

Park & Recreation Board, and Regional Park Improvement Fund Oversight Committee

July 21, 2022

Sidewalk Vending Regulations in Parks and Beaches

Michael Ruiz, Chief Park Ranger
Parks & Recreation Department



Senate Bill: SB 946

September 17, 2018 - SB 946 decriminalized sidewalk vending and established requirements for local regulation of sidewalk vendors

- **SB 946 primary objectives:**

- Reduce violations of sidewalk vending from criminal or misdemeanor citations to **administrative penalties** (SDMC 12.0901 Administrative Citations)
- Promote entrepreneurship and economic success for sidewalk vendors
- Allows cities to establish permit programs requiring basic information
- Restrictions must be directly related to public health, safety, or welfare concerns
- Prohibits regulations that are based on perceived community or economic competition
- Help promote small business owners

Overview of the Ordinance

- Presents a comprehensive framework for the regulation of sidewalk vendors within the City of San Diego, which includes the **issuance of a permit**
- Sets parameters relating to **distance requirements** from various public assets and facilities
- Prohibits vending in various **high-traffic pedestrian areas**, and **regulates parkland, including beaches and plazas**
- Differentiates between **stationary** sidewalk vendors and **roaming** sidewalk vendors
- Nothing in the proposed ordinance or SB 946 prevents the City from taking action to enforce generally applicable **local, state, and federal laws**.



Permit Requirements

All sidewalk street vendors must obtain a vending permit

- **Information to be submitted on a permit application:**
 - Name and contact information
 - Proof of government-issued photo identification
 - Name and business address of company, if applicable
 - Current valid business tax certificate – **no social security number necessary**
 - Proof of California Department of Tax and Fee Administration seller's permit
 - Acknowledgment of compliance of release and indemnification requirement
 - No insurance required
- **Permits are valid for one calendar year and must be renewed annually**
- **Food vendors must additionally submit on their permit application proof of:**
 - A valid San Diego County Environmental Health Permit
 - A valid San Diego County Food Handlers Card



Goods, Services and Advertising

- **Goods are defined as items, personal property, merchandise, or any other similar item that is generally sold, including food and beverages**
- **Services** are activities involving the performance of work for others or the provision of intangible items that cannot be returned once they are provided
- Sidewalk vendors are prohibited from **leaving goods unattended at any time**
- Sidewalk vendors shall **not leave vending equipment on sidewalks or public right-of-way**
- Sidewalk vendors may only **advertise goods for immediate on-site sale** and are **prohibited from displaying goods on the ground**
- Prohibition of **rentals** and **selling** of services



Equipment and Operations Requirements

- Equipment may not **exceed 8 feet in height**
- Vendors may have a chair for themselves but **not create customer seating areas**
- Equipment may **not be attached** to or make contact with any utility pole, street sign, trash can, traffic pole, or any other public structure
- Vendors may not **connect to an external source** of power, water, or any other utilities located on public property. **No Unsafe Equipment**
- Vendors may **not utilize sound-making** devices
- Vendors of food or beverages must have **hand sanitizer** located in a conspicuous location readily available for use by customers
- Stationary Vendors can only take up a space of **4 feet X 8 feet** & cannot reduce the width of the sidewalk to **less than 48 inches excluding the curb.**



Items Prohibited to Sell

SB 946 provides parameters for the regulation of stationary and roaming vendors

- **Sidewalk vendors are prohibited from selling the following goods:**
 - Alcoholic beverages, tobacco and tobacco products, vaping products, smoking and drug related paraphernalia, **not including apparel**, cannabis and cannabis products, weapons, including knives, guns, or explosive devices, BB devices or imitation firearms, pharmaceuticals, live animals, materials harmful to minors as defined in section 58.07 of the Code, or other products prohibited by local, state, and federal laws.
 - The sale of weapons and imitation weapons poses a public safety issue because such items can cause injury to others or be confused for real weapons. Other items listed such as alcohol, tobacco, pharmaceuticals, and vaping products are already regulated or restricted in the way that they can be sold due to public health and safety concerns. There is a prohibition on the sale of live animals for both the safety of the public and animals.



Operations in Parks and Beaches

Restrictions to protect the scenic and natural character of our parks

- SB 946 allows the city to regulate sidewalk vending within parks as long as **it's "necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities"** or **"necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park."**
- **Vending shall be permitted between 8:00 am and sunset in public parks and beach areas**
- Vending is prohibited during the **Summer Moratorium** in **Balboa Park**, Mission Bay Park, **Presidio Park**, Belmont Park and the Shoreline Parks, which are those parks contiguous to the shoreline or beach in the communities of Ocean Beach, Mission Beach, Pacific Beach, and La Jolla

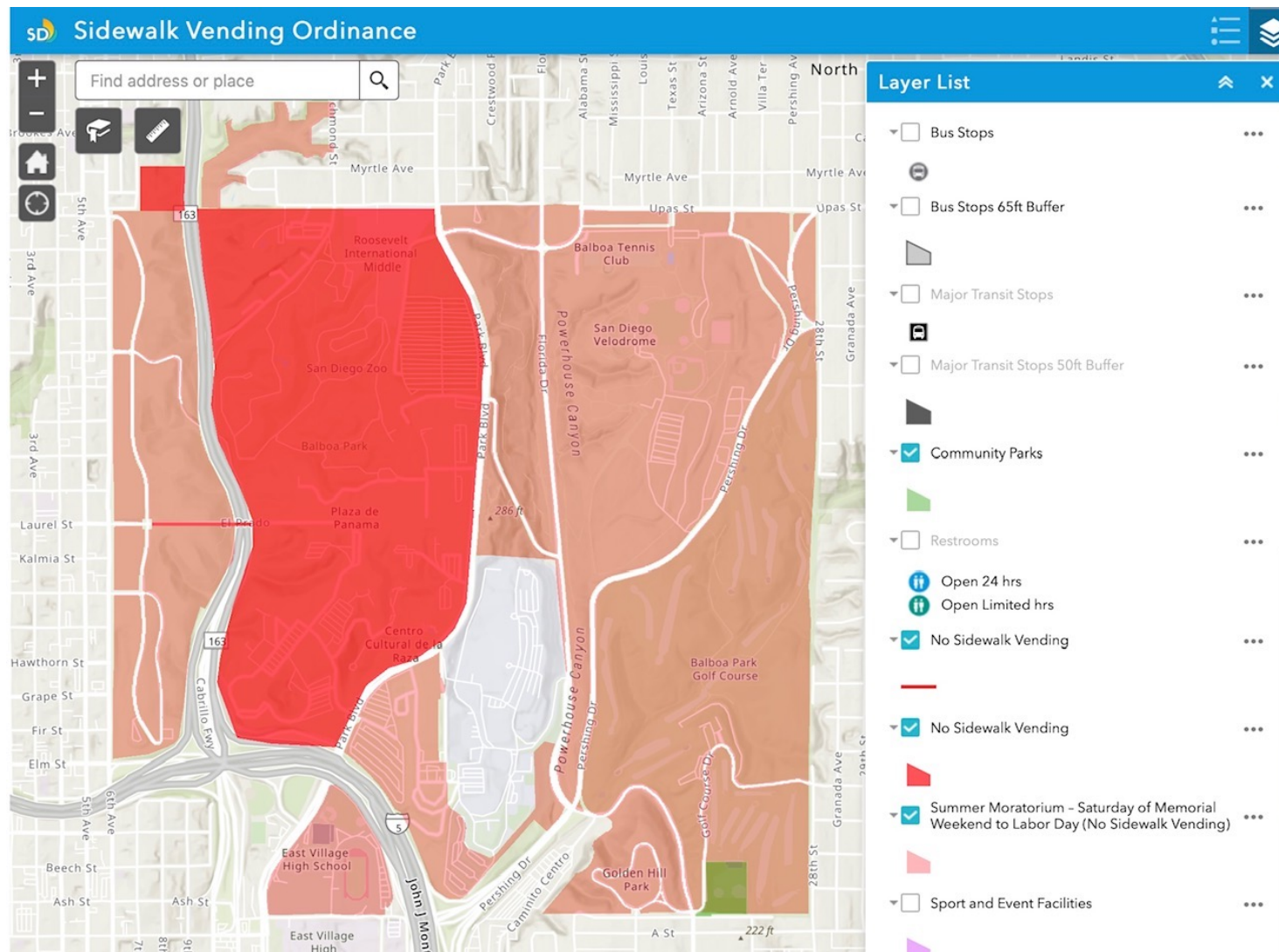


Operations in Parks and Beaches

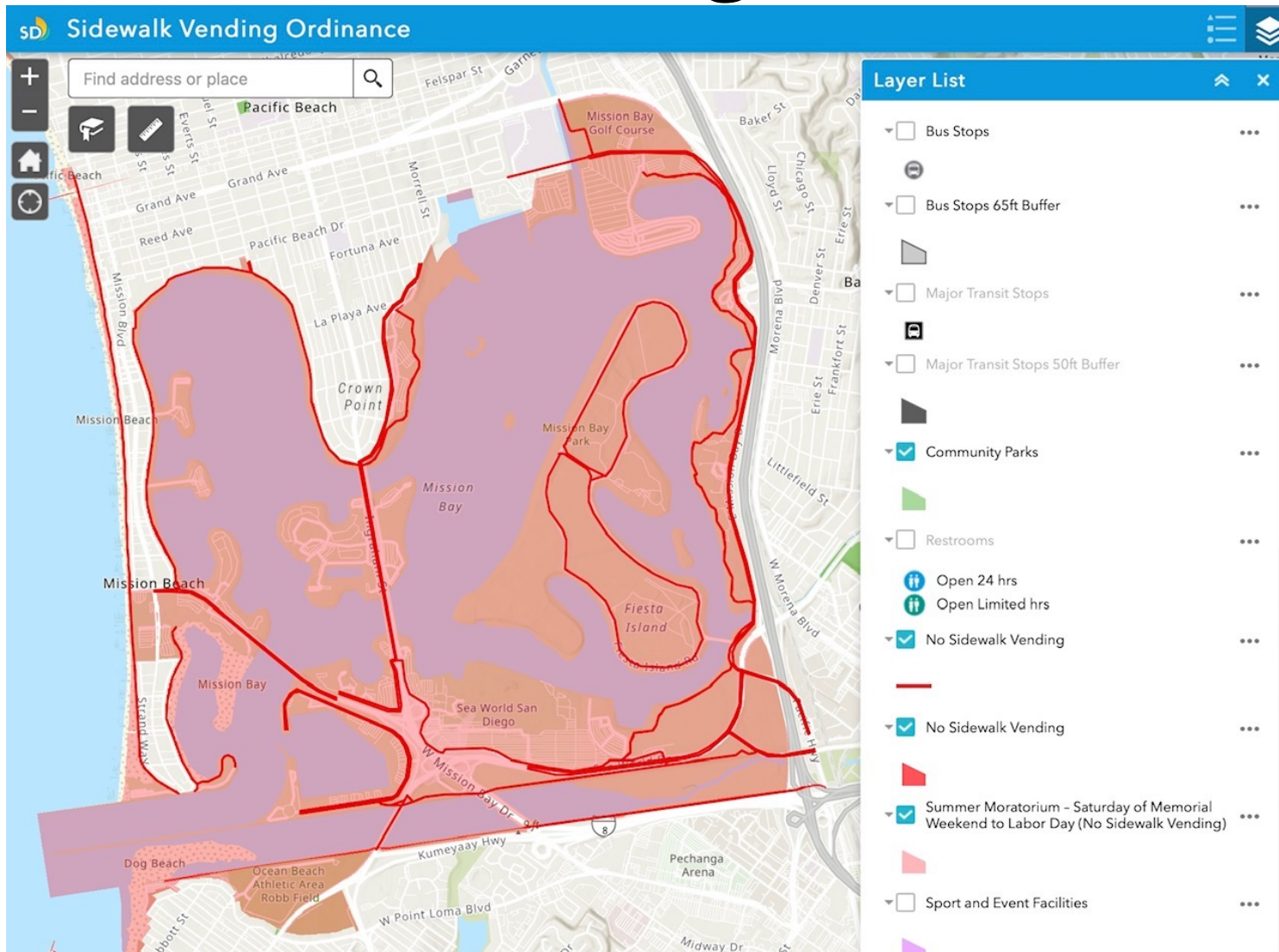
Restrictions to protect the scenic and natural character of our parks

- **Coastal sidewalks:** Portions of Coast Boulevard, Newport Avenue, Garnet Avenue, and Ventura Place
- **Vendors shall not vend:**
 - Within **25 feet** of any park decorative fountain, statue, monument, memorial, or art installation
 - **Within 50 feet of another sidewalk vendor**
- **High Traffic Bike and Shared Use Paths**
Bayside Walk, Bayshore Bikeway, Coast Boulevard Boardwalk between Jenner St. and Cuvier St, including pop outs; Ocean Front Walk, Crown Point Bike Path, La Jolla Shores Boardwalk; Scripps Park Boardwalk; Liberty Station NTC Path; Mission Bay Bike Path; MLK Promenade; Ocean Beach Bike Path; Ocean Boulevard Bike Path; and San Diego River Bike Path.
- **Special Events, Swap Meets, Farmer's Markets, and other Permitted Events** within 500 ft

Sidewalk Vending in Balboa Park



Sidewalk Vending at the Coast





Enforcement

Administrative Citations		
(Violations within one year)	With Permit	Without a Permit
First Violation	Outreach, Education & Referral	Outreach, Education & Referral
Second Violation	\$200	\$500
Third Violation	\$500	\$1,000
Fourth Violation	\$500 and/or impoundment	\$1,000 and/or impoundment

- **May 19, 2022 - Outreach, Education and Referrals** began with the County of San Diego Health Services, City Treasurers, Economic Development, Code Enforcement, & Park Rangers conducting workshops in collaboration with non-profit community partners.
- **June 22, 2022** – Sidewalk Vending Ordinance went into effect.
- **July 1, 2022** - Enforcement of the Sidewalk Vending Ordinance began, with the exception of some sections of the ordinance that are subject to the California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program.



www.sandiego.gov/sidewalk-vending

QUESTIONS