

Study Session: Stationary Mobile Vendors & Vendor Stands

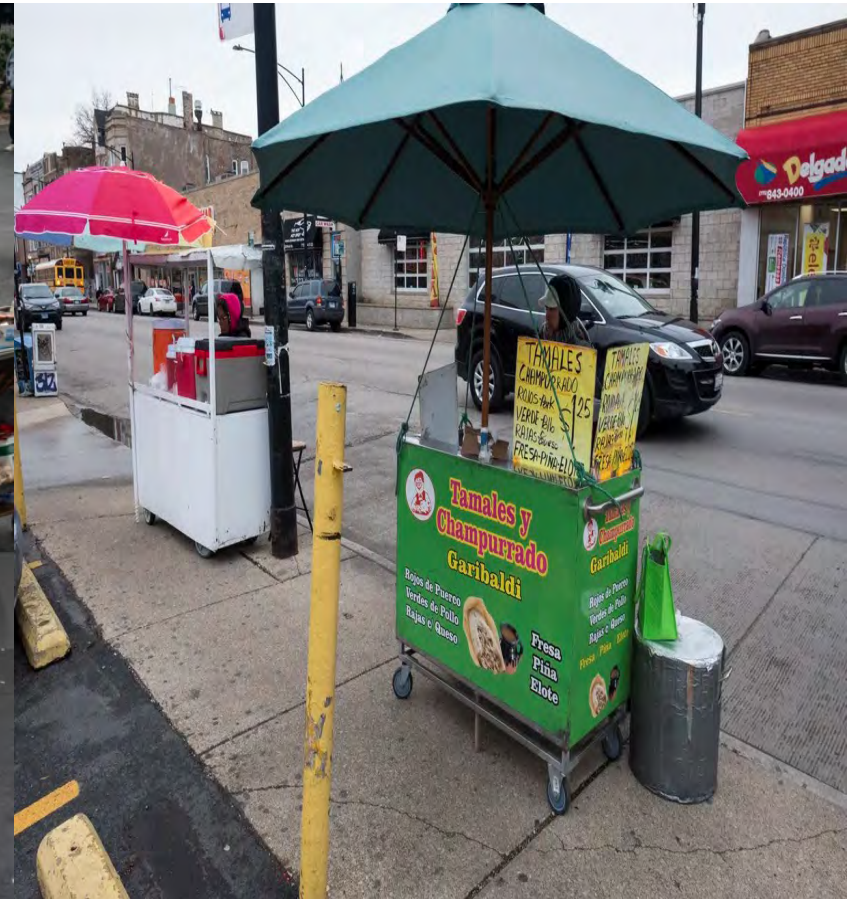
City Council Meeting
December 19, 2023



A STATEWIDE ISSUE OF CONCERN

- Staff participated in League of Cities Roundtable on Street Vending on December 14th.
 - Almost every city, of different sizes, and in different geographies is having the same challenges with regulating street vendors, particularly sidewalk vendors.
 - Issues with citations
 - Recent state legislation (SB 946 & SB 972) has severely limited the authority of cities & counties to regulate sidewalk vendors

SB 946 & 972 WERE MEANT TO DECRIMINALIZE THESE TYPES OF VENDORS



INSTEAD OF THIS TYPE OF VENDOR (EXAMPLE OF RECENT UNPERMITTED SIDEWALK VENDOR)



A STATEWIDE ISSUE OF CONCERN

- Some cities just now dealing with street vending and rushing to write codes & setup permitting procedures
- Most cities have a history of working with street vendors already, but having issues with new state laws curtailing local enforcement abilities, to the benefit of larger operators who are driving out locals by undercutting them
- Consensus was that cities, through platforms like the League of Cities, let their state legislators know that new sidewalk vending laws are not working as intended and are instead creating new issues in our communities.

FOLLOW-UP POINTS & ITEMS FROM LAST STUDY SESSION

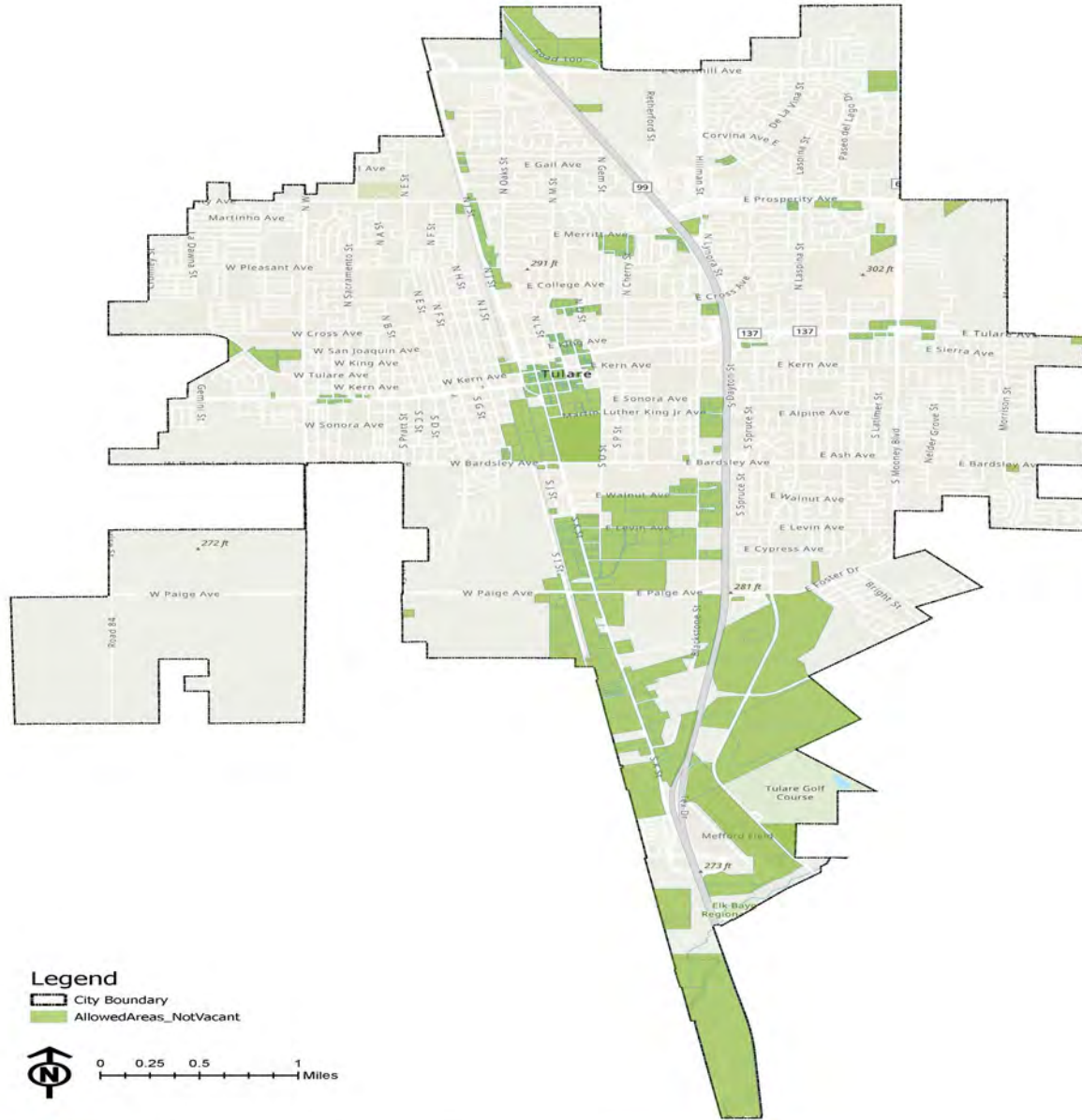
- Council expressed a desire for greater enforcement tools, increased compliance, and education.
 - For example, can citation fees be increased, similar to what was done with illegal fireworks?
- Council requested for staff to report back information & details on what the likely outcome would be of revising the current municipal code requirements for vendors to be located at least 500 feet from establishments with on-site consumption ABC licenses, and 300 feet from other approved/permitted vendors.
 - Would that open more locations for vendors to locate at, and if so, would it be many more or a few more?
- What is staff doing for education & to incentivize compliance, in addition to enforcement for those vendors that do not comply after being informed of the process?

ENFORCEMENT

- Sidewalk Vendors
 - SB 946 & SB 972 severely limits enforcement tools available to cities for sidewalk vendors, including limited them to only issuing minimal administrative citations.
 - Can only regulate time, place, and manner of sidewalk vending if directly related to objective health, safety, and welfare concerns.
 - Limits on hours of operation, but not more restrictive than those of other businesses on same street
 - Can prohibit sidewalk vending on private property, again only if directly related to health, safety, and welfare concerns.
 - Cannot arbitrarily limit the number of sidewalk vendors or restrict them due to concerns about competition with storefront businesses.
 - Can confiscate food items if vendor does not have valid health permit (limited to raw food being cooked or prepared, not reheating or preparing already cooked food, e.g. hot dogs, tamales, fruit, etc.)

ENFORCEMENT

- Stationary Mobile Vendors
 - SB 946 & SB 972 does not apply to stationary mobile vendors
 - Cities and counties can still enforce more comprehensive requirements
 - Unlike sidewalk vendors, stationary mobile food vendors can still be cited, fined, or prosecuted
 - Enforcement not only for vendors, but also property owners cycling through vendors and allowing multiple applicants for the same site.
 - Can obtain direction from City Attorney on whether there is a limit on violation fines (fireworks example)



POTENTIAL
EFFECT OF
CHANGES TO
DISTANCE
REQUIREMENTS
(500 FEET FROM
ABC LICENSES
& 300 FEET
FROM OTHER
VENDORS)



EDUCATION & POTENTIAL INCENTIVES

Requirements to sell in the City
of Tulare

Requisitos para vender en la
Ciudad de Tulare



Questions? /Preguntas?

Contact Us / Comuníquese con
nosotros

411 E. Kern Ave.

Tulare, CA 93274

Phone: (559) 684-4217



Vendor Stand

1. Health permit from Tulare County Environmental Health. Call (559) 624-7000.
2. Location approval by Planning Division. 411 E. Kern Ave. Call (559) 684-4217.
3. Certificate of Liability Insurance (\$1,000,000 minimum coverage).
4. Property owner written permission w/ access to restrooms.
5. Complete Vendor Stand application, including signature by property owner.
6. Cost is **\$269.00** and is good for one (1) year.
7. Approval time: Same-day, if all listed requirements are met and provided to staff.

Stationary Mobile Food Vendor

1. Health permit from Tulare County Environmental Health. Call (559) 624-7000.
2. Location approval by Planning Division. 411 E. Kern Ave. Call (559) 464-4217.
3. Certificate of Liability Insurance (\$1,000,000 minimum coverage).
4. Property owner written permission w/ access to restrooms.
5. DMV registration for food truck/trailer.
6. Complete a Conditional Use Permit application, including signature by property owner.
7. Complete Environmental Information Form application, including signature by property owner.
8. Complete Indemnification Agreement.
9. Fees: Conditional Use Permit (\$2,536.00) & Environmental Application Form Categorical Exemption (\$236.00) = **\$2,772.00 Total**
10. ** If approved by Planning Commission (PC), fees are good for two (2) years, with annual updates of insurance & health permit provided.
11. Approval time: 2 - 6 weeks (if all listed requirements are met and provided to staff.

Permiso de Vendedor

1. Permiso de salud del Departamento de Salud Ambiental del Condado de Tulare. Llame al (559) 624-7000.
2. Ubicación aprobada por la División de Planificación. 411 E. Kern Ave. Llame al (559) 684-4217.
3. Seguro de Culpabilidad (\$1,000,000 cobertura mínima).
4. Permiso de propietario por escrito y acceso a baños.
5. Presentar solicitud de Vendedor, incluso permiso de propietario por escrito.
6. Costo de permiso es **\$269.00** y valido por solo un año (1).
7. Tiempo de espera para aprobación: El mismo día, con tal que todos los requisitos son presentados y aprobados por la División de Planificación.

Permiso de Trailla/Lonchera

1. Permiso de salud del Departamento de Salud Ambiental del Condado de Tulare. Llame al (559) 624-7000.
2. Ubicación aprobada por la División de Planificación. 411 E. Kern Ave. Llame al (559) 684-4217.
3. Seguro de Culpabilidad (\$1,000,000 cobertura mínima).
4. Permiso de propietario por escrito y acceso a baños.
5. Registración de vehículo o trailla con el Departamento de Motor y Vehículos (DMV).
6. Presentar solicitud de permiso de uso condicional, incluso firma de propietario.
7. Presentar formulario de Información Ambiental, incluso firma de propietario.
8. Presentar formulario de Acuerdo de Indemnización.
9. Solicitud y tarifas: Permiso de uso condicional es **\$2,536.00** y formulario de Información Ambiental de categoría excepción es **\$236.00 = \$2,772.00**.
10. ** Permiso valido por dos años (2) con comprobantes de seguro y permiso

EDUCATION & POTENTIAL INCENTIVES

- Promote food truck lots/pilot programs (Inyo Corridor idea from last study session)
- Participation in city-sponsored events (like @ Zumwalt potentially) if vendors willing to obtain permits
- Idea from League of Cities Roundtable: Town Hall/Forum with Local Vendors to provide overview of permitting process, address questions, and build rapport/relationships

IF GOAL IS TO ELIMINATE OR REDUCE THE # OF VENDORS:

- Keep in mind state law, requiring limitation on vending to be related to protecting the health, safety and welfare of the general public (example: flower sales exclusion downtown)
- Limit vending by what mechanism?
 - Overlay zones or vendor districts (Visalia, Turlock)
 - Vendor lots (Merced allows multiple vendors on a lot through CUP)
 - Other? (Fresno limits to 300' from restaurants during operating hours, legal?)

IF GOAL IS TO BRING MORE VENDORS INTO COMPLIANCE:

- Focus on a clear, consistent, and minimally burdensome process to encourage compliance.
 - Make stationary MFV permit an administrative permit, rather than a CUP (Turlock, Clovis, Visalia, Fresno)
- Focus on education and process, and focus enforcement on only those refusing to follow the process once informed



DIRECTION TO STAFF

- Staff requests direction from Council on this issue with one of the following actions or alternatives:
 - 1. Keep the Status Quo & the existing language and provisions in TMC 10.180
 - 2. Revise the existing ordinance at Council's pleasure & direction, with specific requests for revisions
(majority agreement on revisions)