City of Santa Monica
Alcaldía de Santa Mónica
División de Recaudación
PO Box 2200
Santa Monica, CA 90407-2200

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

LICENCIA COMERCIAL
SOLICITUD PARA VENDEDORES

SOLO PARA USO OFICIAL

BL #:

Fees Paid: $_____

Paid By:

☐ Ca. ☐ Ck #_____ ☐ AMEX
☐ Visa ☐ Disc. ☐ MC ☐ Web

Date Paid: _____

Processed by: _____

Período de la licencia comercial de Santa Mónica: del 1 de julio al 30 de junio

No existe el prorrateo para una licencia comercial emitida después del inicio de un período de otorgación de licencias. La licencia diaria expirará a la medianoche del día en que se emitió (*solo para promotores de eventos especiales*). La licencia comercial ordinaria expirará el próximo 30 de junio después de su emisión. (SMMC 6.04.120 y 6.04.110)

Llene esta solicitud si su actividad comercial consiste de vender en la ciudad de Santa Mónica.

INFORMACIÓN DE LA ENTIDAD COMERCIAL (ES OBLIGATORIO LLENAR TODO)

1 Funciona bajo el nombre comercial de (*si corresponde*):

2 Nombre legal de la empresa:

3 Dirección física de la empresa:
Número Calle Nº de la Unidad/Oficina Ciudad Estado Código Postal

4 Dirección postal de la empresa:
☐ Igual que la dirección física
Número Calle Nº de la Unidad/Oficina Ciudad Estado Código Postal

5 Teléfono de la empresa: | Teléfono alternativo: ☐ Fax ☐ Celular ☐ Otro

6 ¿Fecha en la que la empresa empezó o empezará a funcionar en Santa Mónica?

Mes	Día	Año

¿Es una entidad sin fines de lucro o exenta? ☐ Sí ☐ No
Si es así, proporcione la documentación con su solicitud.

7 Correo electrónico: | Nº de identificación empresarial de CA

8 Tipo de empresa: ☐ Un solo propietario ☐ Sociedad ☐ Trust ☐ LLC (SRL) ☐ Corporación

9 Describa en detalle los productos que venderá en la ciudad de Santa Monica:

10 Indique cada uno de los lugares donde planea vender en la ciudad de Santa Mónica:

11 Indique los días de la semana y las horas en las que desea vender. Horas: Días:

12 Número de reventa (si corresponde): | FEIN, SEIN, ITIN o identificación municipal:

INFORMACIÓN DEL PROPIETARIO/REPRESENTANTE (ES OBLIGATORIO LLENAR TODO)

13 Nombre: | Apellido: | Teléfono:

Título: ☐ Un Solo Propietario ☐ Sociedad ☐ Presidente ☐ Miembro la gerencia ☐ Director/Fideicomisario ☐ Otro:_____

Dirección del domicilio:
Número Calle Nº de la Unidad/Oficina Ciudad Estado Código Postal

Correo electrónico: | Fecha de nacimiento: | Licencia de conducir o identificación emitida por el gobierno:

INFORMACIÓN ADICIONAL DEL PROPIETARIO/REPRESENTANTE (SI CORRESPONDE)

14 Nombre: | Apellido: | Teléfono:

Título: ☐ Un Solo Propietario ☐ Sociedad ☐ Presidente ☐ Miembro la gerencia ☐ Director/Fideicomisario ☐ Otro:_____

Dirección del domicilio:
Número Calle Nº de la Unidad/Oficina Ciudad Estado Código Postal

Correo electrónico: | Fecha de nacimiento: | Licencia de conducir o identificación emitida por el gobierno:

SOLICITUD DE LICENCIA COMERCIAL DE SANTA MÓNICA-VENDEDOR

Llene la siguiente página

DOCUMENTOS SUPLEMENTARIOS DEL VENDEDOR (OBLIGATORIOS)

15	Proporcione una copia de los siguiente documentos que correspondan: ☐ Permiso de salud del condado de Los Ángeles (solo vendedores de alimentos) ☐ Registro actual del vehículo (solo para las ventas en propiedad pública) ☐ Prueba de aseguranza
16	Identificación del vehículo *(si corresponde)* — *Marca* / *Modelo* / *Año* / *Número de placa*
17	☐ Marque aquí si no desea que la información de su empresa se publique en el sitio web de la ciudad de Santa Mónica.
18	Indique el número de personas que trabajan 4 horas o más por semana en este sitio: _____

DECLARACIÓN Y FIRMA (ES OBLIGATORIO LLENAR TODO)

Declaro, bajo las penas establecidas por ley por hacer una declaración falsa, que estoy autorizado para llenar este formulario, y que esta es, según mi leal saber y entender, una declaración verdadera, correcta y completa, realizada de buena fe. Entiendo y acepto que la concesión de esta licencia requiere que cumpla con todas las disposiciones aplicables del Código Municipal de Santa Mónica, las leyes estatales y federales y todas las condiciones establecidas anteriormente. También entiendo y conozco las leyes locales, estatales y federales, y que las condiciones establecidas anteriormente pueden resultar en la revocación de esta licencia.

Nombre:	Título:
Firma:	Fecha:

TARIFAS QUE DEBEN PAGAR

DEVUELVA TODO EL PAQUETE DE SOLICITUD CON EL PAGO A LA DIRECCIÓN DE ARRIBA - GIRE EL CHEQUE A NOMBRE DE LA CIUDAD DE SANTA MONICA LA ACEPTACIÓN DEL PAGO NO CONSTITUYE LA APROBACIÓN DE LA LICENCIA COMERCIAL. LA AUTORIZACIÓN PARA REALIZAR NEGOCIOS NO SE CONCEDE HASTA QUE SE EXPIDA LA LICENCIA.

AVISO: El 19 de septiembre de 2012, el Gobernador Brown firmó la ley del Proyecto de Ley del Senado Nº 1186 que agrega una tasa estatal de $ 1 a cualquier solicitante de una licencia comercial local, instrumento o permiso similar, o su renovación. El 10/11/17, el Gobernador Brown promulgo la Ley del Proyecto de la Asamblea Nº 1379, que aumenta la tasa a $4 por seis años desde el 1/1/18 hasta el 12/31/23. El propósito de esta tasa es aumentar el acceso para discapacitados y cumplir con los requisitos de accesibilidad relacionados con la construcción y desarrollar recursos para la capacitación de las empresas con el fin de facilitar el cumplimiento de las leyes federales y estatales de discapacidad, según lo especificado en la ley federal. El cumplimiento con el acceso para discapacitados es una responsabilidad seria y significativa que se aplica a todos los propietarios e inquilinos de edificios de California con estructuras abiertas al público. Puede obtener información sobre su obligación legal de cumplir con las leyes de acceso para discapacitados en las siguientes agencias:

División arquitectura estatal en dgs.ca.gov/DSA

Departamento de Rehabilitación en dor.ca.gov

Comisión de California para el acceso a los discapacitados en dgs.ca.gov/CDDA

TARIFA DE LA LICENCIA		SOLO PARA USO OFICIAL
Advertencia: Los pagos por tarifas no son reembolsables		
Impuesto de licencia comercial	$ 50.00	$
Tasa estatal obligatoria	$ 4.00	$
Permiso de vendedor	$ 78.38	$
Penalidad por retraso	$	$
Tarifa adicional	$	$
Pago total	$	$
Monto pagado	$	$
Total a pagar	$	$

¡Gracias por realizar su actividad comercial en la ciudad de Santa Mónica!

City of Santa Monica

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 GENERALSERVICES, Division of the State Architect, CASp Program	DEPARTMENT OF REHABILITATION Disability Access Services	DEPARTMENT OF GENERALSERVICES, California Commission on Disability Access
www.dgs.ca.gov/dsa www.dgs.ca.gov/casp	www.dor.ca.gov www.rehab.cahwnet.gov/disabilityaccessinfo	www.ccda.ca.gov www.ccda.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/cpcfa/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*.

- Al concluir la Evaluación del vehículo / carro:

Carros que no cumplen los requisitos:

- Puede ser referido a una revisión de planos (Plan Check). El Plan Check es responsable de revisar y aprobar los planos presentados para instalaciones móviles de alimentos nuevos o remodelados
- Si no se requiere la verificación de planos, se le indicará al vendedor que realice las correcciones necesarias y regrese para una nueva inspección.

Carros que cumplen con los requisitos:

- El permiso se procesara y usted recibirá una factura con su tarifa.
- Después del pago, las calcomanías de certificación (letreros) se colocarán en su instalación móvil de alimentos.

¿Cuáles son las tarifas para los permisos de instalación de alimentos móviles? ¿Qué necesito además de obtener un permiso de salud pública?

	Carro	Camión o carro de remolque
Pre-Empaquetado	$393	$692
Desempaquetado	$772	$905

OTROS PERMISOS NECESARIOS

Además de obtener un permiso de salud pública, también deberá obtener una licencia comercial de la ciudad donde venderá alimentos.

1) Si vende comida en la ciudad de Los Ángeles, puede solicitar una licencia de negocio en: http://www.finance.lacity.org/forms El formulario se llama Aplicación para el Certificado de Registro de Impuestos de Negocios 2018.

   - Si está vendiendo comida en una ciudad que no sea Los Ángeles, comuníquese con la ciudad específica donde está vendiendo comida.

2) Además, deberá verificar las restricciones de la ciudad en la que está vendiendo los alimentos para asegurarse de que pueda venderlos en el espacio que desee.

¿Necesito algún entrenamiento especial o certificación para operar una instalación móvil de alimentos?

Si vendes alimentos envasados y perecederos. (alimentos que necesitan mantenerse calientes o fríos), necesitarás entrenamiento. Los 2 tipos de capacitación son: el Certificado de Manipulador de Alimentos (CFH) y el Certificado de Administrador de Protección de Alimentos (CFM). Para obtener más información sobre las diferencias entre los 2 entrenamientos y dónde tomarlos, visite: http:// publichealth.lacounty.gov/eh/ docs/ CFH_FAQ_Final.pdf

Para obtener información adicional sobre instalaciones móviles de alimentos, comuníquese con el Programa de inspección de vehículos al (626) 430-5500.

COMIDA MOVIL
PERMISOS DE INSTALACIONES

ESTA HOJA DE DATOS ES PARA VENDEDORES QUE QUIEREN VENDER ALIMENTOS EN LA CALLE EN UN CARRO, CAMIÓN, O REMOLQUE.

Cualquier persona mayor de 18 años puede obtener un permiso de instalación móvil de alimentos. Usted no Tiene que ser residente o ciudadano de los Estados Unidos para obtener un permiso de salud pública. Departamento de Salud Pública de Los Ángeles (Salud pública) NO hará preguntas sobre su estado de residencia

Condado de Los Angeles Salud Pública

¿Qué es una instalación móvil de alimentos?

Una instalación móvil de alimentos es un carrito, camión o carro remolque que la gente usa para vender alimentos y bebidas. Los carritos son más pequeños y generalmente venden algunos alimentos. Los camiones y los carros remolques son más grandes y generalmente ofrecen un menú complejo.

Los alimentos se pueden vender per-empaquetados o desempaquetados. Los alimentos pre-empaquetados han sido envueltos por una empresa de fabricación. La comida sin envasar es hecha por las personas que venden la comida. A continuación se muestran algunos ejemplos de alimentos pre-envasados y sin envasar vendidos de diferentes vehículos;

PRE-ENVASADO

CARRO	CAMIÓN O TRAILER
Barras de helado, paletas de helado, chicle, dulces, botellas de agua, refrescos en lata	Barras de helado, paletas de helado, chicle, dulces, botellas de agua, refrescos en lata

DESEMPAQUETADO

CARRO	CAMIÓN O TRAILER
Fruta picada, perros calientes, tamales, churros, mazorcas de maíz, batidos, café, raspados.	Comida servida en platos, hamburguesas, papas fritas, tacos, burritos, pupusas, gorditas.

¿Qué necesito para operar una instalación móvil de alimentos?

Debe tener un permiso de salud pública para operar una instalación móvil de alimentos. Puede solicitar un Permiso de salud comunicándose con el Departamento de Salud Pública, Programa de Inspección de Vehículos al: (626) 430-5500

¿Cuáles son los beneficios de un permiso de salud pública?

- Tener este permiso informa a los clientes que sus alimentos / bebidas han sido evaluados por el Departamento de Salud Pública.
- Las personas que desean comer en establecimientos que tienen un permiso de salud pública estarán más inclinadas a comprarle alimentos / bebidas de usted.

¿Cuáles son los pasos para obtener un permiso de salud pública?

- Para ser guiado a través del proceso de permisos, comuníquese con el Programa de Inspección de Vehículos al:(626) 430-5500
- Antes de recibir su Permiso de Salud Pública, su vehículo / carrito debe ser evaluado para garantizar que cumple con los requisitos de las instalaciones de alimentos móviles que se aplican, de acuerdo con el Código de Alimentos de California.

PERMISOS

- Deberá proporcionar los siguientes documentos cuando solicite el permiso:

A) Identificación con foto válida

B) Si se presenta como una Sociedad de Responsabilidad Limitada (LLC) o una corporación, proporcione Artículos de Organización o Artículos de Incorporación

C) Matriculación del vehículo(si es aplicable)

D) Contrato de Comisario

E) Solicitud de permiso de instalación móvil de alimentos completa (Puede obtener la solicitud de permiso antes de su cita, en la página web): http://publichealth. lacounty.gov/eh/SSE/Vehicle_ Inspection/vip.htm

Chapter 6.36 VENDING

Note:

* Prior history: Prior code Sections 6281 through 6286, 6289 and 6290. Ord. No. 1495CCS, adopted 9/26/89, Ord. No. 1712CCS §§ 1, 3 adopted 11/23/93, Ord. No. 1851CCS § 20, adopted 5/28/96, Ord. No. 1888CCS §§ 2—5, adopted 10/28/97, Ord. No. 1901CCS § 1, adopted 2/17/98, Ord. No. 1949CCS §§ 1—3, adopted 7/20/99, Ord. No. 2047CCS § 12, adopted 7/9/02, Ord. No. 2075CCS § 10, adopted 5/13/03, Ord. No. 2153CCS §§ 3, 5, adopted 3/8/05, Ord. No. 2221CCS § 1, adopted 3/13/07, Ord. No. 2337CCS § 8, adopted 12/14/10, Ord. No. 2379CCS § 15, adopted 11/8/11, Ord. No. 2381CCS §§ 1, 2, adopted 11/22/11, Ord. No. 2423CCS § 1, adopted 4/23/13, Ord. No. 2458CCS §§ 6—9, adopted 5/27/14.

6.36.010 Findings and purpose.

The City Council of the City of Santa Monica hereby finds:

(a) Sidewalk vending fosters vibrant public spaces and promotes a diverse and inclusive local economy.

(b) In order to promote the public peace, safety, health and welfare, sidewalk vending must be regulated to promote public safety; to ensure rapid access by first responder and emergency personnel to public and private spaces throughout the City; to facilitate ingress into and egress from vehicles, rights-of-way, buildings, and public spaces; to maximize use and promote maintenance of public rights-of-way, parks, the beach, and other public spaces; and to reduce the City's exposure to civil liability.

(c) Because the City is densely populated by residents and visitors, its public spaces often become extremely crowded. The City's parks, Pier, Promenade, Transit Mall and beaches, and many of the City's sidewalks and pedestrian paths, are all heavily trafficked by the public and congestion in these places is a constant norm.

(d) Palisades Park, situated between the Pacific Ocean, the Pier bridge, and the City's bustling downtown, is the crown jewel of the City's park system and is the most heavily utilized. Based on the Park's unique aesthetic qualities and unmatched scenic beauty, the City designed the Park as a local landmark and the City's local Coastal Program Land Use Plan requires review to, from, and along the Park be protected. Circulation within Palisades Park is limited because it is extremely narrow, and is physically surrounded by downtown streets on three sides and tall bluffs on the fourth.

(e) The unique and historic nature of many of the City's public spaces further requires special consideration. For example, the Santa Monica Pier is a long, narrow, wooden structure one thousand eighty feet long, supported by concrete and timber piles extended over the beach and ocean with limited points of entry and exit. The Santa Monica Pier is also on the State of California Protected Critical Infrastructure list, experiences a high volume of pedestrian traffic and is congested throughout the year. The Third Street Promenade and the Transit Mall similarly draw significant local and tourist pedestrian traffic, with crowds as large as 10,000 or more traveling each block of the narrow, open-air public rights-of-way each day. Careful regulation of vending activities is necessary to protect public safety and ensure accessibility in these highly trafficked tourist destinations. Similarly, many of the City's parks and beaches provide opportunities for community engagement and recreation; regulation of vending activities is necessary to ensure availability of open space for public engagement, access and recreation, and to protect the natural resources within and the scenic and natural character of the parks and beaches. Additionally, many of the sidewalks and pedestrian paths in the City are under eight feet wide, such that vending in these areas would unreasonably interfere with the flow of pedestrians and disrupt access for persons with disabilities or other special needs. (Added by Ord. No. 2607CCS § 2, adopted 4/9/19)

6.36.020 Definitions.

For purposes of this Chapter, the following words or phrases shall have the following meanings:

(a) "Certified farmers' market" means a farmers' market certified as operating in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

(b) "Pedestrian path" means a path or walkway, other than a sidewalk, that is owned by the City or another public entity and is specifically designed for pedestrian travel. Pedestrian path shall not include any private property or areas

not traditionally used or designated for pedestrian travel, such as the beach, bike-paths, streets, driveways, and public parking lots.

(c) “Pushcart” means any humanly propelled wheeled vehicle which contains items for sale.

(d) “Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

(e) “Sidewalk vendor” means a person who sells food 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.

(f) “Santa Monica 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 two thousand one hundred thirty-five feet into the Santa Monica Bay, and extending one hundred feet from all ingress and egress points to and from the Newcomb Pier and the Municipal Pier, including, but not limited to, the Ocean Avenue entrance point to the Pier bridge.

(g) “Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location.

(h) “Vehicle vendor” means a person who vends from a motor vehicle or unhitched trailer upon a public street, roadway, or highway.

(i) “Vend” means to sell, offer to sell, expose for sale, solicit offers to purchase, or barter food, food products, services, goods, or merchandise from any public area, including any area open to the public on private property. Vending includes offering samples of products that are also for sale, negotiating fees for goods, and/or requesting donations in exchange for merchandise from any public area or any area open to the public on private property.

(j) “Vendor” means a person who vends. A vendor includes a person who vends as an employee or agent of another person or entity. A person engaged in the business of soliciting, canvassing, or taking orders subject to the regulations in Chapter 6.32 is not a “vendor.”

(k) “Vendor permit” shall mean a sidewalk vendor permit or a vehicle vendor permit issued pursuant to this Chapter. (Added by Ord. No. 2607CCS § 2, adopted 4/9/19)

6.36.030 Vendor permit required.

No person shall vend in the City without first obtaining a vendor permit issued pursuant to this Chapter and a business license issued pursuant to Chapter 6.04 of this Code. (Added by Ord. No. 2607CCS § 2, adopted 4/9/19)

6.36.040 Restricted vending times and locations.

(a) Unless otherwise expressly authorized by or with the consent of the City, no person shall vend on or within, any private property, the Santa Monica Pier, a certified farmers’ market, a permitted community event, a permitted filming activity, a bikepath, a street, a driveway, or a public parking lot.

(b) No stationary sidewalk vendor shall vend within:

(1) Twenty-five feet of the Third Street Promenade;

(2) The Transit Mall;

(3) The Beach;

(4) Any area exclusively zoned for residential uses;

(5) The 1700 block of Ocean Front Walk;

(6) Any portion of Palisades Park that is within five hundred feet of the Ocean Avenue entrance point to the Pier bridge; or

(7) Any City park during the hours that an exclusive concessionaire is open and operating pursuant to an agreement with the City or other operator of the park.

(c) No roaming sidewalk vendor shall vend in an area exclusively zoned for residential uses or on a sidewalk or pedestrian path directly adjacent to such an area between the hours of nine p.m. and eight a.m.

(d) No vehicle vendor shall vend on Main Street between Ocean Park Boulevard and the City’s southern boundary between the hours of one a.m. and three a.m. on a Saturday, a Sunday, St. Patrick’s Day, Valentine’s Day, Cinco De Mayo Day, Memorial Day, Independence Day, Labor Day, Halloween, or New Year’s Day.

(e) The City Manager or designee may adopt administrative regulations imposing additional requirements consistent with this Chapter and all other applicable laws in order to regulate the time, place, and manner of vending. (Added by Ord. No. 2607CCS § 2, adopted 4/9/19)

6.36.050 Vending requirements and prohibitions.

(a) A vendor shall:

(1) Prominently display the vendor's vending permit at all times while on public property;

(2) Maintain noise levels in compliance with Chapters 4.12 and 6.116 of this Code;

(3) Keep the vendor's vending area litter free by removing litter caused by the vended products off of public or private property; and

(4) Maintain a trash container in or on the vendor's person, cart, or vehicle.

(b) A vendor shall not:

(1) Vend any shared mobility device, as defined in Section 3.21.020 of this Code, cannabis, as defined in Section 26001 of the Business and Professions Code, or cannabis product as defined in Section 11018.1 of the Health and Safety Code;

(2) Employ harassing, threatening or unsafe vending tactics, including, but not limited to:

a. Intentionally or recklessly making physical contact with or touching another person without the person's consent;

b. Intentionally or recklessly blocking or impeding the safe passage of a person traveling on a public right-of-way;

c. Engaging in physical conduct, verbal communication, or gestures in a manner: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) intended to or reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;

(3) Knowingly make false statements or misrepresentations in the course of vending; or

(4) Use any public or private electrical outlet or power source, including any City-owned or City-operated electrical outlets or power sources, without authorization.

(c) In addition to the prohibitions set forth in subsection (b) above, a vehicle vendor shall not:

(1) Use public property, including a sidewalk or a parkway, adjacent to the vendor's vehicle for vending purposes including displaying merchandise or placement of trash containers; or

(2) Vend vehicles or motorized devices.

(d) In addition to the prohibitions set forth in subsection (b) above, a sidewalk vendor shall not:

(1) Vend services or merchandise for rent to customers;

(2) Display merchandise or food that is not available for immediate sale;

(3) Use an open flame; or

(4) Place or maintain vending equipment or materials in a manner that touches, leans against or is affixed to any building or structure including, but not limited to, a lamppost, parking meter, mailbox, traffic signal, fire hydrant, bench, bus shelter, newsstand, trashcan, or traffic barriers. (Added by Ord. No. 2607CCS § 2, adopted 4/9/19)

6.36.060 Exemptions.

This Chapter shall not apply to:

(a) An approved participant in a certified farmers' market;

(b) A vendor operating pursuant to or under the authority of an approved license agreement;

(c) An approved participant in a community event authorized by the City;

(d) An individual vending newspapers, leaflets, pamphlets, bumper stickers or buttons;

(e) An individual or organization vending the following items, which are inherently communicative, have nominal utility apart from their communication, and have been created, written, or composed by the vendor: books, recorded

music, poetry, prose, sculptures, paintings, prints, or photographs. (Added by Ord. No. 2607CCS § 2, adopted 4/9/19)

6.36.070 Vendor permit application and fee.

(a) To receive or renew a vendor permit, a person must complete an application on the form approved by the City and file it with the City. The applicant must provide the following information:

(1) The applicant's full name and address.

(2) Proof of applicant's identity.

(3) A description of the type of products to be vended.

(4) The location where the applicant plans to vend.

(5) If the applicant is employed by another vendor, the name and business address of the employer.

(6) A description of any motor vehicle, pushcart, or other device to be used during vending.

(7) If the applicant will vend food products, a valid Los Angeles County Department of Health permit and certification that the vendor will comply with all applicable laws regarding food product vending.

(8) Whether the applicant seeks a permit to operate as a sidewalk vendor or a vehicle vendor.

(9) Other relevant information as required by the City, including proof of insurance coverage where required.

(b) No application for a vendor permit or for renewal of such a permit shall be accepted unless accompanied by the required vendor permit fee. The amount of the fee shall be established by resolution of the City Council.

(c) A vendor permit shall be effective for the same period as the term of the applicant's business license.

(d) A vendor permit may be renewed through the same application process described above.

(e) A vendor permit may not be assigned or transferred to any other person or entity. (Added by Ord. No. 2607CCS § 2, adopted 4/9/19)

6.36.080 Vendor permit approval, revocation, suspension or denial.

(a) The City may condition the approval of any vendor permit on compliance with this Chapter and other applicable laws and regulations.

(b) A vendor permit may be revoked, suspended or denied by the City Manager or designee based upon any of the following grounds:

(1) The applicant has made a materially false, misleading or fraudulent statement of fact or omission of fact to the City;

(2) The applicant operates, has operated, or proposes to operate in a manner that endangers public health or safety;

(3) The applicant fails to comply or has failed to comply with any requirement imposed by the provisions of this Code (or successor provision or provisions) including any rule, regulation, condition, or standard adopted pursuant to this Chapter, or any term or condition imposed by the vendor permit, or any provision of State law;

(4) The applicant, 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, including, but not limited to, any criminal conviction involving a violent or serious felony, fraud, deceit, or embezzlement; or

(5) Other grounds set forth by administrative regulations. (Added by Ord. No. 2607CCS § 2, adopted 4/9/19)

6.36.090 Appeals.

A decision by the City under this Chapter to deny an application, conditionally approve an application, suspend a permit, or revoke a permit may be appealed by an aggrieved applicant or permit holder. An appeal must be taken within the time and manner set forth in Chapter 6.16 of this Code. (Added by Ord. No. 2607CCS § 2, adopted 4/9/19)

6.36.110 Administrative regulations.

The City Manager or designee may promulgate administrative regulations to implement the provisions of this Chapter, including, but not limited to, permit application procedures and requirements, permit conditions, operating conditions, inspection frequencies, enforcement procedures, location restrictions, or concentration restrictions. No person shall fail to comply with any such regulations. (Added by Ord. No. 2607CCS § 2, adopted 4/9/19)

6.36.111 Penalties.

(a) Any person who violates any provision of this Chapter shall be subject to administrative citation pursuant to Chapter 1.09 of this Code.

(b) Any person, other than a sidewalk vendor, who violates any provision of this Code shall be subject to an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars per violation.

(c) Any person, other than a sidewalk vendor, who violates Section 6.36.040(a), (b)(3), (d), or 6.36.050(b) of this Chapter, shall be subject to an infraction which shall be punishable by a fine not exceeding two hundred fifty dollars per violation, or a misdemeanor, which shall be punishable by a fine not exceeding five hundred dollars per violation, or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(d) The remedies specified in this Chapter are cumulative and their specification shall not preclude the use of any other remedy provided by law. (Added by Ord. No. 2607CCS § 2, adopted 4/9/19)

6.36.112 Impoundment.

(a) The City may impound food, goods, and/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.

(b) The City may immediately dispose of impounded materials that are perishable or cannot be safely stored.

(c) The City may forfeit impounded materials from a vendor who has been found responsible for vending without required governmental permits three or more times within a twenty-four month period. An aggrieved vendor may appeal a City forfeiture order pursuant to the procedures set forth in Chapter 6.16.

(d) The City may dispose of abandoned impounded materials in accordance with administrative regulations.

(e) The City Council may by resolution adopt impound fees, which shall reflect the City's enforcement, investigation, storage and impound costs.

(f) No person shall retrieve impounded materials without paying applicable impound fees and demonstrating proper proof of ownership. (Added by Ord. No. 2607CCS § 2, adopted 4/9/19)

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City of
Santa Monica®

City of Santa Monica

Vehicle Vending Program

Administrative Regulations

July 1, 2019

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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 California Seller's Permit Fee	$4.00
Total	**$162.32**

*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.

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.