

CITY OF ALAMEDA ORDINANCE NO. _____

AMENDING THE ALAMEDA MUNICIPAL CODE BY
ADDING ARTICLE XIX (SIDEWALK VENDING) OF
CHAPTER VI (BUSINESSES, OCCUPATIONS AND
INDUSTRIES) TO ESTABLISH REGULATIONS FOR
SIDEWALK VENDING AND BY MAKING NECESSARY
CONFORMING AMENDMENTS

WHEREAS, in 2018, the State of California enacted Senate Bill 946 (“SB 946”), also known as the Safe Sidewalk Vending Act, which decriminalized sidewalk vending across California; and

WHEREAS, SB 946 allows local governments to regulate sidewalk vending within their jurisdictions, subject to specified limits and restrictions established in SB 946, in order to promote and protect the public health, safety, and welfare; and

WHEREAS, SB 946 permits local governments to establish additional regulations if such regulations are connected to specific public health, safety, and welfare concerns; and

WHEREAS, the City seeks to promote the public health, safety, and welfare through the regulation of sidewalk vending, while at the same recognizing and supporting economic opportunities for those who desire to engage in sidewalk vending through the adoption of clear and reasonable regulations; and

WHEREAS, the City recognizes that the reasonable regulation of sidewalk vending will benefit the City as a whole because it leads to orderly commerce, safeguards the public health and safety, allows sidewalk vendors to operate in a safe and efficient manner, and prevents unsafe and unsanitary conditions such as interferences with vehicular and pedestrian traffic, the accumulation of trash and debris, and undue disturbances within residential neighborhoods; and

WHEREAS, to achieve these goals and minimize public health, safety, and wellness concerns, the City finds it necessary to restrict and limit sidewalk vending in certain areas, at certain times, and in certain circumstances, and to impose certain minimum operating requirements on sidewalk vendors operating within the City; and

WHEREAS, the City has identified that an additional regulation prohibiting sidewalk vending on one block of Thompson Avenue and adjacent streets on certain days in the month of December is necessary to confront specific public health, safety, and wellness concerns related to pedestrian and vehicular traffic arising from and associated with an annual event commonly known as

“Christmas Tree Lane”, as described in more detail in the staff report for City Council File No. 2025-5404; and

WHEREAS, the City desires to provide an efficient sidewalk vending application and permit process that is accessible to all.

NOW, THEREFORE, the City Council of the City of Alameda does hereby ordain as follows:

Section 1. The City Council of the City of Alameda finds that the foregoing recitals, as well as the contents of the staff report for City Council File No. 2025-5404, are true and correct and are hereby incorporated herein as findings and determinations of the City Council.

Section 2. CEQA Findings. The adoption of an ordinance to establish a permit regulatory scheme is exempt from CEQA under the common sense exemption pursuant to section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activities in question may have a significant effect on the environment.

Section 3. The Alameda Municipal Code is hereby amended by adding Article XIX (Sidewalk Vending) of Chapter VI (Businesses, Occupations and Industries) as follows:

Article XIX - Sidewalk Vending

6-62.1 - Title.

This Article shall be known and may be cited as the “City Sidewalk Vending Ordinance”.

6-62.2 - Purpose and Authority.

- a. *Purpose.* The purpose of this Article is to establish regulations for sidewalk vendors in accordance with Government Code 51036 *et seq.*, as amended. It aims to address objective health, safety, and welfare concerns that arise from the use of public rights-of-way and other public property for sidewalk vending. These concerns include: ensuring accessibility standards; prioritizing the safety of pedestrians, cyclists, and motorists; and maintaining proper health and sanitary conditions.
- b. *Authority to Establish Regulations.* The Public Works Director and City Manager shall have the authority to establish and issue reasonable rules and regulations that are necessary to implement the provisions of this Article.
- c. *Authority to Enforce.* The following City officials shall have the authority to enforce the provisions of this Article and to issue administrative citations hereunder: the City Manager, the Public Works Director, the Chief of

Police, City Police Officers, the City Building Official, and City Code Enforcement Officials.

6-62.3 - Definitions.

As used in this Article, the definitions set forth in this section shall apply unless the context clearly requires otherwise.

- a. "Applicant" or "permittee" shall mean any person who applies for, or holds, a sidewalk vending permit as required by this Article.
- b. "City Manager" shall mean the City Manager or their designee.
- c. "Enforcing official" shall mean any official described in section 6-62.2(c).
- d. "Owner" encompasses the following individuals or entities:
 - 1. The sole proprietor of a sole proprietorship engaged in sidewalk vending.
 - 2. Any general partner affiliated with a general or limited partnership that holds ownership of the sidewalk vending business.
 - 3. Any person possessing a ten percent (10%) or greater ownership stake in a corporation that possesses the sidewalk vending enterprise.
 - 4. Any individual who is a member of a limited liability company (LLC) that has ownership rights in the sidewalk vending business.
 - 5. All proprietors or stakeholders of any other type of business association that possesses ownership rights in the sidewalk vending business.
 - 6. The principal business proprietor or entity that grants authorization for vendor operations within the business.
- e. "Public parks" shall mean the public parks of the City of Alameda.
- f. "Public Works Director" shall mean the Director of Public Works or their designee.
- g. "Right-of-way" refers to all public streets, sidewalks, pedestrian paths, adjacent landscape areas, and easements, now and hereafter owned by the city.
- h. "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- i. "Sidewalk vending" shall mean the vending or sale of food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path. Sidewalk vending shall not include displays, racks, or other presentations of merchandise associated with and directly adjacent to a fixed place of business when authorized by an encroachment permit or other written permission from the City.

- j. "Sidewalk vending facility" shall mean the pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance used by a sidewalk vendor.
- k. "Sidewalk vending permit" or "permit" shall mean a permit authorizing sidewalk vending within the City and issued by the Public Works Director in accordance with this Article.
- l. "Sidewalk vendor" shall mean a person engaged in sidewalk vending.
- m. "Special event" means an event sponsored or approved by the City involving the exclusive use of a right-of-way, public park, or other City property that is authorized by an encroachment permit, special event permit, or other permit or written permission from the City. This definition also includes events hosted or sponsored by the City or any of its departments.
- n. "Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.

6-62.4 - Notices under this Article.

Any notices or other correspondences required under this Article may be transmitted by solely electronic means, including, but not limited to, electronic mail (e-mail), unless the applicant requests on their application that such notices and correspondences be transmitted by U.S. mail, or by both U.S. mail and electronic means. This section shall not apply to notices of suspension or revocation.

6-62.5 - Permits Required and Display Requirement.

- a. *Sidewalk Vending Permit Required.* A valid sidewalk vending permit shall be required to engage in sidewalk vending or to utilize or transact any business from a sidewalk vending facility within the City. Sidewalk vending without a valid permit shall be unlawful and a violation of this Article.
- b. *Separate Permit for Each Facility.* A separate sidewalk vending permit is required for each individual sidewalk vending facility. A valid sidewalk vending permit shall be issued to the sole proprietor or other owner of the sidewalk vending facility.
- c. *Mobile Food Facility Permit.* A valid mobile food facility permit issued by the Alameda County Department of Environmental Health shall be required if the sidewalk vending activities require such permit.
- d. *Business License Required.* A valid City business license shall be required to engage in sidewalk vending within the City.
- e. *Display Requirement.* A valid sidewalk vending permit, and a valid mobile food facility permit if required, shall be displayed in a visible and conspicuous manner on every sidewalk vending facility that establishes, stops, moves, or roams upon or over public property within the City, or that is otherwise engaged in sidewalk vending activities.

6-62.6 - Permit Procedure and Appeals.

- a. *Permit Issuance or Denial.* The Public Works Director shall, within thirty (30) days after receipt of a complete application and payment of the application fee in accordance with this Article, issue a sidewalk vending permit to the applicant or provide written notice of denial of the permit setting forth the reason(s) for denial as listed in subsection d. and identifying the basis thereof. No action shall be taken on any application prior to payment of the application fee.
- b. *Application Fee.* The application fee for a sidewalk vending permit shall, from time to time, be established by resolution of the City Council.
- c. *Application.* An application for a sidewalk vending permit shall be submitted to the Public Works Director on the form proscribed by the Department of Public Works and shall require submission of the following information:
 1. The name, address, telephone number, and e-mail address of the owner, and any manager if applicable, under the permit. A manager shall mean any person who is not a sole proprietor that oversees or is charged with the operation of a sidewalk vending facility.
 2. A detailed description of the food and/or merchandise to be sold, a detailed description and site plan/map of the areas in which a stationary sidewalk vendor intends to operate, anticipated hours of operation, and whether the vendor(s) will be roaming or stationary.
 3. A copy of a California driver's license or identification number, an individual taxpayer identification number, social security number, or other state-issued identification card. Such information is not a public record and will remain confidential as required by Government Code Section 51038(c)(4).
 4. A copy of a valid California Department of Tax and Fee Administration seller's permit, as required.
 5. A copy of a valid mobile food facility permit issued by the Alameda County Department of Environmental Health, if required for the proposed sidewalk vending activities.
 6. Proof of an unexpired business license or proof of current application for business license in the city.
 7. An agreement to indemnify the city, its officers and employees, from any liability arising from use of the permit on the public right-of-way.
 8. Proof of a policy or policies of comprehensive general liability insurance, in an amount to be determined by the Public Works Director and the City Risk Manager and established in a regulation of general applicability under this Article. The amount of the insurance may vary depending on objective factors such as the type of sidewalk vending facility or merchandise to be sold. The policy shall insure against any

injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the applicant, owner, and any agents thereof, with an endorsement naming the City as an additional insured. In addition, the applicant is required to carry workers' compensation and automobile coverage sufficient to meet the requirements of the state of California.

9. Confirmation of compliance with all conditions and requirements of this Article.
 10. Such other identification and information as deemed necessary by the Public Works Director.
- d. *Grounds for Denial of Permit.* The Public Works Director shall deny the permit application upon the finding of one or more of the following:
1. That any information contained in or submitted with the application is not true, contains material misrepresentations, or if relevant or material information is omitted from the application; or
 2. That the operation as proposed by the applicant would not comply with any provision of this Article or any other ordinance or regulation of the City or any statute or regulation of the State of California; or
 3. That, for any other reason, the operation as proposed would be: detrimental to health, safety, or welfare; in violation of the requirement to maintain sanitary conditions; or noncompliant with the federal Americans with Disabilities Act of 1990 or any other disability access standards established by federal, state, or local law or regulation.
- e. *Denied Application, Resubmittal and Fee Exception.* Within thirty (30) days of the first denial of a sidewalk vending permit application, the applicant may resubmit an amended application to cure the reason(s) for denial listed in the written notice of denial without payment of a new application fee. The Public Works Director shall act on the amended application within the same timeframe as for a new application.
- f. *Permit Expiration and Renewal.* A sidewalk vending permit shall be valid for a period of one (1) year from the date of issuance and may be renewed annually. The Director of Public Works may proscribe a streamlined application process for the renewal of an existing permit. No application fee shall be required to renew a valid sidewalk vending permit, provided that the owner maintains a valid City business license and is not subject to a suspension or revocation at the time of renewal.
- g. *Amendments to Sidewalk Vending Permit.* A sidewalk vending permit may be amended administratively upon written request to the Public Works Director. The written request shall specify the proposed amendment and any information or documents necessary to process the amendment.
- h. *Revocation or Suspension of Permit.* A sidewalk vending permit issued pursuant to this Article may be suspended for a period not to exceed thirty

(30) days, or revoked, by the Public Works Director for any of the following reasons:

1. The permittee provided false information on their application;
 2. The permittee has received four (4) or more administrative citations for failure to comply with the provisions of this Article within a twelve (12) month period; or
 3. The permittee has conducted their business in a manner which endangers the public health, safety, or welfare.
- i. *Notice of Revocation or Suspension.* Notice of the suspension or revocation of a sidewalk vending permit shall be in writing and state the basis for the suspension or revocation. The notice shall be mailed to the permittee at the current address on file for the permit no less than fourteen (14) days before the effective date of the suspension or revocation, and, if possible, the notice shall be transmitted electronically to the applicant within the same timeframe. The notice of revocation or suspension shall include information regarding the appeals process.
- j. *Appeals.* An applicant may appeal the denial, revocation, or suspension of a sidewalk vending permit to the City Manager for de novo review by filing a request for appeal with the Public Works Director within fourteen (14) days of the issuance of the notice of denial. The decision of the City Manager shall be final.

6-62.7 - Operational Requirements.

Unless specifically provided otherwise, all sidewalk vendors and sidewalk vending facilities operating within the City shall comply with the following operational requirements:

- a. *Unobstructed Paths of Travel.* Every sidewalk vendor ensures accessibility by maintaining a forty-eight (48) inch width of unobstructed passage on any pedestrian path or sidewalk, exclusive of the curb. Notwithstanding the preceding sentence, a roaming sidewalk vendor may stop to transact business, provided that there is a twenty-four (24) inch width path of unobstructed travel, and further provided that the sidewalk vendor shall immediately relocate if any person is unable to pass the sidewalk vendor without moving off the sidewalk or path.
- b. *Noise.* Every sidewalk vendor shall refrain from emitting any loud, unnecessary, and unusual noises, and shall comply with all provisions of the City's Noise Regulations under Section 4-10 of this Code.
- c. *Disposable Foodware.* All sidewalk vendors shall comply with the requirements of Section 4-4 (Disposable Food Service Ware) and Section 4-5 (Single-Use Foodware Accessories and Condiments) of Article I of Chapter IV of this Code.
- d. *Signs.* No sidewalk vending facility shall include, contain, or post any sign or signs that exceed a combined total of four (4) square feet. Signs shall

be affixed to and flush with the sidewalk vending facility to minimize obstructions to paths of travel. In no case shall a sidewalk vending sign be posted or affixed to or upon any public property, nor placed in any manner that obstructs a path of travel as described in subsection a.

- e. *Flashing Lights and Electronic Signs.* No sidewalk vending facility shall utilize electronic, flashing, or animated signs, nor flashing lights used for the purpose of attracting attention, in order to minimize unsafe distractions to drivers and bicyclists. Steady or flashing lights used for safety purposes may be allowed at the discretion of the Public Works Director.
- f. *Lighting.* A sidewalk vending facility may utilize steady (non-flashing) lights to illuminate work areas, illuminate signs, or for decorative purposes, provided that such lighting is oriented to prevent glare on to private property and away from drivers, bicyclists, and pedestrians.
- g. *Tents.* No sidewalk vending facility shall place or utilize a tent unless authorized by the sidewalk vending permit or other permit.
- h. *Sanitary Conditions.* All sidewalk vendors shall maintain sanitary conditions necessary for public health. Sidewalk vendors shall do all of the following: have trash, recycling, and compost containers on the sidewalk vending facility that are determined necessary for the operation in the discretion of the Public Works Director; promptly clean up any food, grease, or other substances related to sidewalk vending activities that are discharged on public property; and shall pick up, remove, and properly dispose of all trash and refuse originating from their operation before leaving a location.
- i. *Prohibited Disposals.* A sidewalk vendor shall not empty trash or refuse from their operation into public trashcans, nor shall a sidewalk vendor dump, drain, or discard any fouled, spoiled, or unused product(s), which includes draining ice coolers, drink containers and/or miscellaneous containers on the ground. Disposal of trash, food, grease or other materials to any storm drain, creek, or waterway is prohibited.
- j. *Obstructions Prohibited.* A sidewalk vendor operating on any sidewalk or public right-of-way is prohibited from causing any obstruction that impedes entry to and exit from a business or residence or access to a public facility.
- k. *Hazardous Materials and Appliances.* No sidewalk vending facility shall contain or use an open flame, propane, natural gas, or other explosive or hazardous materials, except as necessary to operate a mobile food facility pursuant to a valid mobile food facility permit issued by the Alameda County Department of Environmental Health and in full compliance with all regulations thereof.
- l. *Other Laws.* Sidewalk vendors shall comply with all generally applicable federal, state, and local laws.

6-62.8 - Requirements for Sidewalk Vending Facilities.

Unless otherwise authorized, all sidewalk vending facilities shall comply with the following requirements:

- a. *No Exclusive Right.* A sidewalk vending permit does not grant an exclusive right to operate in any specific portion of the public right-of-way.
- b. *Abandonment Prohibited.* Sidewalk vending facilities, and equipment or objects used for sidewalk vending purposes, shall not be left, maintained, or otherwise abandoned in any public space outside of the applicable hours of operation for the zone. Any facilities, equipment, or objects left overnight in public spaces or in any portion of the public right-of-way will be considered discarded and may be seized or disposed of in accordance with this Article.
- c. *Locking Wheels.* To prevent unintended rolling or slipping, sidewalk vendors must provide locking wheels on all sidewalk vending equipment. Stationary sidewalk vendors may chock the wheels in lieu of using locking wheels.
- d. *Facilities Not to Damage Property.* Sidewalk vending facilities, equipment, and related activities shall not damage public or private property.
- e. *Attachment Prohibited.* No sidewalk vending equipment shall be chained or fastened to any pole, sign, tree, or other object in the public right-of-way or in a park.
- f. *Electrical Connections Prohibited.* No sidewalk vendor shall connect or maintain an electrical cord to an adjacent building or to a City power source, unless authorized in writing by the Public Works Director.
- g. *Mobile Food Facilities.* A sidewalk vending facility that is a mobile food facility shall at all times hold a County mobile food facility permit, and shall be maintained in a safe, sanitary, and responsible manner, and operated in full compliance with said permit. All appliances and operations shall be maintained and operated in accordance with the mobile food facility permit and all County regulations related thereto.

6-62.9 - Location Restrictions and Hours of Operation Requirements.

- a. *Prohibited Locations.* In order to protect pedestrian and vehicular safety, accommodate public street access, and maintain the public peace and welfare, all sidewalk vendors shall comply with the requirements of this section. Except as otherwise provided herein, it shall be unlawful for any sidewalk vendor to establish, linger, delay, stop, vend, or transact any business in the following locations, provided that a roaming sidewalk vendor may pass through such locations if they do so safely and efficiently.
 - 1. Within, on, or upon any City property that is not a right-of-way or public park, unless specifically authorized by a permit or written permission from the City, including but not limited to City-owned parking lots and any portion of Alameda Point that is not a public right-of-way.

2. Within any right-of-way that does not meet the definition of a sidewalk or pedestrian path, including, but not limited to, any street, parking areas, roadway median, pedestrian islands, bicycle lanes, or shared bicycle-pedestrian (multimodal) paths.
3. On any sidewalk or pedestrian path that results in an obstructed path of travel as described in Section 6-62.7.a. In no case shall a stationary vendor establish themselves, nor shall a roaming vendor stop or vend, within two (200) feet of another sidewalk vendor, if either sidewalk vendor or their facility leaves less than a sixty (60) inch width of unobstructed sidewalk.
4. Within twenty-five (25) feet of any crosswalk or intersection.
5. In any area that blocks or obstructs the visibility of traffic signals or regulatory signs.
6. In any driveway or parking lot access, including within three (3) feet of any curb cut providing access thereto.
7. Within twenty-five (25) feet of any fire hydrant, fire call box, fire department connection, post indicator valves, or utility cabinets or equipment.
8. Directly adjacent to any police station, fire station, or hospital with an emergency room, including within ten (10) feet of any vehicular access thereto.
9. Within fifty (50) feet of any area, structure or facility on which construction is occurring pursuant to a valid building or encroachment permit.
10. Within ten (10) feet of a litter receptacle, public art installation, bike rack or electrical vehicle charging station.
11. Within ten (10) feet of a bus turnout, bus bench, or shelter.
12. Within ten (10) feet of an outdoor dining area for a restaurant during the operating hours of the restaurant.
13. Within ten (10) feet from the entrance or exit doorway to any building or an automated teller machine.
14. Within two hundred (200) feet of the drop off/pick up areas of any public or private school.
15. Within, on, or upon any public or private school campus unless authorized by the school's administration. Such authorization may be revoked at any time.
16. Within one hundred (100) feet of any public or private school campus while classes are in session, except during lunchtime when authorized in the discretion of the school administration. Such authorization may be revoked at any time.

17. Within two hundred (200) feet of the perimeter of any certified farmers' market or special event, during the hours when any such event is permitted.
 18. No roaming or stationary sidewalk vendor shall enter, pass through, or transact any business within Corica Park Golf Course, unless authorized by the Golf Course Operator thereof.
 19. No sidewalk vendor shall establish, pass through, stop, linger, vend, or transact any other business on Thompson Avenue between High Street and Fernside Boulevard, or on High Street and Fernside Boulevard between Garfield Avenue and Fairview Avenue, during the month of December on Fridays, Saturdays, and Sundays, and from December 18 through December 25, inclusive, between the hours of 4:00 p.m. to 9:00 a.m.
- b. *Hours of Operations, Commercial Zones.* No sidewalk vendor shall operate, leave, or abandon any sidewalk vending facility within any commercial zone of the City between the hours of 10:00 p.m. and 7:00 a.m., provided that a sidewalk vendor may pass through a commercial zone for any lawful purpose other than engaging, or intending to engage, in sidewalk vending activities during said hours. For purposes of this regulation, "commercial zone" means all zoning districts of the City, as shown on the Zoning Map of the City, except the R-1, R-2, R-3, R-4, and R-5 zoning districts.
 - c. *Residential Zones.* Every sidewalk vendor shall comply with the following regulations in every residential zone of the City. For purposes of this subsection, "residential zone" means the R-1, R-2, R-3, R-4, and R-5 zoning districts as shown on the Zoning Map of the City.
 1. *No stationary vendors.* No stationary vendor may establish, vend, or transact any business within the City's residential zones.
 2. *Hours of Operation.* No roaming vendor shall engage in sidewalk vending, transact any business, or pass through for the purpose of engaging in business within any of the City's residential zones after 8:00 p.m., or sunset, whichever is earlier, and before 8:00 a.m., or sunrise, whichever is later, provided that a sidewalk vendor may pass through a residential zone for any lawful purpose other than engaging, or intending to engage, in sidewalk vending activities during said hours, and further provided that they silence or power off all noise-making devices and any lights not used for safety purposes.
 - d. *Public Parks.* The following regulations apply to sidewalk vendors operating within public parks:
 1. *Hours of Operation.* Sidewalk vendors shall comply with the posted park hours.
 2. In public parks, sidewalk vendors shall not approach persons to sell food or merchandise.

3. A stationary sidewalk vendor is prohibited from operating in a public park if the City has entered into an exclusive agreement for the sale of food or merchandise by one (1) or more concessionaires for that park.
4. *Locations within Parks.* Unless otherwise authorized, sidewalk vending within public parks is allowed only upon or directly adjacent to sidewalks or other paved or marked pedestrian pathways. Sidewalk vending shall not take place on sand, dirt, landscaped areas, or on the non-sidewalk areas of parking lots, nor within ten (10) feet of a public art installation, public information kiosk, or fountain within any public park.

6-62.10 - Prohibited Sales.

Sidewalk vending of any of the following is prohibited and shall be unlawful:

- a. Alcoholic beverages, unless authorized under a special event permit or other permit, or with written permission from the Public Works Director, and in full conformance with all applicable state and local laws and licensing requirements;
- b. Adult-oriented material;
- c. Tobacco, tobacco products, or electronic smoking devices;
- d. Cannabis or cannabis products;
- e. Weapons, including knives, guns, or explosives devices;
- f. Items that are not for immediate sale;
- g. Selling or offering to sell services, or engage in or offer to engage in any type of rental activity, including the rental of any goods or services;
- h. Pharmaceuticals; and
- i. Any other merchandise prohibited by federal, state, or local law from being vended

6-62.11 - Exceptions from Regulations.

Upon the issuance of a valid special event permit, encroachment permit, or other permit, or with written permission from the City, or within a City-sponsored event, a sidewalk vendor may be excepted from and operate contrary to the provisions of this Article, provided that the sidewalk vendor and sidewalk vending operation comply with all of the following:

- a. The sidewalk vendor operates in full compliance with the authorizing permit;
- b. The activity is temporary and only operates for the duration authorized by the authorizing permit;
- c. The authorizing permit explicitly authorizes the activity and its operational aspects (with or without referenced to this Article);

- d. The authorizing permit shall impose appropriate insurance requirements for the activity, as determined by the Public Works Director and City Risk Manager. The insurance may be held by an event organizer or other larger group, provided that it covers all sidewalk vendors operating under the permit for the event.
- e. In the case of City-sponsored events, if there is no separate permit, the sidewalk vendor shall comply with all written agreements, written permissions, and written guidance, and shall at all times comply with the verbal and written direction of the City official in charge of the event, or their designee.

6-62.12 - Responsibility of Owner.

- a. *Responsibility of Owner.* For the purpose of enforcing the requirements of this Article, the owner of the sidewalk vending operation, facility, enterprise, or business shall be responsible for the conduct of all employees, independent contractors, or other representatives while such persons are providing services on behalf of the business.
- b. *Additional Information Required.* The owner of a sidewalk vending enterprise shall submit to the Public Works Director during the permit application process: information on the owner's operations, including if an individual sidewalk vendor is an agent of another individual, company, partnership, or corporation; and, the name, business address, and other contact information of the principal or other owner(s).
- c. *Joint and Several Liability of Owner(s).* The Public Works Director may enforce the provisions of this Article on an owner or operator of the sidewalk vending business for the conduct of all individuals operating on behalf of the business. All owners of a sidewalk vending business or enterprise shall be jointly and severally liable for any violation, administrative penalty, or other amounts due under this article that is incurred by the sidewalk vending business or enterprise.

6-62.13 - Violations.

- a. Administrative citations under this Article shall be governed by the provisions of Section 1-7 of this Code, except as otherwise provided in this section.
- b. Any person sidewalk vending in violation of the provisions of this Article, or sidewalk vending without a sidewalk vending permit, is subject to an administrative citation punishable by an administrative fine not to exceed:
 - 1. For the first violation, one hundred dollars (\$100).
 - 2. For the second violation within one (1) year of the first violation, two hundred dollars (\$200).
 - 3. For the third and subsequent violation within one (1) year of the first violation, five hundred dollars (\$500).

- c. The Public Works Director may revoke a sidewalk vending permit for a period not to exceed one (1) year upon the fourth or subsequent violation within one (1) year.
- d. Violations of this Article are not punishable as infractions or misdemeanors.
- e. A failure to pay an administrative fine pursuant to this Article is not punishable as an infraction or misdemeanor.
- f. *Reduction of Fine.* A person subject to an administrative fine under this Article may request an ability-to-pay determination and fine reduction pursuant to Government Code 51039(f), as may be amended or redesignated. Notice of this provision shall be included with any administrative citation issued under this Article. Information submitted for an ability-to-pay determination shall be confidential.

6-62.14 - Impoundment and Removal.

- a. *Removal and Relocation Order.* An enforcing official may order the removal or relocation of any sidewalk vending operation, sidewalk vending facility, or other items associated therewith, within any right-of-way, public park, or other public property, when it appears that the operation, or the facility, or both are causing or will imminently cause an adverse impact on public health, safety, and welfare, or when it appears that any aspect of the operation or facility is in conflict with the provisions of this Article. The sidewalk vendor shall be given an opportunity to relocate in order to cure the adverse circumstance(s) or other deficiency, unless relocation will not cure the circumstance(s) or other deficiency, in which case the sidewalk vendor shall remove their operation from public property until such a time that the circumstance(s) or other deficiency can be cured.
- b. *Time for Removal.* A sidewalk vendor shall have ten (10) minutes to comply with a removal or relocation order. This time may be reasonably extended in the discretion of the enforcing official.
- c. *Abandonment Determination.* A sidewalk vending facility and any items associated therewith shall be deemed abandoned and may be removed and impounded under this Article, when one or more of the following occurs:
 - 1. The facility, equipment, or items are maintained, left, or otherwise remain on public property for more than one (1) hour after the end of the applicable hours of operation for the zone, unless it is clear from the circumstances that the facility is not unattended or abandoned.
 - 2. The facility, equipment, or items are noted as unattended or abandoned in the same location, by an enforcing official that is physically present at the location, on at least two separate occasions that are more than twenty-four (24) hours apart.

- d. *Authority to Remove and Impound.* The enforcing official is authorized to remove and impound, or to cause to be removed and impounded, any sidewalk vending facility or other items associated with sidewalk vending from any public property when a sidewalk vendor fails to comply with a removal or relocation order in the time provided, or if said facility and associated items have been determined abandoned. Any such items may be removed to an authorized tow yard.
- e. *Notice of Removal and Impoundment.* Upon removal or impoundment, the enforcing official shall provide written notice of the removal to the permittee by electronic means within twenty-four (24) hours of the removal, and by U.S. mail within two (2) business days of the removal. Both notices shall be provided unless the City lacks the information to provide either notice.
- f. *Payment of Charges.* The owner or person having the right of possession as to any items removed pursuant to this Article shall be liable for and pay for all such removal, impoundment, towing, and storage charges before they may retake possession. A person may request a review of the validity of the removal by a Hearing Officer in accordance with Section 1-7 and Section 1-8 of this Code, and if the Hearing Officer determines the removal was made in error, the owner shall not be liable for the costs and charges for removal and impoundment.
- g. *Food Spoilage and Property Loss.* The City shall not be responsible for food spoilage or property loss that results from the removal, towing, and storage pursuant to this Article.

6-62.15 - Civil Actions.

The City Attorney may prosecute or maintain any civil action to enforce the provisions of this Article, including, but not limited to, actions for injunctions to cause the correction or abatement of violations under this Article, or to recover any fees, fines, penalties, or costs of enforcement or abatement incurred under this Article.

6-62.16 - Interpretation and Severability.

- a. *Amendments to State Law.* In the event that state law is amended or changed such that there is a conflict between state law and this Article, the provisions of this Article thereafter in conflict shall be interpreted and enforced in compliance with state law in a manner that gives the fullest effect to the purpose, intent, and provisions of this Article.
- b. *Severability.* If any section, subsection, clause, phrase, or word of this Article, or the application thereof, is held to be invalid by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Article, the same of which shall be interpreted and applied in a manner that gives the greatest effect possible to the purpose and intent of this Article.

Section 4. The Alameda Municipal Code is hereby further amended by amending Section 6-27.4 of Article VI (Food and Beverages) of Chapter VI (Businesses, Occupations and Industries) as follows (underlined for additions and ~~strikeout~~ for deletions):

6-27.4 - Fixed Place of Business Required.

It shall be unlawful to peddle by hand or from a vehicle, or sell from other than a fixed place of business, any meat, meat food products, seafood or dressed poultry, except that such activities may be allowed: ~~from a rolling store~~ with approval of a conditional use permit at the following locations: the former Naval Air Station at Alameda Point, the College of Alameda property, the South Shore Shopping Center, ~~and the Marina Village and Harbor Bay Business Parks, and~~ Corica Park; or with the approval of a sidewalk vending permit in conformance with Article XIX of Chapter VI of this Code; or with the approval of a special event permit or encroachment permit.

Section 5. The Alameda Municipal Code is hereby further amended by amending Section 6-52.1 of Article XI (Streets and Sidewalks) of Chapter VI (Businesses, Occupations and Industries) as follows (underlined for additions and ~~strikeout~~ for deletions):

6-52.1 - Sale or Display of Merchandise on Streets or Sidewalks Prohibited.

~~It shall be unlawful for any person, firm, company or association to use any portion of any of the public streets or sidewalks in the City for selling or dispensing any kind of goods, wares or merchandise, and it shall be unlawful to use the public streets for any purpose other than the passage or repassage of people or vehicles, except the peddling of fresh fruit and vegetables mentioned in subsection 22-8.2, providing the peddlers thereof keep moving from place to place and do not confine their peddling to one (1) particular locality. The use or occupation of the public streets or sidewalks for exhibiting or displaying vehicles or other property for rent or sale, or for assembling, constructing or repairing vehicles or other property, shall constitute a violation of this section; provided any person may make emergency repairs to a vehicle on the streets in case of accident or a breakdown to such a vehicle while traveling thereon. Nothing herein shall be deemed to prohibit the City from allowing, through approval of a conditional use permit or encroachment permit, the temporary closing of a portion of any street or sidewalk during building construction, or allowing the temporary permission to storekeepers to use a portion of the sidewalk in front of their premises for the exhibition or sale of goods, wares, or other classes of merchandise, or prevent the City from granting an encroachment permit, special event permit, or conditional use permit for the temporary sale of food from a rolling store. This section shall not apply to the act of sidewalk vending conducted under a valid sidewalk vending permit issued pursuant to Article XIX of Chapter VI of this Code and operated in conformance with that Article.~~

~~A license to do peddling in the City shall not entitle the holder therefore to occupy any particular place on any street or sidewalk of the City for any definite period, but such licensee must keep moving along the street from place to place, unless the license is accompanied by a special event permit, conditional use permit, or encroachment permit for a rolling store.~~

Section 6. The Alameda Municipal Code is hereby further amended by amending Section 22-8.1 of Article I (Streets) of Chapter XXII (Streets and Sidewalks) as follows (underlined for additions and ~~strikeout~~ for deletions):

22-8.1 - Use of Street for Sale of Goods from Rolling Store.

It shall be unlawful for any person to use any of the public streets of the City for the purposes of vending goods, wares, food stuffs or any other class of merchandise from a rolling store or store on wheels, unless the activity has been approved by a conditional use permit at the following locations: the former Naval Air Station at Alameda Point, the College of Alameda property, the South Shore Shopping Center, ~~and the Marina Village and Harbor Bay Business Parks, and~~ Corica Park; or with the approval of a sidewalk vending permit in conformance with Article XIX of Chapter VI of this Code; or has been approved by a special event permit or encroachment permit.

Section 7. REPEAL

Any provision of the Alameda Municipal Code inconsistent with this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effectuate this Ordinance.

Section 8. SEVERABILITY

If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph and sentence notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph or sentence.

Section 9. This ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk
City of Alameda

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the 4th day of November 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 5th day of November 2025.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda