

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
411 West Ocean Boulevard, 9th Floor  
Long Beach, CA 90802-4664

1 RESOLUTION NO. RES-22-0072

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH TO IMPLEMENT A CITYWIDE  
5 ENFORCEMENT MODEL THAT PRIORITIZES  
6 EDUCATION AND OUTREACH FOR SIDEWALK FOOD  
7 VENDORS OPERATING WITHOUT A HEALTH PERMIT  
8 WHILE RESERVING THE RIGHT TO ENFORCE  
9 VIOLATIONS OF THE CALIFORNIA RETAIL FOOD CODE  
10 THAT THREATEN THE HEALTH, SAFETY, AND  
11 WELFARE OF INDIVIDUALS PATRONIZING SUCH  
12 VENDORS

13  
14 WHEREAS, on September 17, 2018, Governor Brown signed into law  
15 Senate Bill (SB 946), also known as the Safe Sidewalk Vending Act; and

16 WHEREAS, SB 946 decriminalized sidewalk vending statewide and  
17 established parameters for how sidewalk vending may be enforced by local jurisdictions;  
18 and

19 WHEREAS, sidewalk vending of food promotes important  
20 entrepreneurship and economic development opportunities to low income and  
21 immigrant communities; and

22 WHEREAS, the City currently does not enforce the provisions of Long  
23 Beach Municipal Code (LBMC) relating to peddlers and sidewalk vendors, including the  
24 requirement that such vendors obtain a City business license, because such provisions  
25 currently prohibit or limit the activities of sidewalk vendors, which places the LBMC in  
26 conflict with SB 946; and

27 WHEREAS, the City may enforce provisions of the California Retail Food  
28 Code as it pertains to sidewalk food vendors operations, including, but not limited to,

1 related to food handling and preparation, to ensure the health, safety, and welfare of  
2 individuals patronizing such vendors continue to be protected; and

3 WHEREAS, changes to the California Retail Food Code are necessary for  
4 the City to implement local regulations that support small-scale sidewalk food vending  
5 and that lower barriers for sidewalk food vendors to operate legally; and

6 WHEREAS, while the City advocates for changes to the California Retail  
7 Food Code, the City Council desires to implement an enforcement model that prioritizes  
8 education and outreach to vendors operating without a City health permit; and

9 WHEREAS, where such education and outreach efforts do not on their  
10 own gain compliance for vendors operating without a City health permit, the City may  
11 issue civil, administrative, and/or criminal citations to those vendors who refuse to  
12 obtain a City health permit; and

13 WHEREAS, since the City's primary goal is to ensure the public health  
14 and safety remain protected through compliance by sidewalk food vendors of the  
15 California Retail Food Code, the City may continue to issue administrative, civil, and/or  
16 criminal citations for sidewalk food vendors violating the California Retail Food Code for  
17 violations that threaten the health, safety, and welfare of individuals patronizing such  
18 vendors;

19 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
20 follows:

21 Section 1. Unless and until the State amends the California Retail Food  
22 to support the operation of small-scale sidewalk food vendors, the City of Long Beach will  
23 engage in outreach and education efforts prior to taking any enforcement action,  
24 including, but not limited to, administrative, civil, and/or criminal enforcement actions,  
25 against a sidewalk food vendor who does not hold a City health permit to operate. If a  
26 sidewalk food vendor fails to obtain a City health permit after outreach and education  
27 efforts by the City, the City may take enforcement action against the noncompliant vendor  
28 to ensure the health, safety, and welfare of individuals patronizing such vendors is

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1 protected.

2 Section 2. The City may continue to take enforcement action, including,  
3 but not limited to, administrative, civil, and/or criminal enforcement actions, for sidewalk  
4 food vendors violating the California Retail Food Code related to food handling, storage,  
5 and preparation as such violations that threaten the health, safety, and welfare of  
6 individuals patronizing such vendors.

7 Section 3. This resolution shall take effect immediately upon its adoption  
8 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

9 I hereby certify that the foregoing resolution was adopted by the City  
10 Council of the City of Long Beach at its meeting of May 10, 2022, by the  
11 following vote:

12  
13 Ayes: Councilmembers: Zendejas, Allen, Mungo, Saro,  
14 Uranga, Richardson.  
15 \_\_\_\_\_  
16 \_\_\_\_\_

17 Noes: Councilmembers: None.  
18 \_\_\_\_\_  
19 \_\_\_\_\_

20 Absent: Councilmembers: Price, Supernaw, Austin.  
21 \_\_\_\_\_  
22 \_\_\_\_\_

23 Recusal(s): Councilmembers: None.  
24 \_\_\_\_\_  
25 \_\_\_\_\_

26  
27  
28  
  
City Clerk