

ORDINANCE 2023-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY ADDING CHAPTER 16B, SIDEWALK VENDING, TO THE GILROY CITY CODE

WHEREAS, in 2019, California Senate Bill (“SB”) 946 (Sidewalk Vendors) became law, decriminalizing commercial sidewalk vending and limiting local government’s ability to restrict sidewalk vending; and

WHEREAS, since SB 946 became law, it has become clear that, in order to promote public health, safety, and welfare, the City requires a comprehensive City-wide dedicated sidewalk vending permitting and regulatory scheme that both complies with state law and is effective at regulating sidewalk vending in public spaces; and

WHEREAS, at its meeting of April 17, 2023, staff presented the City Council with an overview of sidewalk vending legislation adopted by the State of California, and following public comment and input, the City Council directed that staff draft an ordinance containing permit requirements and standards for sidewalk vending in the City; and

WHEREAS, staff held a community workshop on the evening of June 8, 2023, which was well attended by various segments of the community who sought clarifications and asked questions in addition to providing input on the process and standards by which sidewalk vending would be permitted: and

WHEREAS, at its meetings of July 10 and July 19, 2023, the City Council considered the proposed ordinance and following public comment and input, directed that staff incorporate changes to the sidewalk vending rules, where appropriate, and return them to the City Council at a future meeting for consideration; and

WHEREAS, if properly regulated, sidewalk vending can foster vibrant public spaces, promote a diverse and inclusive local economy, and create economic opportunities for low-income and immigrant communities; and

WHEREAS, at the same time, inadequately regulated sidewalk vending has caused and will be expected to cause negative future impacts on public health, safety, and welfare. For example, inadequately regulated sidewalk vending has caused or been associated with numerous negative consequences in Gilroy and as reported by staffs of other cities as well, including unsafe overcrowding; decreased accessibility for persons with disabilities; a lack of adequate access for first responders, and emergency personnel; the monopolization of public spaces for private commercial use; traffic safety concerns for motorists, bicyclists, and pedestrians; diversion of pedestrians into bike lanes or vehicular lanes; parking congestion; accumulation of trash and pollution in public spaces; altercations arising amongst vendors competing for locations from which to vend their food or goods; foodborne illnesses; the sale of counterfeit goods; and a lack of sales tax being collected; and

WHEREAS, the intent of this ordinance is to effectively regulate sidewalk vending in a way that: (a) complies with state law; (b) addresses objective public health, safety, and welfare concerns; and

WHEREAS, the project is exempt from CEQA review based on CEQA Guidelines subsection 15061 (b) (3) in that the adoption of this ordinance does not have the potential to cause a significant effect on the environment because it provides additional rules and procedures intended to provide for the protection of health, safety, and welfare in the City for commercial activity, sidewalk vending, determined by the State of California to be permissible across the State.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GILROY DOES HEREBY ORDAIN THE ADDITION OF CHAPTER 16B, SIDEWALK VENDING, ATTACHED AS EXHIBIT 'A', TO THE GILROY CITY CODE.

PASSED AND ADOPTED by the City Council of the City of Gilroy at a regular meeting duly held on the 21st day of August 2023 by the following roll call vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Marie Blankley, Mayor

ATTEST:

Thai Nam Pham, City Clerk