

ORDINANCE NO. 2026-04R

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, ADOPTING AND ADDING TO THE ESCONDIDO MUNICIPAL CODE CHAPTER 16, ARTICLE 9, SECTIONS 16-410 THROUGH 16-425; REPEALING SECTION 18-101; AMENDING SECTIONS 18-103, 23-4, AND 23-5, REGULATING SIDEWALK VENDING

The City Council of the City of Escondido, California does ordain as follows:

SECTION 1. The City Council makes the following findings:

a) WHEREAS, in 2018, the California Legislature passed Senate Bill 946, the Safe Sidewalk Vending Act (“Act”) effective January 1, 2019, adding Chapter 6.2 to Part 1 of Division 1 of Title 5 of the California Government Code; and

b) WHEREAS, certain sections of the Escondido Municipal Code restrict sidewalk vendors ability to do business in the City of Escondido (“City”) and may conflict with state law, including Government Code § 51037; and

c) WHEREAS, the Escondido City Council (“City Council”) seeks to comply with state law and recognizes that sidewalk vending provides important entrepreneurship and economic development opportunities to low-income and immigrant communities, contribute to a vibrant and dynamic public space, and increase access to culturally significant goods and merchandise; and

d) WHEREAS, the City Council also seeks to protect the health, safety and welfare of the public and the use and enjoyment of public spaces, natural resources and recreational opportunities with the City; and

e) WHEREAS, the City Council finds that there is a need to regulate the sale of food and merchandise in the public right-of-way and ensure that trash and debris are removed; and

f) WHEREAS, regulations are needed to ensure that street and sidewalk vendors prepare food safely and according to applicable health regulations; and

g) WHEREAS, regulations are needed to accommodate sidewalk vending while safeguarding pedestrian and vehicular movement and access on and near sidewalks, recreation areas, access points, roadways, and thoroughfares; and

h) WHEREAS, to ensure adequate time to implement sidewalk vending permit procedures and educate street vendors on sidewalk vending requirements, this Ordinance shall be effective after a reasonable period of time to allow for the development of sufficient guidelines and education; and

j) WHEREAS, through its Economic Development Subcommittee, the City has conducted a series of public hearings and taken input from members of the public and stakeholders on proposed sidewalk vendor regulations; and

k) WHEREAS, it is the best public interest of the public to adopt an ordinance which sets forth fair, reasonable and lawful regulations on sidewalk vending in the City's jurisdiction.

SECTION 2: Proper notices of a public hearing have been given and public hearings have been held before the Economic Development Subcommittee and City Council on this issue.

SECTION 3. The City Council has duly reviewed and considered all evidence submitted at said hearings, including without limitation:

- a. Written information;
- b. Oral testimony from City staff, interested parties, and the public;

c. The City Council staff report, dated March 4, 2026, which, along with its attachments are incorporated herein by this reference as though fully set forth herein; and

d. Additional information submitted during the public hearing.

SECTION 4. Upon consideration of the submitted evidence, Chapter 16, License and Business Regulations Generally, of the Escondido Municipal Code is hereby amended to add Article 9, Sidewalk Vending, as set forth in Exhibit "A" to this Ordinance and incorporated herein by reference as though fully set forth herein.

SECTION 5. Upon consideration of the submitted evidence, Escondido Municipal Code section 18-101, Vending peddling generally, is repealed as follows:

Sec. 18-101. ~~Vending, peddling generally~~ Repealed.

~~No person shall expose or offer for sale any article or thing, nor shall he or she station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing in any recreational area. An exception to this prohibition is made to any regularly licensed concessionaire or nonprofit organization in conjunction with community sponsored events acting by permit and under the authority and regulation of the community services director.~~

SECTION 6. Upon consideration of the submitted evidence, Escondido Municipal Code section 18-103, Advertising articles or services for sale or hire, is amended as follows:

Sec. 18-103. Advertising articles or services for sale or hire.

No person shall announce, advertise or call the public attention in any way to any article or service for sale or hire in any recreational area, except when authorized by a permit issued in advance by the

community services director or as authorized by the Safe Sidewalk Vending Ordinance (Chapter 16, Article 9, of this Code).

SECTION 7. Upon consideration of the submitted evidence, Escondido Municipal Code section 23-4, Merchandise on sidewalks, is amended as follows:

Sec. 23-4. Merchandise on sidewalks.

It is unlawful to place or leave, or permit to be placed or left, any goods, wares, merchandise, or other obstructions on the sidewalk in the city beyond the line of the building except as permitted by ~~Ordinance 92-43 (Display and Sale of Retail Merchandise)~~ Chapter 33, Article 73 (Temporary Uses, Outdoor Display and Sale of Retail Merchandise), of this Code, ~~or the Downtown Revitalization Area-Specific Plan (91-02-SP),~~ or the Safe Sidewalk Vending Ordinance (Chapter 16, Article 9, of this Code).

SECTION 8. Upon consideration of the submitted evidence, Escondido Municipal Code section 23-5, Placing merchandise, tools on outer side of sidewalk, is amended as follows:

Sec. 23-5. Placing merchandise, tools on outer side of sidewalk.

It is unlawful to place on the outer or street side of a sidewalk any goods, wares, tools or merchandise except as permitted by the Safe Sidewalk Vending Ordinance (Chapter 16, Article 9, of this Code).

SECTION 9. ENVIRONMENTAL REVIEW. The proposed amendments to Escondido Municipal Code Chapter 16, License and Business Regulations Generally, are not a project within the meaning of Section 15378 of the California Environmental Quality Act ("CEQA") Guidelines because there is no potential for the proposed amendments to result in a physical change in the environment, either directly or indirectly, or a reasonably foreseeable indirect physical change in the environment. In the event the proposed

amendments are found to be a project within the meaning of Section 15378 of the CEQA Guidelines, the proposed amendments are exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility of a significant effect on the environment.

SECTION 10. SEVERABILITY. If any section, subsection sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION 11. As of the effective date of this ordinance, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 12. The City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in a newspaper of general circulation for the City of Escondido.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Escondido at a regular meeting thereof this 1st day of APRIL, 2026 by the following vote to wit:

AYE : Councilmembers: FITZGERALD, C. GARCIA, WHITE

NOES : Councilmembers: MARTINEZ, J. GARCIA

ABSENT : Councilmembers: NONE

APPROVED:

DocuSigned by:
Dane White
19FFE5DB8C3BA09...
DANE WHITE, Mayor of the
City of Escondido, California

ATTEST:

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido, California

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO : ss.
CITY OF ESCONDIDO)

I, Zack Beck, City Clerk of the City of Escondido, hereby certify that the foregoing ORDINANCE NO. 2026-04R passed at a regular meeting of the City Council of the City of Escondido held on the 1st day of April, 2026.

DocuSigned by:
Zack Beck
A58535D0BDC1430...
ZACK BECK, City Clerk of the
City of Escondido, California

ORDINANCE NO. 2026-04R

Chapter 16
LICENSE AND BUSINESS REGULATIONS GENERALLY
ARTICLE 9. SIDEWALK VENDING

Sec. 16-410. Title.

Sec. 16-411. Definitions.

Sec. 16-412. Sidewalk vending permit requirement.

Sec. 16-413. [Reserved]

Sec. 16-414. Sidewalk vending permit issuance.

Sec. 16-415. Sidewalk vending permit denial, revocation and non-renewal.

Sec. 16-416. Notice of denial, revocation or non-renewal.

Sec. 16-417. Appeal of denial, revocation or non-renewal.

Sec. 16-418. Sidewalk vending generally.

Sec. 16-419. Sidewalk vending locations.

Sec. 16-420. Sidewalk vending in recreational areas.

Sec. 16-421. Roaming and stationary sidewalk vending.

Sec. 16-422. Sidewalk vending equipment.

Sec. 16-423. Cooking equipment.

Sec. 16-424. Prohibited sales.

Sec. 16-425. Penalties and fines.

Sec. 16-410. Title.

This article shall be known as the Safe Sidewalk Vending Ordinance.

Sec. 16-411. Definitions.

The following definitions apply to this article; words and phrases whenever used in this article shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

Public right-of-way shall include a public easement for sidewalks, parkways, curbs, gutters, alleys or other property dedicated to and accepted by the City for public use.

Recreational area(s) shall have the same meaning as recreational area in section 18-67(c) of this code.

Residential areas mean any area that is zoned for residential uses, including, R-A, R-E, R-1, R-T, R-2, R-3, R-4 and R-5 zones, and areas of specific plans designated exclusively for residential uses.

Roaming sidewalk vendor(s) shall have the same meaning as roaming sidewalk vendor in section 51036 of the California Government Code.

Sidewalk shall mean a paved or hardscape path or walkway that is specifically designed for pedestrian travel. Sidewalk does not include areas designed primarily for vehicular or bicycle travel or the conveyance of storm water, any area planted with landscaping or consisting of dirt or sand.

Sidewalk vending permit shall mean a written approval issued by the City of Escondido required to perform any form of sidewalk vending in the jurisdiction of the City.

Sidewalk vendor(s) or *vendor(s)* shall have the same meaning as sidewalk vendor in section 51036 of the California Government Code.

Stationary sidewalk vendor(s) shall have the same meaning as stationary sidewalk vendor in section 51036 of the California Government Code.

Vending equipment means any pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance used for vending.

Sec. 16-412. Sidewalk vending permit requirement.

- (a) All sidewalk vendors shall obtain a sidewalk vending permit even if the sidewalk vendor is employed or engaged by another person, or will use vending equipment owned by another person.
- (b) Prior to applying for a sidewalk vending permit, a sidewalk vendor shall:
 - (1) obtain a valid California Department of Tax and Fee Administration seller's permit that notes the City of Escondido as a location or sub-location, which is valid for the duration of the sidewalk vending permit;
 - (2) for those sidewalk vendors selling food, obtain both:
 - (A) a valid County of San Diego Department of Environmental Health & Quality (DEHQ) Health Permit applicable to the vending equipment to be used for food preparation and storage to the extent required by law; and
 - (B) either a Manager's Food Safety Certificate or a San Diego County Food Handlers Card applicable to the sidewalk vendor to the extent required by law; and

(3) obtain a business license issued to the sidewalk vendor, or if the sidewalk vendor is an employee, the person employing the sidewalk vendor obtains a business license.

(c) To obtain a sidewalk vending permit, a sidewalk vendor must submit a permit application form provided by the city with such information as the City Manager or designee deems reasonably necessary to administer this article.

(d) Each sidewalk vending permit application shall be accompanied by a non-refundable permit fee as established by resolution of the city council.

Sec. 16-413. [Reserved]

Sec. 16-414. Sidewalk vending permit issuance.

(a) Sidewalk vending permits shall be issued by the City Manager or designee.

(b) Sidewalk vending permits shall be valid for one (1) year from the date of issuance and must be renewed annually.

(c) A sidewalk vendor shall notify the City Manager or designee in writing of any material changes to the facts provided in a sidewalk vending permit application before vending.

(d) A sidewalk vending permit that is sold, assigned, or transferred is null and void.

(e) Sidewalk vending permits do not provide an exclusive right to operate on any public space, pedestrian path, sidewalk or portions thereof.

Sec. 16-415. Sidewalk vending permit denial, revocation and non-renewal.

(a) A sidewalk vending permit may be revoked for the term of that sidewalk vending permit upon the fourth violation or subsequent violations of this article.

(b) A sidewalk vending permit shall not be issued or renewed if the sidewalk vendor owes any outstanding administrative fines associated in any way with a previous violation of this article by the sidewalk vendor.

(c) A sidewalk vending permit application may be denied, or a sidewalk vending permit may be revoked or not renewed, for any of the following reasons:

(1) provision of false statements or information by the sidewalk vendor in a sidewalk vending permit application;

- (2) failure of the sidewalk vendor to notify the City Manager or designee of any material changes to the information provided in a sidewalk vending permit application after the issuance of a permit including, but not limited to, lapse of commercial general liability insurance if required by this Code; and
- (3) violation of other local, state, or federal laws while operating as a sidewalk vendor.

Sec. 16-416. Notice of denial, revocation or non-renewal.

- (a) Service of notice of denial of a sidewalk vending permit application, or revocation or non-renewal of a sidewalk vending permit, shall be by first class mail to the address listed on the initial application or to any subsequent address provided to the city by the sidewalk vendor.
- (b) Notice of denial of a sidewalk vending permit application, or revocation or non-renewal of a sidewalk vending permit, shall include:
 - (1) any and all specific grounds for denial, revocation or non-renewal;
 - (2) the effective date of the denial, revocation or non-renewal; and
 - (3) the right to appeal the denial, revocation or non-renewal.

Sec. 16-417. Appeal of denial, revocation or non-renewal.

A decision to deny, revoke or not renew a sidewalk vending permit may be appealed pursuant to Article 5 of this chapter.

Sec. 16-418. Sidewalk vending generally.

- (a) Sidewalk vendors shall visibly display their business license and sidewalk vending permit on their vending equipment at all times when vending. A sidewalk vendor vending from their person shall keep their business license and sidewalk vending permit on their person at all times when vending.
- (b) Sidewalk vendors shall not vend to any individuals traveling within motor vehicles along a public roadway.
- (c) Sidewalk vendors shall not display any food or merchandize less than 28 inches off the ground or attached to or on top of any utility pole, street sign, bus stop, trash can, traffic pole, or other public structure.

(d) Sidewalk vendors shall have a waste receptacle available for customers and vending operations and ensure that the 10-foot area immediately surrounding the vending equipment is kept clean and free of trash, debris and fluid leakage.

Sec. 16-419. Sidewalk vending locations.

- (a) Except as otherwise provided in section 16-420, sidewalk vendors shall only vend on sidewalks or other pedestrian paths.
- (b) No vending of any kind shall take place in the following locations:
- (1) any area that blocks pedestrian or vehicle access;
 - (2) any area that obstructs traffic signals or regulatory signs;
 - (3) any area that blocks or inhibits access to gates or entry points for public facilities, including above and below surface public improvements, facilities, or structures;
 - (4) any painted traffic island or median;
 - (5) any bike path;
 - (6) any multi-lane thoroughfares where curbside parking is prohibited which are depicted as Super Prime Arterial, Prime Arterial, Super Major and Major Roadways in the Circulation Element of the Escondido General Plan;
 - (7) within 18 inches from the edge of a curb;
 - (8) within 50 feet of any other sidewalk vendor;
 - (9) within 50 feet of any bus stop;
 - (10) within 100 feet of any:
 - (A) vehicle entrance of any fire station, police department, hospital or any other structure involved in health and safety emergency matters, or
 - (B) event that is issued a special event permit or temporary use permit by the city, including farmers markets, street fairs, parades and other private events;
 - (11) within 100 feet of any private or public K-12 school while children are going to or from the school, during a recess period or within 30 minutes before or after the school's opening or closing hours.

Sec. 16-420. Sidewalk vending in recreational areas.

The following provisions apply in recreational areas:

- (a) Sidewalk vendors shall only vend within the hours of operation of any recreational area in which they are vending. Where there are no designated hours of operations of a recreational area, sidewalk vendors shall only vend from sunrise to sunset.
- (b) Vending within recreational areas is allowed alongside sidewalks or other pedestrian paths.
- (c) A valid park and facility use agreement with the city or special event permit obtained pursuant to Article 4 of this Chapter may waive these requirements for limited engagements or events.

Sec. 16-421. Roaming and stationary sidewalk vending.

- (a) Roaming sidewalk vendors in residential areas may vend between the hours of 8:00 a.m. and 8:00 p.m.
- (b) Stationary sidewalk vendors shall not vend in residential areas.
- (c) Stationary sidewalk vendors shall not vend in any recreational area if the recreational area operator has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a specified concessionaire, provided that notice by signage or other means is provided to the stationary sidewalk vendor.

Sec. 16-422. Sidewalk vending equipment.

- (a) To maintain accessibility standards, sidewalk vendors shall not place any obstruction on the sidewalk that would reduce the width of the sidewalk or pedestrian path to less than forty-eight inches, excluding the curb, or as otherwise required by state or federal law.
- (b) Vending equipment and accessories including, but not limited to, signs, umbrellas, ice chests, chairs or benches, shall not be:
 - (1) left unsecured;
 - (2) attached to or contact any utility pole, street sign, bus stop, trash can, traffic pole, or other public structure; or
 - (3) left unaccompanied, stored, parked or left overnight on a public street, alley, highway, parking lot, sidewalk or right-of-way at any time.

- (c) Sidewalk vendors shall not set up customer seating areas. Sidewalk vendors may only have a chair for personal use.
- (d) Sidewalk vendors shall not erect, place, or maintain any tent canopy or other temporary shelter in or above the public right-of-way or public place.
- (e) Sidewalk vendors shall only use, maintain or possess up to (2) umbrellas. When in use, each umbrella shall not exceed ten (10) feet in height as measured from ground level to its highest point. The umbrella must be made of a sturdy and safe material and must be attached and anchored to the sidewalk vending equipment in such a way that sudden bursts of wind will not dislodge it. Such umbrella shall not obstruct or impede movement along the sidewalk or pedestrian path.
- (f) Sidewalk vendors may place one sign on or immediately adjacent to their sidewalk vending equipment no greater than four square feet. Signs placed in the public right-of-way are subject to the restrictions in Section 17-22 of this Code.
- (g) Electrical cords shall not be connected to any public outlet, laid across any sidewalk or pedestrian path, or pose a tripping hazard to customers.

Sec. 16-423. Cooking equipment.

- (a) Sidewalk vendors shall not use any portable cooking equipment, gas-fueled appliance, or any open flame unless approved and permitted by the DEHQ.
- (b) Sidewalk vendors with required permits from the DEHQ may use portable cooking equipment authorized by such permits subject to the following regulations:
 - (1) While the portable cooking equipment is in operation:
 - (A) it must be kept at least 20 feet from any permanent structure or any area in which the fire marshal determines that a fire hazard exists; and
 - (B) it must be attended.
 - (2) Sidewalk vendors must regularly clean the portable cooking equipment to remove grease and food buildup.
 - (3) Sidewalk vendors shall test all connections to cooking equipment for potential leaks using soap and water before each use.

- (c) Sidewalk vendors that serve food or beverages must comply with all conditions of their DEHQ permit including, but not limited to, vending from a permitted conveyance.
- (d) Sidewalk vendors shall comply with the City of Escondido's Municipal Separate Storm Sewer System Management and Discharge provisions in Chapter 22, Article 2, of the Code.

Sec. 16-424. Prohibited sales.

Sidewalk vendors are prohibited from vending the following goods: alcoholic beverages; tobacco and tobacco products; vaping products; smoking and drug related paraphernalia, not including apparel; cannabis and cannabis products; weapons, including knives, guns, fireworks, or explosive devices; BB devices or imitation firearms; pharmaceuticals; live animals; pirated or stolen merchandise; and other products prohibited by local, state and federal laws.

Sec. 16-425. Penalties and fines.

- (a) Any violation of this article by a sidewalk vendor holding a valid sidewalk vending permit shall be punished as follows:
- (1) A written warning for a first violation.
 - (2) An administrative fine of \$100 for a second violation within one year of the written warning issued pursuant to section 16-425(a)(1).
 - (3) An administrative fine of \$200 for a third violation within one year of the first violation of section 16-425(a).
 - (4) An administrative fine of \$500 for a fourth violation and each additional violation within one year of the first violation of section 16-425(a).
- (b) Any sidewalk vendor found vending without a sidewalk vending permit, if required pursuant to this article, shall immediately cease vending and be subject to the following:
- (1) A written warning for a first violation.
 - (2) An administrative fine of \$250 for a second violation within one year of the written warning issued pursuant to section 16-425(b)(1).
 - (3) An administrative fine of \$500 for a third violation within one year of the first violation of section 16-425(b).
 - (4) An administrative fine of \$1,000 for each additional violation within one year of the first violation of section 16-425(b).

(c) An administrative fine issued under the administrative fine schedule set forth in subsection (b) shall be reduced to the administrative fine schedule set forth in subsection (a) with proof of a valid sidewalk vending permit issued by the City.

(d) With regards to sidewalk vendors only, failure to pay an administrative fine issued pursuant to subsections (a) and (b) shall not result in additional fines, fees, assessments, or any other financial conditions beyond those authorized in subsection (a) and (b) being assessed.

(e) Upon discovering or observing any violation of this article for which an administrative fine has been prescribed under subsection (a) and (b), the enforcement officer may issue an administrative citation to the violator in the manner prescribed in section 1A-6 of this code.

(f) The content of the administrative citation shall be consistent with those required under section 1A-8 of this code. Additionally, the administrative citation shall include a statement describing the responsible party's right to request an ability-to-pay determination and provide instructions for requesting an ability-to-pay determination.

(g) An ability-to-pay determination shall be made by the City Manager or designee. If the City Manager or designee finds the person meets the criteria described in California Government Code section 68632(a) and (b), or any successor section, the City Manager or designee shall order the City to accept, in full satisfaction, 20 percent of the administrative fine or waive the administrative fine imposed pursuant to this article. The City Manager or designee's determination shall be final.

(h) An administrative citation may be appealed pursuant to section 1A-9 of this code.

(i) A violation of this article shall not be punishable as a misdemeanor.