

ORDINANCE O2026-__

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING THE NAPA MUNICIPAL CODE ENACTING CHAPTER 5.82 "SIDEWALK VENDING" AND DETERMINING THE ACTIONS AUTHORIZED BY THIS ORDINANCE ARE EXEMPT FROM CEQA.

WHEREAS, Senate Bill 946 decriminalized sidewalk vending statewide and authorized cities to adopt time, place, and manner regulations to protect public health, safety, and welfare; and

WHEREAS, the City of Napa seeks to establish reasonable sidewalk vending regulations to ensure safe pedestrian access, protect school zones, maintain emergency access, and preserve orderly use of public spaces; and

WHEREAS, the City Council finds that enacting Napa Municipal Code Chapter 5.82 is warranted to regulate sidewalk vending activities, establish a permit system, define operational restrictions, and provide enforcement mechanisms consistent with State law; and

WHEREAS, the City Council hereby finds that the facts and findings set forth in the recitals to this Ordinance accurately reflect the findings and determinations of the City Council, and form the basis for adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

SECTION 1: Chapter 5.82 Enacted. Napa Municipal Code Chapter 5.82 is hereby enacted as set forth below. Accordingly, the Table of Contents for Napa Municipal Code Title 5 is hereby amended to add the reference to Chapter 5.82 "Sidewalk Vending."

Chapter 5.82 Sidewalk Vending

5.82.010 Definitions

For purposes of this chapter, the following definitions apply:

- A. "City" means the City of Napa.
- B. "Enforcement officer" means any officer or employee with the authority to enforce the Napa Municipal Code, its adopted codes, or applicable State codes.
- C. "Sidewalk vendor" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.
- D. "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

- E. "Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.
- F. "Temporary event" means a concert, trade show, conference, sporting event, festival, fair, or any other temporary event potentially attracting large numbers of persons and vehicles, for which the City of Napa has issued a temporary permit (i.e. a special event permit or a temporary use permit).
- G. "Event day" means the calendar day of any temporary event.
- H. "Certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code, and any regulations adopted pursuant to that chapter.
- I. "Swap meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

5.82.020 Sidewalk Vendor Permit Required

- A. It shall be unlawful for any sidewalk vendor to operate in the City without holding a valid sidewalk vendor permit issued by the City.
- B. It shall be unlawful for any person except the permittee to use, wear, or display any permit issued under this chapter.

5.82.030 Permit Application and Renewal

- A. Every person seeking the issuance or renewal of a permit under this chapter shall make a written application to the Police Chief or their designee. Such application shall include:
 - 1. The name and current mailing address of the applicant;
 - 2. A description of the merchandise to be offered for sale or exchange;
 - 3. The applicant's California seller's permit number (California Department of Tax and Fee Administration sales tax number), if any;
 - 4. If the applicant is an agent of an individual or entity, the name and business address of the principal;
 - 5. Payment of any required fees; and
 - 6. A certification by the applicant that, to their knowledge, all information contained on the form is true.
- B. Any permit issued or renewed under the provisions of this chapter shall expire one (1) year after the date of its issuance or renewal.
- C. Initial applications submitted pursuant to this chapter shall require payment of an initial application fee, as may be set from time to time by the City Council. Initial application fees paid under this chapter shall be non-refundable.
- D. Renewals submitted pursuant this chapter shall require payment of a renewal fee, as may be set from time to time by the City Council. Renewal fees paid under this chapter shall be non-refundable.

5.82.040 Permit Denial, Suspension, and Revocation

- A. A permit may be denied, suspended, or revoked by the Police Chief or their designee, for any of the following reasons:
 - 1. The applicant failed to pay the required fees;

2. The written permit application was incomplete;
 3. The applicant provided false information on the written permit application;
 4. The applicant currently holds a suspended permit;
 5. The applicant had a previous permit revoked under the provisions of this chapter, the term for which has not yet expired; or
 6. The applicant has committed four or more violations of this chapter within the last one (1) year from the date of application.
- B. Whenever the Police Chief or their designee has determined that sufficient grounds exist to deny, suspend, or revoke a permit issued under this chapter, the Police Chief or their designee shall immediately deny, suspend, or revoke the permit. The Police Chief or their designee shall cause written notice of this action to be mailed to the applicant or permit holder, to the address last provided by the applicant or permit holder. This notice shall contain the following information:
1. A statement that the permit has been denied, suspended, or revoked;
 2. All facts upon which the Police Chief or their designee relied in making their determination to deny, suspend, or revoke the permit; and
 3. A statement that any aggrieved person may file a written notice of appeal to the City Clerk within ten (10) calendar days of the date of the determination, in accordance with section 5.82.050, below.

5.82.050 Appeal

- A. An appeal of the decision of the Police Chief or their designee to deny, suspend, or revoke a permit, or appeal any administrative citation issued for a violation under this chapter, shall be made to the City Clerk in writing meeting all of the requirements of Chapter 1.26, and shall be heard by an administrative Hearing Officer in accordance with the provisions of Chapter 1.26.

5.82.060 Restrictions on Sidewalk Vending

- A. Stationary sidewalk vendors are prohibited from operating in any residential zone. Stationary sidewalk vendors with a valid permit issued under this chapter:
1. Shall produce their sidewalk vendor permit upon the request of any enforcement officer or City employee;
 2. Shall maintain the vending area in a clean, orderly, and sanitary condition;
 3. Shall leave a minimum of thirty-six (36) inches of accessible path of travel, without obstruction, along the public sidewalk or public pathway;
 4. Shall not block the entrance, exit, or window of any building;
 5. Shall not block driveways, parking spaces, bus stops, loading zones, red curbs, fire hydrants, fire stations, police stations, or access thereto;
 6. Shall not operate within twenty (20) feet of another stationary sidewalk vendor;
 7. Shall not use water lines, electrical lines, or gas lines during vending operations; and
 8. Shall comply with all other applicable laws and regulations, including, but not limited to, health and fire codes.
- B. Roaming sidewalk vendors are permitted to operate within any zone, including in residential zones. Roaming sidewalk vendors with a valid permit issued under this

chapter:

1. Shall produce their sidewalk vendor permit upon the request of any enforcement officer or City employee;
 2. Shall maintain the temporary vending area in a clean, orderly, and sanitary condition;
 3. Shall not block the entrance, exit, or window of any building;
 4. Shall not block driveways, parking spaces, bus stops, loading zones, red curbs, fire hydrants, fire stations, police stations, or access thereto;
 5. Shall not operate in a residential zone between the hours of 9:00 p.m. and 7:00 a.m.; and
 6. Shall comply with all other applicable laws and regulations, including, but not limited to, health and fire codes.
- C. All sidewalk vendors are prohibited from operating:
1. Within one thousand (1000) feet of any public or private school while children are going to or leaving school during opening and closing hours, or during the noon and lunchtime recess period to protect the health and safety of school children who may run into or obstruct traffic while attempting to approach a vendor;
 2. Within five hundred (500) feet of a certified farmers' market;
 3. Within five hundred (500) feet of a swap meet;
 4. Within five hundred (500) feet of a temporary event, for the duration of the event day;
 5. Within five (5) feet of any subsurface utility box, valve, or vault, or any above-ground utility structure;
 6. Within five (5) feet of any location where there is an above-ground amenity such as a newsstands, bus stop, or street furniture, including but not limited to, benches and bike racks;
 7. In any public street, roadway, median, pedestrian island, alley, or bikeway;
 8. In any location or in any manner that poses a direct danger to health, safety, or welfare.

5.82.070 Penalties

- A. It is unlawful for any person to violate any provision of this chapter or fail to comply with any requirement of this chapter. Whenever an enforcement officer determines that a code violation has occurred, the enforcement officer has the authority to issue an administrative citation to any responsible person.
- B. Any violation of this chapter shall be punished by:
1. An administrative fine not exceeding one hundred dollars (\$100) for a first violation.
 2. An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one year of the first violation.
 3. An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.
 4. Any sidewalk vendor that commits a fourth or subsequent violation of this chapter may have their permit rescinded for the permit's remaining term, or

may have their permit suspended for a period less than the permit's remaining term.

- C. Notwithstanding paragraph (b), above, any sidewalk vendor that operates without first obtaining a valid permit under this chapter shall be punished by:
 - 1. An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.
 - 2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one year of the first violation.
 - 3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year of the first violation.
 - 4. Upon proof of a valid permit issued under this chapter, the administrative fines set forth in this paragraph shall be reduced to the amounts set forth in paragraph (b), above.
- D. Any administrative citation issued under this chapter shall contain the following information:
 - 1. The section of code violated;
 - 2. A description of the violation;
 - 3. The date and location of the violation;
 - 4. The date the administrative citation was issued;
 - 5. The name of the responsible person to whom the administrative citation is issued;
 - 6. The name and signature of the enforcement officer issuing the administrative citation;
 - 7. The amount of any fines imposed by the administrative citation;
 - 8. A description of the appeals process, as provided by section 5.82.050, above; and
 - 9. Notice that, upon request, the City shall make an ability-to-pay determination, as provided by section 1.26.020(A),.
- E. Nothing in this chapter shall be construed to prevent or hinder the ability of the City or any other governmental entity to enforce and require compliance with generally applicable laws, codes, and regulations, including, but not limited to, health and fire codes.

SECTION 2: CEQA. The City Council finds that adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA") under Section 15378 because the activity is not a "project" subject to CEQA. (14 Cal. Code Regs. § 15378.) Section 15378 defines a project as an activity that "has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (14 Cal. Code Regs. § 15378(a).) These measures are not expected to result in any direct or reasonably foreseeable indirect physical change in the environment, and thus adoption of the ordinance is not a "project" under CEQA. Moreover, the city council finds that even if adopting this ordinance were considered a "project," it is exempt from CEQA under State CEQA Guidelines section 15061(b)(3), the "common sense" exemption, because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment. (14 Cal. Code Regs.

§ 15061(b)(3).)

SECTION 3: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: _____

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 21st day of July, 2026, and had its second reading and was adopted and passed during the public meeting of the City Council on the ____ day of ____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

ATTACHMENT 1

Approved as to Form:

Christopher Diaz
Interim City Attorney