



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

Prepared by: Damaris Abraham, Community Development Director

Date: May 13, 2025

Subject: Amendment to Title 5, Chapter 5.31 of the Lake Elsinore Municipal Code Regarding Regulations for Sidewalk Vendors

Recommendation

Introduce by title only and waive further reading of AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, AMENDING AND RESTATING TITLE 5, CHAPTER 5.31 OF THE LAKE ELSINORE MUNICIPAL CODE TO PROVIDE FOR MORE EFFECTIVE CODE ENFORCEMENT REGARDING SIDEWALK VENDING.

Background

In September 2018, Senate Bill (SB) 946 was signed into law. SB 946 required all cities and counties in California to allow sidewalk vending as a “by right” business. However, it allows cities and counties to impose reasonable regulations on sidewalk vendors if they adopt a licensing process.

In May 2019, the City Council adopted Chapter 5.31 (Sidewalk Vendors) of the Lake Elsinore Municipal Code (LEMC) to meet the regulations mandated by SB 946. The ordinance required sidewalk vendors to obtain a business license from the City and maintain sanitary conditions. The ordinance also included regulations that established some limits to the time and location of specified vending activities.

Since the adoption of the ordinance, the City’s Code Enforcement Department has been dealing with several issues related to sidewalk vending activities. Some of the main issues include:

- No health permits
- No city business license
- Unsanitary conditions (food temperatures not maintained to safe levels)
- Nuisance conditions (trash and debris left behind)
- Setting up in unsafe locations (no parking, too close to the roadway)
- No ADA access (taking up the entire sidewalk)
- Ongoing complaints from residents and business owners

The proposed amendments to Chapter 5.31 are intended to address the health, safety, and welfare concerns, to ensure the public's use and enjoyment of natural resources and recreational opportunities in parks, and to prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of parks and public recreation areas. The ordinance will also include regulations to ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress into, or egress from, any residence, public building, place of business, and public parks.

Staff will hold a workshop on May 21, 2025, to provide information about the new regulations proposed with the ordinance amendment.

Discussion

Chapter 5.31 of the LEMC has been amended in its entirety and includes the following updates:

- a. **Purpose.** The purpose and intent of this chapter is to regulate sidewalk vendors on publicly owned or operated property in accordance with State law in order to promote and protect the health, safety, and general welfare of the residents and businesses within the City and in compliance with other requirements imposed upon the City, such as the Americans with Disabilities Act and other accessibility laws.
- b. **Definitions.** This section was expanded to clarify the various terms used in the ordinance.
- c. **License requirement.** This section was revised to include detailed application requirements for all Sidewalk Vendors to obtain and maintain a Sidewalk Vendor License from the City in accordance with the criteria and process set forth in Chapter 5.31 and the LEMC.
- d. **Operating Conditions.** This section was added to provide guidelines for all sidewalk vendors operating within the City. Some of the operating conditions include:
 - Size limitations for vending receptacles
 - Restrictions on machines/electronics that generate noise
 - Restricting the use of any horns, music, lights, visual media, or sound amplifying device unless expressly approved in the sidewalk vendor permit
 - Restrictions on signs, including those that are lighted or automated moving displays
 - Prohibiting signs or freestanding displays within the public right-of-way that obstruct pedestrian or vehicle traffic
 - Requiring all sidewalk vendor activities to comply with the Americans with Disabilities Act regulations
 - Requiring sidewalk vendors to maintain a trash container and not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation

- Requiring Sidewalk vendors that sell food to maintain a current and valid permit from the Riverside County Department of Environmental Health
- e. **Prohibited activities and locations.** This section establishes prohibited activities and locations for all Sidewalk Vendors. It includes the prohibition of stationary sidewalk vendors in areas exclusively zoned for residential uses and in City parks where the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire. Sidewalk vendors are also prohibited from operating in a City park in a manner that interferes with the public's use and enjoyment of the park's amenities. This section also includes a list of streets on which sidewalk vendors cannot operate due to safety factors, including high volume or speed of traffic, lack of parking, and pedestrian safety.
- f. **Enforcement.** This section was revised to increase enforcement measures to address vendors who disregard the sidewalk vending regulations and operate in a manner that disrupts public safety, obstructs sidewalk access, or creates unsanitary conditions.
- g. **Impoundment.** This section provides a process for impounding vendor equipment in certain specified circumstances, including disposal of such equipment for repeated violations and recalcitrant offenders. The purpose of this section is to provide enforcement tools to address vendors who refuse to comply with the sidewalk vending regulations to the detriment of public health, safety, and welfare.

Environmental Determination

The proposed amendment to the Lake Elsinore Municipal Code is exempt from the California Environmental Quality Act (Cal. Publ. Res. Code §§21000 et seq. "CEQA") and the State CEQA Guidelines (14. Cal. Code Regs §§15000 et seq.), specifically pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility that it may have a significant effect on the environment, and because it is not a "project" as that term is defined in Section 15378 of the State CEQA Guidelines.

Attachments

Attachment 1 - Ordinance
Community Development