

ORDINANCE NUMBER O- 21578 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 14 2022

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 1,
DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 141.0619 RELATING TO PUSHCARTS
AND SIDEWALK VENDORS.

WHEREAS, on May 17, 2022, the San Diego City Council approved two ordinances—
one to regulate sidewalk vending throughout the City of San Diego (Sidewalk Vending
Ordinance) and the other to repeal provisions of the San Diego Municipal Code (Municipal
Code) that regulated pushcarts in the public right-of-way (Pushcart Ordinance); and

WHEREAS, the Pushcart Ordinance is subject to California Coastal Commission
(Coastal Commission) approval as an amendment to the Local Coastal Program; and

WHEREAS, Coastal Commission staff has requested that the City amend the Pushcart
Ordinance to include a reference to sidewalk vendors to ensure public access to the shoreline;
NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 14, Article 1, Division 6 of the San Diego Municipal Code is
amended by amending section 141.0619, to read as follows:

§141.0619 Pushcarts on Private Property and Sidewalk Vendors

This Section regulates pushcarts on private property and Sidewalk Vendors.

Pushcarts are moveable, wheeled, non-motorized vehicles used by vendors for the
sale of food or beverage products, fresh-cut flowers, or live plants in pots.

Pushcarts are a health-regulated business subject to Section 42.0102. For purposes
of this section, Sidewalk Vendor has the same meaning as in San Diego
Municipal Code Section 36.0102.

(a) Pushcarts on Private Property

Pushcarts are permitted on private property as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (1) Pushcarts are not permitted in required *yards*, required landscape areas, or required parking areas.
- (2) Pushcarts shall not exceed 4 feet in width, not including wheels; 8 feet in length, including handles; and 6 feet in height, not including canopies, umbrellas, and transparent enclosures.
- (3) Pushcart operators shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.
- (4) The price of items sold shall be posted on the pushcart and shall be clearly legible.

(b) Sidewalk Vendors

Sidewalk Vendors shall not interfere with public access to the shoreline, as identified in *land use plans* that are part of the certified *Local Coastal Program*.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance applicable inside the Coastal Overlay Zone, which are subject to Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 4. That San Diego Ordinances O-2022-1 (Transit Priority Area Non-Residential Parking); Ordinance O-2022-17 (Airport Amendments); O-2022-34 (Spaces as Places); O-2022 36, O-2022-37, and O-2022-48 (Barrio Logan Community Plan Update); and O-2022-59 and O-2022-60 (2021 Municipal Code Update) have been recently considered by the City Council, all of which amend Municipal Code sections also amended by this ordinance; therefore, the City Clerk, with the written approval and concurrence of the City Attorney, is authorized to reconcile the numbering of sections and placement of text within these sections upon the final passage of the ordinances, without further action by the City Council, pursuant to San Diego Charter section 275.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Ken So
Ken So
Chief Deputy City Attorney

KRS:cm
August 31, 2022
Or. Dept: Council District - 2
Doc. No. 3079848

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 06 2022.

ELIZABETH S. MALAND
City Clerk

By Kristen Tudor
Deputy City Clerk

Approved: 12/14/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

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 including canopies, umbrellas, and transparent enclosures.

(e3) Pushcart operators shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.

(d4) The price of items sold shall be posted on the pushcart and shall be clearly legible.

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KRS:cm
August 31, 2022
Or. Dept: Council District - 2
Doc. No. 3079849

Passed by the Council of The City of San Diego on DEC 06 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 14 2022

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 14 2022

DEC 14 2022

, and on _____.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

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