

MEMORANDUM

Date: May 15, 2026
To: Mayor and City Council
From: Gerry Beaudin, City Manager 
Ellen Clark, Director of Community and Economic Development
Mark Dennis, Senior Code Enforcement Officer
Subject: Unpermitted Sidewalk Vendors

This memorandum is provided in response to community and City Council inquiries regarding enforcement activity for unpermitted food vending operations, including an unpermitted taco stand operating on the sidewalk on Santa Rita Road near Chase Bank. It summarizes the City's enforcement history at this location, describes the state and local regulatory framework governing sidewalk vending, outlines the practical and legal constraints staff face in pursuing compliance, and describes the City's ongoing approach.

1. Enforcement Activity

Staff has been aware of the Santa Rita vendor since at least spring 2025 and has conducted enforcement actions on six occasions over approximately 12 months. The vendor does not hold a City sidewalk vending permit, a County mobile food facility permit, or a City business license. Under the City's sidewalk vending regulations (Pleasanton Municipal Code Chapter 6.38), a valid County health permit is a prerequisite to obtaining a City vending permit; accordingly, the vendor is non-compliant at both levels.

The following summarizes enforcement efforts to date:

Code Enforcement Actions (City Only)

- April 10, 2025 – Vendor directed to cease operations by Code Enforcement Officer.
- May 8, 2025 – Vendor directed to cease operations by Code Enforcement Officer.
- June 5, 2025 – Vendor directed to cease operations by Code Enforcement Officer.
- July 2, 2025 – Vendor directed to cease operations by Code Enforcement Officer.

Joint Enforcement Actions (City and Alameda County Environmental Health)

- September 18, 2025 – Joint inspection conducted. Vendor shut down; food confiscated by Alameda County Environmental Health.
- April 8, 2026 – Joint inspection conducted. Vendor shut down; food and small appliances/utensils confiscated by Alameda County Environmental Health.

No citations have been issued, since, as described below, under State law the City cannot compel the vendor to provide identification, meaning there is no practical way to enforce or collect a fine.

Despite these interventions, the vendor has continued to return and resume operations. This is consistent with patterns documented in many jurisdictions, where, due to lack of enforcement options, vendors simply return to the same location or re-establish in a new area.

Staff notes that there have been other, more successful code enforcement efforts for unlicensed vendors, including at another location on Santa Rita, one at Stoneridge Drive/Johson Drive, one at West Las Positas/Hopyard, and at the former Walmart Neighborhood Market and the Safeway on Santa Rita Road. In these cases, individual vendors have not returned following an enforcement visit.

2. Regulatory Framework

State Law: SB 946, SB 972, and SB 635

The City's enforcement options are substantially shaped by State law. In 2018, the Legislature enacted Senate Bill 946 (the Safe Sidewalk Vending Act), which decriminalized sidewalk vending statewide and preempted local ordinances that impose criminal penalties for vending violations. The Act's stated intent was to expand economic opportunity for low-income and immigrant communities and to remove the risk of criminal prosecution – and its attendant immigration consequences – from municipal code enforcement. Key provisions governing local enforcement authority include:

- Local jurisdictions may not ban sidewalk vending outright on public sidewalks. Restrictions must be time, place, and manner regulations directly tied to objective health, safety, or welfare concerns.
- Violations are punishable only by administrative fines – not criminal charges. Maximum fines are \$250 (first offense), \$500 (second), and \$1,000 (subsequent) within a one-year period for vending without a permit. Vendors are entitled to ability-to-pay reductions.
- Vendors cannot be compelled to provide identification at the time of citation, limiting the City's ability to establish identity and serve formal legal process. Because there is no criminal consequence, vendors face limited deterrents.

In 2022, SB 972 created a new Compact Mobile Food Operations (CMFO) framework, aligning food vending with updated California Retail Food Code provisions. Food safety enforcement authority under this framework rests primarily with county health departments – not the City – which is why Alameda County Environmental Health is the lead agency for food seizure and health permit enforcement.

In October 2025, Governor Newsom signed SB 635 (the Street Vendor Business Protection Act), which added further restrictions on local enforcement. Under SB 635, the City may not collect or inquire into a vendor's immigration status, criminal history, or place of birth, and may not require fingerprinting or background checks as part of a vending permit application. Local authorities are also prohibited from sharing a vendor's identifying information with immigration enforcement agencies absent a judicial warrant.

City of Pleasanton Municipal Code – Chapter 6.38

The City adopted its sidewalk vending ordinance in 2019 ([PMC Chapter 6.38](#)) in compliance with SB 946. The ordinance requires a City-issued sidewalk vending permit for any person vending on the public right-of-way. To obtain this permit, applicants must first hold a valid County mobile food facility permit (for food vendors), a City business license, and proof of general liability insurance. The ordinance also

establishes time restrictions (no equipment in the right-of-way between 10:00 p.m. and 8:00 a.m.), Americans with Disabilities Act (ADA) clearance requirements (minimum 48-inch accessible path of travel), and display and hygiene requirements. Equipment left in the right-of-way overnight may be seized as discarded property.

The vendor operating on Santa Rita Road has not initiated the permit process.

Other Remedies

Where a vendor is operating on a public sidewalk, the City's primary enforcement tools under Chapter 6.38 are: (1) direction to cease operations; (2) administrative citations with escalating fines for operating without a permit; and (3) seizure of equipment left unattended in the right-of-way overnight. All these tools are subject to the constraints pursuant to State law, described above. The City may also refer cases to Alameda County Environmental Health for joint enforcement where food safety violations are present, as has been done in the past. Staff notes that a recent court decision reiterated that local law may not impose more stringent remedies (e.g. local seizure / impoundment of equipment) beyond those established in State law.¹

Nonetheless, an additional tool available under neutral law – not preempted by SB 946 – is enforcement of ADA access requirements. If a vendor's setup reduces the accessible path of travel below the required 48 inches, the City may act on that basis independently of the vending permit issue.

Similarly, a vendor may be in violation of Fire Codes (e.g. unsafe storage of propane tanks); in such cases LPFD will coordinate with the Building Division and Code Enforcement to apply the City's standard enforcement/citation procedures to achieve compliance.

Vendors Operating on Private Property

The currently operating vendor on Santa Rita is partially occupying the sidewalk, and partially occupying a landscape area that is part of the adjacent private property at 3534/3622 Old Santa Rita Road.

If a vendor is operating on private property without the owner's consent, the vendor may be subject to removal under California trespass law (Penal Code § 602). In this scenario, the property owner has the primary authority to demand the vendor's removal. Pleasanton Police can assist in enforcing a trespass removal if the property owner makes a formal request. The City's Code Enforcement function can support but does not have independent authority to remove a vendor from private property.

Should a vendor operate on private property, they would need to a) do so with the permission of the property owner and b) procure the appropriate permit from the City and the County. Staff has advised the property owner of the fact that the vendor is on their private property, and it is now up to the property owner to file a complaint with the Police Department. Staff has not otherwise received complaints from property owners, as of the writing of this memorandum, regarding trespassing or non-authorized operation of vendors on private property.

Enforcement Constraints and Challenges

Regulatory and Practical Constraints

The most significant structural limitation is the prohibition on criminal enforcement. In communities across California, because SB 946 restricts consequences to modest administrative fines with the ability

¹ *Mustaqeem v. City of San Diego*, January 2026

to request reductions based on hardship, many vendors choose to continue operating rather than seek permits.

On a practical level, enforcement is challenging since mobile vendors can quickly relocate when enforcement personnel arrive, returning once staff have departed. The City's limited Code Enforcement staffing operates on a complaint-response basis, and dedicated surveillance of a single location, particularly during evening and weekend hours when vendors operate, is not a viable long-term enforcement strategy.

As has been previously shared with City Council, Pleasanton's Code Enforcement staffing falls well below that of similarly sized cities, and the single Code Enforcement Officer must prioritize and respond to a high volume and broad range of complaints. Sustained, repeated, high-frequency response to a single vendor location – particularly in evening hours when this vendor typically operates – would require a disproportionate allocation of limited staff time relative to other compliance priorities, especially given the limitations and challenges outlined above. However, this approach could be taken, understanding that other enforcement would likely need to be stepped back during the period of active enforcement of this single vendor.

Survey of Other Local Jurisdiction Approaches

The City has reviewed approaches adopted by other California jurisdictions to understand the range of tools available and their documented effectiveness.

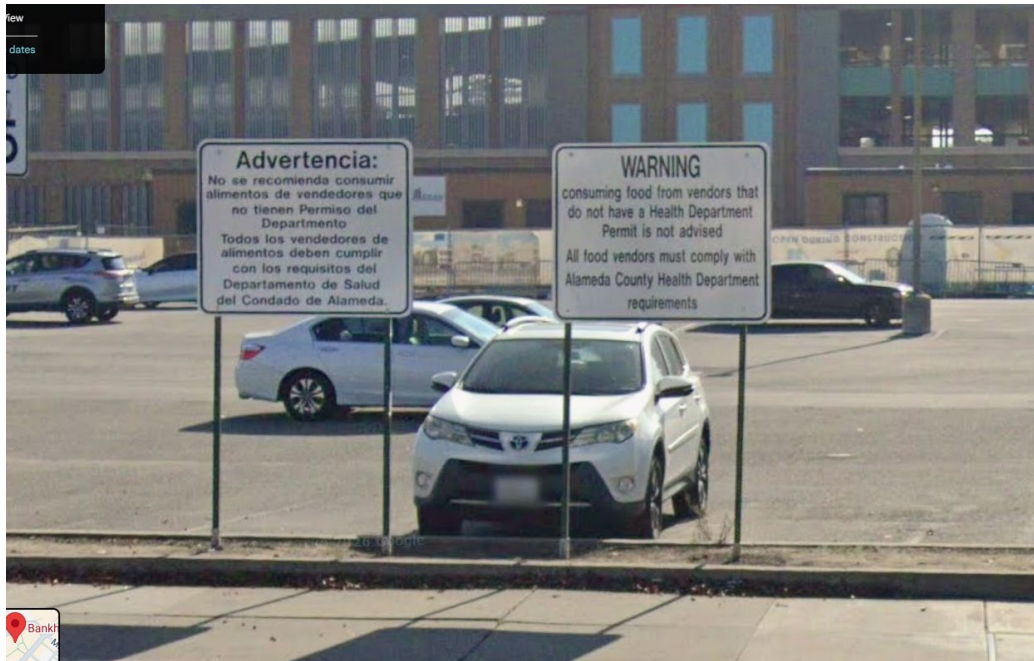
Several Bay Area and California communities have adopted or updated their sidewalk vending ordinances consistent with State law requirements, similar to Pleasanton's own Chapter 6.38, establishing permitting pathways, citations, and other remedies to support more proactive enforcement. Other jurisdictions, such as San Diego, Los Angeles County, and Long Beach, have adopted more robust programs, including some that offer support and subsidies to non-permitted vendors to help them become compliant. Nonetheless, enforcement remains a persistent challenge across all these jurisdictions, and none has achieved widespread compliance.

Staff has been in contact with staff at the City of Livermore, who is also facing issues of unpermitted street vendors operating within the city, and developing updates to its ordinances. However, that ordinance is still under development and review, including review for compliance with State law. Staff will continue to track progress on Livermore's ordinance.

Finally, some cities have provided public messaging and information to encourage the public to avoid patronizing unlicensed vendors. Livermore has posted prominent signage in its downtown at locations served by vendors (see photo below); in combination with some more intensive enforcement, Livermore staff reports that non-permitted vending activity has decreased.

Other jurisdictions, including Los Angeles County, and the City of Santa Monica, have expanded [website messaging](#) about the increased risk of food-borne illnesses from unlicensed vendors. At the same time, it is notable that Los Angeles County suspended its active enforcement program in 2025, instead focusing resources on programs to help vendors come into compliance, such as making approved vending carts available at no cost, and offering reduced permit fees.²

² <https://opportunity.lacounty.gov/sidewalkvendingcartrelease/>



Livermore's Notification Signs (located near the Bankhead Theater)

Conclusions and Current Approach

The limitations imposed by State law, together with limited Code Enforcement staffing, make it an ongoing challenge to eliminate unpermitted vendor operations in Pleasanton. Periodic enforcement, as staff availability permits, including joint enforcement actions with Alameda County Environmental Health, will remain the most supportable approach in the near term. It will not be feasible or sustainable to deploy long-term enforcement strategies that require additional staff or a sustained monitoring presence outside of normal business hours. However, if resources allow, a focused effort for the Santa Rita Road taco stand, conducted over several days in a one-to two-week period, with Code Enforcement action followed by Police Department monitoring to ensure the vendor does not return, could be initiated to try and yield better results than the more isolated enforcement efforts to date.

Staff could also explore whether more effective tools could be adopted to enhance enforcement efforts. One such opportunity may be to amend the Master Fee Schedule to align citations to the maximums allowed under State law, since the City's current fee schedule (\$100/\$200/\$500/\$750) for successive violations is below the minimums set by State law (\$250/\$500/\$1000) at every level. However, staff notes that increasing fines may be of limited effectiveness, given that, even if citations are issued, collecting fines is likely to be difficult, and vendors have shown that they are able to bear the cost of confiscation of food and equipment, returning each time to the same site within hours or days of an enforcement action.

Finally, the City could consider additional messaging or public information about the risks of purchasing food from unlicensed vendors, although it is uncertain how effective these may be in eliminating the activity.

The City recognizes community members' frustration with the persistence of this vendor and the pace of enforcement. Staff will continue to apply available tools as resources permit, within the constraints established by State law.