

Peddler Permit Ordinance Amendment

City Council

March 25, 2025

Item 8.1

Chief Paul Joseph, San José Police Department

Nanci Klein, Director, City Manager's Office of Economic Development and Cultural Affairs

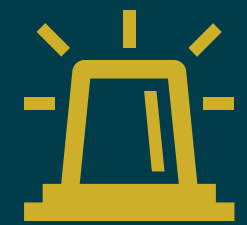


Background: Peddler Regulations

In 2018, State Senate Bill 946 loosened regulations:



No outright bans; can only regulate time and place



No criminal penalties



Remaining enforcement tools:

- Administrative citations
- Public-health approach (County food confiscation)
- Removal of items/equipment

Peddler Permit Ordinance amended by City Council in 2019 to conform with state law. Regulations include:

- Peddlers must carry permit from SJPD and Santa Clara County
- No peddling within 500 feet of certain areas for public safety:
 - City-owned venues and City-permitted temporary special events
 - Farmers markets, flea markets and schools

Background: Peer City Analysis

Staff analyzed other cities' approaches to unpermitted peddling, including Santa Clara, Sacramento, Long Beach, San Francisco, and San Diego.

- Growing concerns by event organizers, professional sports organizations, and brick-and-mortar restaurants have motivated these cities to increase unpermitted peddling enforcement in recent years.
- Downtown stakeholders have particular interest in the City of San Diego efforts, including their updated Sidewalk Vending Ordinance.
- City staff have used the San Diego model in crafting the City's Peddler Ordinance changes.

City Council Direction

Fiscal Year 2023-2024 Budget:

- SAP Center Vendor Enforcement Pilot Program, \$100,000

Fiscal Year 2024-2025 Budget:

- Enforcement Pathway for Christmas in the Park, \$100,000
- Incubation Kitchen for Street Vendors, \$20,000 to Prosperity Lab's Mesa Redonda Program to support food entrepreneurs through the permitting process

Food Entrepreneur Engagement and Assistance

October 2024 Outreach Meeting

- Cross-departmental working group hosted an outreach meeting at Roosevelt Community Center prior to 2024 Downtown holiday events enforcement efforts.
- Meeting conducted entirely in Spanish and attended by approximately 30 people.
- Prosperity Lab, Access Small Business Development Center, and the County of Santa Clara Department of Environmental Health provided information on programs and resources for becoming a permitted peddler.

Prosperity Lab's Mesa Redonda Program Results

- 12 food entrepreneurs have completed the program.
- New cohort of 14 food entrepreneurs recently launched.

Pilot Enforcement Outcomes

SAP Center Outcomes

- Enforcement at various high unpermitted peddler volume events over the last fiscal year
- Launch of cart impound pilot and consistent SJPD presence has drastically reduced unpermitted peddlers from dozens at past events to zero set up at recent events

2024 Downtown Holiday Events Outcomes



1,245 Pounds of Food Impounded by the County of Santa Clara



6 Administrative Citations Issued by Code Enforcement



695 Parking Citations Issued by the Department of Transportation

2024 Downtown Holiday Events Outcomes

2023

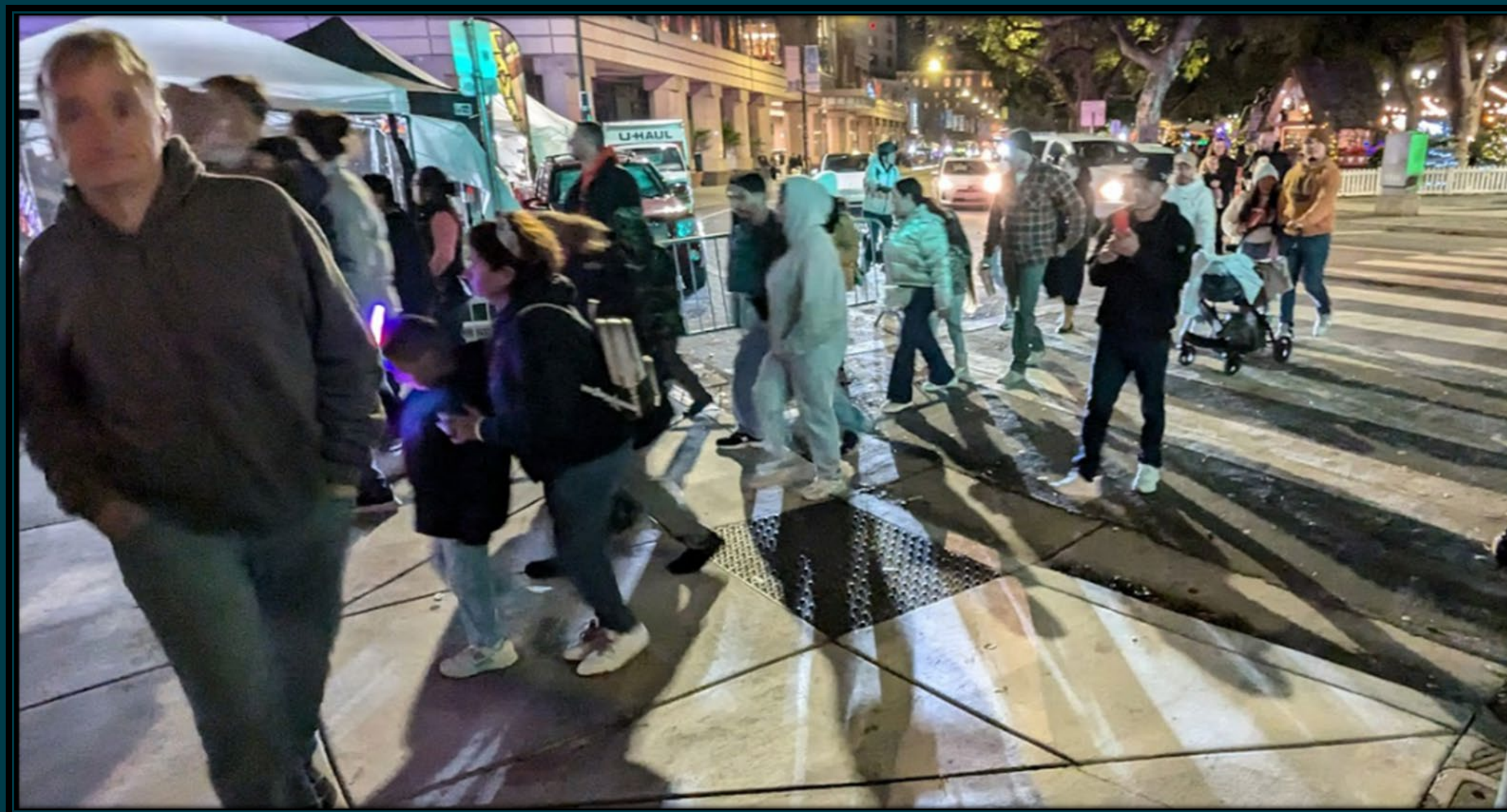
2024



2024 Downtown Holiday Events Outcomes

2023

2024



Proposed Amendments to the Peddler Permit Ordinance

(1) streamline enforcement authority; (2) clarify regulations; and (3) remove a barrier for vendors to become permitted

6.54.215 General Operating Requirements

- Add requirement that equipment, goods, wares, merchandise, food, products, and other peddling equipment shall not be left unattended.

6.54.270 Insurance Requirements

- Replace requirement for peddlers to carry commercial general liability insurance with a waiver and release of liability, indemnification and hold harmless, and an acknowledgement of risk.

• 6.54.405 Mobile Unit Impoundment

- Peddling in an area prohibited for safety under 6.54.215(a);
- Blocking or obstructing the free movement of pedestrians or vehicles or blocking a path of egress from a building, fire connection, or fire hydrant in violation of California Fire Code;
- Peddling food without a County health permit;
- Chaining equipment to structures, utilizing any structure in the right-of-way as an extension of the mobile unit, or leaving items unattended
- Peddling in apparent violation of the ordinance and refusing to provide identification or refusing to remove equipment after fifteen minutes; and
- Peddling in an unsafe way including using unapproved equipment and discharging grease.

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