Planning, Building & Environmental Services

Sidewalk Vending – Code Update

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Introduction

- Provide an overview of Sidewalk Vending
- SB 946 – Sidewalk Vending
- Amendments to Napa County Code Section 5.40 – Peddling and Soliciting

Overview of Peddling and Soliciting

Peddling is the act of selling goods or services directly to the public, typically by traveling from place to place or going door to door.

Regulations

- Napa County Code (NCC) Section 5. 40 – Peddling and Soliciting
- NCC Section 8.04 – Retail Food Facilities
- Government Code Chapter 6.2 - Sidewalk Vendors
- California Retail Food Code Section 113700-113733 – General Provisions, NCC 8.04.030.

Sidewalk Vending

- Sidewalk vending typically involves transient vendors selling items such as:
  - Fruit
  - Food
  - Flowers
  - Other merchandise
- These sales occur on sidewalks or within the public right-of-way

Public Health and Safety Concerns

- Food Safety and Handling
- Foodborne Illness
- Temperatures
- Sanitation
- Improper Storage
- Hygiene/Lack of access to handwashing, restrooms
- Pests

Public Safety and Environmental Concerns

- Traffic and Parking Issues
- Pedestrian Safety, Accessibility Issues
- Fire Hazards: Open Flame, Tents, Nearby Vegetation
- Litter/Waste Management
- Public Nuisance: Noise, Lighting
- Contaminated Disposal Storm Drains

Regulatory and Equity Concerns

- Avoidance of Permitting & Licensing Requirements
  - Business License
  - Health Department Permit
  - Food Handlers Permit
  - Insurance
- No Tax Collection/Reporting
- Unfair Competition for fully permitted business operators

Enforcement Obstacles:

- Recent Developments in State Legislation
  - ❖Senate Bill 946
  - ❖Shifts in enforcement authority
  - ❖Diminished regulatory oversight

- Safety
  - ❖Community response to enforcement
  - ❖County staff safety

Ongoing Enforcement Efforts

- Joint Collaboration Efforts:
  - Code Compliance
    Environmental Health
    Consumer Protection Team
    Problem Oriented Policing Team Sheriff's Department

- Education and Voluntary Compliance
- Progressive Enforcement
- Food & Equipment Impound
- Community Outreach

Senate Bill 946

Sidewalk Vending. Codified in Government Code Chapter 6.2 Sections 51036 – 51039.

What SB 946 Accomplished:

- Decriminalizes sidewalk vending
- Limits local restrictions on sidewalk vendors
- Prevents cities and counties from requiring sidewalk vendors to operate only in specific areas without cause
- Restricts penalties for violations

What SB 946 Accomplished:

- Mandates that local regulations be “reasonable”
- Limits local restrictions on sidewalk vendors
- Allows both stationary and roaming vendors
- Requires local authorities to establish vending permit systems

Amendments – NCC 5.40

Peddlers and Solicitors

Permitting

- Proposed hours of operation
- Updated permit revocation criteria

Enforcement

- Change from criminal to administrative enforcement to align with State regulations

Administrative

- Notice of Violation
- Citations

Recommendation

HOLD A PUBLIC HEARING OF THE NAPA COUNTY BOARD OF SUPERVISORS, STATE OF CALIFORNIA, AMENDING CHAPTER 5.40 (PEDDLING AND SOLICITING) TO CONFORM TO CALIFORNIA HEALTH AND SAFETY CODE REQUIREMENTS AND TO CLARIFY THE REQUIREMENTS

Summary

Staff recommends amending Napa County Code Section 5.40 to align with the Safe Sidewalk Vending Act (Senate Bill 946), which is set out in Chapter 6.2 of Division 1, Part 1 of Title 5 of the California Government Code (Sections 51036 – 51039) and clarify current code language. These changes will help ensure that the County's approach is consistent with state law, while also enhancing the effectiveness and fairness of enforcement efforts.

Thank you

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