



DEPARTMENT NOTICE

23-046

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Street Vendor Enforcement

On March 8, 2022, the San Francisco Board of Supervisors enacted Article 5.9 of the San Francisco Public Works Code, "Permit Regulations for Vendors." This legislation created a vending program to regulate and issue permits to street vendors to sell merchandise or pre-packaged food or beverages on City property, the public right-of-way or any other street, sidewalk, alley, walkway, or pedestrian path available to the public and a framework for outreach, education, and enforcement of the code. Article 5.9 establishes the Department of Public Works (DPW) as the agency charged with the enforcement of the vending program. However, Article 5.9 did not affect the Department of Public Health ("DPH") enforcement authority over vendors who are operating food preparation and service establishments, including mobile food facilities.

Areas Designated for Supporting DPW's Enforcement of Street Vendor Violations:

Members are authorized to provide security for and assist DPW employees as they enforce the vending program under Article 5.9 of the Public Works Code. The areas designated for enforcement include but are not limited to:

- Mission St. - Mission District
- United Nations Plaza - Tenderloin District

DPW employees are tasked with administering notices of violation, warnings, and administrative citations for those individuals who are violating the vending program or to warn and then confiscate the merchandise or pre-packaged food or beverages of individuals selling such items on City property without a permit. Members may be asked to work in partnership with DPW employees who will be enforcing the Public Works Code.

Enforcement of Article 5.9

If, during the course of the City's enforcement of Article 5.9, an unpermitted vendor fails or refuses to comply with an order from DPW to cease vending and/or remove items from City-owned property and the unpermitted vendor interferes with DPW's attempts to confiscate the items, Officers may consider this a violation of Cal. Penal Code §148 (a)(1), and may take appropriate action as set forth in D.G.O 5.06 "Citation Release."

Officers are not to take enforcement action on Article 5.9, but officers may enforce violations of Cal. Penal Code §148 (a)(1). Officers are also encouraged to familiarize themselves with Article 5.9 of the San Francisco Public Works Code.

If the officer provides an admonishment prior to enforcing a violation of Cal. Penal Code §148 (a)(1), the officer should:

1. Document the admonishment in the CAD or
2. Take a photograph of the unauthorized vending and
3. Prepare an incident report regarding the admonishment and attach the photograph.

OR if the officer issues a citation or makes a custodial arrest, the officer shall:

1. Take a photograph of the unauthorized vending.
2. If the person is arrested, book the items into evidence.
3. Prepare an incident report that articulates the factual circumstances surrounding the unauthorized vending, including photos.

Joint Enforcement for Food Vending with DPH

The California Retail Food Code and the S.F. Health & Safety Code Section make it unlawful to maintain or operate a food preparation and service establishment, including mobile facilities within the City and County of San Francisco without a DPH permit. Health & Safety Code Section 113705, S.F. Health Code Section 452.

If, during the course of the City's enforcement of food preparation and service establishments, including mobile facilities, an unpermitted vendor fails or refuses to comply with an order from DPH to cease vending and/or remove items and the unpermitted vendor interferes with DPH's attempts to confiscate the items, Officers may consider this a misdemeanor violation of the California Retail Food Code and S.F. Health & Safety Code under Health & Safety Code Section 114395, and Health Code Section 456.4(a). Officers may also consider this a violation of Cal. Penal Code §148 (a)(1) and may take appropriate action as set forth in D.G.O 5.06 "Citation Release."

Members shall activate their body worn cameras during enforcement efforts and preserve them in accordance with the DGO 10.11.03.D, Body Worn Camera Policy.



WILLIAM SCOTT
Chief of Police

Per DN 20-150, all sworn and non-sworn members shall electronically acknowledge this Department document in PowerDMS. Members whose duties are relevant to this document shall be held responsible for compliance. Any questions regarding this policy should be made to sfpd.writtendirectives@sfgov.org who will provide additional information.