



## Staff Report

**TO:** City Council  
**FROM:** Christina Taylor, Deputy City Manager  
**DATE:** November 21, 2023  
**SUBJECT:** Public Hearing and Consideration of Amendments to Beaumont Municipal Code Chapter 5.66 Sidewalk Vending

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**Description** Proposed amendments to Beaumont Municipal Code Chapter 5.66 Sidewalk Vending to ensure public health, safety and welfare.

### **Background and Analysis:**

In September 2018 (effective January 1, 2019), the California Legislature passed Senate Bill 946 (SB 946), prohibiting cities from regulating sidewalk vendors except in accordance with its express provisions. Specifically, SB 946 prohibits a city from: (1) requiring sidewalk vendors to operate within specific parts of public right-of-way, except when the restriction is directly related to objective health, safety, or welfare concerns; (2) prohibiting a sidewalk vendor from selling food or merchandise in a park owned or operated by the local authority, subject to certain exceptions; (3) requiring a sidewalk vendor to obtain approval from any non-governmental agency or individual before it can sell food or merchandise; (4) prohibiting sidewalk vendors from operating only in designated zones, subject to certain exceptions, or (5) restricting the number of sidewalk vendors, unless directly related to objective health, safety or welfare concerns, among other things.

In September 2019, the City adopted Ordinance No. 1110, which repealed then current Chapter 5.64 of the City Municipal Code related to “Commercial Peddlers, Solicitors, and Itinerant Merchants,” as inconsistent with SB 946, replaced that Chapter with a new Chapter 5.64 “Peddlers,” and added a sidewalk vending program at Chapter 5.66.

Since that time, several other local jurisdictions have added and/or amended municipal codes related to sidewalk vendors. Recently, on September 14, 2023, the Palm Springs City Council adopted its ordinance relating to sidewalk vending, and in particular added a prohibition on sidewalk vending in defined areas of Palm Canyon Drive and Arenas Road during certain times with high pedestrian traffic (Friday through Sunday, between 4pm to 11pm during the months of October to April). As a result, City staff has

requested the City Attorney's Office review the City's current ordinance to see if any amendments can or should be made.

The matter was thereafter brought on for discussion, during which time, the Council requested certain amendments be made to the current Code, and that a draft ordinance be presented for consideration. The draft ordinance (attached as Exhibit "A"), does the following:

- Prohibits stationary sidewalk vendors from vending in areas that are zoned exclusively residential. (Govt. Code § 51038(b)(4)(B).)
- Clarifies that the hours of operation in non-residential areas shall not be more restrictive than the hours of operation imposed on other businesses or uses on the same street (Govt. Code § 51038(c)(1)), and that the limitations on public property are to the fullest extent permitted by law.
- Prohibits stationary sidewalk vendors from vending in the park where the operator of the park has signed an agreement for concessions with the City that exclusively permits the sale of food or merchandise by the concessionaire. (Govt. Code § 51038(b)(2)(A).)
- Prohibits sidewalk vendors in areas located within 200 feet of a permitted certified farmers' market, or permitted swap meet, during the duration of the market or swap meet, or an event held pursuant to a Temporary Special Permit during the duration of the event, provided the City provides the sidewalk vendors any notice, business interruption mitigation, or other rights the City provided to any affected business or property owners under the City's Temporary Special Permit. (Govt. Code § 51038(d)(1) and (d)(2).) State statutes permit the City to prohibit sidewalk vendors in the "immediate vicinity" of a permitted farmers market, swap meet or special event, but do not define the term. Other jurisdictions regulate at different distances, ranging from only 50 feet to 500 feet.
- Adds applicable definitions.

**Fiscal Impact:**

The cost to prepare this staff report and ordinance amendments is approximately \$1,000.

**Recommended Action:**

Hold a Public Hearing; and

Waive the first full reading and approve by title only, "An Ordinance of the City Council of the City of Beaumont Amending Beaumont Municipal Code Chapter 5.66 Sidewalk Vending".

**Attachments:**

- A. Draft Ordinance Amending Chapter 5.66 "Sidewalk Vending"
- B. Proposed Municipal Code Amendments - REDLINE