# ORDINANCE NO. XX-26 N.S.

## AN ORDINANCE OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, AMENDING CHAPTER 7.42 OF THE RICHMOND MUNICIPAL CODE RELATING TO SIDEWALK VENDING

**WHEREAS,** the City of Richmond ("City") is authorized by California Constitution, Article XI, Section 7 to make and enforce within its limits all local, police, sanitary and other ordinances and regulations not in conflict with general laws and that serve and protect the health, safety or welfare of the public; and

**WHEREAS,** the California Legislature enacted SB 946, the Safe Sidewalk Vending Act (Government Code Section 51038 et seq.), which decriminalized sidewalk vending statewide and limited local regulation to civil administrative penalties and reasonable time, place, and manner restrictions directly related to objective health, safety, and welfare concerns; and

**WHEREAS,** on July 2, 2024, the City Council adopted Ordinance No. 07-24 N.S. adding Chapter 7.42 to the Richmond Municipal Code to regulate sidewalk vending consistent with State law, establishing requirements including a special business permit, operational and locational standards, food vending provisions, and enforcement protocols; and

**WHEREAS,** on the same date, the City Council adopted a companion resolution establishing fees, fines, and administrative penalties to support program implementation; and

**WHEREAS,** following adoption, City staff initiated a multi-departmental enforcement and outreach effort, including contracting with 4Leaf, Inc. to provide field-based code enforcement and launching the Mobile Vendor Plaza ("The Lot") to provide a permitted and safe location for vendors to conduct business; and

**WHEREAS,** on July 1, 2025, staff presented a program update to the City Council, and the Council directed staff to explore updates to the ordinance, including mechanisms to address site-specific conditions, improve administrative clarity, and ensure alignment with evolving State requirements; and

**WHEREAS,** the California Legislature enacted SB 635, the Street Vendor Business Protection Act, which introduced new requirements related to vendor privacy and administrative processes for sidewalk vending programs; and

**WHEREAS,** in response to Council direction, City staff reviewed policy alternatives, consulted with the City Attorney, and retained outside counsel to evaluate the current ordinance and support the amendment process; and

**WHEREAS,** the proposed amendments reflect staff's experience administering the program, incorporate feedback from Council, legal counsel, and internal stakeholders, and are intended to address operational challenges identified during implementation and to provide a more durable administrative framework for the program; and

**WHEREAS,** a key component of the update is the introduction of a formal waiver process, which allows for limited flexibility in applying operational and location requirements where site-specific conditions warrant, reducing the need for repeated ordinance amendments while maintaining public health and safety protections; and

**WHEREAS,** the amendments also clarify administrative procedures, including permit application requirements, denial and revocation criteria, and appeal processes, and incorporate State-mandated provisions related to ability-to-pay determinations and confidentiality requirements under SB 635; and

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND** does ordain as follows:

**SECTION 1. Amendment of Chapter 7.42**

Chapter 7.42 of the Richmond Municipal Code is hereby deleted in its entirety and shall read as follows:

## Chapter 7.42
## SIDEWALK VENDING

**7.42.010 -** Definitions**.**

As used in this Chapter, the terms listed below shall have the following meaning assigned to them:

"Cart" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance.

"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.

"Enforcement Officer" means any City employee or agent of the City with authority to enforce any provision of this Code and tasked with enforcement duties under this Chapter.

"Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

"Sidewalk vendor" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path. Sidewalk vendors include roaming sidewalk vendors and stationary sidewalk vendors.

"Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.

"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.

"Vend" or "vending" means operating as a sidewalk vendor.

**7.42.020 - Applicability and enforcement.**

(a) Applicability. The requirements of this Chapter shall not apply to the following persons:

(1) Persons delivering goods, wares, merchandise, or food upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution.

(2) Persons selling goods, wares, merchandise, or food from a motorized vehicle, including food trucks.

(b) Enforcement. The requirements of this Chapter shall be enforced by enforcement officers from various City departments as designated by the City Manager, which may include (but not be limited to) designated officers from Public Works and Police. Enforcement procedures include performing regular inspections of vending locations, applying criteria for assessing violations, ensuring ADA compliance, and maintaining public safety, and coordinating with other departments to streamline enforcement procedures and share data.

**7.42.030 - Business license and special business permit required.**

(a) No person shall operate as a sidewalk vendor without first obtaining, and at all times maintaining, a valid City business license in accordance with Chapter 7.04 of this article, and complying with all requirements of the business license, unless such person qualifies for an exemption under Chapter 7.04 of this article.

(b) No person shall operate as a sidewalk vendor without first obtaining, and all times maintaining, a special business permit in accordance with this Chapter and complying with all requirements of the permit.

(c) The special business permit shall be valid for one year unless revoked or suspended prior to expiration. An application to renew a special business permit under this Chapter shall be made not less than 90 days prior to the expiration of the current permit. A valid business license shall be applied for or renewed concurrently with the special business permit each year.

(d) A separate business license and special business permit shall be required for each cart.

**7.42.040 - Permit procedures.**

(a) Application for Special Business Permit. An application for a special business permit for sidewalk vending shall be submitted to the Finance Department and include all of the following, to the extent applicable:

(1) The name, address, and telephone number of the applicant and each person who will operate the cart.

(2) A photo identification of the applicant and each person who will operate the cart.

(3) A description of the cart, including the dimensions of the cart, and a photograph of the cart.

(4) A complete list of the food or merchandise to be sold.

(5) If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal.

(6) The vendor's California seller's permit number (California Department of Tax and Fee Administration sales tax number).

(7) A copy of the City of Richmond business license obtained pursuant to Chapter 7.04 of this article.

(8) A copy of any license or permit required from any other State or local agency that is required by law, including, but not limited to, a copy of any required permit from the County Health Department, if required.

(9) A certification by the applicant that to his or her knowledge and belief, the information contained in the application is true and that the applicant is aware of their duties provided under this Chapter.

(10) A list of locations within the City that the sidewalk vendor primarily plans to operate.

(11) A certification that the applicant's proposed operations will comply with both the sidewalk vending operational requirements as set forth in Section 7.42.060 and location requirements set forth in Sections 7.42.070 and 7.42.080. If the applicant believes minor deviations from these requirements are necessary to conduct the applicant's proposed vending operations, an application for waiver as set forth in Section 7.42.040(b) below shall be submitted with the special business permit application in lieu of such certification.

(12) A statement indicating that the sidewalk vendor will indemnify, release, and hold harmless the City from any claims arising from the sidewalk vendor's operations, which shall be a condition to obtaining the special business permit necessary for operation.

(b) Application for Waiver. As part of the City's efforts to accommodate minor deviations from operational and location requirements, an applicant may apply for a waiver of such requirements provided that the waiver request meets the following standards.

(1) Applicability. Waiver requests may only be granted for certain minor deviations from the operational requirements as set forth in Section 7.42.060 and location requirements set forth in Sections 7.42.070 and 7.42.080, which have been determined to be compatible with the purpose of this Chapter and are not deemed critical to protecting the public health and safety. Waivers may be granted for the following requirements:

(i) Up to a two-hour extension on the time restrictions set for operating in residential zones as established in Section 7.42.060(d), provided that such operations occur between sunrise and sunset.

(ii) Exceeding the total footprint of the cart allowable as established in Section 7.42.060(e), provided such cart does not obstruct the public right-of-way and maintains compliance with applicable ADA accessibility requirements, including minimum clear path-of-travel standards.

(iii) Approval to utilize an additional structure not permitted as established in Section 7.42.060(f).

(iv) Approval to utilize additional signage not permitted as established in Section 7.42.060(o).

(v) Approval to operate not more than 5 feet closer to an entrance or emergency exit of a building during operating hours as set forth in Section 7.42.070(c).

(vi) Approval to operate not more than 5 feet closer to a transit stop as set forth in Section 7.42.070(e).

(vii) Approval to operate not more than 50 feet closer to the nearest vendor or concessionaire participating in a certified farmers' market or swap meet during the operating hours as set forth in Section 7.42.070(j).

(viii) Approval to operate not more than 20 feet closer to a City-permitted special event as set forth in Section 7.42.070(k).

(ix) Approval to operate not more than 50 feet closer to the property line of any public or private school as set forth in Section 7.42.070(l).

(x) Approval to vend not more than 20 feet closer to another stationary sidewalk vendor as set forth in Section 7.42.070(p).

(xi) Approval to vend not more than 20 feet closer to another outdoor vendor as set forth in Section 7.42.070(q).

(xii) Approval to vend not more than 10 feet closer to any statue, monument, memorial, art installation, or fountain as set forth in Section 7.42.080(e).

(2) Application. An application for a waiver shall be submitted to the Finance Department concurrently with the application for the special business permit and include all of the following, to the extent applicable:

(i) A description of the requested waiver including a reference to the section of this Chapter providing such waiver is available.

(ii) A statement describing the detriment of the requirement and information describing why the waiver is necessary for the applicant's proposed operations.

(iii) A statement, data or other evidence explaining why the findings necessary to grant the waiver, set forth in Section 7.42.040(b)(3) (Required Findings), are satisfied.

(iv) All fees associated with the waiver application as set forth by resolution of the City Council.

(3) Required Findings. Upon the Finance Department's receipt of a waiver application, the Finance Department shall consult with the Public Works Department or other appropriate departments, as necessary, to evaluate whether the

required findings necessary to approve the waiver have been satisfied. The decision to grant a waiver must be based on the following findings:

(i) The waiver is necessary due to the physical characteristics of the proposed cart, proposed location for operation, proposed use or structure or other circumstances necessary to conduct the vending operations including, but not limited to, the type of equipment needed to produce the product, irregular property boundaries, or other unusual circumstance(s).

(ii) The granting of the requested waiver will not be detrimental to the health or safety of the public. Such determination shall be made in accordance with objective criteria developed, maintained and applied by the City's Public Works Department.

(iii) The scope of the waiver is limited to facilitate the proposed use and compliance with the scope can be easily measured.

(iv) The detriment to the sidewalk vendor directly relates to their ability to conduct proposed operations and there are limited available alternatives existing that are compatible with the regulations of this Chapter.

(v) Supplemental studies or analysis by City staff including the City's Engineer show that the request is compliant with safety and operational standards such that the health or safety of the public is not negatively impacted.

(4) Conditions of Approval. The Finance Department has the authority to impose reasonable conditions that are related and proportionate to what is being requested by the applicant, as deemed necessary and appropriate by the Finance Department in its sole discretion to ensure that the public health and safety and purpose of this Chapter is upheld. These conditions shall be developed based on the Finance Department's consultation with the Public Works Department or other appropriate departments as described in Section 7.42.040(b)(3).

(c) Denial and Revocation. A special business permit application or waiver application may be denied, revoked, or not renewed by the finance department for any of the following:

(1) The applicant knowingly made any false, misleading, or fraudulent statements of material fact in the application for the permit.

(2) The application was incomplete.

(3) The sidewalk vendor failed to notify the finance department within 15 calendar days of any changes to the facts provided in the special business permit application after the issuance of the permit.

(4) Repeated failure of the sidewalk vendor to comply with the regulations set forth in this Chapter as determined by the finance department based on evidence provided to it by enforcement officers. Such repeated failure shall mean more than three violations of this Chapter within a six-month time period.

(5) If the application is for the renewal of a special business permit, the sidewalk vendor must pay all outstanding administrative fines for violations of this Chapter before the special business permit will be renewed.

(6) If the application is for a waiver, it was determined that the required findings set forth in Section 7.42.040(b)(3) were not met.

(7) If the application is for a waiver, it was determined that the conditions of approval were not complied with based on evidence provided by enforcement officers.

(d) Notice. Written notice of the Finance Department's decision setting forth the grounds for the decision and any conditions of approval shall be provided to the sidewalk vendor and served in writing. The notice shall advise the sidewalk vendor of the right to file a written appeal.

(e) Appeal. Any applicant who is aggrieved by the determinations of the finance department relating to denial, revocation, or conditioning of applications may appeal such

decision to City Manager or their designee within ten calendar days after issuance of the notice. To seek an appeal, the applicant must submit a written request for a hearing with a statement setting forth the reasons why the decision did not merit any of the grounds established in Section 7.42.040. If the City Manager or their designee does not receive a request within the required period, the right to a hearing is waived and the determination is deemed confirmed and final. If a timely request is received, the City will set a hearing. Written notice of the date, time, and location of the hearing will be provided by the City at the service address provided in the application for special business permit before the hearing. Failure to receive written notice of the hearing does not invalidate the determination or any hearing. The hearing will be conducted within a reasonable time of being set.

**7.42.050 - Confidentiality.**

Notwithstanding any other requirement in this Code, an applicant for a business license or special business permit to operate as a sidewalk vendor shall not be required to submit a social security number for the issuance of such license or permit. In lieu of an otherwise required social security number, the City shall accept a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number. Identification numbers submitted under this section shall not be made available to the public for inspection, shall be treated as confidential, and shall not be disclosed except as required to administer the license or permit program or to comply with a State law or state or federal court order.

All information requested, collected, or shared shall be in accordance with State law including the provisions of the Street Vendor Business Protection Act.

**7.42.060 - Operational requirements.**

(a) Each cart used by a sidewalk vendor must display a valid special business permit as specified by City standards, which shall be made available by the City. If the sidewalk vendor has obtained a waiver, the waiver must be displayed on each cart subject to the waiver.

(b) All sidewalk vendors shall comply with the terms and conditions of the special business permit and shall not sell any food or merchandise that was not listed in the special business permit application. If the sidewalk vendor has obtained a waiver, the sidewalk vendor must comply with the terms, scope, and all conditions placed on the waiver.

(c) No stationary sidewalk vendor may operate in any residential zone; however, roaming sidewalk vendors shall not be prohibited from operating in such zones.

(d) In order to preserve the peace, safety, and tranquility of residential neighborhoods, no roaming sidewalk vendor may operate in any residential zone earlier than 8:00 a.m. or later than 30 minutes before sunset.

(e) In order to prevent obstructions of the public right-of-way, the total display area footprint of the cart, including the cart itself and any accompanying display, signage, or related items, shall not exceed a length of 72 inches, a width of 54 inches, or a height, including roof, awning, or canopy, of 78 inches.

(f) In order to prevent obstructions of the public right-of-way, no sidewalk vendor may set up or allow the use of an additional structure, including a table, crate, carton, or rack, to increase the selling or display capacity of the cart unless such items are explicitly allowed in the special business permit obtained by the sidewalk vendor. No sidewalk vendor may set up any customer seating areas.

(g) In order to preserve sanitary conditions in all public rights-of-way, all sidewalk vendors shall provide a trash receptacle for customers and must ensure proper disposal of customer and vendor trash. The trash receptacle must be large enough to accommodate customer trash without resort to existing trash receptacles located on any block for use by the general public. A sidewalk vendor may not dispose of customer trash in existing trash receptacles on sidewalks.

(h) In order to preserve sanitary conditions in all public rights-of-way, all sidewalk vendors shall maintain a clean and trash-free area, including a sanitized and neat appearing cart,

within a ten-foot radius around the vendor's cart during hours of operation and shall ensure that such area is clean and trash-free before relocating or closing.

(i) In order to prevent damage to public property and prevent obstructions of the public right-of-way, no cart may be chained or fastened to any pole, sign, tree, or other object in the public right-of-way.

(j) In order to preserve the safety of the public, and prevent misuse of carts, no cart may be left unattended at any time.

(k) In order to preserve the safety of the public, to prevent misuse of carts, and to prevent obstructions of the public right-of-way, no cart may be stored, parked, or left overnight on any public street or right-of-way, or in any public park or other public property.

(l) In order to preserve the safety of vehicular travelers, no sidewalk vendor may solicit business from or conduct business with persons in motor vehicles.

(m) In order to preserve the safety of vehicular travelers and pedestrians, and to preserve public peace and welfare, no cart may be outfitted with any equipment, signage, or mechanism that endangers or detracts from the health, safety, or welfare of the public by causing an excessive distraction to motorists or interfering with nearby residences, business, or pedestrians including, but not limited to, sound amplification, flashing lights, smoke, steam, bubbles, gas-powered generators, or excessive fumes.

(n) In order to preserve the safety of vehicular travelers and pedestrians, any cart operated before sunrise or after sunset, or in location with insufficient lighting, shall be equipped with sufficient lighting or reflectors to alert pedestrians and vehicular travelers to the presence of the cart.

(o) In order to prevent obstructions of the public right-of-way, all signage related to the vending operation shall be affixed to the cart.

(p) In order to preserve sanitary conditions in all public rights-of-way, 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. 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.

(q) In order to preserve the safety of the public, all sidewalk vendors shall not use an open flame on or within any cart. Any sidewalk vendor using cooking equipment shall have a fire extinguisher. Propane, natural gas, or butane cylinder tanks must be 20-gallon tanks or less, stored in an upright position during use and positioned in such a way to prevent falling, tipping, and tampering, be properly ventilated, and must contain a shut-off valve and a pressure regulator, having a hose of a type approved for use by the manufacturer with the equipment.

**7.42.070 - Location of carts.**

In order to ensure access to public rights-of-way by pedestrians and emergency personnel, and avoid interference with vehicular traffic, certified farmers' markets, swap meets, and City-permitted special events, sidewalk vendors shall not operate in the following areas of the public right-of-way:

(a) Any area other than a public sidewalk or pedestrian path.

(b) Within 15 feet of a fire hydrant, fire call box, or other emergency facility.

(c) Within ten feet of an entrance to or emergency exit of any building or business during the hours that the building or business is open to the public.

(d) Within ten feet of the outer edge of a driveway or driveway apron.

(e) Within ten feet of a transit stop.

(f) Adjacent to any marked loading zone.

(g) Within five feet of a curb return.

(h) Any location that would impede entering or exiting a parked vehicle.

(i) Any location that impedes the flow of pedestrian traffic by reducing the clear space to less than four feet or impedes access to or the use of abutting property, including, but not limited to, residences and places of business.

(j) Within 100 feet in any direction of the nearest vendor or concessionaire participating in a certified farmers' market or swap meet during the operating hours of the certified farmers' market or swap meet unless vendor has received a permit to vend as part of the certified farmers' market or swap meet.

(k) Within 100 feet of a City-permitted special event including, but not limited to, parades, concerts, and movie filmings, unless vendor has received a permit to vend as part of the event. For moving events, vending shall be prohibited within 100 feet of any portion of the approved event route. For stationary events, vending shall be prohibited within 100 feet of the parcel and/or site boundary for the location of the event.

(l) Within 300 feet of the property line of any public or private school grounds between 7:00 a.m. and 6:00 p.m. on school days, and while the same is in use, including for afterschool childcare, enrichment classes and sports.

(m) Upon or within any roadway, median strip, or dividing section.

(n) Any public sidewalk location when the straight path would not allow for 48 inches, or as the law updates, of clear width walking space of any sidewalk to be in compliance with Americans with Disabilities Act (ADA) regulations.

(o) Any public sidewalk where there is a 180 degree turn path for sidewalk ramps and corner curbs when the location would not allow for 42 inches approaching the turn, 48 inches at the turn, and 42 inches leaving the turn, or as the law updates, of clear width walking space of any sidewalk to be in compliance with ADA regulations.

(p) Stationary sidewalk vendors shall not vend within 150 feet of another stationary sidewalk vendor.

(q) Stationary sidewalk vendors shall not vend within 150 feet of any permitted outdoor vendor (mobile food vendor) as described in Section 15.04.610.320.

(r) Sidewalk vendors are prohibited from entering or encroaching onto private property while engaging in sidewalk vending activities.

**7.42.080 - Special requirements for vending in City parks.**

Sidewalk vendors vending in parks must comply with all application regulations in this Chapter as well as the following additional requirements:

(a) No stationary sidewalk vendor may operate in a City-owned or City-operated park if the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.

(b) No stationary sidewalk vendor may sell or offer for sale any merchandise, article or thing of any kind or nature, including professional services, except in accordance with a sidewalk vending permit issued in accordance with Chapter 7.42, or pursuant to an agreement approved by the City Council.

(c) Sidewalk vendors shall stop vending upon the designated closing time of the park.

(d) Vending is permitted between 8:00 am and sunset in parks where there is no designated closing time.

(e) Sidewalk vendors shall not vend within 25 feet of any statue, monument, memorial, art installation, or fountain.

**7.42.090 - Special requirements for the sale of food.**

All sidewalk vendors that prepare or sell food must be in compliance with all county and State permitting and licensing requirements for the preparation or sale of food.

**7.42.100 - Penalties.**

For purposes of this section, "sidewalk vending program" refers to the provisions of Sections 7.42.060 through 7.42.090, inclusive, and the requirement to obtain a special business permit pursuant to Section 7.42.030(b).

(a) A violation of any provision in Sections 7.42.060 through 7.42.090, inclusive, may only be punished by the following:

(1) An administrative fine not exceeding $100.00 for a first violation.

(2) An administrative fine not exceeding $200.00 for a second violation within one year of the first violation.

(3) An administrative fine not exceeding $500.00 for each additional violation within one year of the first violation.

(4) Rescission of the sidewalk vendor's special business permit for the term of that permit upon the fourth violation or subsequent violations.

(b) Vending without a special business permit may be punished by the following:

(1) An administrative fine not exceeding $250.00 for a first violation.

(2) An administrative fine not exceeding $500.00 for a second violation within one year of the first violation.

(3) An administrative fine not exceeding $1,000.00 for each additional violation within one year of the first violation.

Upon proof of a valid special business permit, an administrative fine imposed under Section 7.42.100(b) shall be reduced to the respective administrative fine set forth in Section 7.42.100(a).

(c) No other fines, fees, assessments, or financial conditions shall be imposed for violation of the sidewalk vending program other than those imposed by Sections 7.42.100(a) and (b).

(d) Notwithstanding any other provision of this Code, neither a violation of the sidewalk vending program as codified in Sections 7.42.060 through 7.42.090, inclusive, nor a failure to pay an administrative fine, imposed by Section 7.42.100(a) or (b) shall be punishable as an infraction or misdemeanor.

(e) The appeal, advance deposit hardship waiver, and hearing provisions set forth in Chapter 2.62 shall apply. If the administrative fine is upheld by the hearing officer, this shall not limit the ability to request an ability-to-pay determination as set forth in 7.42.100(f).

(f) Any person who receives an administrative fine under Section 7.42.100(a) or (b) shall have the right to request an ability-to-pay determination.

(1) The enforcement officer shall give any such person written notice of his or her right to request an ability-to-pay determination as well as instructions and other materials for requesting an ability-to-pay determination at the time that the administrative fine citation is issued. Additionally, information relating to the procedure for submitting a request for an ability-to-pay determination is available on the City's website.

(2) Application. To be considered for an ability-to-pay determination, the application form must be complete, signed, and must be accompanied by documents that enable the City to reasonably determine whether such person meets the criteria described in subdivision (a) or (b) of Section 68632 of the Government Code. All information collected, stored, and reviewed pursuant to this request will be consistent with State law regarding sidewalk vendor privacy and in compliance with Section 7.42.050. The request shall indicate whether a reduction in the fine amount or the ability to complete community service in lieu of the fine is desired.

(3) Timing. An ability-to-pay determination may be requested at any time following the issuance of the administrative fine citation until the fine is paid, including when payment of the fine is delinquent or has been referred to a collection program.

(4) Determination. Within 30 days after receipt of a request for an ability-to-pay determination, the City Manager or their designee shall determine whether such person meets the criteria described in subdivision (a) or (b) of Section 68632 of the Government Code. If the person meets the criteria described in subdivision (a) or

(b) of Section 68632 of the Government Code, the City shall reduce the fine to 20 percent of the amount of the fine originally imposed. Alternatively, if requested, the City Manager may, in their discretion, allow a person who receives an administrative fine under Section 7.42.100(a) or (b) to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition. The determination of the City Manager or his or her designee shall be final.

(5) Notice. Notice of the determination shall be provided at the address provided to the City in the application for special business permit.

(g) Nothing in the Chapter shall be construed to limit the City's ability to enforce, or remedies for enforcing, laws of general applicability or other provisions of this Code against sidewalk vendors, or to take any other enforcement actions against sidewalk vendors that are not prohibited by state or federal law, or which are allowed by this Code.

**SECTION 2. Inconsistent Provisions.**

Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

**SECTION 3. Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, the remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase of this Ordinance irrespective of the unconstitutionality or invalidity of any section, subsection, paragraph, sentence, clause or phrase.

**SECTION 4. Effective Date.**

All applications filed after or pending upon the date of final passage and adoption of this Ordinance shall be subject to this Ordinance. This Ordinance becomes effective thirty (30) days after its final passage and adoption.

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First introduced at a regular meeting of the City Council of the City of Richmond held on _____, 2026, and finally passed and adopted at a regular meeting held on _____, 2026, by the following vote:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:
EDUARDO MARTINEZ
Mayor

Approved as to form:
SHANNON MOORE
Interim City Attorney

State of California }
County of Contra Costa :ss.
City of Richmond }

I certify that the foregoing is a true copy of **Ordinance No. XX-26 N.S.,** passed and adopted by the City Council of the City of Richmond at a regular meeting held on _____, 2026.

_____
Pamela Christian, Clerk of the City of Richmond