

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Carla Short, Director, San Francisco Public Works  
Paul Yep, Interim Police Chief, Police Department  
Brooke Jenkins, District Attorney, Office of the District Attorney  
Manohar Raju, Public Defender, Office of the Public Defender

FROM: Monique Crayton, Assistant Clerk, Public Safety and Neighborhood  
Services Committee, Board of Supervisors

DATE: October 28, 2025

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following ordinance request, introduced on October 21, 2025:

**File No. 251051**

**[Public Works, Port Codes - Enhanced Enforcement for Vending Targeted Merchandise Without a Permit]**

**Ordinance amending the Public Works Code in accordance with California Senate Bill 276 (2025) to authorize the enforcement of vending permit requirements through warnings, infractions, misdemeanors, and fines up to \$1,000 for vending certain types of merchandise that are common targets of retail theft, on City property without a permit; amending the Port Code to conform with those amendments; making additional conforming amendments consistent with Senate Bill 276; accepting the recommendations and findings of the Public Works Director pertaining to such targeted merchandise and adopting such findings;**

CC:  
Office of Chair Dorsey  
Adam Thongsavat, Office of the Mayor  
David Steinberg, San Francisco Public Works  
Ian Schneider, San Francisco Public Works  
Steven Lopez, Police Department  
Sgt Stacy Youngblood, Police Department  
Carl Nicita, Police Department  
Giannina Miranda, Police Department  
Ana Gonzalez, Office of the District Attorney  
Eugene Clendinen, Office of the District Attorney  
Lily Rapson, Office of the District Attorney  
Monifa Willis, Office of the District Attorney

**and affirming the Planning Department's determination under the California Environmental Quality Act.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

[Public Works, Port Codes - Enhanced Enforcement for Vending Targeted Merchandise Without a Permit]

**Ordinance amending the Public Works Code in accordance with California Senate Bill 276 (2025) to authorize the enforcement of vending permit requirements through warnings, infractions, misdemeanors, and fines up to \$1,000 for vending certain types of merchandise that are common targets of retail theft, on City property without a permit; amending the Port Code to conform with those amendments; making additional conforming amendments consistent with Senate Bill 276; accepting the recommendations and findings of the Public Works Director pertaining to such targeted merchandise and adopting such findings; and affirming the Planning Department's determination under the California Environmental Quality Act.**

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
**Additions to Codes** are in *single-underline italics Times New Roman font*.  
**Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.  
**Board amendment additions** are in double-underlined Arial font.  
**Board amendment deletions** are in ~~strikethrough Arial font~~.  
**Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings.

The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_ and is incorporated herein by reference. The Board affirms this determination.

1           Section 2. General Background and Findings.

2           (a) In 2018, Governor Brown signed Senate Bill 946 ("SB 946"), which decriminalized  
3 sidewalk vending in California and constrained local regulatory authority over vending,  
4 restricting local governments to the use of administrative fines or permit rescission to enforce  
5 local sidewalk vending programs. In 2022, the City enacted Ordinance No. 44-22, which  
6 established San Francisco's sidewalk vending permit program consistent with SB 946.

7           (b) On October 6, 2025, Governor Newsom signed Senate Bill 276 ("SB 276"), which  
8 grants the City authority to adopt an ordinance requiring a permit to sell merchandise that the  
9 City determines is a common target of retail theft. The law permits the City to make the sale  
10 of such merchandise on City property, including City sidewalks, without a permit punishable  
11 as infractions or misdemeanors, following a written warning, provided that the City's ordinance  
12 makes certain requisite findings supported by substantial evidence. Notwithstanding the  
13 restrictions on the punishment of sidewalk vending without a permit as set forth in SB 946, SB  
14 276 authorizes the City to impose the following punishments for the sale without a permit of  
15 merchandise that is a common target of retail theft: a written warning for the first violation; an  
16 infraction for the second and third violations within 18 months of the first violation; and  
17 infractions or misdemeanors punishable by imprisonment in the county jail for a period not to  
18 exceed 6 months and/or a fine not to exceed \$1,000, for the fourth and subsequent violations  
19 within 18 months of the first violation. SB 276 will become inoperative on January 1, 2031,  
20 along with the enforcement authority authorized under SB 276, and will be repealed as of that  
21 date.

22           (c) This ordinance authorizes the enforcement authority granted under SB 276, and  
23 makes the required findings. The changes in enforcement effectuated by this ordinance are  
24 codified in Section 5.9-11(f) of the Public Works Code for a period of three years from the  
25 effective date of the ordinance. Pursuant to SB 276, this ordinance may remain in effect for

1 up to three years, subject to annual approval of the requisite written findings by resolution of  
2 the Board of Supervisors, and subject to the filing of an annual report, for a period of three  
3 years following the effective date. Subsequently, to enable the City to continue exercising the  
4 enforcement authority granted under SB 276, at or prior to the completion of the three-year  
5 period, the Board of Supervisors ("Board") would be required to approve a subsequent  
6 renewal ordinance that includes the findings required by SB 276. Any City ordinance  
7 implementing SB 276 would become inoperative on January 1, 2031.

8 (d) Pursuant to SB 276, at least 60 calendar days prior to the enactment of this  
9 ordinance, the City has held at least one workshop to inform the development of the  
10 ordinance by soliciting feedback from the vendor community, and report back to the Board.  
11 The workshop solicited input on the proposed ordinance, including, but not limited to, input  
12 regarding the methods by which street vendors currently acquire goods and feasible methods  
13 by which street vendors can keep records.

14 (e) In Public Works Order No. \_\_\_\_\_ (the "Order"), which was informed  
15 by recommendations provided by the Office of Economic and Workforce Development and the  
16 Police Department, including crime data provided by the Police Department from calendar  
17 years 2023, 2024, and 2025, the Director of Public Works ("Director") recommends that the  
18 Board approve the initial list of merchandise identified as common targets of retail theft in San  
19 Francisco, which the Order and this ordinance refer to as "Targeted Merchandise."

20 (f) In the Order, based on analysis of the existing vending permit program that is  
21 administered by the Department of Public Works ("Department") and on the Police  
22 Department data referenced in the Order, the Director finds that: (1) there has been a  
23 significant pattern of merchandise being the subject of retail theft and then appearing for sale  
24 on public property within San Francisco; (2) requiring a permit to sell merchandise on public  
25 property within San Francisco will further the objective of preventing retail theft; (3) Article 5.9

1 of the Public Works Code, as amended by this ordinance, imposes reasonable permit  
2 requirements that enable the lawful sale of merchandise while safeguarding civil rights; and  
3 (4) the City has attempted multiple non-law-enforcement measures to address the resale of  
4 stolen goods prior to adopting this ordinance, including opening marketplaces where vendors  
5 may sell items, reducing or removing permit fees, expanding efforts to combat retail theft,  
6 partnering with local nonprofit organizations to triage needs of vendors and their families, and  
7 offering wraparound support services, resource fairs, marketing support, trainings on  
8 entrepreneurship and business development, workforce development opportunities, and  
9 support to open brick-and-mortar businesses.

10 (g) The Order is on file with the Clerk of the Board in File No. \_\_\_\_\_ and is  
11 incorporated herein by reference. The Board hereby accepts the recommendations and the  
12 findings in the Order, adopts the findings as its own, including the initial list of Targeted  
13 Merchandise as defined in Section 3 of this ordinance, and authorizes the Director to amend  
14 the list of Targeted Merchandise by future Public Works Orders no more than once per  
15 quarter of each fiscal year of the City.

16 (h) As required under SB 276, the Board shall adopt findings consistent with SB 276  
17 annually while Public Works Code Section 5.9-11(f) remains in effect pursuant to SB 276.

18 (j) At least 30 calendar days prior to the enactment of this ordinance, the City has  
19 administered a public information campaign, including public announcements in major media  
20 outlets and press releases. Information has been made available in English, Spanish,  
21 Mandarin, Cantonese, Tagalog, and Vietnamese. The public information campaign has  
22 described the City's program, including how vendors may obtain the required permits, how  
23 they demonstrate they obtained merchandise lawfully, and where they can ask questions  
24 about the process. The City has also provided trainings and workshops, and the City has  
25 conducted street-level outreach and has distributed informational flyers on these topics.

1           Section 3. Article 5.9 of the Public Works Code is hereby amended by revising  
2 Sections 5.9-1, 5.9-2, 5.9-3, 5.9-5, 5.9-11, and 5.9-12, to read as follows:

3  
4           **SEC. 5.9-1. GENERAL BACKGROUND AND FINDINGS.**

5           \* \* \* \*

6  
7           (j) On October 6, 2025, Governor Newsom signed Senate Bill 276 ("SB 276"), a statute that  
8 grants the City temporary authority to adopt an ordinance requiring a permit to sell merchandise that  
9 the City has determined is a common target of retail theft and making the sale of such merchandise on  
10 City property, including City sidewalks, without a permit punishable as infractions or misdemeanors,  
11 following a written warning; provided that the City has adopted the ordinance on the basis of certain  
12 requisite findings based on substantial evidence. Notwithstanding the restrictions on the punishment of  
13 sidewalk vending without a permit as set forth in SB 946, SB 276 authorizes the City to impose the  
14 following punishments for the sale, without a permit, of merchandise that is a common target of retail  
15 theft: a written warning for the first violation; followed by an infraction for the second and third  
16 violations within 18 months of the first violation; and followed by infractions or misdemeanors  
17 punishable by imprisonment in the county jail for a period not to exceed 6 months and/or a fine, for the  
18 fourth and subsequent violations within 18 months of the first violation.

19           (k) ~~This ordinance~~ Article 5.9 creates a vending program that provides for permitting  
20 and regulation of street vendors on City property that is ~~both meaningfully enforceable and~~  
21 consistent with ~~both~~ SB 946 and SB 276. This Article codifies the enforcement authority granted  
22 under SB 276 in Section 5.9-11(f) of the Public Works Code for a period of three years from the  
23 effective date of the ordinance in Board of Supervisors File No. \_\_\_\_\_. Pursuant to SB 276, this  
24 ordinance may remain in effect for up to three years, subject to annual approval of the requisite written  
25 findings by resolution of the Board of Supervisors, and subject to the filing of an annual report, for a

1 period of three years following the effective date. Subsequently, in order to enable the City to continue  
2 exercising the enforcement authority under SB 276, at or prior to the completion of the three-year  
3 period, the Board would be required to approve a subsequent renewal ordinance that includes the  
4 findings required by SB 276. By its terms, SB 276 will become inoperative on January 1, 2031 and  
5 shall be repealed as of that date.

6  
7 **SEC. 5.9-2. DEFINITIONS.**

8 For the purpose of this Article 5.9, the following words and phrases have the following  
9 meanings:

10 \* \* \* \*

11  
12 **Notice of Violation.** A Notice of Violation for a violation of this Article 5.9, as  
13 described in Section 5.9-11.

14 **Permitting Agency.** The City department responsible for issuing Vending permits, which is the  
15 Department.

16 \* \* \* \*

17  
18 **Swap Meet.** A swap meet operated in accordance with Article 6 (commencing with  
19 section 21660) of Chapter 9 of Division 8 of the California Business and Professions Code, as  
20 it may be amended, and any regulations adopted in accordance with that chapter, as they  
21 may be amended.

22 **Targeted Merchandise.** Targeted Merchandise includes Merchandise that is a common target  
23 of retail theft in San Francisco, as determined by the Director through the issuance of a Public Works  
24 Order, in consultation with the Police Department. The initial list of Targeted Merchandise is included  
25 in Public Works Order \_\_\_\_\_, and may be amended by the Director up to once per quarter of the



1 City's fiscal year. Targeted Merchandise may also include prepackaged food items or beverages that  
2 are common targets of retail theft in San Francisco, as determined by the Director through the issuance  
3 of a Public Works Order, in consultation with the Police Department, but excludes any prepackaged  
4 food items or beverages that are being sold along with food items that are prepared for sale onsite.

5 **United Nations Plaza.** The area defined by Section 2.01(b) of the Park Code.

6 **Vend (and variations such as Vends, Vending).** To sell, offer for sale, expose or  
7 display for sale, solicit offers to purchase or lease, or barter Food or Merchandise. Vending  
8 includes offering free samples of Food or Merchandise that are also for sale, negotiating fees  
9 for Food or Merchandise, or soliciting customers to enter into commercial agreements.

10 **Vendor.** A person or entity that Vends Food or Merchandise from a pushcart, pedal-  
11 driven cart, wagon, or other nonmotorized conveyance, or from one's person or a stand,  
12 display, showcase, table, rack, or other movable structure. The term Vendor includes but is  
13 not limited to Roaming Vendor, Sidewalk Vendor, and Stationary Vendor. In addition, if a  
14 Vendor Vends as an employee or agent of another person or entity, that person or entity is  
15 also a Vendor. The term Vendor does not include a person or entity that Vends from a Mobile  
16 Food Facility as defined by Public Works Code Section 184.80.

17 ~~**United Nations Plaza.** The area defined by Section 2.01(b) of the Park Code.~~

18 **Written Warning.** A written warning for the Vending of Targeted Merchandise without a  
19 permit in violation of this Article 5.9, as described in Section 5.9-11.

20  
21 **SEC. 5.9-3. PERMIT AND IDENTIFICATION REQUIRED; MANDATORY DISPLAY;**  
22 **PROOF OF PURCHASE.**

23 (a) No person may Vend on any City property, including a public right-of-way (as that  
24 term is defined in Public Works Code Section 2.4.4) or any other street, sidewalk, alley,  
25 walkway, or pedestrian path available to the public, except on property regulated by Article 7

1 of the Park Code, without first having obtained either a Roaming Vendor permit or a  
2 Stationary Vendor permit pursuant to this Article 5.9.

3 (b) A Vendor shall prominently display a valid Vendor permit that corresponds with the  
4 Vendor's business activity while Vending in accordance with this Article 5.9.

5 (c) Upon request by an Enforcement Official, a Vendor shall immediately provide  
6 proof of ownership or authorization to sell the Food and/or Merchandise that the Vendor is  
7 Vending. The proof of ownership or authorization must demonstrate that the Vendor obtained the  
8 Food and/or Merchandise lawfully and not through theft or extortion, as well as Vendor's legal  
9 identification, first name and last name, phone number, and current mailing address.

#### 11 **SEC. 5.9-5. PERMIT APPLICATION; FEE.**

12 (a) **Department Permit.** The Department shall establish a uniform application process  
13 through which a Vendor may request, and upon approval receive, a Vendor permit. The  
14 application process shall be easily accessible to individuals with limited business experience  
15 and limited English language proficiency. The permit application shall require:

16 (1) The name, phone number, and current mailing address of the Vendor.

17 (2) A description of the Food and/or Merchandise that the Vendor intends to Vend.

18 (3) The locations where the Vendor requests to Vend.

19 (4) An attestation by the Vendor that the Vendor will procure~~d~~ the Food and/or  
20 Merchandise, whether new or used, through a transaction authorized by law, including but not  
21 limited to, bartering and foraging.

22 (5) For any Food and/or Merchandise to Vend, whether new or used, an attestation  
23 by the Vendor that the Vendor will maintain proof of ownership or authorization to sell the  
24 Food and/or Merchandise and that the Vendor will be able to demonstrate that they obtained the  
25 Food and/or Merchandise lawfully and not through theft or extortion, and that the Vendor will

1 produce the documentation of same immediately upon request.

2 \* \* \* \*

3  
4 (7) Proof of Identity, as described in Administrative Code Section 95.2 and as it  
5 may be amended, of the Vendor. In no event shall the Department inquire into or collect  
6 information about an individual's immigration or citizenship status or place of birth, inquire into or  
7 collect information or documentation regarding an individual's criminal history, or require an  
8 applicant to submit fingerprints or a Live Scan, or submit to a background check.

9 \* \* \* \*

10  
11 (d) **Permit Fee.**

12 (1) The Department shall identify the reasonable regulatory costs for the  
13 administrative enforcement and any adjudication of this Article 5.9, including but not limited to  
14 the Department's costs to issue permits, perform investigations, conduct inspections, issue  
15 administrative citations or other enforcement actions, and audit permittees. The Department  
16 shall charge applicants for each Vendor permit and permit renewal an amount that does not  
17 exceed the reasonable regulatory costs described in this subsection (d), and may include the  
18 actual costs that other agencies, boards, commissions, or departments of the City incur in  
19 connection with the processing or administration of this Article 5.9, which fee shall be waived  
20 in accordance with California Business and Professions Code Section 16102, as it may be  
21 amended, and as applicable. After consulting with the Controller, and by no later than two  
22 months after the effective date of the ordinance in Board File No. 211292 establishing this  
23 Article 5.9, the Department shall publish on its website a schedule of all fees charged by the  
24 Department under this Section 5.9-5, and shall submit that fee schedule to the Clerk of the  
25 Board of Supervisors for inclusion in Board File No. 211292. The permit fee shall be adjusted

1 annually in accordance with Public Works Code Section 2.1.2.

2 (2) Notwithstanding paragraph (1), the fee shall not exceed \$25 for applicants that meet  
3 either of the following conditions:

4 (A) The applicant earns less than 200% of the area median income.

5 (B) The applicant is a current enrollee in, or recipient of, CalWORKs, CalFresh,  
6 general assistance, Medi-Cal, Supplemental Security Income, the State Supplementary Payment  
7 Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children,  
8 the California Alternate Rates for Energy (CARE) program established pursuant to Section 739.1 of the  
9 California Public Utilities Code, or the Family Electric Rate Assistance program established pursuant  
10 to Section 739.12 of the California Public Utilities Code.

11 (3) In addition, separate annual fees may apply and be payable to the Tax  
12 Collector, Department of Public Health, and the Fire Marshal for any approvals required by  
13 each department.

14 (e) **Permit Fee Waiver.** In addition to the permit fee limitations in Section 5.9-5(d)(2), t~~The~~  
15 Department shall adopt regulations via Public Works~~Director's~~ Order authorizing the Director to  
16 fully waive fees for new permits and partially waive fees for permit renewals, for reasons  
17 including, but not necessarily limited to, economic hardship and a Vendors' status as a  
18 nonprofit corporation exempt from federal taxation under 26 U.S.C. Section 501(c)(3), as it  
19 may be amended. The partial waiver of renewal fees shall be on a sliding scale and the  
20 amount waived shall be determined based on the economic hardship of each individual  
21 Vendor or the financial circumstances of a nonprofit corporation.

22 \* \* \* \*

23  
24 **SEC. 5.9-11. ENFORCEMENT.**

25 (a) **Nuisance Declaration.** Any violation of this Article 5.9-, or of any applicable Rules

1 and Regulations, constitutes a public nuisance.

2 (b) **Notice of Violation.** Any Enforcement Official may issue a Notice of Violation for  
3 any violation of this Article 5.9-, or of the Rules and Regulations that interpret and implement  
4 this Article, and as described in subsection (c) below, that occurs on a public right-of-way (as  
5 that term is defined in Public Works Code Section 2.4.4) or any other street, sidewalk, alley,  
6 walkway, or pedestrian path available to the public. The Notice of Violation shall include: (1)  
7 information identifying the Offender, (2) details of the violation, (3) the name or identifying  
8 number of the Enforcement Official, (4) a general description of administrative fines, and  
9 payment method and options, including the ability-to-pay determination, (5) a general  
10 description of the appeals process, (6) information about the requirements of this Article 5.9  
11 and any applicable Rules and Regulations that interpret and implement this Article, (7)  
12 information about who to contact for assistance related to this Article 5.9-, and (8) information  
13 about workforce development opportunities and job placement programs.

14 (c) **Administrative Citation.** The Department will use the information included in the  
15 Notice of Violation to issue an Administrative Citation for any violation of this Article 5.9-, or  
16 the Rules and Regulations that interpret and implement this Article, as described below, within  
17 15 calendar days of issuing the Notice of Violation:

18 \* \* \* \*

19  
20 (d) **Temporary Order to Cease Vending and Removal.**

21 \* \* \* \*

22  
23 (3) (A) **Verbal Warning Followed By Removal of Food, Merchandise, and**  
24 **Vending Paraphernalia.** If a Vendor fails, within 10 minutes, to remove Food, or  
25 Merchandise, or any other Vending paraphernalia from the location following an order to

1 cease Vending, or fails to follow any other orders the Enforcement Official may issue to  
2 mitigate safety hazards, the Enforcement Official or the Department may remove any or all of  
3 the items. Prior to removal by the Enforcement Official or the Department, the Enforcement  
4 Official shall provide the Vendor a verbal warning of the impending removal and  
5 impoundment, and shall urge the Vendor to make every effort to remove the items, or cause  
6 their removal. The Department shall document in its records the date and time the verbal  
7 warning was provided.

8 (B) **Removal of Food, Merchandise~~Merchan-dise~~, or Vending Paraphernalia**  
9 **Within 120 Days of Verbal Warning.** Following a verbal warning from the Enforcement  
10 Official at any time within a 120-day period, if a Vendor fails to follow an order to cease  
11 Vending, or fails to follow any other orders the Enforcement Official may issue to mitigate  
12 safety hazards, the Enforcement Official or the Department may remove any or all Food,  
13 Merchandise, or any other Vending paraphernalia~~para-phernalia~~ from the location subject to  
14 the order to cease Vending.

15 \* \* \* \*

16  
17 (e) **Other Violations.** Any violation of this Article 5.9-, or of the Rules and Regulations  
18 that interpret and implement this Article, may be subject to one or more of the following:

19 (1) An administrative fine as described in subsection (c).

20 (2) **Civil Action.**

21 (A) The Department may refer violations to the City Attorney to maintain an  
22 action for injunction to restrain to cause the correction or abatement of the violation of this  
23 Article 5.9, and for recovery of any City department's enforcement and abatement costs  
24 (including but not limited to costs for removal, storage, impoundment, and disposal).

25 (B) The City shall be awarded its reasonable attorney's fees and costs incurred

1 in enforcing this Article 5.9, excluding enforcement pursuant to subsection (f) below.

2 **(f) Punishment for Vending Targeted Merchandise Without a Permit.**

3 (1) Vending Targeted Merchandise without a permit shall be punishable as follows:

4 (A) For the first violation, the Department shall issue a written warning identifying the  
5 Targeted Merchandise subject to the unpermitted vending and indicating the date, time, and location of  
6 the violation.

7 (B) Second and third violations within 18 months of the first violation shall be  
8 punishable as infractions.

9 (C) Subsequent violations after three prior violations, and that occur within 18 months  
10 of the first violation, shall be punishable as infractions or misdemeanors by imprisonment in the City  
11 jail not to exceed 6 months, or by both that imprisonment and a fine not to exceed \$1,000.

12 (2) A violation of this Section 5.9-11(f) resulting in a misdemeanor or an infraction shall be  
13 eligible for dismissal pursuant to Section 1203.4a or 1203.425 of the California Penal Code, as  
14 applicable.

15 (3) This subsection (f) shall expire by operation of law three years from the effective date of  
16 the ordinance in Board of Supervisors File No. \_\_\_\_\_, enacting this subsection. Upon the  
17 expiration of subsection (f), the City Attorney is authorized to cause this subsection to be removed from  
18 the Code. In addition, the City Attorney is authorized to cause the removal of other provisions in this  
19 Article 5.9 to conform to the expiration of this subsection, and to make nonsubstantive changes in this  
20 Article 5.9 to conform to the expiration of this subsection. Any changes caused by the City Attorney in  
21 accordance with this subsection (f)(3) shall be filed in the above-mentioned Board of Supervisors file.

22  
23 **SEC. 5.9-12. REPORTING REQUIRED.**

24 **(a) Triennial Reporting.** The Department shall report to the Board of Supervisors  
25 regarding the implementation of this Article 5.9, annually for the first three years after the

1 effective date of the ordinance in Board File No. 211292 establishing this Article; and once  
2 every three years thereafter. The report shall include but not be limited to the following:  
3 number of applications; number of permits issued; number of permits renewed; locations  
4 approved for Vending; locations excluded from Vending; outreach and education efforts;  
5 outreach and education outcomes; number of Notice of Violations issued; number of written  
6 warnings issued; number of Administrative Citations issued; fines collected; and outstanding  
7 fines.

8 (b) Annual Reporting on Targeted Merchandise. While Section 5.9-11(f) remains in effect, no  
9 later than January 1 of each year, the Department shall submit an annual report to the Board of  
10 Supervisors and to the relevant committees of the California Legislature. This annual report shall be  
11 submitted in compliance with Section 9795 of the California Government Code. The annual report  
12 shall include all of the following:

13 (1) Identification of the Permitting Agency.

14 (2) As applicable, the regulations, rules, and procedures the Permitting Agency has  
15 adopted for administering the permit program.

16 (3) The list or lists of Targeted Merchandise.

17 (4) Whether the City has elected to renew its ordinance and, if so, when.

18 (5) The total number of Vending permits issued.

19 (6) The method by which the Permitting Agency determined whether an applicant for a  
20 permit was able to demonstrate that they obtained merchandise lawfully and not through theft or  
21 extortion.

22 (7) The total number of infractions and misdemeanors issued by the Police Department  
23 according to Section 5.9-11(f), and the number for which convictions were reached.

24 (8) The race or ethnicity, gender, and age of the person issued an infraction or  
25 misdemeanor, provided that the identification of these characteristics was solely based on the



1 observation and perception of the Police Department.

2 (9) The actions taken by the Police Department when issuing infractions or misdemeanors,  
3 including, but not limited to, all of the following:

4 (A) Whether the Police Department asked for consent to search the person, and, if so,  
5 whether consent was provided;

6 (B) Whether the Police Department searched the person or any property, and, if so,  
7 the basis for the search and any contraband or evidence discovered; and

8 (C) Whether the Police Department seized any property and, if so, the type of  
9 property that was seized and the basis for seizing the property.

10  
11 Section 4. The Port Code is hereby amended by revising Article 2, Section 2.8, to read  
12 as follows:

13 **SEC. 2.8. PEDDLING AND VENDING REGULATED.**

14 \* \* \* \*

15  
16 (c) Any vending in violation of this Section 2.8 or any Rules and Regulations adopted  
17 by the Commission, Executive Director, or designee shall be subject to the enforcement  
18 provisions in Section ~~5.9-115-98~~ of the Public Works Code.

19  
20 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
24 additions, and Board amendment deletions in accordance with the “Note” that appears under  
25 the official title of the ordinance.

Section 6. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:  
DAVID CHIU, City Attorney

By: /s/ Christopher T. Tom  
CHRISTOPHER T. TOM  
Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Public Works, Port Codes - Enhanced Enforcement for Vending Targeted Merchandise Without a Permit]

**Ordinance amending the Public Works Code in accordance with California Senate Bill 276 (2025) to authorize the enforcement of vending permit requirements through warnings, infractions, misdemeanors, and fines up to \$1,000 for vending certain types of merchandise that are common targets of retail theft, on City property without a permit; amending the Port Code to conform with those amendments; making additional conforming amendments consistent with Senate Bill 276; accepting the recommendations and findings of the Public Works Director pertaining to such targeted merchandise and adopting such findings; and affirming the Planning Department's determination under the California Environmental Quality Act.**

### **Existing Law**

Currently, Article 5.9 of the Public Works Code ("Permit Regulations for Vendors") prescribes the requirements for Vending Food and/or Merchandise on City property and sidewalks, including property and sidewalks within the jurisdiction of the Port of San Francisco ("Port").

The Public Works Code defines "Vend" as "[t]o sell, offer for sale, expose or display for sale, solicit offers to purchase or lease, or barter Food or Merchandise." (S.F. Public Works Code Sec. 5.9-2.) The Public Works Code defines "Merchandise" as "[a]ny item that is neither Food, nor unpackaged food, nor food that is cooked or prepared onsite, and that is not an art or craft regulated under Article 24 (Regulating Street Artists) of the Police Code." (*Id.*) Article 5.9 prohibits Vending on any City property, including "a public right-of-way or any other street, sidewalk, alley, walkway, or pedestrian path" without a permit issued pursuant to Article 5.9.

Due to restrictions in California Senate Bill 946 ("SB 946"), which decriminalized sidewalk vending in California and constrained local regulatory authority over vending, under Article 5.9 of the Public Works Code, Vendors who Vend without a valid permit may face administrative fines of \$250 (first violation), \$500 (second violation within 12 months of first violation), or \$1,000 for a third violation, and each subsequent violation, within 12 months of the first violation. (S.F. Public Works Code Sec. 5.9-11(c)(2).) Currently, the Public Works Code states that failure to pay administrative fines "shall not be punishable as an infraction or misdemeanor" and "additional fines, fees, assessments, or any other financial conditions beyond those authorized in [Public Works Code Section 5.9-11(c)] may not be assessed." (*Id.*)

Amendments to Current Law

Pursuant to California Senate Bill 276 (2025) ("SB 276"), this ordinance authorizes the City to implement enhanced enforcement to address the Vending of merchandise that is a common target of retail theft, on City property without a permit.

SB 276 authorizes the City to approve an ordinance that requires Vendors to obtain a permit for the sale "on public property, including public streets or sidewalks," of merchandise that the City has determined is a "common target of retail theft," provided that the City make specific written findings supported by substantial evidence in the record, as prescribed by SB 276. Notwithstanding SB 946, SB 276 authorizes the City to make the sale of such merchandise on City property without a permit punishable as follows: with a written warning for the first violation; as an infraction for the second and third violations within 18 months of the first violation; and as infractions or misdemeanors punishable by imprisonment in the county jail for a period not to exceed 6 months and/or a fine not to exceed \$1,000, for the fourth and subsequent violations within 18 months of the first violation.

Citing the Public Works Order referenced in the ordinance, this ordinance adopts the required findings, including that:

- (1) There has been a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within San Francisco;
- (2) Requiring a permit to sell will further the objective of preventing retail theft;
- (3) There are reasonable permit requirements to enable the lawful sale of merchandise and to safeguard civil rights; and
- (4) Multiple non-law-enforcement measures to address the resale of stolen goods were attempted prior to adopting the ordinance, including opening marketplaces where vendors may sell items, reducing or removing permit fees, expanding efforts to combat retail theft, partnering with local nonprofit organizations to triage needs of vendors and their families, and offering wraparound support services, resource fairs, marketing support, trainings on entrepreneurship and business development, workforce development opportunities, and support to open brick and mortars if desired.

This ordinance adopts the list of merchandise that is a common target of retail theft set forth in the Public Works Order as the initial list of "Targeted Merchandise." This ordinance authorizes the Public Works Director to amend the list of Targeted Merchandise no more than once per quarter of each fiscal year of the City.

This ordinance makes the sale of Targeted Merchandise on City property without a permit subject to the following punishments: a written warning for the first violation; infractions for the second and third violations within 18 months of the first violation; and infractions or misdemeanors punishable by imprisonment in the county jail for a period not to exceed 6 months and/or a fine not to exceed \$1,000, for the fourth and subsequent violations within 18 months of the first violation.

In addition, this ordinance codifies the enforcement authority granted under SB 276 in Section 5.9-11(f) of the Public Works Code for a period of three years from the effective date of the ordinance. Moreover, this ordinance amends the Port Code to specify that Vending violations that occur on property within the jurisdiction of the Port are subject to the enforcement provisions of Public Works Code Section 5.9-11.

Consistent with the requirements of SB 276, this ordinance will remain in effect for up to three years, subject to annual approval of the requisite written findings by resolution of the Board of Supervisors, and subject to the filing of an annual report, for a period of three years following the effective date. According to the terms of this ordinance, upon the expiration of the ordinance, the City Attorney is authorized to cause Section 9-11(f) to be removed from the Public Works Code. In addition, the City Attorney is authorized to cause the removal of other provisions in Article 5.9 of the Public Works Code to conform to the expiration of Section 9-11(f), and to make nonsubstantive changes in Article 5.9 to conform to the expiration of Section 9-11(f). Any changes caused by the City Attorney following the expiration of this ordinance will be filed in the Board of Supervisors file for this ordinance.

To enable the City to continue exercising enforcement authority under SB 276 beyond the three-year duration of this ordinance, at or prior to the completion of the three-year period, the Board would be required to approve a subsequent renewal ordinance that includes the findings required by SB 276. By its terms, SB 276 will become inoperative on January 1, 2031 and shall be repealed as of that date.

#### Background Information

In 2018, Governor Brown signed SB 946, which decriminalized sidewalk vending in California and constrained local regulatory authority over vending, restricting local governments to the use of administrative fines or permit rescission to enforce vending programs. In 2022, the City enacted Ordinance No. 44-22, which established San Francisco's sidewalk vending permit program consistent with SB 946.

On October 6, 2025, Governor Newsom signed SB 276, which grants the City authority to adopt an ordinance requiring a permit to sell merchandise that the City determines is a common target of retail theft. SB 276 will become inoperative on January 1, 2031, along with the enforcement authority authorized under SB 276, and will be repealed as of that date.

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