

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2021-006

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
ADOPTING A SIDEWALK VENDING APPLICATION FEE AND SIDEWALK VENDING PERMIT
RENEWAL FEE**

WHEREAS, on September 18, 2018, Governor Brown signed into law Senate Bill ("SB") 946, which adopts state law that imposes limits on how local authorities, including cities, may regulate sidewalk vending. SB 946 is codified in Government Code 51036 and following; and

WHEREAS, among other things, SB 946 limits city regulation of sidewalk vending to restrictions that are directly related to objective health, safety, or welfare concerns and prohibits punishment for street vending-related violations unless it is through a civil fine; and

WHEREAS, as a result, on January 8, 2019, the City Council adopted Urgency Ordinance 2018-006, and established a sidewalk vending program (Chapter 12.46 of the municipal code) that provided regulations that directly related to the objective health, safety, and welfare of the City, and consistent with state law. The Urgency Ordinance was extended and currently expires on March 1, 2021. The City desires to ratify, amend and restate, Chapter 12.46 of the municipal code, and make the sidewalk vending program permanent; and

WHEREAS, on December 15, 2020, the City Council introduced regular Ordinance No. 2020-009 amending and restating Chapter 12.46 (Sidewalk Vending Program) to make the sidewalk vending program permanent. The second reading of the regular Ordinance is on the City Council agenda for adoption January 5, 2021. If adopted, the regular Ordinance would take effect 30 days thereafter. Also on December 15, 2020, the City Council adopted Urgency Ordinance No. 2020-008 with the same regulations that are included in the regular Ordinance.

WHEREAS, the City wishes to comply with both the letter and the spirit of Article XIII B of the California Constitution and limit the growth of taxes; and,

WHEREAS, the intent of the sidewalk vending application fee and sidewalk vending permit renewal fee is to review the relationship between fees/charges and the cost of providing services in accordance with City Financial Policies (Policy C94-01); and

WHEREAS, pursuant to Government Code Section 66016, the specific fees to be charged for services must be adopted by the City Council by Resolution, after providing notice and holding a public hearing; and,

WHEREAS, a notice of public hearing has been published in the Carmel Pine Cone on December 25, 2020 per California Government Code Section 6062a, oral and written presentations made and received, and the required public hearing held on January 5, 2021.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES HEREBY:

Section 1. Fee Schedule Adoption. The following schedule of fees and charges are hereby directed to be computed by and applied by the various City departments, and to be collected by the City Finance Department for the herein listed special services when provided by the City or its designated contractors.

Section 2. Separate Fee for Each Process. All fees set forth by this resolution are for each identified process; additional fees shall be required for each additional process or service that is requested or required. Where fees are indicated on a "per unit" of measurement basis, the fee is for each identified unit or portion thereof within the indicated ranges of such units.

Section 3. Listing of Fees. The following fees shall be charged and collected for the following enumerated services:

Sidewalk Vending Application Fee: \$425.00

Sidewalk Vending Permit Renewal Fee: \$210.00

Section 4. Interpretations. This Resolution may be interpreted by the City department heads in consultation with the City Administrator and, should there be a conflict between two fees, the lower in dollar amount of the two shall be applied.

A. It is the intention of the City Council to review the fees and charges as determined and set out herein based on the City's next Annual Budget and all the City's costs reasonably borne as established at that time and, as and if warranted, to revise such fees and charges based thereon.

Section 5. Constitutionality. If any portion of this Resolution is declared invalid or unconstitutional, it is the intention of the City Council to have passed the entire Resolution and all its component parts, and all other sections of this Resolution shall remain in full force and effect.

Section 6. Repealer. All resolutions and other actions of the City Council in conflict with the contents of this Resolution are hereby repealed.

Section 7. Effective Date. This Resolution shall go into full force and effect on February 22, 2021.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 5th day of January, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Britt Avrit, MMC
City Clerk