



SIDEWALK VENDOR ORDINANCE

SUMMARY OF OPERATIONAL AND LOCATIONAL REGULATIONS

Development Services Department • 777 B Street Hayward, CA 94541

<https://www.hayward-ca.gov/services/permits/ab-2011-and-sb-6>

Sidewalk Vendor Regulations - Below is a summary of the operational and locational regulations applicable to sidewalk vendors found in [Chapter 6, Article 16 – Sidewalk Vendors](#) of the Hayward Municipal Code (HMC).

OPERATIONAL REGULATIONS	
1.	<u>Sidewalk Vending Permit Required.</u> It shall be unlawful for any person to operate as a sidewalk vendor or to engage in sidewalk vending activities in the City without first obtaining a sidewalk vending permit.
2.	<u>Display of Sidewalk Vending Permit and Other Licenses/Permits.</u> All sidewalk vendors must display their City-issued sidewalk vending permit and any other licenses issued by other agencies on the street-side portion of their pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance when operating in the public right-of-way.
3.	<u>Hours of Operation in Residential Zoning Districts.</u> Sidewalk vending activities in residential zoning districts may occur only between the hours of 9:00 a.m. and 7:00 p.m.
4.	<u>Hours of Operation in Nonresidential Zoning Districts.</u> Sidewalk vending activities in nonresidential zones will be as restrictive as any limitations on hours of operation imposed on other businesses or uses on the same street, excluding those permitted to operate 24 hours.
5.	<u>Mobile Food Facility Permit for Food Vendors.</u> If applicable, sidewalk vendors shall obtain and maintain a valid Mobile Food Facility (MFF) permit from the Alameda County Department of Environmental Health (ACDEH) during all sidewalk vending activities in the City.
6.	<u>Trash Receptacles Required.</u> Each sidewalk vendor shall provide a trash receptacle for use by its customers and shall ensure proper disposal of customer trash. The trash receptacle must be large enough to accommodate customer trash so that public trash receptacles for use by the general public do not have to be used by customers.
7.	<u>Disposal of Trash in Public Receptacles Prohibited.</u> Sidewalk vendors shall not dispose of customer’s or sidewalk vendor’s trash in trash receptacles for public use.
8.	<u>Cleaning of Materials.</u> All sidewalk vendors shall immediately clean up any food, grease, or other fluid or item related to their sidewalk vending activities that are spilled or discharged on public property. Disposal of trash, food, grease, or other materials to any storm drain, creek, or waterway is prohibited. Vendors shall not dump, drain, or discard any fouled, spoiled, or unused product, which includes draining ice coolers, drink containers, and/or miscellaneous containers on the ground.
9.	<u>Surrounding Sidewalk to be Kept Clean and Free of Debris.</u> All sidewalk vendors are responsible for ensuring that the surrounding sidewalk is kept clean and free of trash and debris associated with their vending operation.
10.	<u>Compliance with Americans with Disabilities Act of 1990.</u> No sidewalk vendor shall vend in a manner that blocks or obstructs the access required by Americans with Disabilities Act of 1990, access to designated loading zones, and access to public utilities. Sidewalk vendors must at all times provide a clearance of not less than four (4) feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices.
11.	<u>Impeding Entries to Buildings Prohibited.</u> A sidewalk vendor operating on any sidewalk or public right-of-way must ensure that no obstruction is placed impeding entry to and exit from a business or residence or access to a public facility.
12.	<u>Prohibited Items for Sale.</u> Sidewalk vending of the following items is prohibited: <ul style="list-style-type: none"> a. Alcoholic beverages; b. Adult-oriented materials, as defined in Section 6-10.02 of the Hayward Municipal Code;

- c. Tobacco, tobacco products, or electronic smoking devices;
- d. Cannabis or cannabis products;
- e. Weapons, including knives, guns, or explosive devices, as defined in Section 3-4.00 of the Hayward Municipal Code;
- f. Items that are not for immediate sale;
- g. Selling or offer to sell services, or engage in or offer to engage in any type of rental activity, including the rental of any goods or services;
- h. Pharmaceuticals; and
- i. Any other merchandise prohibited by federal, state, or local law from being vended.

13. Compliance with City's Noise Standards. Sidewalk vendors shall comply with the noise standards provided in [Chapter 4, Article 1](#) of the Hayward Municipal Code.

14. Use of Propane, Natural Gas, Batteries, Explosive Materials, and Open Flame Prohibited. Consistent with the ACDEH limitations, no pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for sidewalk vending shall contain or use propane, natural gas, batteries, or other explosive or hazardous materials. A sidewalk vendor may not use an open flame on or within any pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non- motorized conveyance used for sidewalk vending.

15. Signage. Any electrical, flashing, wind-powered, or animated freestanding signs are prohibited. Vending equipment may have signs attached to or painted on the vending equipment. The total sign area shall not exceed four square feet.

16. Compliance with All Laws. Sidewalk vendors shall comply with all generally applicable federal, state, and local laws.

LOCATIONAL REQUIREMENTS	MINIMUM DISTANCE
1. Any public property that does not meet the definition of a sidewalk, including, but not limited to, any street, roadway median, pedestrian islands, or bicycle lanes	PROHIBITED
2. City owned property including, but not limited to, parking structures and parking lots, unless otherwise authorized by the City	PROHIBITED
3. In any area that constricts passageway for pedestrians or vehicles to less than minimum required or obstructs traffic signals or regulatory signs	PROHIBITED
4. On any median strip or dividing section within public right-of-way areas	PROHIBITED
5. Within edge of a curb	18 inches
6. From any fire hydrant, driveway or alleyway, or door/emergency exit	15 feet
7. From any mid-block crosswalk or storm drain	20 feet
8. From any bus stop, street corner, or street intersection	25 feet
9. From any emergency facility (fire station, police station, hospital)	100 feet
10. From any public or private school on days when school is in session	100 feet
11. From any farmer's market or special event for the duration of the event	200 feet
12. From any freeway entrance or exit	200 feet
13. Between stationary sidewalk vendors	50 feet
14. Stationary sidewalk vendors vending within a park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire	PROHIBITED
15. From a public park where stationary vendors have not signed an agreement for concessions	100 feet
16. Entering or encroaching onto private property	PROHIBITED