

The background of the slide features a large, faint, circular seal of the City of Fullerton, California. The seal contains a central emblem with a tree and a building, surrounded by the text "CITY OF FULLERTON" and "CALIFORNIA".

PROPOSED SIDEWALK VENDOR ORDINANCE

Regulating Sidewalk Vendors Under Senate Bill 946

September 15, 2020



Reasons for Proposed Ordinance

- SB 946
 - Effective January 1, 2019.
 - Prohibits cities from regulating sidewalk vendors except as specified.
 - Existing regulations that “substantially comply” with SB 946 are allowed.
- The City currently regulates “pushcarts.”
 - F.M.C. Chapter 8.75 bans pushcarts from most areas of the public right of way.
 - Does not “substantially comply”.
- General Requirements:
 - Cities must allow sidewalk vending in most areas of the public right of way;
 - Decriminalizes violations of local ordinances and limits enforcement to administrative citation;
 - Cannot limit sidewalk vendors to specific parts of the public right of way except when directly related to objective health, safety or welfare concerns; and
 - Per SB 946, perceived community animus/economic competition are not objective health, safety or welfare concerns.



Proposed Action Remaining

City Council introduced the first reading of an ordinance to amend Fullerton Municipal Code Chapter 8.75 regulating sidewalk vendors at the July 21, 2020 City Council meeting. Discussion and action remain on the following two items.

- City Council to consider insurance policy requirement of \$1,000,000 Commercial General Liability Insurance, listing the City as an additional insured.
- City Council to establish and adopt Sidewalk Vending Permit & Application Fee.



Insurance

The City's Risk Management Division and the Director of Risk Control with Risk Program Administrators (RPA) recommend that the City require the proposed insurance requirement and liability limit of \$1,000,000. The following is a summary of the responses staff received pertaining to the policy requirements of other cities surveyed with a sidewalk vending ordinance in place:

- City of Downey \$2,000,000
- City of Huntington Beach \$1,000,000
- City of Irvine \$1,000,000
- City of Anaheim \$1,000,000
- City of Buena Park \$1,000,000
- City of Costa Mesa \$1,000,000
- City of Lynwood \$1,000,000
- City of Cerritos \$100,000
- City of Glendale \$100,000 per occurrence w/ \$200,000 aggregate
- City of Brea \$1,000,000
- City of Garden Grove \$1,000,000



Proposed Annual Fee for a Sidewalk Vending Permit

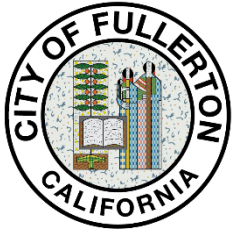
Proposed Sidewalk Vending Permit Fee

• Burdened labor cost per application:	\$61.44
• Material & Mailing Cost per application:	<u>\$17.85</u>
Actual cost per application	\$79.29

Recommended Sidewalk Vending Permit Fee:	\$80.00
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Other Fees

• Cost of Live Scan per applicant:	\$22.00
• Business Registration Fees per application:	\$68.00



Recommended Actions:

1. Adopt Ordinance No. 3288.
ORDINANCE NO. 3288 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 8.75 OF THE FULLERTON MUNICIPAL CODE REGULATING SIDEWALK VENDORS
2. Adopt Resolution No. 2020-XX.
RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING INSURANCE REQUIREMENTS FOR SIDEWALK VENDING
3. Adopt Resolution No. 2020-XX.
RESOLUTION NO. 2020-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ESTABLISHING AND ADOPTING THE SIDEWALK VENDING PERMIT APPLICATION FEE