



SERVIAM by **WRIGHT**
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SIDEWALK VENDORS

Presented by:

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SERVIAM



- A. Nuisance Abatement Enforcement**
- B. Code Enforcement Law**
- c. Receiverships**
- D. Admin, Civil, Criminal**
- E. Inspect & Abate Warrants**
- F. Cannabis Regulation**
- G. Cost Recovery**



CURTIS WRIGHT

- A. City Prosecutor**
- B. Special Counsel**
- c. Court Receiver**
- D. Nuisance Abatement**
- E. Code Enforcement & CACEO Board**
- F. Army Ranger & Combat Veteran**
- G. Father & Football Coach**



AGENDA



- A. SB 946 Intent**
- B. SV Definitions**
- c. Places**
- D. Regulations**
- E. Penalties**
- F. Discussion**





LEAGUE OF
CALIFORNIA
CITIES



SIDEWALK VENDING

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SB 946

INTENT



A. SB 946 (2018) Sidewalk Vendors.

B. Protect Immigrants & Low-Income

1. Economic Participation Opportunity.
2. No SSN; No Fed Tax Proof; No Fed Coop.
3. Statewide Concern = Charter & General Law.

C. Promotes HSW

1. Economic Development.
2. Entrepreneurship.
3. Culturally Significant.
4. Access to Desired Goods.
5. Safe & Dynamic Public Space.



SB 946

DEFINITIONS



A. “Sidewalk Vendor”

1. Merchandise or Food.
2. Public Sidewalk -or- Pedestrian Path.
3. Non-Motorized. Person, cart, wagon, stand, rack.

B. “Stationary”

1. Fixed Location.

C. “Roaming”

1. Moving. Only stop for transactions.



SB 946

PERMITTED PLACES



- A. Public Sidewalk**
- B. Pedestrian Path**
- C. Public Right-of-Way**
- D. Public Park**
 - 1. May ban Stationary if Exclusive Concession Agreement, but not Roaming.
- E. Neighborhoods**
- F. Residential Zones**
 - 1. May ban Stationary, but not Roaming.



- A. Stationary in Residential Zones**
- B. Stationary in Public Parks with Exclusive Concession Agreements**
- C. Farmers' Markets Vicinity**
- D. Swap Meet Vicinity**
- E. Temporary Special Permit Vicinity**
 - 1. Encroachment Permits, Special Event Permits, Temporary Event Permits.



SB 946

PROHIBITED REGS



- A. Prevent Perceived Community Animus
- B. Prevent Economic Competition
- c. Non-Government Consent or Approval
- D. Ban Right-of-Way
- E. Ban Non-Residential Neighborhoods
- F. Ban Roaming in Residential
- G. Ban Roaming in Parks
- H. # of Permits -unless- HSW



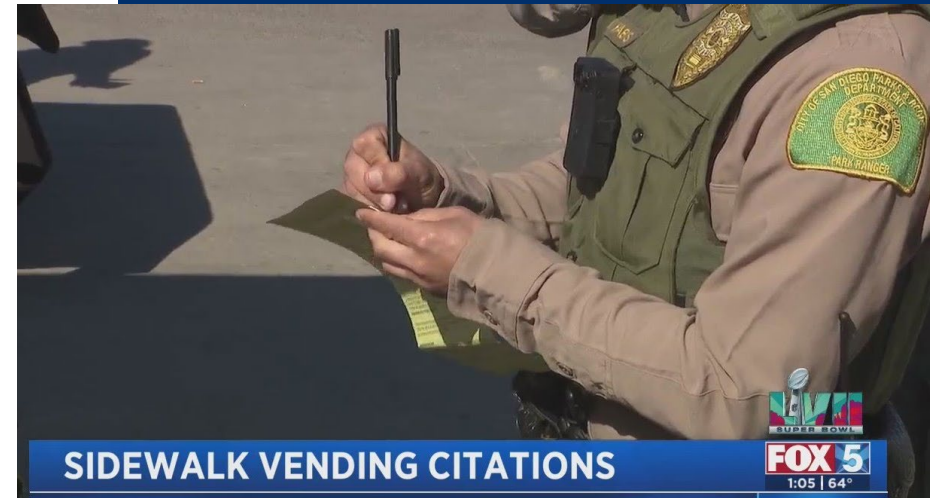


SB 946

PERMISSIBLE REGS



- A. Motorized Vendors**
- B. TPM for HSW**
- c. Prohibitable Locations**
- D. Local Permit or Business License**
- E. CA Seller's Permit**
- F. Other Permits & Licenses**
- G. Food Sanitary Standards (H&S & DPH)**
- H. ADA Compliance**
- I. Generally Applicable Laws**



SB 946

PERMISSIBLE REGS



J. Operational Hours

1. Not Unduly Restrictive.
2. Same as Other Businesses.

K. Park TPM

L. HSW

1. U&E of Natural Resources & Recreational Activities
2. Undue Concentration Interferes with Scenic Natural Character.

M. Public Right-of-Way HSW

1. Examples?

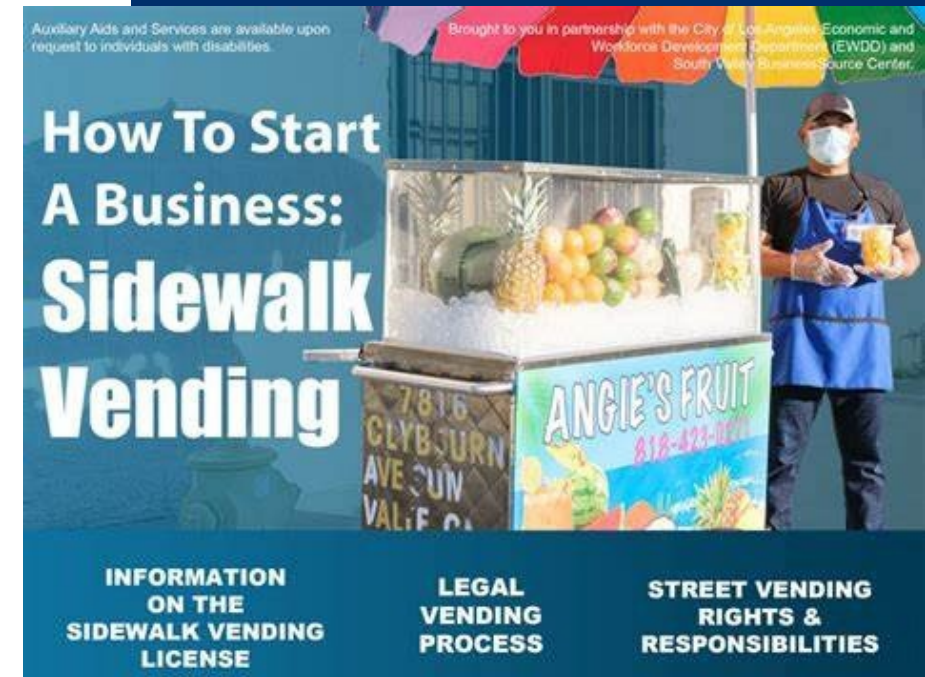


SB 946

DISCLOSURES



- A. Name**
- B. Mailing Address**
- C. Principal Name & Mailing Address**
- D. Merchandise Description**
- E. CA Seller's Permit Number**
- F. SSN -or- CDL, CA ID, Tax ID, Muni ID**
 - 1. Confidential; No Fed Immigration Cooperation



SB 972

FOOD VENDING



A. SB 972 (2022) Retail Food.

B. Compact Mobile Food Operation = Sidewalk Vendor

1. See Gov. Code § 51036(a)

- a. Person*
- b. Pushcart*
- c. Stand*
- d. Display*
- e. Pedal-Driven Cart*
- f. Wagon, Showcase*
- g. Rack*
- h. Non-motorized Conveyance*



SB 972

FOOD VENDING



A. **SV Support Facilities**

1. Yes, Inspections
2. Private Homes
3. MHK
4. Cottage Food Ops
5. Permanent Food Facilities

B. **SV Support**

1. Food Prep
2. Pre/Post-Service Commissaries
3. Storage
4. Cleaning



SB 972

FOOD VENDING



A. Auxiliary Conveyance Support

1. Site Plans & Permits
2. Food Facilities
3. Restrooms
4. Handwashing
5. Warewashing
6. Water Supply
7. Refuse

B. Preapproved Units

1. Standardized Mass-Produced CMFO Units



SB 972

FOOD VENDING



A. **SV Limited Food Prep**

1. Hazardous v. Nonhazardous Foods.
2. Overhead Protection.
3. Cooking; Frying; Baking; Roasting; Steaming; Boiling.
4. Popping; Blending; Juicing.
5. Temp Control; Heating; Cooling.
6. Portioning; Slicing; Chopping; Shaving.
7. Assembly; Seasoning.
8. Dispensing; Serving.



SB 972

FOOD VENDING



A. Nonpotentially Hazardous Foods

1. Nonhazardous
2. Prepackaged; Whole Uncooked Produce
3. Sink & Spare Utensils
4. Handwashing & Water

B. Potentially Hazardous Foods

1. Raw Meat
2. Warm Water & Heating
3. Warewashing & Handwashing
4. Auxiliary Conveyance

FOOD SAFETY REQUIREMENTS AT COMPACT MOBILE FOOD OPERATIONS

Before eating from a sidewalk food vendor (Compact Mobile Food Operation), such as a pushcart, pop-up stands, display, or other nonmotorized conveyance, know the facts.

Question

Is the vendor selling any amount of potentially hazardous, open or cut food?



Answer



If so, a Health Permit from the County's Environmental Health Division is required and must be displayed.

Question

Is the vendor cooking potentially hazardous foods (raw meat, poultry, or fish) for later use?



Answer



If so, the vendor is not in compliance with food health & safety laws. A higher risk of foodborne illness is a concern.

Question

Is raw meat, poultry, or fish being prepared onsite?



Answer



If so, the vendor is subject to warewashing and handwashing requirements.

SB 972

FOOD VENDING



A. No SV Food Prep

1. Potentially Hazardous
2. Milk Products
3. Cooling / Thawing
4. Grinding
5. Food Washing



SB 635

ENFORCEMENT LIMITS



A. No Contracting Enforcement

1. Enforcement Officers.
2. Impound.
3. Prosecutors.

B. No Criminal Checks

1. Including Violent Crimes.

c. No Immigration Checks

1. Destroy existing records.
2. No Fed Coop w/o Subpoena/Warrant.



PENALTIES



A. De-Criminalization

B. Limited Admin Fines Only

1. SV—\$100, \$250, \$500, BL Revoked.
2. SV No BL—\$250, \$500, \$1,000 (reduce if BL obtained).
3. SB 972—Notice, \$100, \$200, \$500.
4. SB 972 No BL—3x Permit Fee.
5. Ability to Pay Review (80% reduction).
 - a. *Mandatory Notice.*
 - b. *Even if Fine is Final.*
6. Community Service & Other Alternatives.
7. No Failure to Pay Fines.



PENALTIES?



A. Other Penalties?

1. Embargo / Confiscation?
2. Impound?
3. Fees?
4. Disposal / Forfeiture?

B. Violation Type?

1. Merchandise v Perishables
2. Fire / Heat / Food Preparation
3. Carts / Stands



LEGAL TOOLS

1. **Inspection Warrant**
2. **Search Warrant**
3. **Courtesy Notice**
4. **Cease & Desist**
5. **Admin Cite/Fines**
6. **Notice & Order**
7. **Admin Order**
8. **Admin Hearing**
9. **Abatement Warrant**
10. **Criminal Cite**
11. **Civil Injunctions**
12. **Receivership**
13. **Drug Abatement Act**
14. **STEP Act**
15. **Red Light Abate Act**
16. **Notice of Pendency**
17. **Cost Recovery**
18. **Special Assessment**



SIDEWALK VENDING



A. Discussion

B. Questions

c. Anecdotes

D. Hypotheticals





CONCLUSION!



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