

Attachment 1

ORDINANCE 1136

AN ORDINANCE OF THE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES AMENDING TITLE 3, REVENUE AND FINANCE, SECTION 3.28.390 OF THE MUNICIPAL CODE OF THE CITY OF EL PASO DE ROBLES REGARDING BUSINESS LICENSE TAX—SIDEWALK VENDORS

WHEREAS, the City of El Paso de Robles, California (“City”) is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, pursuant to the police powers delegated to it by the California Constitution, the City has the authority to enact laws which promote the public health, safety, and general welfare of its citizens, including sidewalk vending, as long as these are consistent with SB 946; and

WHEREAS, in 2018, the California Legislature passed SB 946 which prohibits cities from regulating sidewalk vendors, except in accordance with the provisions of SB 946; and

WHEREAS, SB 946 applies to both charter and general law cities; and

WHEREAS, SB 946 imposes particular requirements regarding punishments for violation of a locality’s sidewalk vending ordinance; and

WHEREAS, the City desires to update the requirements of its business license tax applicable to sidewalk vendors in order to impose penalties in compliance with SB 946.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. *Recitals.* The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

Section 2. *Compliance with the California Environmental Quality Act.* Based on the facts and analysis presented to it, including all written and oral testimony and staff presentations, the City Council finds as follows: First, that the proposed ordinance is not “project” within the meaning of State CEQA Guidelines, section 15378, because it has no potential for resulting in direct or indirect physical change in the environment. Second, that the proposed ordinance is exempt under section 15061(b)(3), the general rule exemption, because it can be seen with certainty that there is no possibility that this code amendment will have a significant effect on the environment.

Section 3. *Amendment.* The City Council hereby amends Title 3, Revenue and Finance, of the Municipal Code to amend Section 3.28.390 to read as follows, with additions in red and underlined:

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“3.28.390 - Business license tax—Sidewalk vendors.

Every person carrying on the business of a sidewalk vendor as defined herein, shall pay a business license tax of the lesser of ten dollars per day or thirty dollars per year. Sidewalk vendors may require additional permits to conduct business in the city as set forth in this Code.

No person(s) shall be required to pay a business license tax for selling their own agricultural, pastoral, or dairy products, raised themselves in the County of San Luis Obispo, State of California, where the gross receipts from such sales amounts to one hundred dollars per month or less.

In conformance with California Government Code Section 51038, to the extent the city requires identification in connection with issuance of a business license tax certificate to a sidewalk vendor, city shall accept a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of a social security number if the city otherwise requires a social security number for the issuance of a business license tax certificate, and that the number collected shall not be available to the public for inspection, is confidential, and shall not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.

Violations of the requirements of this section shall be punished in accordance with Government Code Section 51039, as amended or renumbered. Any provisions of Paso Robles Municipal Code Sections 3.28.410 – 3.28.430 that are inconsistent with Government Code Section 51039 shall not apply.”

Section 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. Effective Date. This Ordinance shall be in full force and effect 30 days after its passage and adoption as provided by Government Code section 36397.

Section 6. Publication. The City Clerk shall certify to the passage of this Ordinance and cause the same to be published within fifteen (15) days after adoption in a newspaper of general circulation, printed and published in El Paso de Robles, California.

INTRODUCED at a regular meeting of the City Council held on March 5, 2024, for first reading by the City Council of the City of El Paso de Robles, and adopted on the 19 day of March, 2024, by the following vote:

AYES:

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NOES:
ABSENT:
ABSTAIN:

John R. Hamon, Jr., Mayor

ATTEST:

Melissa Boyer, City Clerk