

CITY OF
HAYWARD
HEART OF THE BAY

Regulation of Hand Cart Vending

City Council Work Session
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Purpose of Report

- 1) Review the City's current prohibition on hand cart vending; and
- 2) Provide direction to staff on a possible revision to the municipal code to allow hand cart vending.



Review of Current Law

Two relevant sections of the Hayward Municipal Code (“HMC”) regarding food sales:

1. Food Regulation Ordinance (HMC Sec. 5-2.00 et seq.)
2. Hand Cart Sales Prohibition (HMC Sec. 6-2.01)



Food Regulation Ordinance

HMC Section 5-2.11

- Requires a City permit and business license for the sale of any food product.
- Applies to all food sales, including:
 - Fixed location stores and
 - mobile vendors:
 - push carts, and
 - mobile carts.



Push Cart



HAYWARD



Mobile Cart



HAYWARD



Street Corner Vending



HAYWARD



Hand Cart Sales

HMC Section 6-2.01

- Prohibits the sale of any merchandise from a hand cart or other vehicle moved by human power.



Hand Cart Vending in Hayward

Despite prohibition:

- Staff estimates 60 hand cart vendors operating City-wide.
- Number of hand cart vendors seems to be increasing.



Hand Cart Vending in Hayward

Factors Contributing to Illegal Vending:

- Limited enforcement resources;
- Vendor unfamiliarity with prohibition; and
- Economic motivation to vend.



Regulation of Hand Cart Vending

Benefits of Regulation:

- Improve the City's enforcement capabilities;
- Improve the quality of hand cart vending; and
- Provide economic opportunity for vendors.



Regulation Features

Staff recommends following regulatory features:

- Permit Requirements;
- Operation Requirements;
- Permit Caps; and
- Geographic Limitations.



Permit Requirements

- Alameda County Environmental Health Services Permit
- Hayward Vending Permit; and
- Hayward Business License.



Operational Requirements

- Hours of Operation;
- Insurance Requirement;
- Indemnity Requirement; and
- Cap on Active Permits.



Geographic Regulations

- Prohibition in Residential Areas
- Buffer Zone Near Schools



Hayward Area Recreation & Park District (HARD)

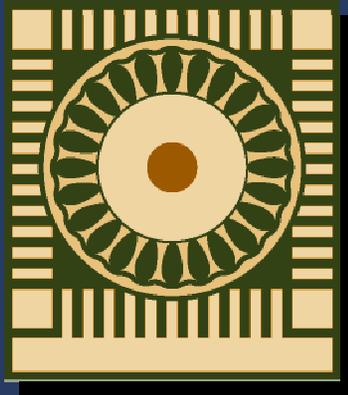
- Prohibition - Hand cart vending prohibited in HARD parks and facilities.
- Enforcement - Authorized by HARD resolution and enforced through citation.



Next Steps

- Staff to receive direction from City Council concerning:
 1. whether hand cart sales should be allowed; and
 2. the preferred features of a hand cart regulation.
- Staff to bring forth a draft ordinance permitting hand cart sales, should the Council so direct.





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