



# City of Huntington Beach

**File #:** 19-403

**MEETING DATE:** 4/15/2019

## REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Fred A. Wilson, City Manager

**PREPARED BY:** Gilbert Garcia, Chief Financial Officer

**Subject:**

**Approve for Introduction Ordinance No. 4179 adding Chapter 5.100 to the Huntington Beach Municipal Code establishing a Sidewalk Vending Permitting and Regulatory Program, repealing Ordinance No. 4177 which established an Interim Sidewalk Vending Program, and repealing Section 5.50.170(F) which prohibits Vending from a Human Powered Conveyance**

**Statement of Issue:**

The City Council previously adopted Emergency Ordinance No. 4177, effective through May 23, 2019, to regulate Sidewalk Vending. The Emergency Ordinance followed the enactment of Senate Bill ("SB") 946, adding Government Code Sections 51036-51039, which impose limits on how local authorities regulate sidewalk vending. SB 946 took effect on January 1, 2019.

The purpose of Ordinance No. 4179 is to readopt permanently into the Municipal Code the Temporary Regulations previously enacted.

**Financial Impact:**

None

**Recommended Action:**

Approve for Introduction Ordinance No. 4179, "An Ordinance Of The City Of Huntington Beach Adding Chapter 5.100 To The Huntington Beach Municipal Code Establishing A Sidewalk Vending Permitting And Regulatory Program, Repealing Ordinance No. 4177, Which Established An Interim Sidewalk Vending Program, And Repealing Section 5.50.170(F) Which Prohibits Vending From A Human Powered Conveyance."

**Alternative Action(s):**

Do not approve and direct staff accordingly.

**Analysis:**

On January 22, 2019, the City Council previously adopted Emergency Ordinance No. 4177, effective through May 23, 2019, to regulate Sidewalk Vending. The Ordinance responded to State Legislation deregulating and attempting to preempt city laws regarding Sidewalk Vending.

Ordinance No 4179 is nearly identical to No. 4177, except that it permanently adopts Ordinance No. 4177's regulations into the Municipal Code. Like its predecessor, Ordinance No. 4179 is designed to encourage and promote small business, and avoid conflicts with regard to regulation of the City sidewalks and parks.

This Ordinance seeks to strike a balance between promoting small businesses in the form of sidewalk vending with the health, safety and welfare, of the City of Huntington Beach. The regulations contained within this Ordinance are necessary in part to:

1. Ensure no interference with the performance of public safety officers including, police, firefighter, lifeguard, security and emergency medical personnel services;
2. Ensure no interference with pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles;
3. Provide reasonable access for Sidewalk Vending Activities in portions of the City while preserving the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, restrooms, trash receptacles, firefighting apparatus, mailboxes, public benches and/or planters, as well as access to locations used for public transportation services;
4. Ensure the safe sale of Food and Merchandise in the public right-of-way, by providing the public a simple way to ensure Sidewalk Vendors prepare Food safely and according to Orange County Department of Public Health requirements;
5. Protect the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, or place of business, or from the street to the sidewalk, by persons exiting or entering parked or standing vehicles; and
6. Reduce exposure to the City for personal injury or property damage claims and litigation.

**Environmental Status:**

Not applicable.

**Strategic Plan Goal:**

Improve quality of life

**Attachment(s):**

1. Ordinance No. 4179, "An Ordinance Of The City Of Huntington Beach Adding Chapter 5.100 To The Huntington Beach Municipal Code Establishing A Sidewalk Vending Permitting And Regulatory Program, Repealing Ordinance No. 4177, Which Established An Interim Sidewalk Vending Program, And Repealing Section 5.50.170(F) Which Prohibits Vending From A Human Powered Conveyance"

2. Legislative Draft re: HBMC Section 5.50.170