

LEGISLATIVE DIGEST

[Various Codes - Mobile Vendor Regulation]

Ordinance adopting regulation of vending within the jurisdiction of the Port of San Francisco, requiring permits, and authorizing permit fee and enforcement actions in the Port Code; requiring the Port and the Department of Public Health to report to the Board of Supervisors about regulatory implementation and health and safety enforcement; amending provisions of the Port and Public Works Codes, and repealing peddler regulations in the Police Code, to comply with state law regarding sidewalk vending; amending provisions of the Administrative, Business and Tax Regulations, Health, and Transportation Codes to conform with state law and new Port Code regulations regarding vending; and adopting findings under the California Environmental Quality Act.

Existing Law

Police Code Sections 864 through 870 regulate “peddlers,” requiring permits and authorizing police enforcement via criminal infractions and misdemeanors. Public Works Code Article 5.8 (Sections 184.80 *et seq.*) establishes the Department of Public Works’ regulatory program for mobile food facilities, including regulation of pushcarts. Senate Bill (SB) 946 (effective January 1, 2019) constrains local regulation of the time, place, and manner of sidewalk and street vending, and also prohibits criminal penalties to enforce local regulations.

Amendments to Current Law

The Ordinance would repeal all peddler regulations in the Police Code and create a new regulatory program in the Port Code for street and sidewalk vendors (“mobile vendors”) vending within the jurisdiction of the Port of San Francisco that would require permits to vend food, merchandise, or both; authorize a permit fee, rules and regulations to govern the time, place, and manner of vending, and enforcement methods including administrative citations and impoundment. The Ordinance would regulate mobile vendors of food, merchandise, or both. The Ordinance would remove pushcart regulations from the Public Works Code to comply with SB 946. The Ordinance would not alter food safety regulations, but requires the Port and Department of Public Health to report to the Board of Supervisors regarding enforcement and implementation. The Ordinance includes technical amendments to the Administrative, Business and Tax Regulations, Health, Port, Public Works, Police, and Transportation Codes to conform with the repeal of peddler regulations in the Police Code.

Background Information

Police Code peddler regulations have not been enforced since the effective date of SB 946 (January 1, 2019).

n:\legana\as2021\2100317\01532935.docx