



# COUNTY of VENTURA

RESOURCE MANAGEMENT AGENCY  
**ROBERT A. MULLANE**  
Agency Director

April 9, 2024

Board of Supervisors  
County of Ventura  
800 South Victoria Avenue  
Ventura, CA 93009

**Ruben Barrera, Director**  
Building and Safety Division

**Doug Leeper, Director**  
Code Compliance Division

**Charles R. Genkel, Director**  
Environmental Health Division

**Jennifer Orozco, Director**  
Operations Division

**Dave Ward, Director**  
Planning Division

**SUBJECT:** Second Public Hearing Regarding Adoption of Ordinance to Regulate Vending on Sidewalks and Pedestrian Pathways throughout Unincorporated Ventura County; Find that the Ordinance is Exempt from the California Environmental Quality Act; All Supervisorial Districts

## RECOMMENDATIONS:

1. Receive public testimony and adopt the Sidewalk Vending Ordinance attached as Exhibit 1, to take effect 30 days after adoption.
2. Find that the Sidewalk Vending Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3).
3. Direct the Clerk of the Board to publish a summary of the ordinance pursuant to the Government Code.

## FISCAL/MANDATES IMPACT:

Mandatory:	No
Source of Funding:	General Fund
Funding Match Required:	\$0
Impact on Other Departments:	County Counsel, County Executive Office, Public Works Agency, Resource Management Agency, General Services Agency, Harbor Department, Sheriff's Office, Ventura County Fire District

<b><u>Summary of Revenues and Costs:</u></b>	<b><u>FY 2023-24</u></b>	<b><u>FY 2024-25</u></b>
Revenues:	\$ -	\$ -
Costs:		
Direct	\$ 34,000	\$ -
Indirect-Agency/Dept.	\$ -	\$ -
Indirect-County CAP	\$ -	\$ -
Total Costs	\$ 34,000	\$ -
Net Costs:	\$ 34,000	\$ -
Recovered Indirect Costs:	\$ -	\$ -

<b>FY 2023-24 Budget Projection for Code Compliance – Division 2950</b>				
	Adopted Budget	Adjusted Budget	Projected Actual	Estimated Savings/(Deficit)
Appropriations	\$ 2,549,019	\$ 2,901,870	\$ 3,124,816	\$ (222,946)
Revenue	\$ 872,843	\$ 872,843	\$ 516,088	\$ (356,755)
Net Cost	\$ 1,676,176	\$ 2,029,027	\$ 2,608,728	\$ (579,701)

The education/evaluation phase of the program will be addressed through voluntary overtime of Code Compliance staff for a period of eight (8) weekends – Friday/Saturday/Sunday. For FY 23-24, the fiscal impact is estimated at \$21,000 in anticipated overtime for two code compliance officers to perform outreach efforts over an 8-week period following passage of the ordinance. The RMA Code Compliance Division will work with the CEO's office for year-end budget adjustments if additional appropriations are needed.

Two (2) body cameras, their related hardware and digital storage will be required at an approximate cost of \$10,000.

Identification Card camera/printer/laminator for issuance of sidewalk vending permit cards at an approximate cost of \$3,000.

Once the education and evaluation phase are completed, staff will return to your Board with a detailed enforcement approach based on the information gathered in the evaluation of the scope of the issue, including locations, type, and size of vendors, etc.

## **STRATEGIC PLAN:**

The sidewalk vending regulations support multiple priorities in the County Strategic Plan including:

*Healthy, Safe, and Resilient Communities* under the goal of maintaining high-performing public safety services. These regulations would protect public health and safety through enforcement of public right-of-way, ensuring access to public pathways and sidewalks, and mitigation of food-borne illnesses.

Additionally, these regulations support *Fiscal Responsibility and Economic Vitality* under the goal of creating a customer service-focused and business-friendly environment while stimulating entrepreneurship and industry growth. This request ensures economic livelihood for the local permitted business community by enforcing fair business practices while identifying permitting pathways for entrepreneurs and vendors.

## **DISCUSSION:**

On March 26, 2024, the proposed Sidewalk Vending Ordinance was introduced and read in title only at a public hearing before your Board. Today the proposed ordinance is presented to your Board for adoption.

On December 5, 2023, your Board received a report and presentation regarding unpermitted vending on sidewalks and road rights-of-way in the unincorporated area, and provided direction to staff to prepare an ordinance that would strictly regulate sidewalk vending and to provide a staffing and budget proposal that would allow it to be strictly enforced (Exhibit 3). In response to that direction, the attached proposed Sidewalk Vending Ordinance (Exhibit 1) has been prepared for your Board's consideration. (A legislative version of the proposed ordinance is attached as Exhibit 2).

## **Proposed Sidewalk Vending Ordinance**

In accordance with state law and your Board's direction, staff has developed a comprehensive framework for the regulation of sidewalk vendors within the unincorporated area, which includes the issuance of a vending permit to authorize vending. To ensure the protection of public safety, under the Sidewalk Vending Ordinance, vending is only allowed in safe locations on actual sidewalks and pedestrian pathways that are designed and intended for pedestrian travel. No vending is allowed on unpaved road shoulders or other portions of road rights-of-way that are not designed and intended for pedestrian travel.

The regulations would be set forth at Division 2 of the Ventura County Ordinance Code. Based on a review of state law and vending ordinances adopted in various cities and counties across the state, the proposed Sidewalk Vending Ordinance consists of the following primary provisions:

- Section 1 states findings that recognize the various public health and safety hazards and impacts potentially associated with vending activities that are being addressed in the proposed sidewalk vending regulations.
- Section 2 amends the County's existing Ordinance Code licensing requirements for persons peddling goods to clarify that those regulations do not apply to sidewalk vendors who are permitted to operate under the proposed sidewalk vending regulations.
- Section 3 sets forth the sidewalk vending regulations which consist of the following:

- Establishes that the sidewalk vending regulations apply to all sidewalks that are owned or controlled by the County, except for those located in County parks and at the Channel Islands Harbor where sidewalk vending is currently and will continue to be regulated by the Parks and Harbor Departments, respectively.
  - Specifies that sidewalk vendors must comply with all other applicable local, state, and federal laws in addition to the proposed sidewalk vending regulations.
  - Exempts from the sidewalk vending regulations (including permitting requirement) occasional sidewalk vending to fundraise for local schools and charitable/service organizations.
  - Requires each individual engaged in sidewalk vending to obtain an annual over-the-counter permit which must be displayed while vending.
  - Addresses allowable vending equipment, locations, hours of operation, trash removal and management, and prohibited goods, among other operational issues.
  - Establishes rules for the vending of food and beverage including the need to comply with the Environmental Health Division's applicable requirements.
  - Establishes rules for administrative enforcement in accordance with state law.
- Section 4 amends the County's existing Ordinance Code prohibition on selling in County road rights-of-way to create an exception for sidewalk vending that is conducted with a permit pursuant to the new sidewalk vending regulations.

### **Outreach/Evaluation**

Most unpermitted vending activity is concentrated in Ventura County's incorporated cities and often occurs outside normal work hours and on weekends. However, over the past several months there has been an increase of vendors noted in the unincorporated area. A public outreach campaign promoting the rules and standards for sidewalk vending, in support of entrepreneurship and public safety, will be essential to help sidewalk vendors and local community members understand the benefits to the economic vitality of our local businesses and health and safety of our community. Education and outreach to sidewalk vendors is paramount.

Staff will work with the County Public information Officer, as well as community-based organizations, to assist in providing information in various languages to work with the diverse group of vendors. In addition to these efforts, Code Compliance staff will conduct field contacts and provide information and education of the new regulations. At the same time, staff will track and evaluate the locations and types of vendors in the unincorporated area subject to the new regulations. Although the outreach will be ongoing, it will be the

primary focus of the program for the first sixty (60) days. Code Compliance staff will work additional afternoon/evening shifts, to include weekends, proactively within both sidewalks/pedestrian paths and the public roadway rights of way for the purposes of education and evaluation of the activities in unincorporated Ventura County.

Code Compliance will be responsible for intake and review of sidewalk vending permit applications and issuance of vending permits identification cards. The cost for the vending permit will vary depending on the type of business, any fictitious business names, and number of employees. The Code Compliance application fee will be set at \$250 as it is anticipated that it will require approximately 1.5 staff hours to review, process, and issue the permit. This fee will be included in the Resource Management Agency Fee Schedule moving forward.

There are additional fees associated with the vending permit such as a California Department of Tax and Fee Administration (CDTFA) Sellers Permit, Fictitious Business Name Statement recordation, Itinerant Merchant Regulatory License (background from Sheriff), Ventura County Business Tax Certificate, and Environment Health Division's Permit to Operate as applicable for food preparation/sales. The total to obtain an annual sidewalk vending permit, and these additional related approvals, is expected to be between \$327 and \$1,087.

Individuals employed by larger vendors will be required to apply for and be issued their own vendor permit. The cost of the employed vendor permit will be reduced as they will not have to obtain their own permits from California Department of Tax and Fee Administration (CDTFA) Sellers Permit, Fictitious Business Name Statement recordation, Ventura County Business Tax Certificate, or Environment Health Permit. The total cost for an employed vendor to obtain the sidewalk vending permit and related additional approvals will be approximately \$260.

## **Enforcement**


Vending regulations are already in place and being enforced within County parks and the County's Channel Island Harbor. Those regulations will continue to fall under the authority and responsibility of Parks and the Harbor Departments, except that enforcement of those separate regulations must be conducted in accordance with the substantive enforcement provisions of the proposed Sidewalk Vending Ordinance to ensure compliance with applicable state law. All other areas of County-owned or maintained rights-of way-within the unincorporated county will be the responsibility of Code Compliance with respect to enforcement of the Sidewalk Vending Ordinance. State highways, beaches and parks will remain under the regulations, authority, and responsibility to the California Highway Patrol, CalTrans and State Parks.

The enforcement program for sidewalk vending will be proactive and include after-hour and weekend inspections. As noted, the first sixty (60) days will be a time of outreach, education, and evaluation. After that initial evaluation, Code Compliance will return to your Board to report our findings and recommendations on enforcement efforts moving forward.

Upon direction of your Board, enforcement will commence within the parameters outlined in the ordinance to include warnings, administrative citations, and impoundment authorized in certain circumstances under the ordinance. In each instance of enforcement, due process will be afforded.

Adoption of the proposed Sidewalk Vending Ordinance is expected to have only environmentally beneficial impacts based on the new regulations prohibiting vending in environmentally sensitive locations, and likewise prohibiting litter and other vending impacts that could harm the environment. Consequently, staff has determined and recommends that your Board find that adoption of the ordinance is exempt from CEQA pursuant to CEQA Guidelines section 15061(b) because it can be seen with certainty that the ordinance has no possibility for causing a significant impact on the environment.

This letter has been reviewed by the County Executive Office, the Auditor-Controller's Office, and County Counsel's Office. If you have any questions regarding this item, please contact Doug Leeper at (805) 654-2466 or via e-mail at [doug.leeper@ventura.org](mailto:doug.leeper@ventura.org)



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Doug Leeper, Code Compliance Director  
Resource Management Agency

- Exhibit 1 – Proposed Sidewalk Vending Ordinance (clean version)
- Exhibit 2 – Proposed Sidewalk Vending Ordinance (legislative version)
- Exhibit 3 – Board Letter of December 5, 2023