



# CITY OF HAYWARD

Hayward City Hall  
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## Cover Memo

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**File #:** WS 23-023, **Version:** 1

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**DATE:** May 23, 2023

**TO:** Mayor and City Council

**FROM:** Acting Development Services Director

### **SUBJECT**

Sidewalk Vending Ordinance: Review and Discuss Draft Program Policies for an Amendment to the Hayward Municipal Code to Comply with Senate Bill (SB) 946, the "Safe Sidewalk Vending Act"

### **RECOMMENDATION**

That the City Council reviews the report and provides feedback and direction to staff regarding the recommended locational and operational requirements and the alternative enforcement approach for the draft Sidewalk Vending Ordinance.

### **SUMMARY**

Senate Bill (SB) 946 was signed into law on September 17, 2018, by former Governor Jerry Brown. Effective January 1, 2019, SB 946 decriminalized sidewalk vending statewide and limited local jurisdictions' authority to regulate sidewalk vending. Further, SB 946 preempts any contrary local regulations, requiring any local regulation of sidewalk vending be consistent with SB 946. The City currently does not have an ordinance that regulates sidewalk vendors consistent with SB 946 and the purpose of the ordinance would be to establish a regulatory framework for all sidewalk vendors operating within the public right-of-way in order to maintain public health, safety and general welfare.

Since late 2022, staff have been working with internal and external stakeholders to obtain input on the proposed sidewalk vendor program and have reviewed other Sidewalk Vending Ordinances from cities in California to identify best practices for inclusion in the Hayward program. Staff has completed that analysis and is seeking input and feedback from the Council on several draft policies related to locational and operational requirements for vendors as well as feedback on an alternative enforcement approach that supports collaborative efforts towards compliance. Following this work session, staff will finalize the draft Ordinance, including any other related Municipal Code amendments, in preparation for final program adoption. Staff anticipates the proposed Ordinances will be presented to Council for consideration later this summer.

### **ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Draft Policy Language
Attachment III	Online Survey Results
Attachment IV	Enforcement Comparison Table