

**CITY OF SAN MATEO  
ORDINANCE NO. 2019-\_\_\_\_\_**

**REPEALING SECTIONS OF CHAPTERS IN TITLES 5, 13, AND 17  
OF THE SAN MATEO MUNICIPAL CODE TO REMOVE REGULATIONS RELATED TO  
SIDEWALK VENDING**

WHEREAS, on January 1, 2019, Senate Bill 946 went into effect, drastically changing the manner in which sidewalk vending can be regulated in California; and

WHEREAS, Senate Bill 946 severely limited the authority of cities to regulate sidewalk vending and prohibited any criminal penalties for sidewalk vending violations; and

WHEREAS, City staff informed the City Council during a November 2018 Study Session that the City receives few complaints regarding sidewalk vendors and has almost no contact with sidewalk vendors for other code violations; and

WHEREAS, at the conclusion of the November 2018 Study Session, the City Council agreed with staff that regulating sidewalk vending would not be the best use of public resources at this time and directed staff to repeal sections of the municipal code that regulate sidewalk vending; and

WHEREAS, this ordinance amends various portions of the municipal code to repeal existing regulations restricting sidewalk vending.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA HEREBY ORDAINS THAT:

**Section 1. Title 5, “Business Licenses and Regulations”, Chapter 5.03 “Definitions”, Section 5.03.160 “Food Establishments” is repealed as follows:**

**TITLE 5, BUSINESS LICENSES AND REGULATIONS  
CHAPTER 5.03, DEFINITIONS**

**Section 2. Title 5, “Business Licenses and Regulations”, Chapter 5.12 “Tax Return Filing – Issuance of Certificate”, Section 5.12.050 “Tax Return or Application” is repealed as follows:**

**TITLE 5, BUSINESS LICENSES AND REGULATIONS  
CHAPTER 5.12, TAX RETURN FILING – ISSUANCE OF CERTIFICATE**

**Section 3. Title 5, “Business Licenses and Regulations”, Chapter 5.15 “Permits for Certain Businesses”, Section 5.15.010 “Permit Required - Application” is amended as follows:**

**TITLE 5, BUSINESS LICENSES AND REGULATIONS  
CHAPTER 5.15, PERMITS FOR CERTAIN BUSINESSES**

**5.15.010 Permit Required - Application.**

(a) It is unlawful for any person to operate, engage in, conduct or carry on, or permit such to be done in or upon any premises within the City, the following businesses:

- (1) Automobile wrecker;

- (2) Campground;
- (3) Entertainment, as defined in [chapter 5.43](#);
- (4) Escort service;
- (5) Health bathing operator;
- (6) Health studio;
- (7) Junk dealer;
- (8) Massage studio;
- (9) Masseuse or masseur;
- (10) Pawnbroker;
- (11) Private street patrol;
- (12) Racing forms vendor;
- (13) Regulated sale;
- (14) Secondhand dealer;
- ;
- (15) Taxicab driver;
- (16) Temporary vendor;
- (17) Towing service; or
- (18) Trailer camp

unless a permit for such a business has first been obtained from the bureau and remains in effect in accordance with the provisions of the chapter title.

(b) Unless otherwise provided in [this title](#), each applicant for a permit shall provide the following information:

(1) Declaration under penalty of perjury in duplicate giving the following:

(A) The name and any aliases of applicant,

(B) The current, permanent address and mailing address if different, of applicant,

- (C) Local business address,
  - (D) Description of applicant's personal characteristics,
  - (E) Brief description of the nature of the business, and method of operation,
  - (F) If employed, the name and address of employer, together with such credentials as may be required by the license bureau establishing the exact relationship,
  - (G) The length of time during which the applicant desires to do business,
  - (H) If vehicles are to be used, each vehicle's description, license number, and other means of identification,
  - (I) A statement of whether or not applicant or his or her employer has ever been convicted of a felony or misdemeanor, the date, nature thereof, the state of conviction, and penalty assessed therefor,
  - (J) A statement of whether or not applicant, or his or her employer, has ever been denied or had revoked or suspended, a business permit by the City or any other jurisdiction, and the reasons therefor,
  - (K) All residence and business addresses of applicant for the preceding three years,
  - (L) Applicant's occupation for the preceding three years;
  - (M) Applicant's experience, if any, in the business for which the permit is sought,
  - (N) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation together with the names and residence addresses of each of the officers, directors, and each stockholder holding more than ten percent of the stock of the corporation. If the applicant is a partnership, the application shall set forth the name and the residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant apply also.
- (2) As applicable, a photograph of applicant taken within sixty days immediately prior to the date of filing the application, which photograph shall show the head and shoulders of applicant;
- (3) A set of fingerprints of the applicant;
- (4) Such other and further information as the Tax Collector may require.

The application shall be signed by each and every owner of the business. If the owner is a corporation, the application shall be signed by the representative designated by the corporation's board of directors.

- (c) Unless otherwise specified within [this title](#), a non-refundable charge of fifty dollars shall be made at the time of filing the application for expenses in connection with investigation of the application, and shall be paid to the Tax Collector.
- (d) At the time of application for a permit, the applicant shall also file a business tax return pursuant to [this title](#) and furnish the information required by [Chapter 5.06](#) of this code. No business tax certificate shall be issued until the investigation is completed on the application for a permit and approved; and then it shall be issued upon payment of the business tax as provided.

**Section 4. Title 5, “Business Licenses and Regulations”, Chapter 5.24 “Business Tax”, Section 5.24.240 “Vendor - Street” is amended as follows:**

**TITLE 5, BUSINESS LICENSES AND REGULATIONS  
CHAPTER 5.24, PERMITS FOR CERTAIN BUSINESSES**

**5.24.240 Vendor - Street.** Every person conducting the business of street vendor shall pay a business tax of ten dollars per day.

**Section 5. Title 13, “Parks and Recreation”, Chapter 13.20 “Park Regulations”, Section 13.20.010 “Prohibited Conduct” is amended as follows:**

**TITLE 13, PARKS AND RECREATION  
CHAPTER 13.20, PARK REGULATIONS**

**13.20.010 Prohibited Conduct.** The following acts and uses are prohibited in park properties and facilities.

- (a) Damage, degrade, deface, place graffiti upon or in any way vandalize park properties and facilities.
- (b) Litter, as described in [Section 17.08.010](#). If no proper receptacles are provided, all litter shall be carried away from the premises by the person, group or organization responsible for its presence and properly disposed of elsewhere. This is to include the dumping of all household debris, trash and green waste.
- (c) Possess, exhibit or use firearms, air guns, slingshots, firecrackers fireworks, torpedoes, rockets, missiles, or weapons of any sort designed or used to harm another, with the exception of peace officers authorized by the [penal code](#).
- (d) Fish, wade, swim, or bathe except in places designated therefor.
- (e) Conduct or provide any class or service without having secured a vendor's permit or City contract and a business tax certificate from the Director of Finance.
- (f) Enter any area which is posted as being closed to the public to protect growth or establish plants or to protect wildlife or environmentally sensitive areas or which is used as a service facility or which is under repair.

- (g) Use turf areas including athletic fields while the turf is saturated from rainy weather regardless of whether the user has a Parks and Recreation Department athletic field permit.
- (h) Kindle fires for any purpose except in places provided for such purposes or in a portable barbecue in an area designed for such purpose.
- (i) Operate any vehicle, motor driven cycle/scooter or aircraft, whether licensed or unlicensed within the park properties and facilities excepting those specifically authorized by the Director of Parks and Recreation or designated representative performing work for the City of San Mateo.
- (j) Operate motorized model airplanes or other miniaturized vehicles except as authorized by the Director of Parks and Recreation or designated representative.
- (k) Smoking, as defined by Section 7.40.020(k).
- (l) Use for meetings or to conduct group activities to the exclusion of the general public except by permit upon the terms and conditions set forth by City ordinances.
- (m) Use or attempt to use or interfere with the use of any table, space or facility which at the time is reserved by permit for any other person or group.
- (n) Any conduct that is deemed to be unsafe or to lead to unsafe conditions.
- (o) No person shall use, and it is unlawful to use, a City of San Mateo skateboard facility by any person who is not wearing a helmet, knee pads, and elbow pads suitable to provide protection in the event of falls or collisions.

**Section 6. Title 17, “Streets and Sidewalks”, Chapter 17.08 “Obstructions - Litter”, Section 17.08.020 “Placing Certain Objects in the Public Right-of-Way Prohibited” is amended as follows:**

**TITLE 17, STREETS AND SIDEWALKS  
CHAPTER 17.08, OBSTRUCTIONS - LITTER**

**17.08.020 Placing Certain Objects in the Public Right-of-Way Prohibited.** No person shall place or cause to be placed, anywhere upon any public way, right-of-way, street, or sidewalk, and no person owning, occupying, or having the control of any premises shall suffer to remain in front thereof, upon any sidewalk, in the public right-of-way, of the half of the street or way next to such premises any appliances, furniture, bench, inoperable vehicles, boats, machinery, foods, merchandise, implement box, debris box, mailbox, or other object, which shall be an obstruction for more than one hour at a time.

The foregoing shall not apply to:

- (a) Goods or merchandise in actual course of receipt, delivery, or removal;
- (b) Ornamental trees and planter boxes placed along the outer line of the sidewalk, behind the curbs under permit or direction of the Superintendent of Streets;
- (c) Barriers for the protection of permitted ornamental trees;

- (d) Poles erected under franchises obtained from the City or other authority;
- (e) Hydrants or other objects erected by permission or direction of the City;
- (f) Clocks or fountains erected for the accommodation of the public under permit or direction of the Superintendent of Streets;
- (g) Debris boxes and materials used in the construction, repair, or demolition of any building; if such debris boxes and materials are permitted by the Superintendent of Streets under permit issued in the manner, and meeting the requirements and conditions of Sections 17.08.070, 17.08.080, and 17.08.090, including the posting of bonds and insurance meeting the City's minimum requirements. Such permit shall require the placement of necessary barricades and sufficient nighttime warning lights and/or reflectors;
- (h) Garbage and rubbish containers conforming to the specifications of the City Engineer may be placed on sidewalks or gutters in direct proximity to the curb on scheduled garbage collection days between the hours of 5:00 a.m. and 8:00 p.m. and during "Annual Cleanup" weeks in accordance with published annual cleanup regulations;
- (i) Bus benches and passenger waiting shelters erected by a public transit agency that conform to State building standards and do not cause a pedestrian or vehicular hazard;
- (j) Restaurant seating and associated means of delineating the physical extent of the seating area conforming to the standards set forth in Section 27.85.030 and under permit or direction of the Superintendent of Streets; and
- (k) Sidewalk vendors.

**Section 7.** Title 17, “Streets and Sidewalks”, Chapter 17.08 “Obstructions - Litter”, Section 17.08.120 “Sidewalk Sale or Display of Goods Prohibited – Exception - Permit” is repealed as follows:

**TITLE 17, STREETS AND SIDEWALKS  
CHAPTER 17.08, OBSTRUCTIONS - LITTER**

**Section 8. Environmental Determination.** In accordance with California Environmental Quality Act (CEQA) Guidelines, section 15378(b)(2), this action is not a project subject to CEQA review in that the ordinance is a general policy-making activity.

**Section 9. Publication.** This Ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk’s Office, and posted on the City’s website, all in accord with Section 2.15 of the City Charter.

**Section 10. Legislative History and Effective Date.** This Ordinance was introduced on Month date, year, and adopted on Month date, year, and shall be effective 30 days after its date of adoption.

**Section 11. Severability.** If any provision of this Ordinance is held unconstitutional or otherwise invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall not be invalidated.