“Tax”) License

- Applicable to all businesses within the City – whether itinerant or “brick & mortar”

Regulatory Permit

- Applicable to *specified* business activities – including, amongst other businesses, sidewalk vendors and other types of itinerant vendors (e.g., catering trucks, peddlers, etc.)
- Regulations are directed to address specific issues presented with the *specified* businesses

Penalties

- Sidewalk Vendors – Administrative fine only
- Other businesses (including all non-sidewalk vendors) – Administrative fine, infraction citation, misdemeanor prosecution



CURRENT SOUTH GATE

SIDEWALK VENDING DEFINITIONS

“Sidewalk Vendor”

A person who sells food or merchandise from a non-motorized conveyance (e.g., pushcart, stand, display, wagon, rack, etc.) upon a sidewalk or pedestrian path.

“Stationary Sidewalk Vendor”

A vendor who vends from a fixed location.

“Roaming Sidewalk Vendor”

A vendor that moves from place to place, stopping only to complete a sale.



EXAMPLES OF SIDEWALK VENDORS



GUIDING REGULATORY PRINCIPLES

When enacting regulations for Sidewalk Vendors, the City Council should adhere to the following guiding principles:

Compliance with State Law

- SB 946 (“Safe Sidewalk Vending Act”)
- SB 972 (“California Retail Food Code”)

Public Health

- Compliance with Health Code

Public Safety

- Accessibility Requirements (e.g., ADA)
- Safety of vendors, patrons, pedestrians, and motorists



PROPOSED AMENDMENTS TO SIDEWALK VENDOR REGULATIONS

Staff is proposing a series of amendments to the Sidewalk Vending regulations in order to:

- Streamline the procedures for “business licenses” and “business regulatory permits” for Sidewalk Vendors
- Ensure protections for pedestrian use of City sidewalks – including ensuring *accessible* routes along sidewalks and pedestrian paths
- Promote **SAFE** sidewalk vending operations by re-aligning regulatory focus away from prohibiting sidewalk vending in specific locations to mandating that sidewalk vending operations maintain **safe distances** from other sidewalk vendors, streets, traffic control devices, driveways, public transit stops, and other improvements



PROPOSED AMENDMENTS

“Sidewalk Vendor”

To provide greater clarification to itinerant vendors, Staff is proposing to amend the definition of a “sidewalk vendor” to *explicitly prohibit vendors whose operation, in whole or in part, is on a street, alley, public or private parking lot or structure, dedicated bicycle path/lane, parkway, roadway median, crosswalk, freeway on-ramp, any privately-owned real property, or any unpaved portion of a sidewalk.*



EXAMPLES OF NON-SIDEWALK VENDORS



Sales from Motorized Vehicle

- SGMC 2.08.040 – Biz License
- SGMC 2.10.050 – Peddler Permit
- SGMC 2.10.800 – Peddler Regs
- SGMC Chapter 8.14 – Parking Restrictions



Sales on Private Property

- SGMC 2.08.040 – Biz License
- SGMC 2.10.050 – Peddler Permit
- SGMC 2.10.800 – Peddler Regs
- Title 11 - Zoning

ADDITIONAL PROPOSED AMENDMENTS

Distance Requirements

To protect the health and safety of sidewalk vendors, pedestrians, and vehicular traffic, staff is proposing amendments to mandate that sidewalk vending operations in their entirety (including the vendor, cart, equipment, merchandise/food, and queue of patrons) maintain **safe** distances from:

- Intersections and crosswalks (25')
- Traffic control devices (25') and fire hydrants (10')
- Driveway aprons (25') and railroad crossings (50')
- Public transit stops (45'), outdoor dining areas (10'), ATM machines (10')
- Schools, certified farmers markets, and swap meets (500')



ADDITIONAL PROPOSED AMENDMENTS (CONT)

Liability Insurance Requirements

Due to the potential for injury resulting from sidewalk vending operations (including, but not limited to, trip and falls due to improper placement of the cart, equipment, and merchandise/food), the proposed amendments would include a requirement for Sidewalk Vendors to provide liability insurance in an amount similar to other persons who encroach onto/into public sidewalks

Health Requirements

To ensure that public health and safety is maintained, the proposed amendments require:

- Health permit (unless exempt by SB 972 or Health Code)
- Maintenance plan addressing sanitization of equipment and utensils (for food vendors) and disposal of waste from operator and patrons
- Fire extinguishers must be on cart if food prepared with grill, stove, or open flame



ADDITIONAL PROPOSED AMENDMENTS (CONT)

Cart Size Limitations

Due to the potential for injury resulting from sidewalk vending operations – including inhibiting *accessible* routes of travel, the proposed amendments include the following limitations:

- Vending Cart – 72”L x 48”W x 72”H (including roof or awning)
- Shade structure – Must be attached to the vending cart (not placed on sidewalk) and cannot exceed the overall size limit of vending cart

Impoundment/Removal

To protect the public from imminent health and safety hazards, and to ensure clear *accessible* paths of travel, the amendments would authorize removal of Sidewalk Vendor equipment, merchandise, and food *pursuant to additional regulations to be adopted separately*



ADDITIONAL PROPOSED AMENDMENTS (CONT)

City Park Limitations

To protect health, safety, and welfare of sidewalk vendors and park guests, and to preserve the public's use and enjoyment of park resources and opportunities, the proposed amendments include:

- No sidewalk vending within 100' of a City park for which City has a signed agreement for exclusive sale of concessions (merchandise or food) [currently including South Gate Park and Hollydale Regional Park]
- No sidewalk vending within 100' of sports field/court while in use, playground, restroom, or concession area
- Food vendors may only operate in portions of park designated for cooking or barbecuing
- All sidewalk vendors may only operate on paved sidewalks – and must still be able to maintain *accessible* paths of travel (36" clearance)



OTHER MUNICIPALITIES

CITY	PRIMARY METHOD OF REGULATION	CART SIZE	IMPOUNDMENT?
Downey	Distance - 48" ADA / 25'	5' x 5' x 5'	No
Paramount	Mixed - 36" ADA / 50'	4' x 8' x 8'	No
Cudahy	Mixed – 48" ADA / 20'	5' x 5' x 5'	No
Huntington Park	Distance – 10'	48"W x 96"H	Yes (Unattended)
Bell Gardens	Distance – 48" ADA / 50'	15 sq. feet	No (Repealed)
Bellflower	Distance - 48" ADA / 5' to 25'	-	Yes
Norwalk	Mixed – 25' to 100'	-	No
Los Angeles	Mixed – 5' ADA / 2' to 20'	-	Yes (Produce)

* “Mixed” includes both specified prohibited locations and distance requirements as a *primary* method of regulation



SUMMARY OF PROPOSED AMENDMENTS

After a review of our current regulatory framework for Sidewalk Vendors, Staff has proposed amendments to those regulations as set forth in the proposed Ordinance to remain in compliance with changes in State law – including the California Government Code (as set forth in SB 946) and the California Retail Food Code (as modified by SB 972).

While sidewalk vending cannot be prohibited within the City, the proposed amendments constitute time, place, and manner regulations that are directly related to addressing objective health, safety, and welfare concerns resulting from the use of public sidewalks and parks for sidewalk vending operations – including accessible paths of travel, as well as pedestrian and vehicular safety.

