



Date: March 11, 2025

Honorable Mayor and Council Members:

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Title: **Policy Framework for Sidewalk Vending Regulations**

Jen Callaway, Town Manager

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**Recommended Action:** That Council provide direction to Town staff regarding the potential development of sidewalk vending regulations, including outreach and enforcement, in the Town of Truckee.

**Discussion:**

***What is Sidewalk Vending?***

Sidewalk vendors are non-motorized vendors conducting their business in a public area, such as a sidewalk, pedestrian walkway/trail, or public plaza. Motorized vendors, such as food trucks, are not included in the State definition of a sidewalk vendor and are therefore not included in these discussions.

There are two types of sidewalk vendors defined in State law:

- Roaming vendors. Roaming vendors move throughout the day and stop only for transactions.
- Stationary vendors. Stationary vendors are located in a fixed location for the duration of their business.

The Fiscal Year 2023-2025 Strategic Focus Area priority to “Invest in Key Infrastructure & Community Connectivity to Enhance the Quality of Life for Everyone” workplan Goal 4: Downtown Infrastructure, included Task 4.1 Sidewalk Vending Permit Development. As part of this workplan action item, staff is providing context and background regarding state law guardrails and seeking direction regarding the development of sidewalk vending regulations and enforcement.

***Background***

On January 1, 2019, Senate Bill 946 (SB 946), “The Safe Sidewalk Vending Act” became effective, which decriminalized sidewalk vendors throughout California. Under this bill, local jurisdictions are allowed to regulate the time, place, and manner of sidewalk vendors, and are allowed to require a permit for sidewalk vending activities. On January 1, 2023, Senate Bill 972 (SB 972) became effective, which places some limits on local jurisdictions’ authority to regulate sidewalk vending uses and allows a streamlined permitting process for health permit approvals. SB 972 still allows local jurisdictions to regulate the time, place, and manner of sidewalk vending uses, and still allows local jurisdictions to require a sidewalk vending permit and/or business license.

The State of California’s stated intent of the sidewalk vending bills, and specifically SB 946, is to promote entrepreneurship and support immigrant and low-income communities.

## ***Limits of Regulation***

Local jurisdictions are allowed, but not required, to regulate sidewalk vending operations for time, place, and manner as it relates to health, safety, and welfare. Some examples of regulations in place in several California jurisdictions are provided as examples in the “Potential Policy Framework” section below.

### ***Permissible Regulations***

In accordance with State law, the Town is able to regulate time, place, and manner of sidewalk vendors as it relates to health, safety, and welfare. For instance, the Town may:

- Limit hours of operation
- Require health department approval (for applicable vendors)
- Require a California seller’s permit issued by the State
- Prohibit stationary vendors in residential districts
- Prohibit vendors in certified farmer’s markets or a permitted special event
- Limit size, signage, lights, and/or noise
- Regulate for ADA compliance
- Apply generally applicable laws

### ***Prohibited Regulations***

State law places limitations on some regulations. For instance, the Town may not:

- Limit vendors to specific areas of the public right of way
  - Unless directly related to objective health, safety, or welfare concerns
- Ban vendors from specific area of the town
  - Unless directly related to objective health, safety, or welfare concerns
- Limit vendors to certain zoning districts
  - Unless directly related to objective health, safety, or welfare concerns
- Require the consent/approval of a non-governmental authority
- Regulate on the basis of unfair competition
- Limit the total number of vendors operating within the town

## ***Examples of Regulations in Other California Cities***

Town staff has researched some agencies with sidewalk vending ordinances in place, including Newport Beach, South Lake Tahoe, and Long Beach. Selected regulations and restrictions are listed below as examples:

### ***Regulations on time and place:***

- Limitations on hours of operation
- Prohibition in very populated tourist areas based on health, safety or welfare concerns
- Separation requirements from schools, bus stops, intersections, edges of curbs, etc.
- Prohibition on sloping sidewalks/walkways
- Prohibition on sidewalks/walkways less than 8 feet in width based on health, safety or welfare concerns
- Requirement to maintain 4 feet of sidewalk clearance

### ***Regulations on manner:***

- Limitations on items sold (prohibition of alcohol, live animals, vaping/drug paraphernalia, etc.)
- Prohibition of open flames
- Requirements for waste collection and disposal

- Prohibition of amplified sound
- Signage regulations

### ***Potential Permitting Procedures***

Many jurisdictions utilize a permit specific to sidewalk vending operations as a regulatory tool. Under State law, permits and/or business licenses are allowed to be required. This potential permit may be processed and issued by the Community Development Department, Finance Department, or Police Department, as examples. Staff is seeking input from the Council regarding whether the potential Sidewalk Vending Ordinance requires that sidewalk vendors obtain a permit from the Town.

### ***Enforcement***

State law prohibits the criminal prosecution of sidewalk vending violations. Penalties for violations of sidewalk vending ordinance are limited to administrative citations and fines only.

### ***Outreach Opportunities***

Staff requests that Council provide direction on the Council's desired approach to public outreach conducted while drafting a sidewalk vending ordinance. Staff recommends targeted engagement with Truckee Chamber of Commerce and Truckee Downtown Merchants Association. If Council thinks a more robust public outreach effort is more appropriate, staff could form a working group or hold a series of public workshops to gather input from the broader community.

### ***Staff Recommendation***

Staff recommends that Council provide direction regarding the potential development of sidewalk vending regulations, including outreach and enforcement, in Truckee. Staff believes there are several big picture topics that Council should discuss, including the following:

- Should staff work to develop an ordinance to regulate sidewalk vendors?
- Overall regulatory approach to sidewalk vending ordinance (i.e. development of a restrictive vs. a promotive ordinance)
- Pros and cons of varying regulatory approaches to sidewalk vending
- Community concerns and how the Council wants to address those concerns
- Opportunities associated with sidewalk vending
- Outreach approach, if desired
- Permitting approach, if desired
- Enforcement approach, if desired

Next Steps:

Once Council provides direction on the desired regulatory approach, Staff recommend the following next steps:

1. Engagement with the Truckee Chamber of Commerce and Truckee Downtown Merchants Association to understand their concerns, if any, with sidewalk vending in the Town. Additional community engagement will be conducted if directed by Council.
2. Draft an ordinance for Council's consideration based on feedback received.

### **Priority:**

<input type="checkbox"/>	Enhanced Communication	<input type="checkbox"/>	Climate and Greenhouse Gas Reduction	<input type="checkbox"/>	Housing
<input checked="" type="checkbox"/>	Infrastructure Investment	<input type="checkbox"/>	Emergency and Wildfire Preparedness	<input checked="" type="checkbox"/>	Core Service

**Fiscal Impact:** All costs associated with staff preparation of sidewalk vending regulations have been included in the General Fund 2024-2025 budget.

**Public Communication:** Town staff have met with Truckee Chamber of Commerce and Truckee Downtown Merchants Association to brief both organizations on this discussion item. In addition, this meeting and discussion has been noticed with the agenda posting.

**Attachments:**

Attachment 1 - Senate Bill 946

Attachment 2 - Senate Bill 972