
Legislative Review: BOS File #211292 – Various Codes – Street Vendor Regulation
Name: Mayor, Safai
Date Introduced: 12/14/2021
Date Referred: 12/27/2021
Scheduled for BOS Committee: Land Use and Transportation Committee

Legislative Overview: This legislation would create a citywide street vendor program that would eventually phase out the current mobile vendor program at the Port of San Francisco.

Existing law:

State law SB 946 created a path for legalized street vending which prohibits local authorities from using criminal penalties to regulate street vendors.

In 2021, the Port of San Francisco created a pilot vending program under the Port of San Francisco Code. Under that pilot, mobile vendors need to have a CA sellers permit, business registration, and get additional approvals as needed from DPH and SFFD. The program exists only within a designated boundary at the Port.

Amendments to Current Law

Proposed changes: This legislation would create a Citywide permitting program for street vendors. To comply with State law (SB 946) this program will not utilize criminal penalties for enforcement; instead, enforcement will be through administrative citations overseen by the Department of Public Works or Department of Public Health.

This program creates two types of vendor permits which will expire after one year:

- **Roaming Vendor:** A Vendor that moves from place to place and stops intermittently to complete a Vending transaction.
- **Stationary Vendor:** A Vendor that Vends from one or more fixed locations.
- This legislation does not apply to vendors selling within Certified Farmers Markets, Swap Meets, Temporary Special Permits, vendors regulated by Parks Code (except for Hallidie Plaza and UN Plaza), or vendors regulated by Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT), or Street Artist regulations
- **Vendor:** A person or entity that Vends Food or Merchandise from a pushcart, pedal-driven cart, wagon, or other nonmotorized conveyance, or from one's person or a stand, display, showcase, table, rack, or other movable structure.
 - *The term Vendor does not include a person or entity that Vends from a Mobile Food Facility as defined by Public Works Code Section 184.80.*

- *This legislation does not impact the regulations of Street Artists in the Police Code.*

Street Vendor Permitting for Specific Areas Within San Francisco:

- Port of San Francisco: The current Port Mobile Vending Program will eventually be phased out and come under the purview of this legislation. Current mobile vendor permits for the Port will expire one year after issuance after which they need to get permits through the Department of public Works.
- Hallidie Plaza and United Nations Plaza: No vendors are permitted to sell in these plazas without written approval of the Director of Public Works.
- Certified Farmers Markets or Swap Meets: No vendors are permitted to sell in these plazas without written approval of the Director of Public Works.

General rules:

- Vendors need to abide by good neighbor policies which address trash, odor, and cleanliness

Enforcement:

- Department of Public Works will handle enforcement. Notices of Violation will be given allowing 10 days to address violations.
- After 10 days, administrative citations will be given.
- Vendors can request an inability-to-pay waiver, based on State Code which defines eligibility through participation in various public assistance programs.
- Enforcement officials can issue temporary orders to cease vending, followed by impounding and removal of vendor. Vendors are in charge of the cost of storage of items.
- Administrative citations for not having a valid permit are \$250 for first violation, \$500 for second violation, \$1000 for third violation.
- Administrative citations for other violations are \$100 for first violation, \$200 for second violation, \$500 for third violation.

Legislative Intent: This legislation aims to establish a citywide street vendor permitting program which is compliant with recent State law SB946 and can help to address the resale of stolen goods on the sidewalk.

Background, Issues, and Considerations