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The City Council of the City of Oceanside (“City Council”) finds as follows:

WHEREAS, in response to these state law amendments, the Council of the City of Oceanside (Council) adopted Sidewalk Vending Regulations in Oceanside Ordinance No. OR0632-1 (September 25, 2019) amending Chapter 15, Article II of the City of Oceanside Municipal Code to address objective health, safety, and welfare concerns and regulations in parks and beaches to ensure the public's use and enjoyment of natural resources and recreational opportunities, and to prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of these parks and beaches; and

WHEREAS, including a process for immediate impound of vendor equipment provides an enforcement tool to address vendors who refuse to comply with the Sidewalk Vending Regulations to the detriment of public health, safety, and welfare; and

1 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEANSIDE**
2 **DOES HEREBY ORDAIN AS FOLLOWS:**

3
4 **SECTION 1.** Chapter 15, Article II of the Oceanside Municipal Code is amended by updating
5 sections 15.63 and 15.68, and adding section 15.69 to read as follows:

6 **§15.62 Title and Purpose**

7
8 The purpose of this article is to establish a sidewalk vending business license and
9 regulatory program in compliance with Senate Bill 946. The provisions of this chapter allow
10 the City of Oceanside to encourage small business activities by removing sidewalk prohibitions
11 on small-scale stationary and mobile vendors of goods, wares, merchandise, or food items
12 under a regulatory and enforcement program that protects the public's health, safety, and
welfare. In order to promote the public's health, safety, and welfare, the City of Oceanside has
limited restrictions on sidewalk vending necessary to ensure:

- 13 (a) Limited interference with the performance of a police officer, firefighter, lifeguard, or
14 other emergency personnel;
15 (b) The safe flow of pedestrian and vehicular traffic;
16 (c) Maximize public access to public parks and along the coast; and
17 (d) Reduce exposure to personal injury or property damages.

18 All sidewalk vending business activities shall continue to be regulated in accordance with
19 this article and chapter 15, article I.

20 (Ord. No. 19-OR0632-1, § 2, 9-25-2019)

21 **§15.63 Definitions**

- 22 (a) "Sidewalk vendor" or "vendor" means a person, or entity, who sells food or
23 merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase,
24 rack, or other non-motorized conveyance, or from one's person, upon a public
sidewalk or other pedestrian path.
25 (b) "Sidewalk vending device" Any conveyance, stand, display, or other apparatus used
to display food or merchandise.
26 (c) "Roaming sidewalk vendor" a sidewalk vendor who moves from place to place and
27 stops only to complete a transaction.
28 (d) "Stationary sidewalk vendor" a sidewalk vendor who vends from a fixed location.

1 **§15.64.-15.67 [No Change].**

2 **§15.68 Violations; Penalties**

3 (a) Comprehensive Penalties: Violations of any provisions within this article may result
4 in penalties including, but not limited to, immediate issuance of an administrative
5 citation, fines or fees as detailed in the subsequent subsections, impoundment of
6 vending equipment, and revocation of the vending license. These measures are
7 designed to ensure compliance and uphold city regulations, public order, and safety
8 standards.

9 (b) Issuance of Citations: Any person, entity, or other responsible party who violates any
10 provision of this chapter, or engages in sidewalk vending without a valid business
11 license as required, may be immediately issued an administrative citation pursuant to
12 Government Code section 51039(a)(13) and (a)(3). The issuing officer has the
13 discretion to issue the citation without prior notice of violation or warning. Each
14 citation will include an ability-to-pay notice as mandated by Government Code
15 section 51039(f)(1).

16 (c) Penalty Structure:

17 1. A first violation by a sidewalk vendor holding a valid vending permit incurs a \$100
18 penalty.

19 2. Vendors found vending without the required permit will receive a \$200
20 administrative fine for their first violation.

21 3. Subsequent violations will incur penalties as outlined in the administrative fine
22 schedule in section 1.7 unless the vendor can provide proof of a valid vending permit
23 applicable on the violation date. In such cases, fines may be adjusted according to the
24 permit holder's fine schedule.

25 (d) License Revocation and Alternative Dispositions: A sidewalk vending business
26 license may be rescinded after the fourth or subsequent violations in accordance with
27 provisions found in chapter 15.5. Additionally, the code enforcement division may
28 consider community service, waive the citation, or offer any reasonable alternative
disposition in lieu of payment of the full administrative citation, as permitted under
Government Code section 51039(f)(3).

(e) Impoundment for Any Violations: Sidewalk vending devices, or related equipment
found in violation of any provision within this article, including those left unattended
for more than thirty (30) minutes or on public property between 10:00 p.m. and 7:00
a.m., are subject to impoundment. Additionally, any non-compliance that involves

1 equipment or vending activities will incur a fee for each ~~be assessed for each~~
2 impoundment as set by resolution of the city council.

3 (f) (Ord. No. 19-OR0632-1, § 2, 9-25-2019)

4 **§15.69 Impounding of Vending Equipment**

5 **(a) Impoundment Conditions:** The City of Oceanside reserves the right to impound vending
6 equipment and associated goods for violations of this article, specifically under conditions
7 including but not limited to:

- 8 1. Leaving vending equipment or goods unattended in violation of Section 15.66(c),
9 posing a fire risk or other safety hazards.
- 10 2. Vending without a valid permit as stipulated in Section 15.64.
- 11 3. Operating in a manner that obstructs the free movement of pedestrians or fails to
12 maintain a minimum of 48 inches of accessible path of travel.
- 13 4. Vending in a manner that creates an imminent and substantial danger or
14 environmental hazard to the public or the property, such as the use of unapproved
15 portable cooking equipment or open flames.

16 **(b) Handling of Impounded Property:** Vending equipment or goods that serve as evidence of
17 a crime or are booked as property after the arrest of a sidewalk vendor for violation of local,
18 state, or federal laws may be impounded following Oceanside Police Department's policies
19 and procedures.

20 **(c) Disposition of Impounded Goods:** The City may immediately dispose of impounded goods
21 that cannot be safely stored or are perishable.

22 **(d) Right to Administrative Hearing:** Any owner of impounded vending equipment or goods
23 may, within 10 days, request an administrative hearing before a hearing officer appointed by
24 the City.

25 **(e) Receipt and Retrieval Instructions:** The City Manager or a designated official shall
26 provide the person from whom the goods or vending equipment were impounded with a
27 receipt and instructions for retrieval. These instructions shall be provided at the time of
28 impoundment or mailed within two business days to the address provided by the vendor.

(f) Release of Impounded Equipment and Goods: Impounded vending equipment and goods
will be released to the vendor or owner upon presentation of proper proof of ownership and
full payment of all administrative costs incurred due to the violation. Any unclaimed items
will be considered abandoned and forfeited to the City after 90 days following
impoundment.

1 SECTION 2. That a full reading of this Ordinance is dispensed with prior to passage, a written
2 copy having been made available to the Council and the public prior to the day of its passage.

3 SECTION 3. That this Ordinance shall take effect and be in force on the thirtieth day from and
4 after its final passage.

5
6 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
7 California, held on the ____ day of _____, 2025 and, thereafter,

8 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
9 Oceanside California, held on the ____ of _____, by the following vote:

10 AYES:

11 NAYS:

12 ABSENT:

13 ABSTAIN:

14
15 _____
16 MAYOR OF THE CITY OF OCEANSIDE

17 ATTEST:

18 APPROVED AS TO FORM:

19 _____
20 CITY CLERK

21 _____
22 SENIOR DEPUTY CITY ATTORNEY ON
23 BEHALF OF THE CITY ATTORNEY
24
25
26
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