

SECTION 130.09. DEFINITIONS.

For the purpose of this subchapter, unless defined herein or elsewhere in this code, the words used in this subchapter shall have the same definitions ascribed to them in Chapter 6.2 of Part 1 of Division 1 of Title 5 of the Government Code. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute. The following definitions shall apply unless the context clearly indicates or requires a different meaning:

ARTERIAL HIGHWAY. A major highway designated on the City Arterial Highway System map.

DIRECTOR. The Director of Police Services and/or his or her designee.

OPERATOR. Any person who operates a vending cart for the purpose of vending food, beverage or merchandise therefrom.

OWNER. Any person who owns or controls one or more sidewalk vending carts and one of the following:

- (1) Conducts, allows or causes the operation of such vending cart(s) for the purpose of vending food, beverage or merchandise;
- (2) Operates or manages such vending cart(s); or
- (3) Contracts with or employs persons to vend food, beverage or merchandise from such vending cart(s).

SIDEWALK VENDOR. A person who sells food, beverage and/or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.

SIDEWALK VENDOR PERMIT. A permit issued by the City authorizing the holder to engage in the business of vending food, beverage or merchandise upon a public sidewalk or other pedestrian path.

STATIONARY SIDEWALK VENDOR. A person who vends from a fixed location.

VEND. Offering food, beverage or merchandise of any kind for sale on any sidewalk, street, parkway, alley, highway, or unenclosed place open to the public, whether publicly or privately owned.

VENDING CART. Any pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, from which food, beverage or merchandise is offered for sale to the public.

SECTION 130.10. GENERAL REQUIREMENTS, PROHIBITIONS AND UNAUTHORIZED CONDUCT.

- (A) *Operator and/or Vendor Must Have Permit.* No person shall vend from any vending cart or from his or her person, without first obtaining both a sidewalk vending permit required by this subchapter and a business license pursuant to Chapter 110 of Title XI from the City, and if vending food or beverages, any required permit(s) from the Los Angeles County Department of Public Health.
- (B) *Visible Permit.* No person shall vend from a vending cart or his or her person without displaying upon his or her person or vending cart a valid vending permit in his or her own name, and a photo identification with the vendor's first and last name, and the name of the business he or she represents.
- (C) *Employee Permit Required.* No person shall employ or retain any person to operate a vending cart or otherwise vend from his or her person for the purpose of vending unless the person employed has a valid and current vending permit issued by the city.
- (D) *No Vending at Special Events.* No person shall vend at a city sponsored event (such as, but not limited to: filming, parades, or outdoor concerts) where a permit is required therefore pursuant to this code unless the city has first issued that person a special event seller's permit.
- (E) *Exclusive Concessionaire.* Stationary sidewalk vendors shall not vend within a public park owned or operated by the city if there exists a signed agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.
- (F) *Twenty-Five Foot (25') Setback from Playgrounds and Fields.* To protect ingress and egress, and to preserve the safety of those using the City's facilities, vendors must remain twenty-five feet (25') away from park playgrounds and marked athletic fields at all times.
- (G) *Sidewalk Access.* At no time shall a vendor be stopped, placed or positioned where it will block or restrict the free movement of vehicles or pedestrians along any public sidewalk, street or parkway. Sidewalk vendors shall maintain a clearance of not less than three (3) feet on all sidewalk or pedestrian areas to enable persons to freely pass while walking or using mobility assistance devices.
- (H) *No Vending Except on Sidewalks or Pedestrian Paths.* No person shall vend or operate a vending cart on or in an area other than a sidewalk or pedestrian path, including, but not limited to any median, street and/or alleyway, unless authorized to do so during a City sponsored event.

- (I) *No Clustering.* On a sidewalk adjacent to an arterial highway, no person shall operate a vending cart within thirty feet (30') of any other vending cart. On all other sidewalks and/or pathways, no person shall operate a vending cart within ten feet (10') of any other vending cart.
- (J) *No Vending to Vehicles.* No person shall vend directly to a vehicle or persons therein.
- (K) *Setbacks from street intersections.* No person shall vend within twenty-five feet (25') of any street intersection, fire hydrant or fire station. No person shall operate or vend within ten feet (10') of any driveway.
- (L) *Stationary Vending Prohibited in Residential Zones.* No person may conduct stationary vending in areas zoned for exclusively residential use unless that person is permitted to do so at a City sponsored event.
- (M) *Hours of Operation in Residential Zones.* No person shall vend in areas zoned for exclusively for residential use before 9:00 a.m. or later than 6:00 p.m. Such requirement will not be applied to a sidewalk vendor who is authorized to operate at different times during a City sponsored event.
- (N) *Hours of Operation in Non-Residential.* In non-residential areas, no person shall vend before 9:00 a.m. or later than 6:00 p.m. unless another business within five hundred feet (500') and on the same street has longer permissible hours, in which case the maximum hours of operation shall apply to vending.
- (O) *School Setbacks.* No person shall operate a vending cart or vend within five hundred feet (500') of any K-12 school, during the hours of 8:00 a.m. to 5:00 p.m. while school is in session.
- (P) *Farmers Markets, Swap Meets, Special Use Permit.* No person shall operate a vending cart or vend within five hundred feet (500') of a permitted certified farmers' market, swap meet or an area designated for a temporary special use permit.
- (Q) *Disabled Access/ADA.* Sidewalk Vendors shall not restrict or impede access to any public property by disabled persons and shall otherwise comply with the applicable provisions of the Americans with Disabilities Act and other state and federal disability access standards; and
- (R) *Prohibited Items.* Sidewalk vendors shall not sell, distribute or vend alcohol, marijuana, tobacco, products that contain nicotine and/or marijuana or any product used to smoke/vape nicotine or marijuana, and/or weapons, including but not limited to firearms, ammunition, explosives including fireworks, knives, mace, and/or pepper spray, any item of adult oriented

material as defined in Section 125-02 and/or any other item prohibited by this code or state law.

SECTION 130.11. STANDARDS AND MAINTENANCE.

- (A) *Cart Dimensions.* To maintain access to sidewalks, the maximum dimensions of any vending cart shall be five feet (5') in length and three feet (3') in width.
- (B) *Cart Maintenance.* The owner shall be responsible for all vending cart maintenance. Vending carts must be clean, sanitary, and in good working condition at all times.
- (C) *Health Requirements.* All vending carts must conform to the applicable Los Angeles County Department of Public Health standards.
- (D) *Vending Permit Displayed.* Each vending cart shall have affixed to it in plain view, on the operator's left side of the vending cart, the vending permit and each other required permit.
- (E) *Signage.* Signs and advertisements are only allowed in conjunction with a vending cart if they are affixed to, or painted on, the vending cart or its attached canopy. No sign and or advertisement may be placed and/or affixed to any public property.
- (F) *Lighting.* Artificial lighting of any vending cart shall not project excessive light so as to create a traffic safety hazard or cause a nuisance.
- (G) *No Open Flame.* No open flame shall be used on, within or about a vending cart.
- (H) *Electrical Outlet or Power Source.* A vending cart shall not use an electrical outlet or power source that is owned by the City and/or allow an electrical cord to contact or impede access to any public property and/or path of travel.
- (I) *Refuse Bin.* A refuse bin of at least thirty-five (35) gallon capacity shall be provided in or on the vending cart to ensure proper disposal of customer trash. Prior to leaving a location, the sidewalk vendor shall pick up, remove, and dispose all trash generated by the vending operations or the vendor's customers within a ten foot (10') radius of the vending location.
- (J) *Noise Making.* No noise-making devices shall be used in conjunction with sidewalk vending.
- (K) *Refuse Cleanup.* Sidewalk vendors shall not discard, deposit, leave, or abandon any trash, food or objects, in or upon any street, sidewalk, gutter, storm drain, catch basin, or upon any public or private lot of land in the City.

SECTION 130.12. PERMIT PROCESS.

- (A) *Permit Application.* Any person desiring to obtain a vending permit shall first file an application with the Director for such permit. Such application shall be accompanied by a non-refundable fee as established by resolution of the City Council to defray, in part, the cost of the investigation and report required by this subchapter. Fees required under this subchapter shall be in addition to any other license, permit or fee required under this subchapter or any other chapter of this code.
- (B) *Vending Prohibited Without Permit.* Neither the filing of an application for a vending permit, nor the payment of the application fee shall authorize the vending from, operation or management of a vending cart.
- (C) *Required Information.* The owner will be responsible for providing the following completed documentation to the city during the term of such owner's participation and shall continue to keep current the following:
- (1) Name of the business.
 - (2) Name of the applicant.
 - (3) If a corporation, articles of incorporation.
 - (4) Business address and phone number of the applicant.
 - (5) A description of the merchandise which the sidewalk vendor will vend.
 - (6) Number of vending carts owned, operated, leased, controlled or contracted by the applicant to be used in the city.
 - (7) A description of the logo, color scheme, insignia and any other distinguishing characteristics of the applicant's vending cart.
 - (8) The full and true names, dates of birth and addresses of all persons employed, contracted, leased or otherwise given control of the applicant's vending cart(s) and the California driver's license or similar state or federal identification establishing the identity of such persons.
 - (9) A policy of liability insurance in a form and with companies approved by the city and approved to do business in California, which policy names the city, its officers, employees and agents as additional insureds in a minimum amount of one million dollars (\$1,000,000) combined single limit for all activities associate with sidewalk

vending, which policy shall remain valid for the duration of the vending permit and/or any vending activities within the city.

- (10) The California seller's permit number (California Department of Tax and Fee Administration sales tax number), if any, of the owner.
 - (11) The owner shall ensure that all applicable food service permits are obtained from the Los Angeles County Department of Public Health. Copies of current County of Los Angeles Department of Public Health permits, including individual permits for each cart, must be provided to the Director prior to receiving a vending permit.
 - (12) If food or beverage is prepared off-site for sale by a vendor, the owner also provide the Director with proof that each location where the food or beverage is prepared has the applicable current health/food/beverage permits.
 - (13) At the time of application, one head-shot photograph of each vending cart operator, at least two inches by two inches (2" x 2") in size, taken within the six (6) month period immediately preceding the date of the application shall be submitted.
 - (14) Certification by the applicant that to his or her knowledge and belief, the information in the application is true and correct.
- (D) *Ongoing Information Submission.* The owner shall obtain approval for any new vending cart(s) and/or operators(s) seeking the City's vending permit. On an annual basis, from the date the first permit for a vending cart is granted, the owner shall provide to the Director a roster of all vending cart operators employed by the owner and permitted to vend within the City.

SECTION 130.13. INVESTIGATION OF APPLICATION.

- (A) *Background.* The Director may confirm or otherwise investigate the facts stated in the application and shall investigate the criminal history of the applicant and operator(s) for a vending permit pursuant to Section 130.14.
- (B) *Thirty (30) Days to Act.* The Director shall, within thirty (30) days after the date of the filing of the application, approve or deny the application for the permit or renewal thereof. If an application is deemed pending as set forth in section 130.14, the Director shall, within thirty (30) days after being informed of the adjudication of the pending criminal matter or receipt of the requested information, approve or deny the application for the permit or renewal thereof.

SECTION 130.14. ISSUANCE OF PERMIT.

After receiving the application, the Director shall issue the vending permit only if he or she finds that all of the following requirements have been met:

- (A) *Fees.* All fees for the vending permit have been paid.
- (B) *Fines.* All vending-related administrative citations and fines payable to the city have been paid.
- (C) *Complete Application.* The application conforms in all respects to the provisions of this subchapter.
- (D) *Truth.* The applicant has not knowingly made a material misrepresentation of fact in the application.
- (E) *Cooperation.* The applicant has provided all information required by this subchapter necessary for approval of the application.
- (F) *Criminal History.* Within five (5) years before the date of submission of the application for a vending permit, neither the applicant nor any operator of a vending cart has been convicted or pleaded nolo contendere or guilty to a misdemeanor or felony crime of moral turpitude or drug-related misdemeanor or felony crime, including but not limited to: the sale of a controlled substance as specified in California Health and Safety Code sections 11054 through 11058, and crimes involving any of the following actions, which are considered crimes of moral turpitude for the purposes of this Section: assault with intent to commit murder, attempted lewd acts on a minor, arson, burglary, child abuse, criminal threats, domestic violence when committed against your spouse, failure to register as a sex offender, felon in possession of a firearm, felony hit and run, grand theft auto, murder, perjury, possession for sale of controlled substances, rape, receiving stolen property, robbery, trespass with the intent to injure any property or property rights, or interfere with the conduct of business, voluntary manslaughter, and welfare fraud.
- (G) *Criminal Information.* The Director is specifically authorized to obtain state summary criminal history record information as provided for in California Penal Code section 11105. Any complaint for the charges listed in subsection (E) of this section pending before a court of law shall cause the application to be considered pending until adjudication of the complaint. In addition, failure of the state to return state summary criminal history record information to the Director shall cause the application to be considered pending until such time as that information is provided to the Director.

SECTION 130.15. PERMIT TERM AND RENEWAL.

The term for a vending permit, unless sooner suspended or revoked, shall be for a period of one (1) year. Upon the expiration of such term, the vendor may renew the permit by submitting a new application together with such renewal fee as may be established by resolution of the City Council. No permit shall be sold, leased, transferred conveyed or granted to any other person.

SECTION 130.16. DENIAL, SUSPENSION OR REVOCATION OF PERMIT.

- (A) *Initial Denial.* If the Director does not find that all of the requirements set forth in this subchapter have been met, the Director shall deny the application for a vending permit and notify the applicant in writing of the ground(s) for the denial. Notice of denial of the application for the permit shall be deemed to have been served if it is personally served on the applicant or when deposited in the United States mail with postage prepaid and addressed to the applicant at his or her residence address as set forth in the application for the permit.
- (B) *Suspension or Revocation.* Any vending permit issued under this subchapter may be suspended or revoked by the Director for any of the following reasons:
 - (1) Falsehood of any material information supplied by the applicant upon which issuance of the permit was based.
 - (2) Failure of the applicant to promptly notify the Director within thirty (30) days of any change occurring subsequent to the issuance of the permit in the information supplied by the applicant upon which the issuance of the permit was based.
 - (3) Revocation, suspension or non-renewal of the certificate of eligibility issued to the applicant by the Los Angeles County Department of Public Health.
 - (4) Conviction of, or plea of guilty or nolo contendere by the applicant of any offense which would have constituted grounds for denial of a vending permit.
 - (5) For the term of the permit, upon the fourth violation or subsequent violations of this subchapter.
- (C) *Appeal of Denial/Suspension/Revocation.* An applicant for a sidewalk vendor permit and/or a permit holder shall be served with written notice by the Director when a permit has been denied, suspended or revoked and shall have the right to appeal such action, as follows:

- (1) Notification shall be deemed to have been served when it is either personally served upon the permit holder or applicant, or when deposited in the United States mail with postage prepaid and addressed to the permit holder or applicant at the address set forth in the application pursuant to section 130.12(C).
 - (2) The notice shall contain the grounds upon which the denial, suspension or revocation is based and the right to seek an appeal to the City Council.
 - (3) An appeal must be filed in writing with the City Clerk's office within ten (10) calendar days from the date the notice was served and shall include a statement setting forth the factual basis for the appeal.
 - (4) If no appeal is filed, the denial, suspension or revocation of the permit shall become effective ten (10) calendar days after the notice was served. If an appeal is filed, the denial, suspension or revocation shall become effective upon final determination of the appeal by the City Council.
- (D) *One Year Waiting Period.* Any person whose permit is revoked shall not be eligible to receive a new permit for a period of one (1) year following such revocation, except as set forth herein.

SECTION 130.17. REMEDIES AND ENFORCEMENT.

- (A) *Administrative Citations Exclusive Remedy.* Notwithstanding any other provision of this code, this subchapter shall be punishable exclusively through the city's administrative citation process, unless state law allows the use of other enforcement mechanisms.
- (B) *Amount of citations.* The amount of citation fees shall be the lesser of the maximum limits of state law or this code
- (C) *Ability to Pay.* If a person receives an administrative citation for a violation of this subchapter and that person meets the criteria contained in Government Code Section 68632, subdivision (a) or (b), the City shall accept twenty percent (20%) of the administrative fine imposed as full satisfaction of the fine.
- (D) *Remedies Inapplicable to other Violations of Law.* The provisions and limitations of this subchapter shall not apply to a violation of any other provision of this code and/or state law or regulation, including, but not limited to, the California Retail Food Code.