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Councilmember

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Patrick Johnson

September 6, 2018

The Honorable Edmund G. Brown
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814
VIA Email: Leg.Unit@gov.ca.gov

RE: SB 946 (Lara) Sidewalk Vendors - Request Veto

Dear Governor Brown,

The City of Vista urges you to veto SB 946 (Lara), which would limit a city's ability to regulate sidewalk vending in a manner that balances all of the competing interests in the community.

Even with recent amendments, SB 946 still goes too far by restricting a local jurisdiction's ability to regulate time, place, manner, and total number of permitted sidewalk vendors to directly related objective health, safety, and welfare concerns. It is not uncommon for a jurisdiction to regulate commercial activity based on factors other than health, safety, and welfare concerns. For example, many jurisdictions appropriately designate certain areas of the community for particular uses such as medical facilities, office buildings, restaurants, bars, and nightclubs. Under the provisions of SB 946, sidewalk vendors would be regulated differently than other entrepreneurs in the community.

The City of Vista fully understands and values the author's and bill sponsor's desire to promote economic activity among those that have had difficulty accessing the formal economy. Striking the right balance between proper regulation and enforcement of sidewalk vending is important. SB 946 as presently drafted strictly limits penalties for violating a local sidewalk vending ordinance to administrative fines that range from \$100 for the first violation to \$1,000 for operating without a valid permit. Jurisdictions are prohibited from imposing infraction or misdemeanor penalties regardless of the number of violations or operating with a rescinded permit. Administrative fines alone may not adequately deter unlawful activity. At some point, jurisdictions need the ability to impose stronger penalties for those that continue to willfully violate a sidewalk vending ordinance.

The City of Vista advocates for efforts that enhance local control of resources, programs and tools that allow the City to address the needs and concerns of its residents, and oppose efforts that preempt local authority. SB 946 narrows the scope of regulations that local governments may apply to sidewalk vendors. For these reasons, the City of Vista respectfully urges you to veto SB 946.

Sincerely,

Judy Ritter, Mayor
City of Vista

cc: Senator Ricardo Lara FAX: (916) 651-4933
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