



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.

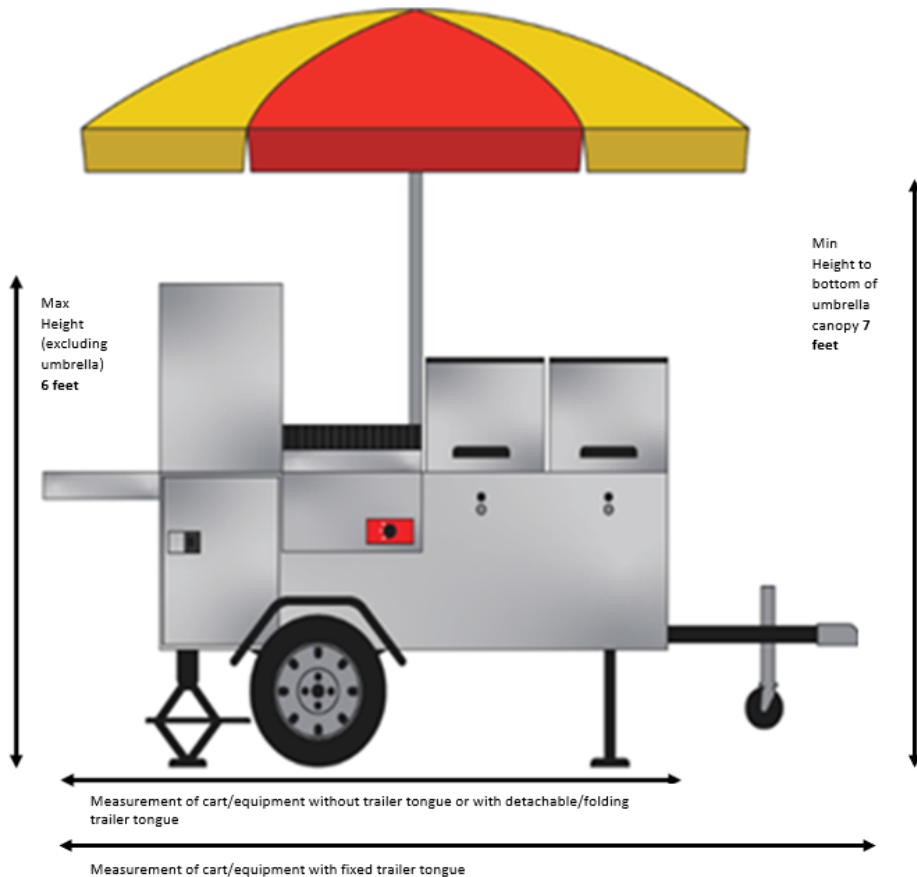
4. Design and Dimension Requirements

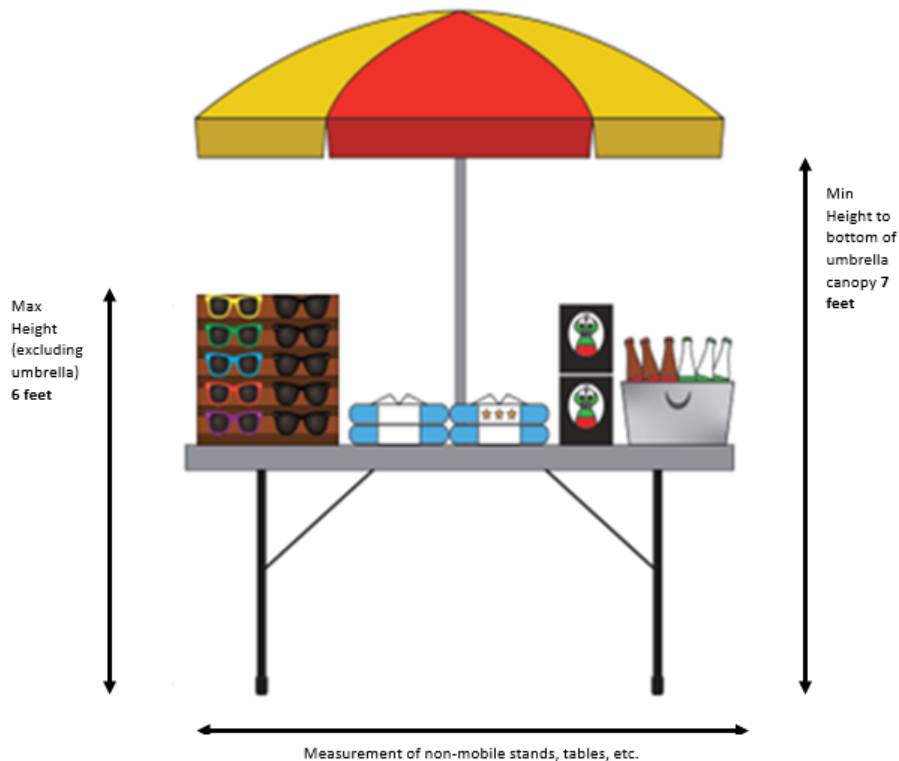
4.1 Measurements

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') |
|---|--|------------------------|

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.

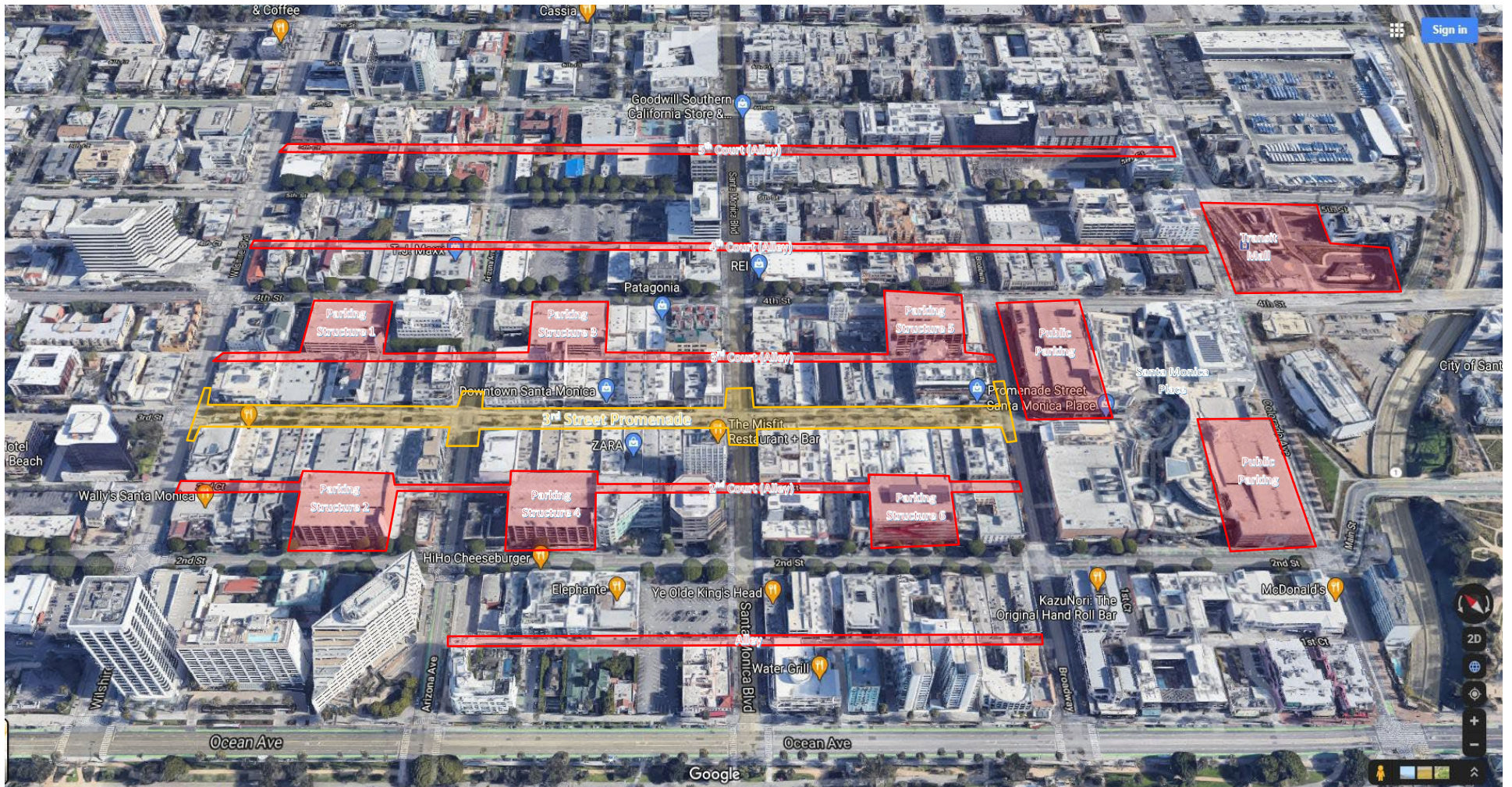
10.6 Appeals Related to Impoundment

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.

VENDING RESTRICTIONS DOWNTOWN



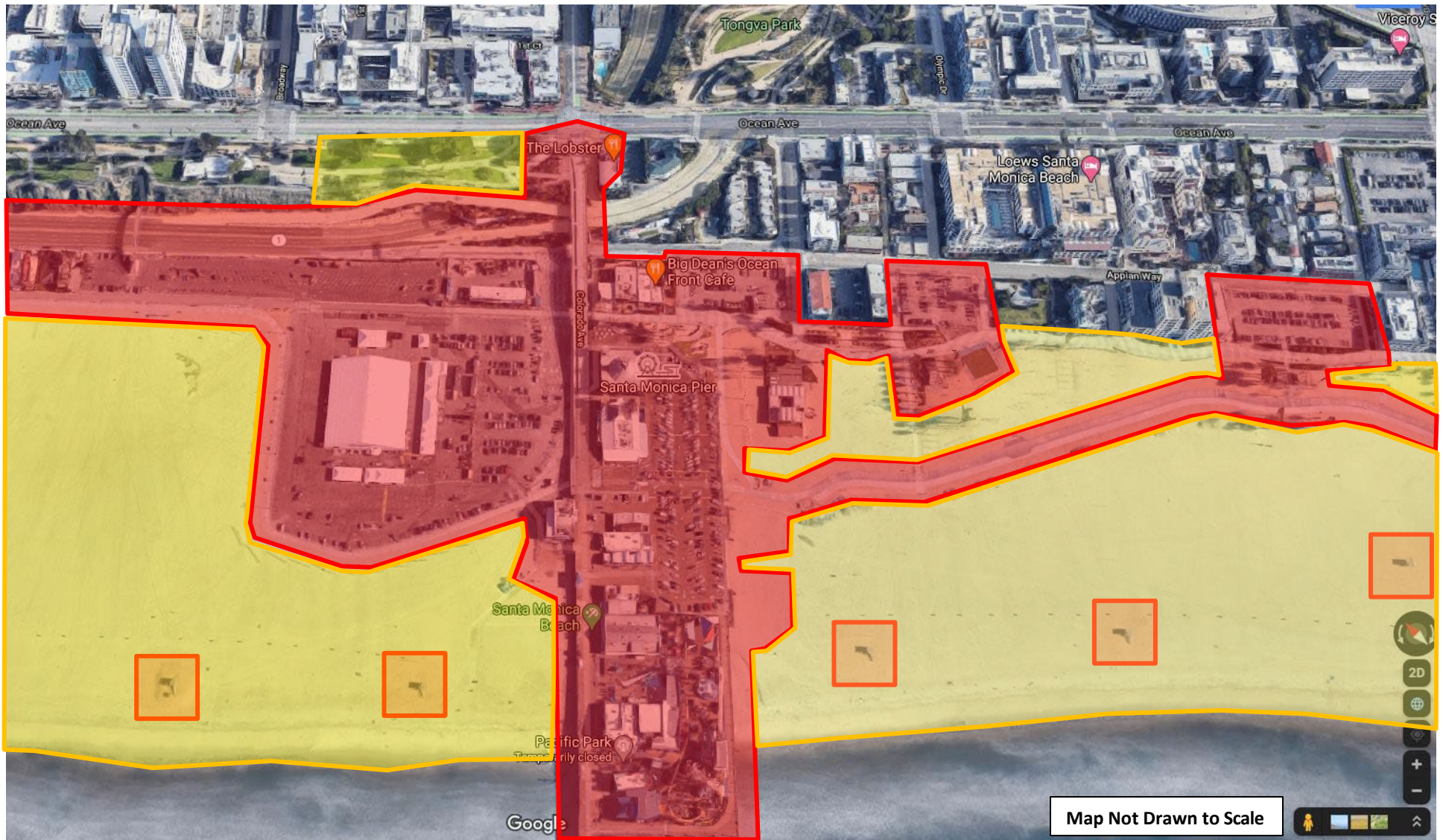
Vending prohibited in the following areas [Indicated by "RED" overlay]:

- 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