



City of Santa Monica  
Vehicle Vending Program  
Administrative Regulations

July 1, 2019

## Table of Contents

|  |   |
|--|---|
| 1.1 Program Intent.....                                  | 3 |
| 1.2 Program Objectives.....                              | 3 |
| Section 2 Definitions .....                              | 3 |
| Section 3 Application and Licensing Requirements .....   | 3 |
| 3.1 Application Requirements .....                       | 4 |
| 3.2 Roles and Responsibilities of City Departments ..... | 4 |
| 3.3 Design and Dimension Requirements.....               | 5 |
| 3.4 Operational Requirements.....                        | 5 |
| 3.5 Good Neighbor Polices.....                           | 5 |
| 3.6 Receptacle and Clean Environment.....                | 6 |
| Section 4 Restrictions.....                              | 6 |
| 4.1 General Location Restrictions .....                  | 6 |
| Section 4.2 Prohibited Items.....                        | 7 |
| Section 5 Suspension and Revocation .....                | 7 |
| 5.1 Cessation of Operations of a Vehicle Vendor .....    | 7 |
| 5.2 Term of Suspension/Revocation .....                  | 7 |
| 5.3 Seizure of Permit and License(s) Authorized .....    | 8 |
| 5.4 Surrender of Licenses and Permits .....              | 8 |
| Exhibit A .....  | 9 |

# Vehicle Vending Administrative Regulations

## 1.1 Program Intent

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

## 1.2 Program Objectives

- Be consistent with the requirements set forth in Santa Monica Municipal Code Chapter 6.36 law
- Prioritize public health and safety
- Expand economic opportunity for those who aspire to vend lawfully and with appropriate permits in the City
- Be meaningfully enforceable

## Section 2 Definitions

Definitions pertaining to vending are found in Santa Monica Municipal Code (SMMC) Section 6.36.020. Below are additional definitions that supplement the adopted definitions.

- a. “Decal” shall mean the identifying insignia that is placed on a vending vehicle after the operations have been approved by the City for vending.
- b. “Director” shall mean the Director of Planning and Community Development or designee.
- c. “Public Right-of-Way” shall mean any public alley, parkway, public transportation path, roadway, sidewalk, or street that is owned, granted by easement, operated, or controlled by the City.
- d. “Administrative Citation” shall mean any written form produced by an authorized enforcement officer to formally document violations of SMMC or vending regulations.
- e. “Regulations” shall mean the Vehicle Vending Administrative Regulations established and recommended herein.
- f. “Suspension” shall mean to temporarily rescind prior approval of a business license and vendor permit for a specified period of time.
- g. “Revocation” shall mean to indefinitely rescind prior approval of a vendor permit.
- h. “Services” shall mean the selling or providing for pay any service.
- i. “Vehicle” is defined as the vehicle used in conjunction with vending

## Section 3 Application and Licensing Requirements

A vehicle vendor must apply for and receive a business license and a vehicle vendor permit from the City of Santa Monica. The vehicle vendor is responsible for ensuring that all required licenses and permits have been obtained and kept current. The licenses and permits include those required by any governmental agency that has jurisdiction over any aspect of the vending program.

### 3.1 Application Requirements

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

- a. **A completed Vehicle Vendor Application packet**
- b. **Payment-** Fees and taxes are listed in the table below:

| Tax or Fee Name              | Amount for Fiscal Year 2019-20* |
|------------------------------|---------------------------------|
| City Business License Tax    | \$50.00                         |
| City Vendor Permit Fee       | \$108.32                        |
| State of California CASp Fee | \$4.00                          |
| <b>Total</b>                 | <b>\$162.32</b>                 |

\*Fees are adjusted annually by a cost of living factor and take effect July 1st of each year. Penalty on the business license taxes may apply to applicants that have been in operation without the required licenses and permits.

The table above summarizes the general fees and business license taxes for new vehicle vendor applicants. Additional fees and assessments may apply. Applicants are classified under the “vendor” tax rate as defined per SMMC 6.36. Vehicle vendors must comply and remain in good standing with payments of taxes, fees, and citations. The City reserves the right to amend these fees to ensure cost recovery and facilitate program development.

- c. **Los Angeles County Public Health Permit-** This requirement is for food vendors only.
- d. **Liability Insurance-** Vehicle vendors must show proof of and maintain adequate commercial general liability insurance. See Exhibit A.
- e. **California Seller’s Permit-** Seller’s Permits are issued by the Department of Tax and Fee Administration and are required for most vendors. Contact the Department of Tax and Fee Administration to determine if a Seller’s Permit is required.
- f. **Vehicle Registration Card-** The vehicle registration issued by the California Department of Vehicles.
- g. Any additional information the City deems necessary.

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 vehicle vendor permit and a decal will be issued. If the application is denied, a denial notification will be mailed. The applicant may appeal the denial decision per SMMC 6.16.

### 3.2 Roles and Responsibilities of City Departments

- a. **Planning and Community Development (PCD)-** PCD is the regulatory body 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 will include the collection and coordination of vehicle vendor permits issued in conjunction with business license certificates.

### 3.3 Design and Dimension Requirements

- a. No vendor shall erect, place, or maintain any tent, canopy, or other temporary shelter (excluding umbrellas) in the public right-of-way.
- b. No external power, piping, or plumbing is allowed. The vehicle must be entirely self-contained.
- c. Signage is permitted only if attached to the vehicle.
- d. Operations must not damage public or private property.

### 3.4 Operational Requirements

- a. Maintain a receptacle, which cannot be emptied in City refuse containers.
- b. Vendors shall maintain a neat and sanitary area, free of hazards and trash within a twenty-five (25) foot radius of their vehicle.
- c. Signage of any kind must be attached to the vehicle. Signage may not block sight or impede vehicle or pedestrian traffic.
- d. Vendors shall immediately clean up any food, grease, fluid, or debris that falls on public property.
- e. Operations must not damage public or private property.
- f. Vendors shall not hinder or impede the use of any phone booth, mailbox, fire alarm, fire hydrant, or traffic control device.
- g. No merchandise shall be displayed using street structures (planters, trees, trash containers, signposts, etc.) or placed upon the vehicle.
- h. No vehicle vendor shall solicit, berate, or use amplified sound of any kind.
- i. No vehicle vendor shall use any generator, wet cell battery with removable fill caps, or any other power source that poses a fire or public safety hazard. No vehicle vendor shall connect or maintain an electrical cord to an adjacent building or to a City power source.
- j. No vehicle vendor shall solicit or conduct business with potential customers that are in or on motor vehicles.
- k. No vehicle vendor may vend within forty feet of any other vendor.
- l. No vehicle vendor may place chairs, tables, or any other displays of any sort in the public right-of-way which includes but is not limited to all sidewalks, parks and the beach.
- m. Vehicle vendors must offer a receipt to all patrons for the sale of any food or merchandise.
- n. Trailers must always be hitched to a vehicle pursuant to SMMC 3.12.880.
- o. Vehicle vendors must comply with all parking regulations.

### 3.5 Good Neighbor Policies

Permit holders will manage their vending operations according to the following good neighbor policies:

- a. Maintain a quiet, safe and clean selling location.
- b. Provide adequate storage and disposal of garbage and trash.
- c. Noise and odors will not become a nuisance or burden on neighbors. This includes noise from food truck generators, and motors and fans, particularly at night.
- d. Vendors or their employees will walk an area of twenty-five (25) foot radius from the food vending site after close of business and dispose of beverage and serving materials or other trash left by their customers.

### 3.6 Receptacle and Clean Environment

- a. 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 food and merchandise sales.
- b. Vendors shall provide rodent-proof trash receptacles and remove all waste and litter collected or discarded.
- c. Vendors are prohibited from dumping any liquid or solid waste in any public trash can, public dumpster, public right-of-way, City streets, City vehicles, parks, or beach property.
- d. Vendors are prohibited from distributing non-marine degradable disposable food service ware (i.e. plastic, bio-plastic, and aluminum). Disposable food service ware includes plates, bowls, trays, containers, utensils, straws, stirrers, and lid plugs. Cup and cup lids are exempted until January 1, 2020.
- e. Vendors shall provide disposable utensils and straws only to customers who have requested these items. Vendors can ask customers if they need a disposable utensil or straw.
- f. Vendors can distribute a plastic straw as an accommodation to people with disabilities.
- g. Single-use plastic carryout bags may be distributed to customers by food providers 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 food provider’s premises.

## Section 4 Restrictions

In order to balance health, safety, and welfare concerns, the following restrictions will help mitigate existing and future issues that may arise.

### 4.1 General Location Restrictions

California Vehicle Code Section 22455(b) allows cities to adopt vending restrictions when the restrictions are directly related to objective health, safety, or welfare concerns. All vending activities are prohibited in the following areas and distances from the following areas:

| Restriction  | Distance                  |
|--|---------------------------|
| In any Limousine staging zone, bus stop, tour bus, trolley stop, taxi stand, bus bench, bus shelter, or valet parking service  | N/A                       |
| 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  |
| In any alley   | N/A                       |
| 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 red, white, yellow, green or blue curb, loading zones along a curb, or any posted loading zone any type  | N/A                       |
| Handicapped parking space or access ramp   | N/A                       |
| Marked or unmarked curb return of a crosswalk  | 10 feet in any direction  |
| Freeway entrance, freeway exit   | 50 feet                   |

|   |                           |
|---|---------------------------|
| All fire stations- the grounds, buildings, structures and open areas  | 200 feet in any direction |
| City operated Farmer’s Market or swap meet unless otherwise specified on the permit for certain vendors directly associated with the permitted activity | 200 feet in any direction |
| In any City owned or operated parking lots and structures- the grounds, buildings, structures and open areas  | N/A                       |
| In any manner that blocks or obstructs the free movement of pedestrian  | N/A                       |

## Section 4.2 Prohibited Items

There is a prohibition on selling counterfeit products, secondhand items, animals, 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.

## Section 5 Suspension and Revocation

In addition to the grounds outlined in SMMC 6.36.080(b), a vendor permit issued pursuant to the provisions of SMMC 6.36 may be suspended or revoked by the Planning and Community Development Department upon notice for any of the following causes:

- a. The business has been issued three (3) or more administrative or parking citations within a one-year period.
- b. The business has been conducted in a disorderly or improper manner.
- c. The vendor is found to be committing an act that can be charged as a crime.
- d. The purpose for which the license has been issued is being abused to the detriment of the public.

A license or permit that has been issued to a person who is not eligible pursuant to SMMC or these regulations to hold such license or permit shall be deemed automatically invalid and issued in error.

### 5.1 Cessation of Operations of a Vehicle Vendor

The City may order any vehicle vendor to immediately cease operations and/or confiscate merchandise and/or any conveyance used if the continued operation presents any of the following situations, and the vehicle vendor will be required to comply with such order immediately:

- a. An imminent hazard to public health.
- b. Operating without the required business license, vendor permit, state, or county permits.

### 5.2 Term of Suspension/Revocation

Violations that may affect the safety of the public are generally considered to be the most serious. The length of suspension or revocation generally corresponds to the seriousness of the violation(s) and the number of violations. As provided per SMMC 6.36.080, any suspension of a vendor shall be for six (6) months. A vendor permit shall be revoked for twelve (12) months upon new violations of SMMC or permit conditions related to public safety.

### 5.3 Seizure of Permit and License(s) Authorized

When the City determines that a vehicle vendor is operating with imminent health hazards and has ordered the vendor to cease operations, the City has the right to seize the business license certificate and vehicle vendor permit decal/badge.

### 5.4 Surrender of Licenses and Permits

Licenses, permits, 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.



## Exhibit A

### Insurance Requirements

Permittee shall procure and maintain for the duration of the Agreement insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Permittee, its agents, representatives, employees or subcontractors.

#### **Minimum Scope and Limits of Insurance**

Coverage shall be at least as broad as:

1. **Automobile Liability:** Insurance Services Office Form CA 00 01 covering Code 1 (any auto), or if Permittee has no owned autos, Code 8 (hired) and Code 9 (non-owned), with limits of no less than \$1,000,000 per accident for bodily injury and property damage.

If the Permittee maintains broader coverage or higher limits than the minimums shown above, the City of Santa Monica requires and shall be entitled to any broader coverage and higher limits maintained by the Permittee. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City of Santa Monica.

#### **Other Insurance Provisions**

1. The insurance policy will contain, or be endorsed to contain, the following provisions:
  - a. **Primary Coverage:** For any claims related to this Agreement, the Permittee's insurance shall be primary coverage at least as broad as Insurance Services Offices Form CG 20 01 04 13 as respects the City of Santa Monica, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City of Santa Monica, its officers, officials, employees or volunteers shall be in excess of the Permittee's insurance and shall not contribute with it.
  - b. **Notice of Cancellation:** Each insurance policy required herein shall state that coverage shall not be cancelled except after notice has been given to the City of Santa Monica.
  - c. **Waiver of Subrogation:** Permittee hereby grants to the City of Santa Monica a waiver of any right of subrogation which any insurer of said Permittee may acquire against the City of Santa Monica by virtue of payment of any loss. Permittee agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City of Santa Monica has received a waiver of subrogation endorsement from the insurer.

#### **Self-Insured Retentions**

Self-insured retentions must be declared to and approved by the City of Santa Monica. The City of Santa Monica may require the Permittee to purchase coverage with a lower retention or provide satisfactory proof of ability to pay losses and related investigations, claim administration, and defense expenses within

the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City of Santa Monica.

#### **Acceptability of Insurers**

Insurance is to be placed with insurers authorized to conduct business in California with a current A.M. Best rating of no less than A:VII, unless otherwise acceptable to the City of Santa Monica.

#### **Verification of Coverage**

Permittee shall furnish the City of Santa Monica with original certificates and amendatory endorsements (or copies of the applicable policy language effecting coverage provided by this clause). All certificates and endorsements are to be received and approved by the City of Santa Monica before work commences. However, failure to obtain required documents prior to the work beginning shall not waive the Permittee's obligation to provide them. The City of Santa Monica reserves the right to require complete, certified copies of all required insurance policies, including the endorsements required herein, at any time.

#### **Failure to Maintain Insurance Coverage**

If Permittee, for any reason, fails to maintain insurance coverage which is required pursuant to this Agreement, the same shall be deemed a material breach of contract. The City of Santa Monica, at its sole option, may terminate this Agreement and obtain damages from the Permittee resulting from said breach.