

COUNTY OF ALAMEDA
SIDEWALK VENDOR RULES AND REGULATIONS

Section 1 – Authority for Rules and Regulations

These Rules and Regulations (“Regulations”) were developed under the authority of Alameda County Ordinance Code, Chapter 3.36, the Alameda County Sidewalk Vendor Ordinance (the “Ordinance”) and Government Code sections 51036, et seq., to implement, administer, and enforce the Ordinance and to provide clarification and direction for its implementation.

Section 2 – Definitions

- A. “Agricultural Commissioner” means the Alameda County Agricultural Commissioner.
- B. “Cannabis” shall be as defined in Section 6.109.020 of Title 6 of the Alameda County Ordinance Code.
- C. “Cannabis accessories” shall be as defined in California Health and Safety Code Section 11018.2.
- D. “Cannabis products” shall be as defined in Section 6.109.020 of Title 6 of the Alameda County Ordinance Code.
- E. “Certified Farmers’ Market” shall be as defined in California Health and Safety Code Section 113742.
- F. “Cigar” and “little cigar” shall be as defined in Chapter 3.58.020 of Title 3 of the Alameda County Ordinance Code.
- G. “Cigarette” shall be as defined in Chapter 3.58.020 of Title 3 of the Alameda County Ordinance Code.
- H. “County” means the County of Alameda, a political subdivision of the State of California.
- I. “Department” means the Alameda County Planning Department.
- J. “Director” means the Director of the Alameda County Planning Department.
- K. “Edible cannabis product” shall be as defined in Section 6.109.020 of Title 6 of the Alameda County Ordinance Code.

- L. "Electronic smoking devices" shall be as defined in Chapter 3.59.020 of Title 3 of the Alameda County Ordinance Code.
- M. "Enforcement Official" means the Alameda County Planning Director.
- N. "Flavored tobacco product" shall be as defined in Chapter 3.58.020 of Title 3 of the Alameda County Ordinance Code.
- O. "Food" means any raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum, and any item identified in California Health and Safety Code Sections 113781, et seq.
- P. "Health Permit" shall have the same meaning as the term "permit" as defined in California Health and Safety Code Section 113851(a).
- Q. "Limited Food Preparation" shall be as defined in California Health and Safety Code Section 113818.
- R. "Merchandise" means any item that is not Food.
- S. "Obscene matter" shall be as defined in California Penal Code Section 311(a).
- T. "Park" shall include every public park or other recreational facility in the unincorporated area of Alameda County which is owned, controlled, operated or managed by the County.
- U. "Permanent Food Facility" shall be as defined in California Health and Safety Code Section 113849.
- V. "Public Right-of-Way" means land, which by deed, conveyance, agreement, dedication, usage or process of law is used or reserved for use as a public roadway in the unincorporated area, and also includes, but is not limited to, the sidewalk.
- W. "Residential" means any area zoned exclusively as residential in Title 17 of the Alameda County Ordinance Code.
- X. "Roaming Sidewalk Vendor" means a Sidewalk Vendor who moves from place to place and stops only to complete a transaction as defined in California Government Code Section 51036(b).
- Y. "Sidewalk" means the area of the public right-of-way that is designated or ordinarily used for pedestrian travel and does not include alleys.

- Z. "Sidewalk Vending Unit" means a facility for the sale of Food and/or Merchandise that operates from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person.
- AA. "Sidewalk Vendor Activities" or "Sidewalk Vending Activity" includes Vending and/or actions done in anticipation of being a Sidewalk Vendor such as, but not limited to, operation, installation, placement, or maintenance of any Sidewalk Vending Units.
- BB. "Sidewalk Vendor" means, as defined in California Government Code Section 51036(a), a person who Vends from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon the public right-of-way, and includes the owner, manager, and employee(s) of any such operation. The term "Sidewalk Vendor" does not include a person or entity that vends from any motorized vehicle upon which food is sold or distributed.
- CC. "Sidewalk Vendor Permit" means a permit issued by the Department under the provisions of Chapter 3.36 and these Regulations.
- DD. "Stationary Sidewalk Vendor" means, as defined in California Government Code Section 51036(c), a Sidewalk Vendor who Vends from a fixed location.
- EE. "Swap Meet" shall be as defined in California Business and Professions Code Section 21661, and is interchangeable with "flea markets," "indoor swap meets," "open-air markets," or other similar terms, regardless of whether these events are held inside a building or outside in the open.
- FF. "Temporary Event" means an event conducted for not more than 25 consecutive or nonconsecutive days in a 90-day period and that is of a civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by the County.
- GG. "Tobacco paraphernalia" shall be as defined in Chapter 3.58.020 of Title 3 of the Alameda County Ordinance Code.
- HH. "Tobacco product" shall be as defined in Chapter 3.58.020 of Title 3 of the Alameda County Ordinance Code.
- II. "Vend" means to sell, offer for sale, expose or display for sale, solicit offers to purchase, or barter Food or Merchandise. Vending includes offering free samples of Food or Merchandise that are also for sale or negotiating fees for Food or Merchandise.

- JJ. "Vending equipment" includes, but is not limited to, any materials, Merchandise, tools, carts, tables or other items owned by, in the possession of, or associated with a Sidewalk Vendor.

Section 3 – Compliance with California Retail Food Code

Any Sidewalk Vendor who intends to Vend Food must comply with the requirements of Part 7 (commencing with Section 113700) of Division 104 of the California Health and Safety Code (California Retail Food Code) and Chapter 6.68 of Title 6 of the Alameda County Ordinance Code. If required by the California Retail Food Code or the Alameda County Ordinance Code, a Sidewalk Vendor must obtain a Health Permit from the Alameda County Environmental Health Department (ACEHD) prior to applying for a Sidewalk Vending Permit under Section 4. If the Sidewalk Vendor is required to obtain a Health Permit from ACEHD, in accordance with California Health and Safety Code Section 114381(e) the Health Permit shall be displayed conspicuously on the Sidewalk Vending Unit or the Sidewalk Vendor's person.

Section 4 – Sidewalk Vendor Permit Application

A. Content of Permit Application.

A written application for a Sidewalk Vendor Permit shall be filed with the Department on a form provided by the County, and shall contain the following information:

1. The name, address, and telephone number of the person applying to become a Sidewalk Vendor.
2. The California driver's license or identification number, individual taxpayer identification number, or municipal identification number (which shall not be available to the public for inspection, is confidential, and shall not be disclosed except as required to administer the permit or comply with a state law or state or federal court order).
3. Proof of a valid business license issued by the County of Alameda in accordance with Alameda County Ordinance Code Section 3.04.030, and, if applicable, a valid California Department of Tax and Administration Seller's Permit.
4. If the applicant for a Sidewalk Vendor Permit is an agent of an individual, company, partnership, corporation, or other entity (each a "Principal"), the name and business address of the Principal and whether the vendor intends to operate as a Stationary Sidewalk Vendor or a Roaming Sidewalk Vendor.
5. If the Sidewalk Vendor proposes to be a Stationary Sidewalk Vendor, a description and site plan/map of the proposed location(s) where they intend to operate, that identifies the day(s) and hours of operation the Sidewalk Vendor intends to operate at such location(s).
6. The dimensions of the Sidewalk Vendor's Sidewalk Vending Unit,

including the square footage of any display area for Food and/or Merchandise, and a picture of the Sidewalk Vending Unit that would operate under the permit.

7. Whether the Sidewalk Vendor will be Vending Food, Merchandise, or both.
8. Whether the Sidewalk Vendor will be using scales, measuring devices and or scanning/automated checkout devices in the course of doing business.
9. If the Sidewalk Vendor will be Vending Food and is required to obtain a permit from ACEHD per Section 3, the application must include a copy of the Sidewalk Vendor's valid Health Permit. The name identified on the application for a Sidewalk Vendor Permit must be the same name identified on the Health Permit issued by ACEHD.
10. If the Sidewalk Vendor is Vending Merchandise, a description of the Merchandise to be sold.
11. An acknowledgment that the Sidewalk Vendor will comply with all other generally applicable local, state, and federal laws.
12. A certification that to the Sidewalk Vendor's knowledge and belief, the information contained within the application is true and correct.
13. An agreement by the Sidewalk Vendor to defend, indemnify, release and hold harmless the County, its Board of Supervisors, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner related (directly or indirectly) to the permit or the Sidewalk Vendor's Sidewalk Vending Activities. This indemnification shall include, but not be limited to, damages awarded against the County, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, County, and/or the parties initiating or bringing such proceeding.
14. Proof of compliance with the following insurance requirements maintained during the term of the Sidewalk Vendor Permit.
 - a. Proof of a policy or policies of comprehensive general liability insurance, in an amount of not less than one million dollars (\$1,000,000), approved by the County of Alameda, insuring against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the Sidewalk Vendor, with an endorsement naming the County of Alameda as an additional insured.

- b. If a vehicle(s) is to be used, a description(s) of the same, together with license number(s), and proof of automobile insurance sufficient to meet the requirements of the state of California, and not less than \$1,000,000 combined single limit per accident.
 - c. The certificates of insurance documenting compliance with Sections 4(A)(14)(a)-(b) above must be approved by the County before the issuance of a Sidewalk Vending Permit.
 - 15. An acknowledgement that the Sidewalk Vendor's use of public property is at their own risk, and that the County does and will not take any steps to ensure public property is safe or conducive to the Sidewalk Vending Activities.
- B. Sidewalk Vendor – Other Departmental Review.
 - 1. If the permit application is for a Sidewalk Vendor that will Vend fresh produce or nursery stock, the Department will forward the application to the Agricultural Commissioner for review in accordance with applicable rules and regulations.
 - 2. If the permit application is for a Sidewalk Vendor that will Vend by weight or measure, the Department will forward a copy of the application to the Agricultural Commissioner for review in accordance with applicable rules and regulations, including the use of sealed scales and all applicable license and registration fees.
- C. Evaluation of Permit Application.

Upon receipt of a complete application for a Sidewalk Vending Permit, the Department shall review the application. Within ten (10) business days of submittal of a complete application, the Department shall either:

 - 1. Approve or conditionally approve the permit if all applicable requirements of Chapter 3.36 and these Regulations are satisfied; or
 - 2. Deny the application if all applicable requirements of Chapter 3.36 or these Regulations are not satisfied. The reason for denial shall be noted on the application, along with any revisions or changes in the applicant's plan, which, if made, would result in approval by the Department, as well as the Agricultural Commissioner, if applicable.

Section 5 – Operating Conditions

All Sidewalk Vendors are subject to and must comply with the following operating conditions when conducting Sidewalk Vending Activities:

- A. All Food and Merchandise shall be stored either inside or affixed to the Sidewalk Vendor unit or carried by the Sidewalk Vendor. Food and Merchandise shall not be stored, placed, or kept on any public property. If affixed to the

Sidewalk Vendor Unit, the overall space taken up by the Sidewalk Vendor Unit shall not exceed the dimensions outlined in the Sidewalk Vendor Permit application.

- B. The Sidewalk Vendor Permit shall at all times be displayed conspicuously on the Sidewalk Vending Unit or the Sidewalk Vendor's person. If multiple Sidewalk Vendors are staffing a Sidewalk Vendor Unit or working as Roaming Sidewalk Vendors, each person shall wear their Sidewalk Vendor Permit on their person in a conspicuous manner.
- C. Sidewalk Vendors shall not leave their Sidewalk Vending Unit(s) unattended to solicit business for their Sidewalk Vending Activities. Sidewalk Vending Units shall not be stored on public property and shall be removed from public property when not in active use by a Sidewalk Vendor.
- D. All Sidewalk Vendors shall allow an Enforcement Official to inspect their Sidewalk Vending Unit at any time for compliance with the requirements of Chapter 3.36 and these Regulations.
- E. No Sidewalk Vending Unit shall be motorized.
- F. Sidewalk Vendors shall not operate in public park(s) located in the unincorporated area of Alameda County in which the operator of the park has signed an agreement for concessions that exclusively permits the sale of Food or Merchandise by a specific concessionaire.
- G. If a Sidewalk Vending Unit requires more than one (1) person to conduct the Sidewalk Vending Activity, all Sidewalk Vendors associated with the Sidewalk Vending Unit shall be within twenty (20) feet of the Sidewalk Vending Unit when conducting Sidewalk Vending Activities, except when transporting Food and/or Merchandise to and from the Sidewalk Vending Unit.
- H. Sidewalk Vendors that Vend Food shall maintain a trash container in or on their Sidewalk Vending Unit and shall not empty their trash directly into public trashcans. The size of the Sidewalk Vendor's trash container shall be considered when assessing the total size limit of a Sidewalk Vending Unit.
- I. Sidewalk Vendors are individually responsible for any garbage or debris that directly results from their vending activity. Sidewalk Vendors shall immediately clean up any trash related to their Sidewalk Vending Activities, including, but not limited to, Food, grease or other fluids or items.
- J. Sidewalk Vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation. Any Food or Food preparation byproducts related to Sidewalk Vending Activities must be removed at the end of the Sidewalk Vending Activity for the day at that location.
- K. Sidewalk Vendors shall not Vend to or otherwise conduct transactions with persons in moving vehicles or vehicles illegally parked or stopped.

- L. Sidewalk Vendors are subject to all generally applicable laws, including, but not limited to:
1. Public nuisance laws, as detailed in California Civil Code Sections 3479, et seq.;
 2. Public right-of-way encroachments, as prohibited by Section 12.08.040 of Chapter 12.08 of Title 12 of the Alameda County Ordinance Code; and
 3. Noise requirements, as detailed in Chapter 6.60 of Title 6 of the Alameda County Ordinance Code.

Section 6 – Prohibited activities and locations.

- A. Sidewalk Vendors shall not engage in any of the following activities:
1. Causing noise that violates the Noise Requirements detailed in Chapter 6.60 of Title 6 of the Alameda County Ordinance Code, including those produced by amplified sound.
 2. Renting merchandise to customers.
 3. Displaying Merchandise or Food that is not available for immediate sale.
 4. Vending of:
 - a. Alcoholic beverages;
 - b. Cannabis, cannabis accessories, cannabis products, or edible cannabis products;
 - c. Electronic smoking devices and all cartridges for electronic smoking devices and solutions for filling or refilling an electronic smoking device;
 - d. Tobacco, including cigarettes, cigars, little cigars, tobacco products, tobacco paraphernalia, and flavored tobacco products; and
 - e. Obscene matter.
 5. Using an open flame on or within any Sidewalk Vending Unit.
 6. Stationary Sidewalk Vending in any area zoned Residential.
 7. Any behavior that could constitute harassment or deceit.
 8. In areas zoned Residential, any Roaming Sidewalk Vending Activity between the hours of 6:00 p.m. or sunset, whichever is earlier, and 9:00 a.m. of the following day.

- B. Sidewalk Vendors shall not engage in Sidewalk Vending Activities at the following locations:
1. At any location where Sidewalk Vending Activities would violate provisions of the Alameda County Ordinance Code related to visibility requirements for streets, alleys, driveways, and intersections.
 2. On any sidewalk where Vending equipment and queuing patrons would restrict access requirements under the Americans with Disabilities Act, 42 USC § 12101, *et seq.*, including, without limitation, access to loading zones, parking spaces, and curb ramps.
 3. On any sidewalk where Vending equipment and queuing patrons would present a fire hazard and/or jeopardize the safety of any person.
 4. On any designated emergency vehicle accessway.
 5. On any public property that does not meet the definition of a sidewalk or pathway including, without limitation, any pedestrian path, bicycle route, alley, street, roadway or parking lot.
 6. Within twelve (12) inches of any curb face or parallel parking space on all roads.
 7. On any area of a sidewalk or pathway where Vending equipment and queuing patrons would reduce clearance to less than four (4) feet.
 8. On the portion of a public sidewalk crossed by a public or private driveway or within ten (10) feet of either side of the driveway.
 9. Within fifteen (15) feet of any entrance or exit to a building, structure or facility.
 10. Within twenty-five (25) feet of a:
 - a. Fire hydrant;
 - b. Curb which has been designated as a yellow or red zone, or a bus zone;
 - c. Automated teller machine;
 - d. Bike racks, benches, bus stops or similar public use items;
 - e. Public art objects, items, and displays; and
 - f. County landmark or monument, as defined in Chapter 17.62 of the Alameda County Ordinance Code.
 11. Within thirty (30) feet of any street corner, street intersection, or mid-

block crosswalk.

12. Stationary Sidewalk Vendors shall not Vend within fifty (50) feet of another Stationary Sidewalk Vendor.
 13. Stationary Sidewalk Vendors shall not Vend Food within one hundred (100) feet of the primary entrance of a Permanent Food Facility during that facility's normal operating hours, if the Permanent Food Facility is Vending Food.
 14. Stationary Sidewalk Vendors shall not Vend within two hundred (200) feet of an area designated for a Temporary Event Permit issued by the County, during the limited duration of the Temporary Event. If the County provides any notice, business interruption mitigation, or other rights to affected businesses or property owners under the County's temporary special permit, such notice will also be provided to any Sidewalk Vendors specifically permitted to operate in the area, if applicable.
 15. Stationary Sidewalk Vendors shall not Vend within two hundred (200) feet of a permitted certified farmers' market or swap meet during the limited operating hours of that certified farmers' market or swap meet.
 16. Stationary Sidewalk Vendors shall not Vend within two hundred (200) feet of any public safety facility, including, without limitation, police stations and fire stations.
 17. Stationary Sidewalk Vendors shall not Vend within two hundred (200) feet of a freeway entrance or exit located at a metered intersection.
 18. Stationary Sidewalk Vendors shall not Vend within three hundred (300) feet of a public or private primary or secondary school on days when the school is in session.
 19. Stationary Sidewalk Vendors shall not Vend within three hundred (300) feet of a place of worship or a child day-care facility.
 20. Stationary Sidewalk Vendors shall not Vend within five hundred (500) feet of a freeway entrance or exit that is not located at a metered intersection.
- C. To prevent unintended rolling or slipping, a Sidewalk Vendor is prohibited from operating a pushcart, pedal driven cart, wagon, or other non-motorized conveyance on a public-right-of way with a slope greater than five percent (5%).
- D. To preserve pathways for residences, pedestrians, and emergency services, Sidewalk Vending Units shall not touch, lean against or be affixed at any time to any building or structure including, but not limited to, lampposts, parking meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters, newsstands, trashcans, or traffic barriers.
- E. To prevent distractions and promote public welfare, Sidewalk Vending Units

shall not use any electrical, illuminated, flashing, rotating, wind-powered or animated signs, or signs that are distracting in color, material, design, or location. Signs may be attached flush to the Sidewalk Vending Unit or painted on the Vending equipment. The total sign area shall not exceed four (4) square feet. Freestanding signs are prohibited.

- F. To prevent encroachment on the sidewalk and promote public welfare, Sidewalk Vendors shall not use or set up tables, chairs, canopies or other structures to provide a dining area for customers, provided, however, that a Stationary Sidewalk Vendor may use a stool or chair for personal use.

Section 7 – Fees

- A. Fees shall be charged based on an hourly rate that is approved by the board of supervisors. The fee schedule can be found on the Alameda County Planning Department's web site at <https://www.acgov.org/cda/planning/> ("Fee Schedule").
- B. The activities and estimated hours contained in the Fee Schedule may from time to time be amended by the Department and approved by the board of supervisors and the hourly rate may from time to time be amended as approved by the board of supervisors.
- C. In addition to the fees and costs to the Department identified in the Fee Schedule, the County may also charge Sidewalk Vendors for actual costs incurred by other departments and agencies of the County that assist in the administration and enforcement of this Ordinance and these Regulations.
- D. The fees collected by the County pursuant to the Ordinance or these Regulations shall not exceed the County's actual cost of administering and enforcing the Ordinance and Regulations.

Section 8 – Reporting Requirements

The Department shall post a report each month on the Department's website that identifies the following information related to its administration and enforcement of Sidewalk Vendor Permits for the month, as applicable:

- A. Sidewalk Vender Permit fees assessed;**
- B. Sidewalk Vendor Permit fees paid;**
- C. Each waiver of a Sidewalk Vendor Permit granted by the Department pursuant to Section 3.36.040(E) of the Ordinance;**
- D. Each request for an ability-to-pay determination by a person subject to an administrative penalty pursuant to 3.36.060(F) of the Ordinance; and**

E. Each reduction or waiver of an administrative penalty granted by the Department pursuant to Section 3.36.060(G) of the Ordinance.

Section 89 – Communications with Department

- A. **Department Contact Information.** All applications and other materials should be submitted to the Department using the contact information below:

1. Email: Planninginfo@acgov.org

2. Mailing Address:

224 W. Winton Avenue, Rm 111
Hayward, CA 94544
Attention: _____

- B. **Questions.** Questions regarding the Ordinance or these Regulations should be directed to the Department at (510) 670-5400 or by sending an e-mail to the Department.

- C. **Department Consultation.** Department staff are available to discuss the requirements of the Ordinance and Regulations, to answer questions about the Ordinance and Regulations, and to assist Sidewalk Vendors with permit applications and compliance. Information and assistance provided by Department staff does not constitute legal advice. Prospective and existing Sidewalk Vendors are urged to consult with their own legal counsel regarding the requirements of the Ordinance and Regulations and other applicable laws.

Section 910 – General Provisions

- A. **Severability.** If any part or provision of these Regulations or the application thereof to any person or circumstances is held invalid, the invalid provision(s) shall be severed, and the remainder of the Regulations, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.
- B. **Compliance with all Laws and Regulations.** All Sidewalk Vendors and those that employ Sidewalk Vendors are jointly and severally responsible for conducting Sidewalk Vendor Activities such that they comply with all federal and California laws and all city and County ordinances, rules, and regulations. Approval of a Sidewalk Vendor Permit application by the Department does not constitute an opinion regarding compliance with other federal, state, city, or county laws, ordinances, or regulations. Any statement by the County, including by an employee or staff of the Department, that the permit application may

contain a component that violates any federal, state, city, or County law, rule, regulation, or policy shall not be interpreted as an opinion that any other component of the permit application is in compliance with any federal, state, city, or County law, rule, regulation, or policy.

- C. **Separate and Distinct Compliance.** Adherence to the Ordinance and these Regulations is not meant to replace or satisfy the requirements of any other federal, state, city, or County law, rule, or regulation. Any review or approval pursuant to the Ordinance or Regulations is not meant to and shall not be indicative of compliance with any other federal, state, city, or County law, rule, regulation, or policy.

These Regulations are hereby adopted this _____ day of _____, 2025.

[Sandra Rivera], Director

Community Development Agency