



SIDEWALK VENDOR

SIDEWALK VENDING

A sidewalk vendor is a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or other non-motorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.

To ensure a seamless transition into full and compliant operations, the City of Santa Monica has created this Sidewalk Vendor Packet.

GETTING STARTED

The information below provides a general overview of the processes and agencies that you may need to contact before you begin.

1. Choose a business name. If you will be using a name other than your given name, the name of your LLC or Corporation, you must file a Fictitious Business Name with the Los Angeles County Clerk.
2. Food Vendors Only – Contact the County of Los Angeles Department of Public Health – Environmental Health to apply for your Public Health Permit.
3. Contact the California Department of Tax and Fee Administration to apply for your Seller's Permit.
4. Contact the City of Santa Monica Business License Office to apply for a Santa Monica business license.

SENATE BILL 946

On September 17, 2018, Governor Jerry Brown signed Senate Bill (SB) 946. This legislation regulates sidewalk vending practices.

IMPORTANT CONTACT INFORMATION

County of Los Angeles

Los Angeles County Clerk

11701 S. La Cienega Blvd. 6th Floor

lavote.net

(800) 201-8999

Los Angeles County Department of Public Health Environmental Health

5050 Commerce Drive

Baldwin Park, CA 91706

publichealth.lacounty.gov

(888) 700-9995

State of California

California Department of Tax and Fee Administration

5901 Green Valley Circle, Ste. 200

Culver City, CA 90230

cdtfa.ca.gov

(310) 342-1000

City of Santa Monica

Business License Office

1685 Main Street

Santa Monica, CA 90401

smgov.net/businesslicense

(310) 458-8745



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City of Santa Monica

Revenue Division
PO Box 2200
Santa Monica, CA 90407-2200

P: 310-458-8745 • F: 310-451-3283
E: business.license@santamonica.gov
W: santamonica.gov/businesslicense

BUSINESS LICENSE SIDEWALK VENDOR APPLICATION

OFFICIAL USE ONLY

BL #:

Fees Paid: \$ _____

Paid By:

Ca. Ck # _____ AMEX
 Visa Disc. MC Web

Date Paid: _____

Processed by: _____

Santa Monica Business License Period—July 1 through June 30

There is no proration for a business license issued after the start of a licensing period. A standard business license will expire on the next June 30th after it was issued. (SMMC 6.04.120 and 6.04.110)

Complete this application if your business consists of sidewalk vending in the City of Santa Monica.

BUSINESS ENTITY INFORMATION (ALL FIELDS REQUIRED)

1	DBA (if applicable):				
2	Legal Business Name:				
3	Business Physical Address: <i>Number Street Unit/Suite # City State Zip</i>				
4	Business Mailing Address: <input type="checkbox"/> Same as Physical Address <i>Number Street Unit/Suite # City State Zip</i>				
5	Business Phone:		Alternate Phone: <input type="checkbox"/> Fax <input type="checkbox"/> Mobile <input type="checkbox"/> Other		
6	Date business began or will begin within the City of Santa Monica?		Is this business a non-profit or exempt entity? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Month	Day	Year	If yes, please provide documentation with your application	
7	Business Type: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Trust <input type="checkbox"/> LLC <input type="checkbox"/> Corporation				Corporation/LLP/LLC Entity #:
8	Email:				
9	Please describe in detail the products you will vend within the City of Santa Monica:				
10	Please list each location where you plan to vend within the City of Santa Monica:				
11	Resale Number:		FEIN, SEIN, SSN, ITIN or Municipal ID:		

OWNER/OFFICER INFORMATION (ALL FIELDS REQUIRED)

12	First Name:		Last Name:		
	Title: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> President <input type="checkbox"/> Managing Member <input type="checkbox"/> Trustee <input type="checkbox"/> Other: _____				
	Residential Address: <i>Number Street Unit/Suite # City State Zip</i>				
	Email:		Date of Birth:	Driver's License or Gov't Issued ID:	Phone:

ADDITIONAL OWNER/OFFICER INFORMATION (IF APPLICABLE)

13	First Name:		Last Name:		
	Title: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partner <input type="checkbox"/> President <input type="checkbox"/> Managing Member <input type="checkbox"/> Trustee <input type="checkbox"/> Other: _____				
	Residential Address: <i>Number Street Unit/Suite # City State Zip</i>				
	Email:		Date of Birth:	Driver's License or Gov't Issued ID:	Phone:

SANTA MONICA BUSINESS LICENSE APPLICATION—SIDEWALK VENDOR

Complete next page

VENDING OPERATIONS INFORMATION

14 Will your vending operations be stationary or roaming? Stationary Roaming

***Note:** If you are vending from a motor vehicle, please complete the "Mobile Vendor" application, which can be found at: santamonica.gov/process-explainers/how-to-get-a-vehicle-vending-permit

15 Please check one of the non-motorized setup types below. Motorized conveyances are not permitted:
 Non-Motorized Push Cart Non-Motorized Wagon Non-Motorized Pull Cart Non-Motorized Pedal-Driven Cart
 Non-Motorized Rack Stand Non-Motorized Other (please specify): _____

16 Check the option that best describes your operational setup:
 Less than 25 sq ft area. No more than 4' wide on its narrowest axis
 Less than or equal to 28 sq. ft. (4' x 7')
 Less than or equal to 32 sq. ft. (4' x 8')

17 Please provide a copy of the following applicable documents:
 Los Angeles County health permit (food vendors only) Photo of Operational Set-up

EMPLOYEE LIST

Check here if you do not use employees in your Santa Monica vending operations. Otherwise please complete the information below:

Please Note: Independent contractors that rent or lease carts from permitted vendors must obtain a separate business license and vendor permit.

In accordance with Santa Monica Municipal Code Section 6.36.070, please provide a list of employees that you will authorize to conduct your vending operations in Santa Monica below.

First Name	Last Name	Date of Birth

DECLARATION AND SIGNATURE (ALL FIELDS REQUIRED)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the supporting documentation submitted with this application is authentic.

Name:	Title:
Signature:	Date:

FEES DUE

RETURN ENTIRE APPLICATION PACKET WITH PAYMENT TO ABOVE ADDRESS • MAKE CHECK PAYABLE TO THE CITY OF SANTA MONICA
Acceptance of payment does not constitute approval of business license. Authorization to conduct business is not granted until license is issued.

<p>NOTE: On 9/19/12, Governor Brown signed into law Senate Bill 1186 which adds a state fee of \$1 on any applicant for a local business license, similar instrument or permit, or renewal. On 10/11/17, Governor Brown signed into law Assembly Bill 1379, which increases the fee to \$4 for six years from 1/1/18 through 12/31/23. The purpose of this fee is to increase disability access and compliance with construction-related accessibility requirements and to develop education resources for business in order to facilitate compliance with federal and state disability laws, as specified under federal law. Compliance with disability access is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligation to comply with the disability access laws at the following agencies:</p> <p>The Division of the State Architect at dgs.ca.gov/DSA The Department of Rehabilitation at dor.ca.gov The California Commission on Disability Access at dgs.ca.gov/CCDA</p>	LICENSE FEES DUE		OFFICIAL USE ONLY
	Please Note: Fee payments are non-refundable		
	Business License Tax	\$ 50.00	\$
	State Mandated Fee	\$ 4.00	\$
	Vendor Permit	\$ 78.38	\$
	Late Penalty	\$	\$
	Total Due	\$	\$
	Amount Paid	\$	\$
	Fees Due	\$	\$



NOTICE TO APPLICANTS FOR BUSINESS LICENSES AND COMMERCIAL BUILDING PERMITS

DISABILITY ACCESS REQUIREMENTS AND RESOURCES

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

DEPARTMENT OF
GENERA SERVICES,
Division of the State Architect,
CASp Program

www.dgs.ca.gov/dsa

www.dgs.ca.gov/casp

DEPARTMENT OF
REHABILITATION
Disability Access Services

www.dor.ca.gov

www.rehab.cahwnet.gov/

[disabilityaccessinfo](http://www.rehab.cahwnet.gov/disabilityaccessinfo)

DEPARTMENT OF
GENERA SERVICES, California
Commission on Disability
Access

www.cdda.ca.gov

www.cdda.ca.gov/resources-

[menu/](http://www.cdda.ca.gov/resources-menu/)

CERTIFIED ACCESS SPECIALIST INSPECTION SERVICES

Compliance with state and federal construction-related accessibility standards ensures that public places are accessible and available to individuals with disabilities. Whether your business is moving into a newly constructed facility or you are planning an alteration to your current facility, by engaging the services of a Certified Access Specialist (CASp) early in this process you will benefit from the advantages of compliance and under the Construction-Related Accessibility Standards Compliance Act (CRASCA, Civil Code 55.51-55.545), also benefit from legal protections.

Although your new facility may have already been permitted and approved by the building department, it is important to obtain CASp inspection services after your move-in because unintended access barriers and violations can be created, for example, placing your furniture and equipment in areas required to be maintained clear of obstructions. For planned alterations, a CASp can provide plan review of your improvement plans and an access compliance evaluation of the public accommodation areas of your facility that may not be part of the alteration.

A CASp is a professional who has been certified by the State of California to have specialized knowledge regarding the applicability of accessibility standards. CASp inspection reports prepared according to CRASCA entitle business and facility owners to specific legal benefits, in the event that a construction-related accessibility claim is filed against them.

To find a CASp, visit www.apps2.dgs.ca.gov/DSA/casp/casp_certified_list.aspx.

<CONTINUED ON REVERSE>

GOVERNMENT TAX CREDITS, TAX DEDUCTIONS AND FINANCING

State and federal programs below are available to assist businesses with access compliance and access expenditures:

Disabled Access Credit for Eligible Small Businesses

FEDERAL TAX CREDIT—Internal Revenue Code Section 44 provides a federal tax credit for small businesses that incur expenditures for the purpose of providing access to persons with disabilities. For more information, refer to Internal Revenue Service (IRS) Form 8826: Disabled Access Credit at www.irs.gov.

STATE TAX CREDIT—Revenue and Taxation Code Sections 17053.42 and 23642 provide a state tax credit similar to the federal Disabled Access Credit, with exceptions. For more information, refer to Franchise Tax Board (FTB) Form 3548: Disabled Access Credit for Eligible Small Businesses at www.ftb.ca.gov.

Architectural and Transportation Barrier Removal Deduction

FEDERAL TAX DEDUCTION—Internal Revenue Code Section 190 allows businesses of all sizes to claim an annual deduction for qualified expenses incurred to remove physical, structural and transportation barriers for persons with disabilities. For more information, refer to IRS Publication 535: Business Expenses at www.irs.gov.

California Capital Access Financing Program

STATE FINANCE OPTION—The California Capital Access Program (CalCAP) Americans with Disabilities Act (CalCAP/ADA) financing program assists small businesses with financing the costs to alter or retrofit existing small business facilities to comply with the requirements of the federal ADA. Learn more at www.treasurer.ca.gov/cpcfca/calcap/.

FEDERAL AND STATE LEGAL REQUIREMENTS ON ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

AMERICANS WITH DISABILITIES ACT OF 1990 (ADA) —The ADA is a federal civil rights law that prohibits discrimination against individuals with disabilities and requires all public accommodations and commercial facilities to be accessible to individuals with disabilities. Learn more at www.ada.gov.

CALIFORNIA BUILDING CODE (CBC)—The CBC contains the construction-related accessibility provisions that are the standards for compliant construction. A facility's compliance is based on the version of the CBC in place at the time of construction or alteration. Learn more at www.bsc.ca.gov.



- At the conclusion of the vehicle/cart evaluation:

Carts that do not meet the requirements:

- May be referred to Plan Check. Plan check is responsible for reviewing and approving plans submitted for new or remodeled Mobile Food Facilities
- If Plan Check is not required, the vendor will be instructed to make the necessary corrections and come back for a re-inspection

Carts that meet the requirements:

- Permit is processed and you will receive an invoice with your fee
- Upon payment, the certification decals (signs) will be placed on your mobile food facility.

What are the fees for the mobile food facility permits?

	Cart	Truck or Trailer
Prepackaged	\$393	\$692
Unpackaged	\$772	\$905

OTHER PERMITS NEEDED

What do I need in addition to obtaining a Public Health permit?

In addition to obtaining a Public Health permit, you'll also need to get a business license in the city where you'll be selling food.

- 1) If you're selling food in the City of Los Angeles, you can apply for a business license at: <http://www.finance.lacity.org/forms>
The form is called Application for Business Tax Registration Certificate 2018
 - If you're selling food in a city other than Los Angeles, contact the specific city where you're selling food
- 2) Also, you'll need to check the land use restrictions for the city you're selling food in to ensure you are allowed to sell food in the space you desire.

Do I need any special training or certification to operate a mobile food facility?

If you're selling unpackaged and perishable food (foods that need to be kept hot or cold), you'll need training. The 2 types of training are: the Certified Food Handler (CFH) and the Certified Food Protection Manager (CFM) certificate. To learn more about the differences between the 2 trainings and where to take them, visit: http://publichealth.lacounty.gov/eh/docs/CFH_FAQ_Final.pdf

For additional information on mobile food facilities, please contact the Vehicle Inspection Program at (626) 430-5500.

MOBILE FOOD FACILITY PERMITS



THIS FACTSHEET IS FOR VENDORS WHO WANT TO SELL FOOD ON THE STREET IN A CART, TRUCK, OR TRAILER.

Anyone over 18 years of age can get a mobile food facility permit. You don't have to be a U.S. resident or citizen to get a public health permit. Los Angeles Department of Public Health (Public Health) will NOT ask questions regarding your residency status.



What is a mobile food facility?

A mobile food facility is a cart, truck, or trailer that people use to sell food and beverages. Carts are smaller and usually sell a few food items. Trucks and trailers are bigger and usually offer a more complex menu.

Food can be sold as prepackaged or unpackaged. Prepackaged food has already been wrapped by a manufacturing company. Unpackaged food is made by the people selling the food. Some examples of prepackaged and unpackaged foods sold from different vehicles are below:

PREPACKAGED

CART

Ice cream bars, popsicles, chips, gum, candy, water bottles, soda cans

TRUCK OR TRAILER

Ice cream bars, popsicles, chips, gum, candy, water bottles, soda cans

UNPACKAGED

CART

Chopped fruit, hot dogs, tamales, churros, corn on the cob, smoothies, coffee, champurrado, raspados

TRUCK OR TRAILER

Plated foods, hamburgers, fries, tacos, burritos, pupusas, gorditas

What do I need to operate a mobile food facility?

You are required to have a public health permit to operate a mobile food facility. You may apply for a Health Permit by contacting the Department of Public Health, Environmental Health, Vehicle Inspection Program at: (626) 430-5500

What are the benefits of a Public Health Permit?

- Having this permit informs potential customers your food/beverages have been evaluated for safety by Public Health.
- Individuals who only want to eat from establishments that have a Public Health permit will be more inclined to purchase food /beverages from you.

What are the steps to get a Public Health Permit?

- To be guided through the permitting process, contact the Vehicle Inspection Program at: (626) 430-5500
- Prior to receiving your Public Health Permit, your vehicle/cart must be evaluated to ensure it meets the mobile food facility requirements that apply, per the California Retail Food Code



PERMITS

- You'll need to provide the following documents when applying for the permit:
 - A) Valid Picture ID
 - B) If filing as a Limited Liability Company (LLC) or a corporation, provide Articles of Organization or Articles of Incorporation
 - C) Vehicle DMV Registration (if applicable)
 - D) Commissary Contract
 - E) Completed Mobile Food Facility Permit application (The permit application may be accessed prior to your appointment, at the link below): <http://publichealth.lacounty.gov/eh/business/food-trucks-carts.htm>



City of
**Santa
Monica**

Sidewalk Vending Program
Administrative Regulations

Last Revised: July 2024

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1. Introduction

1.1 Background

On September 17, 2018, then-Governor Jerry Brown signed Senate Bill (SB) 946, which decriminalized street vending across the state of California. SB 946 was codified in Government Code section 51036, *et seq.* The stated intent of the legislation is to create entrepreneurial and economic development opportunities for immigrant and low-income communities; increase access to desired goods, such as culturally significant food and merchandise; contribute to a safe and dynamic public space; and promote the safety and welfare of the public by encouraging local authorities to support and properly regulate sidewalk vending.

1.2 Program Intent

The City of Santa Monica (City) Vending Ordinance No. 2607 (Ordinance) establishes reasonable time, place, and manner restrictions for sidewalk vending. The purpose of these Administrative Regulations (“Regulations”) is to provide additional detail and guidance in the administration of the City’s Sidewalk Vending Permit Program, and to assist staff with the issuance and enforcement of vending permits. These Regulations are available to the public; are administrative in nature; and can be changed at the City’s discretion.

1.3 Program Objectives

- a. Be consistent with the requirements of State (Government Code section 51036, *et seq.*) and local (Santa Monica Municipal Code Chapter 6.36) law
- b. Prioritize public health and safety
- c. Protect the scenic and natural character of our City’s parks
- d. Expand economic opportunity for those who aspire to lawfully vend in the City
- e. Ensure the public’s use and enjoyment of natural resources and recreational opportunities
- f. Be meaningfully enforceable

2. Definitions

Definitions of certain terms pertaining to vending can be found in Section 6.36.020 of the Santa Monica Municipal Code (SMMC). Below are definitions of additional terms that supplement the definitions in Section 6.36.020 of the SMMC:

- a. “Administrative Citation” means any written form produced by an enforcement officer to formally document violations of the SMMC or vending regulations.
- b. “Badge” means the identifying insignia for sidewalk vendors who do not have vending carts and carry their merchandise on their person.
- c. “Decal” means the identifying insignia that is placed on sidewalk vending equipment after the sidewalk vending operations have been approved by the City.
- d. “Director” means the Director of the Community Development Department or designee.
- e. “Enforcement Officer” means a City Police Officer, a City Code Compliance Officer or Code Enforcement Officer, a City Building Inspector, a City Combination Building Inspector, a City

Parking Enforcement Officer, a City Public Works Inspector, a City Fire Inspector, a City Office of Sustainability and the Environment Inspector, a City License Inspector, a City Animal Control Officer, a City Public Services Officer, a City Lead Public Services Officer, a City Public Services Officer Supervisor, a City Public Services Administrator, a Pier and Harbor Services Officer, a Lead Pier and Harbor Services Officer, a City Pier and Harbor Services Supervisor, or any other authorized agent or employee of the City whose duty is to assure Code compliance. See SMMC Section 1.09.020.

- f. "Food" means a raw, cooked, or processed edible substance, ice, a beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.
- g. "Limited food preparation" means food preparation that is restricted to one or more of the following:
 - 1) Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of nonprepackaged food.
 - 2) Dispensing and portioning of nonpotentially hazardous food or dispensing and portioning for immediate service to a customer of food that has been temperature controlled until immediately prior to portioning or dispensing.
 - 3) Holding, portioning, and dispensing of any foods that are prepared for satellite food service by the onsite permanent food facility or prepackaged by another approved source.
 - 4) Holding, portioning, and dispensing of any foods that are prepared by a catering operation.
 - 5) Slicing and chopping of nonpotentially hazardous food or produce that has been washed at an approved facility or slicing and chopping of food on a heated cooking surface during the cooking process.
 - 6) Cooking and seasoning to order.
 - 7) Juicing or preparing beverages that are for immediate service, in response to an individual consumer order, that do not contain frozen milk products.
 - 8) Hot and cold holding of food that has been prepared at an approved permanent food facility.
 - 9) Reheating of food that has been previously prepared at an approved permanent food facility and held at temperatures required by this chapter.

"Limited food preparation" does not include any of the following:

- 1) Slicing and chopping potentially hazardous food, other than produce, unless it is on the heated cooking surface.
- 2) Thawing.
- 3) Cooling of cooked, potentially hazardous food.
- 4) Grinding raw ingredients or potentially hazardous food.
- 5) Washing of foods.

- 6) Cooking of potentially hazardous foods for later use.
- 7) Handling, manufacturing, freezing, processing, or packaging of milk, milk products, or products resembling milk products subject to licensing under Division 15 (commencing with Section 32501) of the Food and Agricultural Code.
- h. "Motorized Cart" means a pushcart, stand, display, wagon, showcase, rack, device or conveyance that uses a motor, gas or battery to assist in moving vendor equipment. Motorized equipment of any kind is not permitted under the Sidewalk Vending Program
- i. "Nonpotentially hazardous food" means food that does not require refrigeration to prevent bacterial growth.
- j. "Open Area" means any land area to which the public has unrestricted access.
- k. "Potentially dangerous food" means a food that requires time or temperature control to limit pathogenic micro-organism growth or toxin formation.
- l. "Prepackaged food" means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, a food facility, or other approved source.
- m. "Public Right-of-Way" means any public alley, parkway, public transportation path, roadway, sidewalk, or street that is owned, granted by easement, operated, or controlled by the City.
- n. "Sidewalk vending equipment" or "equipment" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, device, coolers, table, storage bins, umbrellas or other non-motorized equipment used by a sidewalk vendor.
- o. "Sidewalk Vending-Related Activities" shall include all activities directly related to vending on the sidewalk or other pedestrian pathway, including selling, offering to sell, exposing for sale, soliciting offers to purchase, or bartering food, food products, services, goods, or merchandise from any public area, including any area open to the public on private property, as well as the set up and break down of sidewalk vending operations, and any break times when vending is not conducted but the sidewalk vending operation is in plain view from public property. Traveling by vehicle to and from the City is not included in this term.
- p. "Sidewalk vendor" has the same meaning as defined in SMMC Section 6.36.020(e) and, as used herein, refers to both roaming sidewalk vendors and stationary sidewalk vendors, as those terms are defined in SMMC Section 6.36.020(d) and (g).
- q. "Third Street Promenade" means the sidewalk and roadway on Third Street between the southeasterly line of Wilshire Boulevard and the northwesterly line of Arizona Avenue, and between the southeasterly line of Arizona Avenue and the northwesterly line of Santa Monica Boulevard and between the southeasterly line of Santa Monica Boulevard and the northwesterly line of Broadway.
- r. "Trailer" means a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle.
- s. "Transit Mall" means the sidewalks on Santa Monica Boulevard and Broadway from the

east side of Ocean Avenue to the west side of Fifth Street.

3. Application and Licensing Requirements

A sidewalk vendor must apply for and obtain a business license and a vendor permit from the City. It is the sidewalk vendor's responsibility to ensure that all required licenses and permits have been obtained and kept current, including all requirements of governmental agencies having jurisdiction over any aspect of vending activities.

3.1 Application Requirements

As part of the application process, a sidewalk vendor must provide the following:

- a. A completed sidewalk vendor application
- b. Payment – Applicants shall pay all applicable fees and taxes as established in the City's annual Master Fee Schedule. Fees are adjusted annually by a cost-of-living factor and take effect July 1st of each year.
- c. Los Angeles County Health Permit - This requirement is for food vendors only. Please note that this requirement does not apply to vendors that use:
 1. An individual stand, showcase, rack, or display approved for the sale of less than 25 square feet of prepackaged non-potentially hazardous food and whole uncut produce; or
 2. A pushcart, peddle-driven cart, wagon, or other unenclosed non-motorized conveyance that is approved for the sale of less than 25 square feet of prepackaged non-potentially hazardous food.
- d. California Seller's Permit - A Seller's Permit issued by the Department of Tax and Fee Administration is required for all sidewalk vendors.
- e. Images of all equipment used for sidewalk vending.
- f. Any additional relevant information, as deemed necessary by the City, pursuant to SMMC Section 6.36.070(a)(9).

Once the Business License Unit confirms the application is complete and payment has been received, the application will be routed to the appropriate City departments for review. If the appropriate approvals are received, a business license certificate indicating the sidewalk vendor permit and a badge or decal will be issued. If the application is denied, a denial notification will be mailed. The applicant may appeal the denial decision per SMMC Chapter 6.16.

3.2 Roles and Responsibilities of City Departments

- a. **Community Development** – The Community Development Department is responsible for establishing conditions, administrative regulations, approval, suspension, revocation, and enforcement of vendor permits.
- b. **Finance Department, Business License Unit** - The Business License Unit of the Finance Department is responsible for the administration of the City's business license program, which includes the coordination of sidewalk vendor permits issued in conjunction with business license certificates.

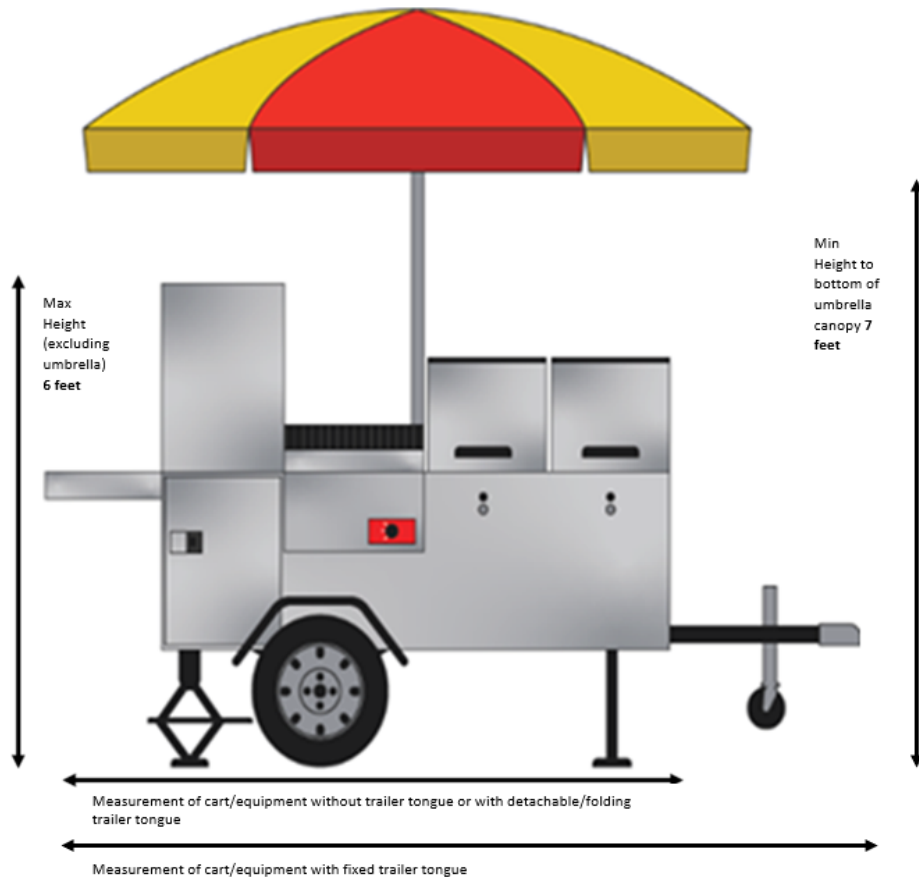
4. Design and Dimension Requirements

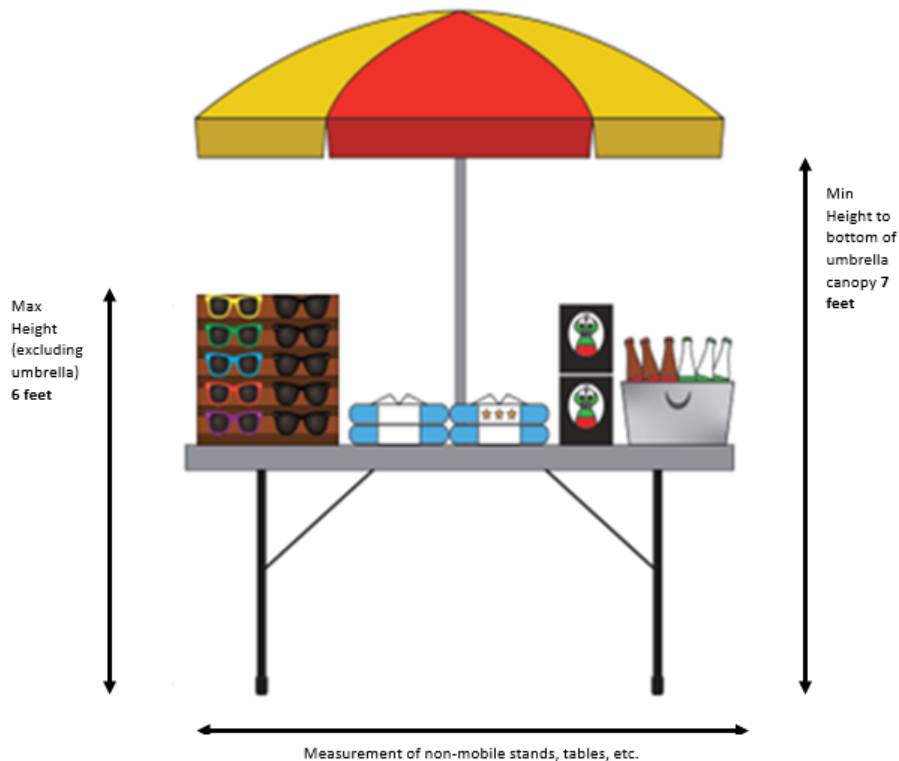
4.1 Measurements

Sidewalk vending equipment measurements will be taken as follows:

- a. **Height** - When measuring the height, the measurement will be taken from the ground to highest point of the operational set up excluding an umbrella. The sidewalk vending equipment may not exceed 6 feet in height.
- b. **Length** - When measuring the length of vending equipment, the measurement will be taken from the furthest outside points of the longest axis and will include all permanently affixed portions of the equipment, including any trailer tongue.
 1. If a detachable or foldaway trailer tongue is used, the measurement will include that length of the equipment up to the point of detachment or pivot point.
 2. The maximum length of the vending equipment may not exceed the length designated in Table 4.2.
- c. **Width** - When measuring the width, the measurement will be taken from the widest outside points of the narrowest axis.

Below is a diagram for measurements.





4.2 Design and Dimension Requirements

- a. Sidewalk vending equipment (carts) shall not exceed the following size limitations based on their risk, as established by the Los Angeles County Department of Public Health. These size limitations are found in Table 4.2 below:
- b. Sidewalk vending carts or equipment over seven (7) feet long or four (4) feet wide shall not be used for Roaming Sidewalk Vending.
- c. All roaming sidewalk vendors shall maintain an unobstructed view over 4 feet in height from the ground to the tabletop structure of their sidewalk vending equipment.
- d. Modifications to the sidewalk vendor equipment after permit approval will require reinspection by City staff to verify continued compliance with the requirements in place at the time of reinspection. Failure to have the cart reinspected may result in the suspension or revocation of the permit and/or business license.
- e. All sidewalk vendors must adjust or relocate their sidewalk vending equipment to ensure that there remains at minimum 4 feet clearance on any sidewalk or pedestrian pathway.
- f. All sidewalk vendors must provide locking wheels on all sidewalk vending equipment to prevent uncontrolled movement. Stationary vendors may chock the wheels in lieu of using locking wheels.
- g. No sidewalk vendor shall erect, place, or maintain any tent, canopy, or other temporary shelter (excluding umbrellas) in the public right-of-way, a park, or the beach.
- h. A sidewalk vendor may have one (1) umbrella. When in use, the umbrella shall not exceed 10 feet in height as measured from ground level to its highest point. The umbrella cannot be attached to any public or private fixture, such as the sidewalk, street furniture, fence, bench, or trees. The umbrella must be made of a sturdy and safe material and must be attached and anchored to the sidewalk vending equipment in such a way that sudden bursts of wind will not

dislodge it. The minimum clearance, as measured from the ground to the lowest point of the canopy, at any given time, shall be seven (7) feet.

- i. No external power, piping, or plumbing is allowed. The sidewalk vending equipment must be entirely self-contained.
- j. Signage is permitted only if attached to the sidewalk vending equipment or the sidewalk vendor's person.
- k. Sidewalk vending-related activities must not damage public or private property.
- l. Sidewalk vending equipment must not lean against or attach to a building or structure.
- m. All sidewalk vendors shall be limited to two (2) chairs. The chairs may be placed behind or next to (but not in front of) the sidewalk vending equipment.
- n. Food, goods, and merchandise must be securely fastened to the sidewalk vending equipment when in transit to or from any sidewalk vending location or when the vendor is engaging in roaming sidewalk vending.

Table 4.2

Risk	Definition	Size Limitation
Health Dept. Exempt	<p>A. An individual stand, showcase, rack, or display approved for the sale of less than 25 square feet of prepackaged nonpotentially hazardous food and whole uncut produce.</p> <p>B. A pushcart, peddle-driven cart, wagon, or other unenclosed non-motorized conveyance that is approved for the sale of less than 25 square feet of prepackaged non-potentially hazardous food.</p>	<25 sq ft area. No more than 4' wide on its narrowest axis.
COMPACT MOBILE FOOD OPERATION – LOW RISK	<p>COMPACT MOBILE FOOD OPERATION – LOW RISK:</p> <p>A. An individual stand, showcase, rack, or display approved for the sale of more than 25 square feet of prepackaged nonpotentially hazardous food and whole uncut produce.</p> <p>B. A pushcart, peddle-driven cart, wagon, or other unenclosed non-motorized conveyance that is approved for the sale of more than 25 square feet of prepackaged non-potentially hazardous food.</p>	≤ 28 sq. ft. (4' x 7')
COMPACT MOBILE FOOD OPERATION – MODERATE RISK	<p>COMPACT MOBILE FOOD OPERATION – MODERATE RISK:</p> <p>An unenclosed, non-motorized conveyance, such as a pushcart, peddle driven cart, or wagon that is approved for sale of prepackaged potentially hazardous foods and/or limited food preparation that does not include raw meat, raw poultry, or raw fish.</p>	≤ 32 sq. ft. (4' x 8')
COMPACT MOBILE FOOD OPERATION – HIGH RISK	<p>COMPACT MOBILE FOOD OPERATION – HIGH RISK:</p> <p>An unenclosed, non-motorized conveyance, that is approved for limited food preparation as defined in California Health and Safety Code Section 113818, including the preparation of raw meat, raw poultry, or raw fish and meets the requirements for mobile food facilities as defined in Division 104, Part 7, Chapter 10 of the California Health and Safety Code.</p>	≤ 32 sq. ft. (4' x 8')

Merchandise or Non-mobile stands, cart, tables, etc.	A. Carts, stands, tables, etc. that are used for the vending of merchandise. B. Does not fit into other categories above.	≤ 32 sq. ft. (4' x 8')
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5. Operational Requirements

- a. Hours of operations for roaming sidewalk vendors in areas zoned exclusively residential shall be between the hours of 8 am to 9 pm.
- b. The maximum amount of time a roaming sidewalk vendor can be in the same location while not actively engaged in a sales transaction is three (3) minutes.
- c. Sidewalk vendors cannot leave their sidewalk vending equipment or their food, goods, or merchandise unattended at any time unless all food, merchandise, and equipment is covered and a sign is provided clearly showing the approximate time of return.
 1. For the purposes of these Regulations, unattended means that the vendor is not within 10 feet of the sidewalk vending equipment or the vendor's food, goods, or merchandise.
 2. Under no circumstance shall sidewalk vending equipment be left unattended for more than 45 minutes. Vending equipment, including all merchandise contained within it, left unattended for a period exceeding 45 minutes, may be deemed abandoned and impounded pursuant to SMMC 6.36.112(a) and Section 10.2 of these regulations.
 3. Permits and decals issued by the Los Angeles County Department of Environmental Health and/or the City of Santa Monica shall remain visible during all times when the sidewalk vending equipment is unattended and covered.
- d. No sidewalk vending equipment shall be chained or fastened to any pole, sign, tree, or other object in the public right-of-way, in a park, or on the beach.
- e. All sidewalk vendors must display their City-issued sidewalk vending decal on their sidewalk vending equipment when operating. Specifically, the decal shall be placed directly on the upper left-hand side of the side that faces the public, as originally placed by any city enforcement officer at the time of the vending equipment's permitting inspection.
- f. All sidewalk vendors shall wear City-issued vending badges or display the City-issued decals on their vending equipment at all times during operations.
- g. Under no circumstance shall food, goods, or merchandise be displayed using or placed directly upon a street, sidewalk, pathway, structure (bench, planters, tree, trash container, signpost, etc.), or any public place.
- h. No sidewalk vendor shall display food, goods, or merchandise by placing any blanket, tarp, or other covering in any public space, including in a park or the beach, directly in the public right-of-way, or on any public fixtures, benches, or structures.
- i. Sidewalk vending equipment shall be parallel to the curb, with the longest side of the equipment parallel to the curb or edge of walkway.
- j. No sidewalk vendor shall use any power source that poses a fire or public safety hazard, any generator, or wet cell battery with removable fill caps. No sidewalk vendor shall connect or maintain an electrical cord to an adjacent building or to a City power source.
- k. Any food, goods, merchandise, boxes, or accessory items shall be stored entirely beneath the sidewalk vending equipment, as applicable, and shall not be stored or piled alongside, behind, or

in front of the sidewalk vending equipment.

1. The required rodent-proof trash receptacle is not required to be stored beneath the sidewalk vending equipment.
- l. Sidewalk vendor equipment with a total length longer than seven (7) feet shall not be used for roaming sidewalk vending.
- m. Sidewalk vending equipment used for roaming shall not be equipped with a fixed trailer tongue or tow hitch. If such equipment is transported by towing behind another vehicle, the trailer hitch or tongue shall be detached or folded away while used for roaming sidewalk vending.
- n. Stationary sidewalk vending equipment shall not be equipped with a fixed trailer tongue or tow hitch that extends more than three (3) feet from the body of the equipment.
- o. No sidewalk vendor or their sidewalk vending equipment shall obstruct the entrance or exit of any property.
- p. All sidewalk vendors must offer receipts to customers for the sale of any food, goods, or merchandise.
- q. The sidewalk vendor permit holder/licensee shall be responsible for the conduct of all employees. All persons working or using the permitted equipment shall be considered an employee of the permit holder/licensee.
- r. Sidewalk vendors who sell food shall maintain in their possession and present, upon request by an enforcement officer, a valid California Food Handler Card.
- s. No sidewalk vendor shall engage in sidewalk vending related activities without first obtaining the required business license, vendor permit, or other required state or county permit.
- t. Sidewalk vendors shall not engage in sidewalk vending related activities that are different from that from which the permit was issued.
- u. Sidewalk vendors shall not engage in any sidewalk vending related activity if the decal, health permit, and/or City business license has been altered or tampered with.
- v. Sidewalk vendors shall not park any vehicle or leave unattended any sidewalk vending equipment in any bicycle lane, fire lane, or any other location where parking is restricted or prohibited.

6. Good Neighbor Policies

All sidewalk vendors (including their employees) will manage their sidewalk vending operations according to the following good neighbor policies:

6.1 All sidewalk vendors shall:

- a. Maintain a quiet, safe, and clean selling location.
- b. Provide adequate storage and disposal of garbage and trash.
- c. Ensure that noise and odors will not become a nuisance or burden on neighbors.
- d. Walk a 100-foot radius from the vending site after close of business to gather and dispose

of beverage and serving materials or other trash left by their customers.

6.2 Sidewalk vendors shall not:

- a. Employ harassing or unsafe tactics in the course of vending, including, but not limited to:
 1. Intentionally or recklessly make physical contact with or touch another person without the person's consent;
 2. Intentionally or recklessly block or impede the safe passage of a person traveling on a public right-of-way;
 3. Engage in speech or conduct in a manner intended or likely to cause a reasonable person to: (i) fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; (ii) intimidate a person being solicited into responding affirmatively to the solicitation; or (iii) intimidate another Sidewalk Vendor into altering their business operations or relocating to another area.
 4. Knowingly make false statements or misrepresentations in connection with the sale of items by vending.
 5. Intentionally wrongfully interfere with the business operations of another vendor.

7. Receptacle and Clean Environment

- a. All sidewalk vendors are responsible for clean-up and removal of any food item, package, refuse, waste, litter, and any other items or materials occurring because of or related to their sales of food, goods, and merchandise.
- b. All sidewalk vendors shall provide rodent-proof trash receptacles and remove all waste and litter collected or discarded as a result of selling, preparing, or consuming food or selling goods and merchandise.
- c. All sidewalk vendors are prohibited from dumping any liquid or solid waste in any public trash cans or dumpsters, public rights-of-way, parks, or on the beach.
- d. All sidewalk vendors are prohibited from distributing non-marine degradable disposable food service ware (e.g., plastic, bio-plastic, and aluminum). Disposable food service ware includes plates, bowls, trays, containers, utensils, straws, stirrers, and lid plugs.
- e. All sidewalk vendors shall provide disposable utensils and straws only to customers who have requested these items. Sidewalk vendors can ask customers if they need a disposable utensil or straw.
- f. Sidewalk vendors may distribute a plastic straw as an accommodation to people with disabilities.
- g. Single-use plastic carryout bags may be distributed to customers by sidewalk vendors only for the purpose of safeguarding public health and safety during the transportation of prepared take-out foods and liquids intended for consumption away from the sidewalk vendor's premises.

8. Restrictions

To promote the health, safety, and welfare of the public, the following restrictions are provided:

8.1 General Location Restrictions

- a. Sidewalk vending is permitted only on sidewalks and pathways that are a minimum of 6 feet wide.
- b. To comply with the Americans with Disabilities Act and to ensure adequate passageway for pedestrians, sidewalk vendors must maintain a minimum 5-foot clearance in any direction, including from another sidewalk vendor.
- c. No sidewalk vendor may obstruct the free movement of pedestrians or cyclists, block the path of a person, or obstruct the free movement of vehicles, bicycles, or parked vehicles.
- d. Sidewalk vendors must implement measures to ensure that their customers do not obstruct the free movement of pedestrians or cyclists, block the path of a person, or obstruct the free movement of vehicles, bicycles, or parked vehicles.
- e. Sidewalk vendors with multiple vendor permits must maintain a minimum of 50 feet distance in any direction from any of their other operations.
- f. No sidewalk vending equipment shall occupy parking stalls or spaces.
- g. Sidewalk vendors cannot conduct business in such a way that would restrict or interfere with the ingress or egress of the abutting property owner or tenant; create or become a public nuisance; increase traffic congestion or delay; or constitute a hazard to traffic, life, or property.
- h. No sidewalk vendor shall use any noise-making device. The ringing of bells, chimes, or the intentional production of other forms of electronic or mechanical sounds to attract the public is prohibited.
- i. No sidewalk vendor shall shout or willfully make any loud noise (except in an emergency).
- j. No sidewalk vendor shall solicit or conduct business with persons in motor vehicles located on traffic lanes of public streets, highways, or public parking lots.
- k. Sidewalk vendors shall not block passengers from existing and entering legally parked vehicles.

8.2 Specific Location Restrictions

Pursuant to Government Code (GOV) Section 51038(b)(1) and to promote and protect the public health, safety, and welfare, all sidewalk vending activities are prohibited in the following areas and within the following distances from the following areas:

Restriction	Distance
Street, driveway, or public parking lot	Prohibited in any direction
Limousine staging zone, bus stop, tour bus, trolley stop, taxi stand, bus bench, bus shelter, or valet parking service	25 feet in any direction
Automated teller machine or parking pay station	15 feet in any direction
Fire hydrant, call box, traffic signal controller, or streetlight controller	15 feet in any direction
Police officer, firefighter, or emergency medical personnel who is actively performing his or her duties or providing services to the public	100 feet in any direction

Any alley	25 feet in any direction
Permitted filming, camps, classes, community events, or other City- approved temporarily-permitted activities, unless otherwise specified on the permit for certain vendors directly associated with the permitted activity	200 feet in any direction
Entrance or exit to a public building, parking lot or structure, structure, or facility (including pedestrian entrance/exit or “elevator lobby” to a building, parking lot or structure, structure, or facility)	25 feet in any direction
Handicapped parking space or access ramp	5 feet in any direction
Marked or unmarked curb return of a crosswalk or driveway	10 feet in any direction
Freeway entrance, freeway exit	50 feet in any direction
All fire stations- the grounds, buildings, structures, and open areas	200 feet in any direction
Public or private school	300 feet in any direction
City operated Farmer’s Market or swap meet	200 feet in any direction
City owned parking lots and structures	25 feet in any direction
Permitted parklet or outdoor dining areas	25 feet in any direction
LA Marathon marked routes	250 feet in any direction

8.3 Special Regulations for the Parks and the Beach

In order to promote and protect the public health, safety, and welfare, to ensure the public’s use and enjoyment of public parks and the beach and the recreational opportunities afforded thereby, and to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of City parks and the beach, no sidewalk vendor shall vend in the following areas or within the following distances from the following areas:

Restriction Distance	
Beach Bike Path	Prohibited in any direction
Area around Beach Bike Path	25 feet in any direction
Stationary sidewalk vending on the Beach Pedestrian Path	Prohibited in any direction
Beach building, recreation center, restroom, lifeguard towers or structure	25 feet in any direction
Pacific Coast Highway and Palisades Beach Road	Prohibited in any direction
Public art installation	25 feet in any direction
Permitted filming, camps, classes, community events, or other City-approved temporarily-permitted activities, unless otherwise specified on the permit for certain vendors directly associated with the permitted activity	200 feet in any direction
Any public picnic area, playground area, playground equipment, public community center, athletic field, tennis court, or soccer field	50 feet in any direction
Any athletic field, basketball court, softball/baseball diamond, tennis court, soccer field, or volleyball court while in use	50 feet in any direction

8.4 Special Regulations for the Santa Monica Pier

To promote the health, safety, and welfare of the public, the following restrictions on sidewalk vending on and around the Santa Monica pier are necessary:

- a. It shall be unlawful to vend upon the Santa Monica Pier other than from locations designated and managed under the authority of an approved license/concession agreement.
- b. It shall be unlawful to vend upon the Santa Monica Pier Bridge or within 100 feet from the entrances and exits of the bridge.
- c. It shall be unlawful to vend from the beach immediately adjacent to or under the Pier and within 100 feet from the Pier's entrances and exits, including stairs, ramps, elevators, and plazas.
- d. It shall be unlawful for any stationary sidewalk vendor to vend in any portion of Palisades Park that is within 500 feet of the Ocean Avenue entrance point to the Pier Bridge.

8.5 Special Regulations for the Third Street Promenade and Transit Mall

To promote the health, safety, and welfare of the public, the following restrictions on sidewalk vending on the Third Street Promenade and Transit Mall are necessary:

- a. It shall be unlawful to vend from stationary sidewalk vending equipment on Third Street Promenade, within 25 feet of the Third Street Promenade, or on the Transit Mall other than by an approved licensed/concession licensee.
- b. Roaming sidewalk vending shall be permitted on the Third Street Promenade and the Transit Mall so long as it is done in accordance with all other provisions of the Ordinance and these Regulations.

8.6 Prohibited Items

There is a prohibition on the selling of counterfeit products, secondhand items, animals, items that will exceed the surface area of sidewalk vending equipment, drugs, medicine, chemicals, lottery tickets, weapons, alcohol, fireworks, cannabis or cannabis products, industrial hemp products, adult-oriented material, tobacco, tobacco-related products, or any other items that are deemed unsafe.

9. Business License/Vendor Permits

9.1 Permitting and Renewal

Vending carts and equipment shall be physically inspected by authorized City staff prior to placing any new, replacement, or renewal decals on the cart. This inspection signifies that the cart or equipment complies with the requirements of the Code and any administrative rules or regulations at the time of the inspection. Such decals are only permitted to be placed on the cart or equipment by authorized City staff.

9.2 Suspension, Revocation, or Denial of Vendor Permit/Business License

A vendor permit/business license may be revoked, suspended, or denied by the Community Development Department for a violation of one of the grounds specified in SMMC Section 6.36.080(b), including but not limited to the following:

- a. **Suspension** – Upon the fourth or more citation that has become final for a violation of any provision of the SMMC Chapter 6.36 or these Regulations within any one-year rolling period, the vendor permit/business license may be suspended. For these purposes, if the sidewalk vendor does not contest a citation pursuant to SMMC Chapter 1.09, the citation will become final after the time to file an appeal has run. If a sidewalk vendor contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. In addition, a vendor permit/business license shall be revoked if the sidewalk vendor made a materially false, misleading or fraudulent statement or material omission in the application or during the application process. The suspension shall become effective 10 days after the mailing of a Notice of Intent to Suspend to the sidewalk vendor, unless the sidewalk vendor appeals the decision in accordance with SMMC Chapter 6.16.
- b. **Citation Involving Conduct Endangering Public Health or Safety or Conviction of Certain Criminal Offenses** –The City may also:
 - 1. revoke or suspend for a period up to 6 months a vendor permit/business license in the event:
 - a. the sidewalk vendor has received one citation for violation of any provision of the SMMC other than Chapter 6.36 that has become final during the term of the vendor permit/business license for conduct that endangers public health or safety; or
 - b. the sidewalk vendor (or any of its officers, owners, or principals) has been convicted of a criminal offense that is substantially related to the qualifications, functions or duties of the vending profession; or
 - 2. deny an initial or renewal application for a vendor permit/business license in the event that
 - a. the sidewalk vendor has received one citation for violation of any provision of the SMMC other than Chapter 6.36 that has become final during the prior fiscal year (July 1-June 30) for conduct that endangers public health or safety, or
 - b. the sidewalk vendor (or any of its officers, owners, or principals) has been convicted of a criminal offense that is substantially related to the qualifications, functions or duties of the vending profession.

For these purposes, if the sidewalk vendor does not contest a citation pursuant to SMMC Chapter 1.09, the citation will become final after the time to file an appeal has run. If a sidewalk vendor contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. The suspension shall become effective 10 days after the mailing of a Notice of Intent to Suspend to the sidewalk vendor, unless the sidewalk vendor appeals the decision in accordance with SMMC Chapter 6.16. If an initial or renewal application is denied for this reason, the City shall notify the host in writing.

- c. **Right to Appeal** – If a vendor permit/business license has been suspended, revoked, or denied, the sidewalk vendor shall have the right to appeal from this decision in accordance with SMMC Chapter 6.16.

9.3 Cessation of Operations of a Sidewalk Vendor

The City may order any sidewalk vendor to immediately cease operations and comply with such

an order if the continued operation, the permittee, or any employee or agent of the permittee presents any of the following situations:

- a. An imminent hazard to public health.

9.4 Surrender of Licenses and Permits

Licenses, permits, badges, and decals shall be surrendered within ten (10) calendar days to the Finance Department's Business License Unit upon revocation or suspension of the permit.

9.5 Inspection Frequency

Any and all enforcement officers of the City shall have the right to inspect the vending operations to ensure compliance with all Federal, State and local laws.

10. Impoundment

In order to balance health, safety, and welfare concerns, the following procedures apply to the impoundment of food, goods, or merchandise that are abandoned on public property or displayed, offered, or made available for rent or sale by a vendor who does not possess a valid City vending permit.

10.1 Enforcement

Any enforcement officer is authorized to impound food, goods, or merchandise pursuant to SMMC Section 6.36.112 and these Regulations.

10.2 Unattended Materials as Abandoned

- a. Food, goods, or merchandise shall be considered abandoned after an enforcement officer observes such materials unattended on public property for a period of more than 45 consecutive minutes. An enforcement officer may satisfy the 45-minute observation period by placing a marking on or attaching a notice to the food, goods, or merchandise and then observing and documenting that the marking or notice is undisturbed after the passage of at least 45 minutes.
- b. An enforcement officer may impound such abandoned materials only after the enforcement officer has made a reasonable attempt to locate the owner of such materials at the time the enforcement officer first observes the unattended materials.
- c. Prior to impoundment, any person claiming ownership of the unattended materials may recover and retain such items on site for vending purposes upon providing a valid vendor permit. Such a vendor may be cited for leaving their food, goods, or merchandise unattended in violation of Section 5 (c) of these Regulations.
- d. At the time of impoundment, the enforcement officer shall document the date, the time period, and location the abandoned materials were observed, the circumstances that support the enforcement officer's finding of abandonment, any reasonable attempt to locate the owner of such materials, and a complete description of such materials, including any perishable items and the storage of which raise health or safety concerns. This documentation shall be maintained by the City with the impounded materials.

10.3 Other Abandoned Materials

- a. An enforcement officer may impound goods, food, or merchandise if the enforcement officer

directly observes a vendor discarding and leaving such materials on public property in such a manner that leads the enforcement officer to find, based on the totality of the circumstances, that the vendor abandoned the materials. In addition, depending on the totality of the circumstances, a vendor's affirmative disavowal of ownership of goods, food, or merchandise in response to an enforcement officer's question as to ownership may be a basis for a finding of abandonment and grounds for impoundment. The placement of goods, food, or merchandise in the care of another does not constitute abandonment but may lead to administrative citation for vending without a permit under Section 5(s) of these Regulations if the person taking care of the materials is engaged in vending and lacks a vending permit or is not an employee of the permitted vendor.

- b. At the time of impoundment, the enforcement officer shall document the date, the time period, and location the abandoned materials were observed, the circumstances that support the enforcement officer's finding of abandonment, and a complete description of such materials, including any perishable items and the storage of which raise health or safety concerns. This documentation shall be maintained by the City with the impounded materials.

10.4 City Retention of Impounded Materials.

Impounded food, goods, or merchandise shall be held by the City for a period of at least 90 days. Unless a person claiming ownership has timely appealed (as described in Section 10.6) or reclaimed the impounded materials pursuant to Section 10.5, the impounded materials will be forfeited to the City after the expiration of the 90-day holding period. Notwithstanding the foregoing, the City may immediately dispose of impounded materials that are perishable and the storage of which raises health or safety concerns.

10.5 Reclaiming Impounded Materials

Prior to the expiration of the 90-day holding period described in Section 10.4 or before any appeal related to impoundment becomes final, any person claiming ownership of food, goods, or merchandise that has been impounded may reclaim such materials upon payment of impound fees and providing proper proof of ownership and of a vending permit valid as of the date the goods were impounded. Owners of impounded material should contact the Code Enforcement Division at 310-458-4984 to reclaim their property.

Owners may recover impounded goods without showing a vending permit valid as of the date the goods were impounded but may be subject to citation for vending without a permit.

10.6 Appeals Related to Impoundment

Any person claiming ownership of impounded food, goods, or merchandise may contest the impoundment by filing a timely appeal pursuant to SMMC Chapter 6.16. Impounded materials that are the subject of a timely appeal shall be held by the City until the later of (a) the expiration of the 90-day holding period described in Section 10.4, or (b) the appeal, including any judicial review, becoming final. Thereafter, provided that the impoundment is upheld on appeal, the impounded materials will be forfeited to the City.

10.7 Items Forfeited to the City

After impounded materials have been forfeited to the City, the City may dispose of such items in its sole discretion.



City of
**Santa
Monica**

SANTA MONICA MUNICIPAL CODE
SECTION 3.36.290
ADMINISTRATIVE REGULATIONS

November 18, 2021

- I. **Scope.** These administrative regulations (“Regulations”) are established pursuant to Santa Monica Municipal Code (“SMMC”) Section 3.36.290.
- II. **Definitions.** For purposes of these Regulations, these terms have the following meanings:
 - A. “Enforcement Officer” means a City Police Officer, a City Code Compliance Officer or Code Enforcement Officer, a City Building Inspector, a City Combination Building Inspector, a City Parking Enforcement Officer, a City Public Works Inspector, a City Fire Inspector, a City Office of Sustainability and the Environment Inspector, a City License Inspector, a City Animal Control Officer, a City Public Services Officer, a City Lead Public Services Officer, a City Public Services Officer Supervisor, a City Public Services Administrator, a Pier and Harbor Services Officer, a Lead Pier and Harbor Services Officer, a City Pier and Harbor Services Supervisor, or any other authorized agent or employee of the City whose duty is to assure Code compliance. See SMMC Section 1.09.020.
 - B. “Fuel” means any gaseous, liquid, or solid material, including, but not limited to: propane, butane, any other liquid gas, kerosene, sterno, charcoal, or wood, used to generate an open flame whether for heating, lighting cooking, or any other purpose.
 - C. “Fuel tank” means any tank, container, or receptacle of any kind in which the fuel is held.
 - D. “Person” means any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, or organization of any kind.
 - E. “Pier” means the Santa Monica Pier, consisting of both the Newcomb Pier and the Municipal Pier, protruding from the Santa Monica State Beach at the southwesterly terminus of Colorado Avenue, extending for approximately 2,135 feet into the Santa Monica Bay. See SMMC Section 4.44.010.
 - F. “Vehicle” means a device any an automobile or truck of any kind by which any person or property may be propelled, moved, or drawn upon a highway, excepting a device moved exclusively by human power or electric power.
- III. **Prohibition on Use of Fuel in and Around the Pier Without a Permit**
 - A. **Prohibition on Use of Fuel in and Around the Pier.** No person shall use any fuel on the Pier or within 25 feet of the Pier for any purpose involving the fuel’s combustion, including, but not limited to, heating, lighting, or cooking, without first obtaining a permit from the Fire Marshal.

B. Fire Permit.

1. A person seeking a permit for use of fuel on or within 25 feet of the Pier may apply for an annual operating or a special event permit from the Santa Monica Fire Department.
2. Any person with an annual operating or a special event permit shall provide a copy of the permit to an enforcement officer upon request.
3. Any person with an annual operating or a special event permit shall comply with either Santa Monica Fire Department's Fire Prevention Policy Number 1-9 on Portable Propane Heaters or the Festival and Special Event General Requirements and Guidelines.

C. Exemption for Authorized Vehicles. The prohibition on use of fuel set forth in Section 3.36.290 and these Regulations shall not apply to the use of gasoline or an alternative fuel by a vehicle authorized to be on the Pier or within 25 feet of the Pier.

IV. Impoundment of Unpermitted Fuel. The following procedures apply to impoundment of fuel and the fuel tank by an enforcement officer for violation of SMMC Section 3.36.290 and these Regulations, unless such a violation is charged as an infraction or a misdemeanor.

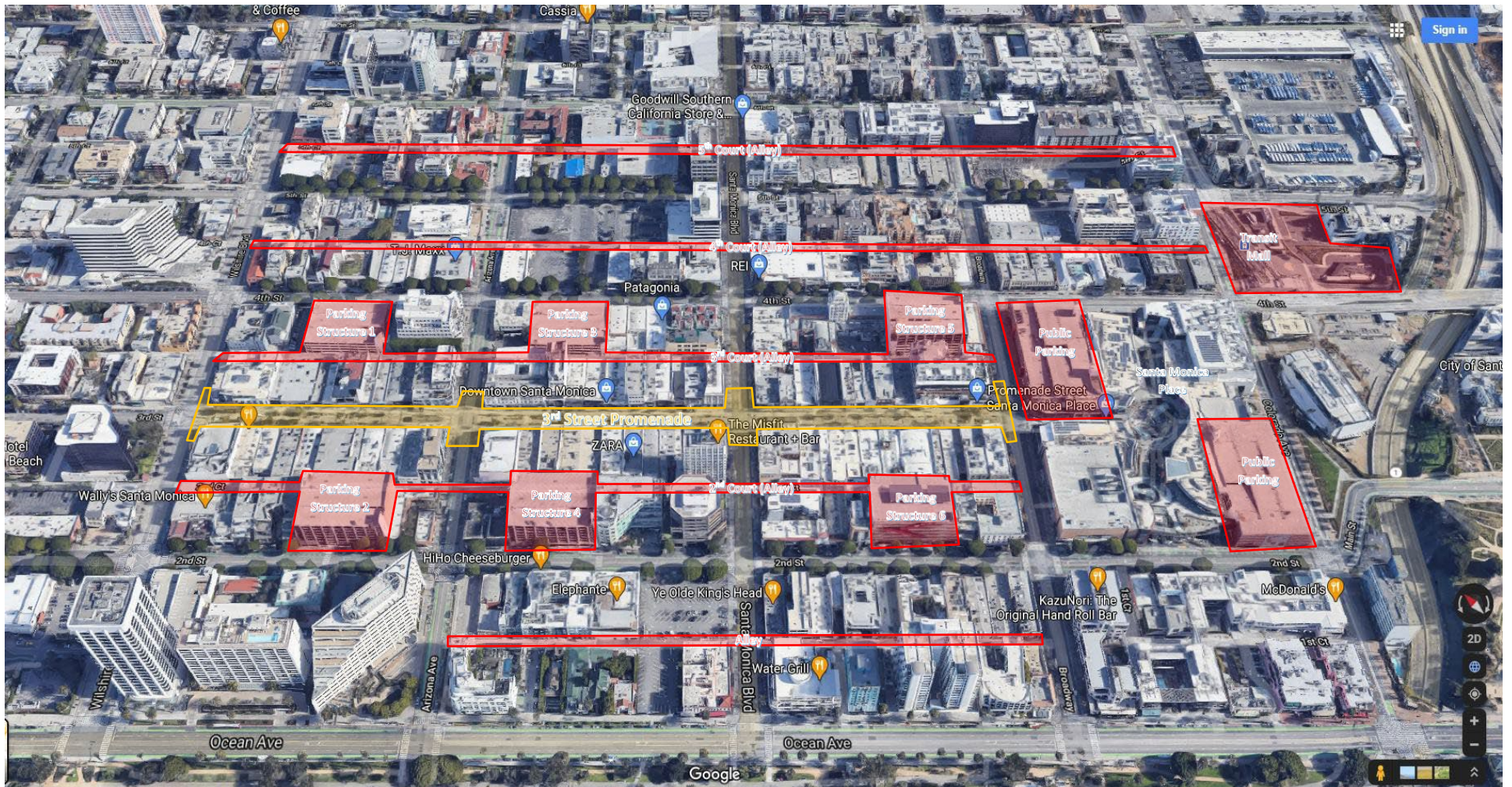
A. Enforcement. Any enforcement officer is authorized to impound fuel, along with the fuel tank, that is utilized by a person who has not obtained a fire permit in violation of SMMC Section 3.36.290 and these Regulations.

B. Procedure for Impoundment. At the time of impoundment, the enforcement officer shall provide to the person utilizing the unpermitted fuel a receipt that includes the date and time the fuel and the fuel tank were impounded and a complete description of such impounded materials. The receipt shall also include instructions on how to reclaim impounded materials and notify the person that failure either to reclaim the materials during the 90-day holding period or timely appeal the impoundment may result in forfeiture of the impounded items to the City. If the enforcement officer determines, at the time of impoundment, that, due to the condition or integrity of the fuel or fuel tank, that the fuel or fuel tank cannot be safely stored, the enforcement officer shall include such a determination on the receipt.

C. City Retention of Impounded Materials. Impounded fuel or fuel tanks shall be held by the City for a period of at least 90 days. Unless a person claiming ownership has timely appealed (as described in Section IV.F.) or reclaimed any impounded item pursuant to Section IV.E., the item impounded will be forfeited to the City after the expiration of the 90-day holding period.

- D. **Disposal of Unsafe Fuel or Fuel Tanks.** Notwithstanding Section IV.C, the City may immediately dispose of impounded fuel and fuel tanks if an enforcement officer has determined, whether at or subsequent to the time of impoundment, that the item impounded cannot be safely stored due to its condition or integrity. If such a determination is made subsequent to the time of impoundment, the enforcement officer shall document the basis for the determination that the fuel or fuel tanks cannot be safely stored. This documentation shall be maintained by the Santa Monica Fire Department for at least 90 days from the date the fuel and fuel tank were impounded.
- E. **Reclaiming Impounded Materials.** Prior to the expiration of the 90-day holding period described in Section IV.C., or before any appeal related to impoundment becomes final, any person claiming ownership of the fuel and fuel tank that has been impounded may reclaim such items upon payment of impound fees and providing proper proof of ownership. Owners may recover impounded the items without showing a fire permit valid as of the date of the impoundment, but may remain subject to citation for possession and use of a fuel without a permit in violation of SMMC Section 3.36.290. Owners of impounded fuel and fuel tanks should contact the Santa Monica Fire Department at 310-459-8915 to reclaim their property.
- F. **Appeals Related to Impoundment.** Any person claiming ownership of any item impounded under SMMC Section 3.36.290 and these Regulations may contest the impoundment by filing a timely appeal pursuant to SMMC Chapter 1.09. Impounded items that are the subject of a timely appeal shall be held by the City until the later of (1) the expiration of the 90-day holding period described in Section IV.C. or (2) the appeal, including any judicial review, becoming final. Thereafter, provided that the impoundment is upheld on appeal, the impounded items will be forfeited to the City.
- G. **Items Forfeited to the City.** After impounded fuels and fuel tanks have been forfeited to the City, the City may dispose of such items in its sole discretion.
- H. **Compliance with Hazardous Material Control Laws.** The City's transportation, handling, storage, and disposal of fuel or fuel tanks shall follow hazardous material control laws set forth in California Code of Regulations, Title 22 and Code of Federal Regulation, Title 40 and Title 49 and any other application law or regulation.

VENDING RESTRICTIONS DOWNTOWN



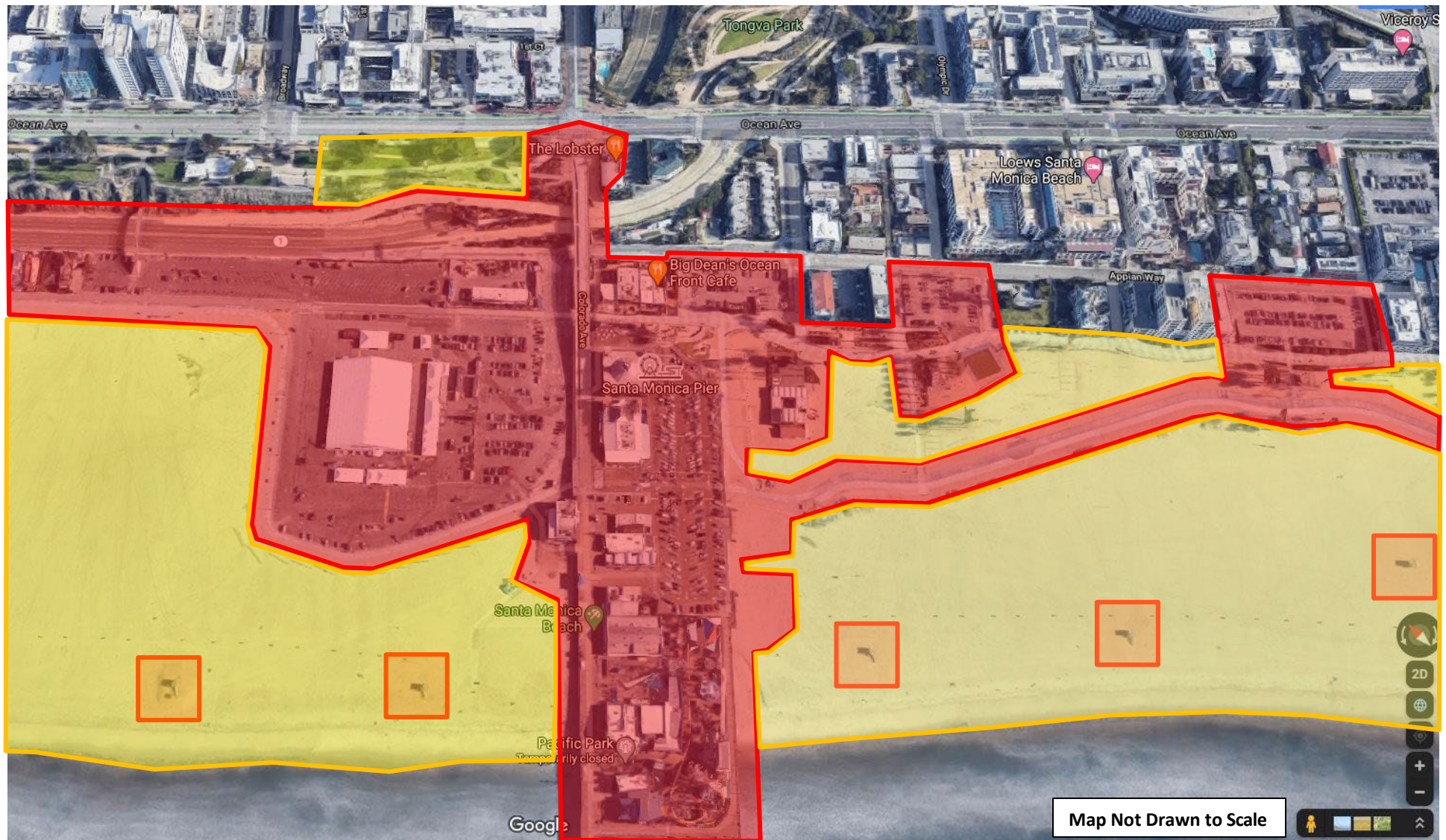
Vending prohibited in the following areas [Indicated by "RED" overlay]:

- Any City owned parking lots and parking structures;
- Within 25-Feet of an Entrance/Exit to a public building, parking lot, or structure;
- Any alley and within 25 feet in any direction of an alley.

Stationary vending prohibited (Roaming allowed) [Indicated by "YELLOW" overlay]:

- On the Third Street Promenade, within 25 feet of the Third Street Promenade, or on the Transit Mall other than by an approved licensed/concession licensee;

VENDING RESTRICTIONS NEAR SANTA MONICA STATE BEACH



Vending prohibited in the following areas [Indicated by "RED" overlay]:

- Any City owned parking lots, beach parking lots, and parking structures;
- Beach parking lots;
- Palisades Beach Road and Pacific Coast Highway;
- Beach bike path;
- On the Pier;
- Within 100-Feet of the Pier, Pier Bridge;
- Within 100-Feet of Pier Entrance/Exits;

- Within 25-Feet of beach bike path and public restrooms;
 - Within 25-Feet of a beach building, recreation center, restroom, life guard tower;
 - Within 25-Feet of an Entrance/Exit to a public building, parking lot, or structure;
- Stationary vending prohibited (Roaming allowed) [Indicated by "YELLOW" overlay]:
- In the portion of Pal Park that is within 500-feet of the Pier Bridge entrance;
 - On the beach pedestrian path;
 - On the beach;
 - The 1700 block of Ocean Front Walk