



City of  
**Santa  
Monica**

Sidewalk Vending Program  
Administrative Regulations

Last Revised: December 22, 2020

## Table of Contents

Section 1 Introduction .....	1
1.1 Program Intent .....	1
1.2 Program Objectives.....	1
Section 2 Definitions .....	1
Section 3 Application and Licensing Requirements .....	2
3.1 Application Requirements .....	2
3.2 Roles and Responsibilities of City Departments .....	3
3.3 Design and Dimension Requirements.....	3
3.4 Operational Requirements .....	5
3.5 Good Neighbor Policies .....	5
3.6 Receptacle and Clean Environment.....	6
Section 4 Restrictions .....	6
4.1 General Location Restrictions.....	6
4.2 Specific Location Restrictions .....	7
4.3 Special Regulations for the Parks and the Beach.....	8
4.4 Special Regulations for the Santa Monica Pier.....	8
4.5 Special Regulations for the Third Street Promenade and Transit Mall .....	9
4.6 Prohibited Items.....	9
Section 5 Business License/Vendor Permits.....	9
5.1 Suspension, Revocation, or Denial of Vendor Permit/Business License .....	9
5.2 Cessation of Operations of a Sidewalk Vendor.....	11
5.3 Seizure of Permit and License(s) Authorized.....	11
5.4 Surrender of Licenses and Permits.....	11
Section 6 Impoundment .....	11
6.1 Enforcement .....	11
6.2 Unattended Materials as Abandoned.....	11
6.3 Other Abandoned Materials .....	12
6.4 Impoundment Due to Lack of Valid City Vending Permit .....	12
6.5 City Retention of Impounded Materials.....	13
6.6 Reclaiming Impounded Materials.....	13
6.7 Appeals Related to Impoundment.....	13
6.8 Items Forfeited to the City.....	13

## Section 1 Introduction

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

### 1.1 Program Intent

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

### 1.2 Program Objectives

- Be consistent with the requirements of State (SB 946) and local (Santa Monica Municipal Code Chapter 6.36) law
- Prioritize public health and safety
- Protect the scenic and natural character of our City’s parks
- Expand economic opportunity for those who aspire to vend lawfully and with appropriate permits in the City
- Be meaningfully enforceable

## Section 2 Definitions

Definitions of certain terms pertaining to vending can be found in Section 6.36.020 of the Santa Monica Municipal Code (SMMC), and these terms shall have the same meaning as in these Regulations. Below are definitions of additional terms that supplement the definitions in the Ordinance:

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

City Public Services Officer, a City Lead Public Services Officer, a City Public Services Officer Supervisor, a City Public Services Administrator, a Pier and Harbor Services Officer, a Lead Pier and Harbor Services Officer, a City Pier and Harbor Services Supervisor, or any other authorized agent or employee of the City whose duty is to assure Code compliance. See SMMC Section 1.09.020.

- f. "Food" means a raw, cooked, or processed edible substance, ice, a beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.
- g. "Open Area" means any land area to which the public has unrestricted access.
- h. "Public Right-of-Way" means any public alley, parkway, public transportation path, roadway, sidewalk, or street that is owned, granted by easement, operated, or controlled by the City.
- i. "Sidewalk vending equipment" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, device, or other nonmotorized conveyance used by a sidewalk vendor.
- j. "Sidewalk vendor" has the same meaning as defined in SMMC Section 6.36.020(e) and, as used herein, refers to both roaming sidewalk vendors and stationary sidewalk vendors, as those terms are defined in SMMC Section 6.36.020(d) and (g).
- k. "Third Street Promenade" means the sidewalk and roadway on Third Street between the southeasterly line of Wilshire Boulevard and the northwesterly line of Arizona Avenue, and between the southeasterly line of Arizona Avenue and the northwesterly line of Santa Monica Boulevard and between the southeasterly line of Santa Monica Boulevard and the northwesterly line of Broadway.
- l. "Transit Mall" means the sidewalks on Santa Monica Boulevard and Broadway from the east side of Ocean Avenue to the west side of Fifth Street.

## Section 3 Application and Licensing Requirements

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

### 3.1 Application Requirements

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

- a. **A completed sidewalk vendor application**
- b. **Payment - Fees and taxes are listed in the table below:**

Tax/Fee	Amount for Fiscal Year 2020-21*
City Business License Tax	\$50.00
City Vendor Permit Fee	\$108.32
State Mandated 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 tax 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 applicants. Additional fees and assessments may apply. Sidewalk vendors must be in compliance and in good standing with payments of taxes and fees. As further explained in Section 5.1, the City has the discretion to deny an application if a vendor has received two or more citations or if any such citation remains unpaid. The City reserves the right to amend these fees to ensure cost recovery and facilitate program development.

- c. **Los Angeles County Health Permit** - This requirement is for food vendors only.
- d. **California Seller's Permit** - A Seller's Permit issued by the Department of Tax and Fee Administration is required for all sidewalk vendors.
- e. **Images of the operational setup**
- f. Any additional information, as requested by the City, deemed 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 sidewalk vendor permit and a badge or decal will be issued. If the application is denied, a denial notification will be mailed. The applicant may appeal the denial decision per SMMC Chapter 6.16.

### 3.2 Roles and Responsibilities of City Departments

- a. **Community Development** – The Community Development Department is 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 coordination of sidewalk vendor permits issued in conjunction with business license certificates.

### 3.3 Design and Dimension Requirements

- a. While in operation, all sidewalk vending equipment must not exceed the following operational size:

Max. Length	Max. Width
6 feet	4 feet

- b. All roaming sidewalk vendors must maintain an unobstructed view over 4 feet in height from the ground to the tabletop structure of their sidewalk vending equipment, as illustrated by the example below:



- c. All sidewalk vendors must adjust or relocate their operations to ensure that there remains at minimum 4 feet clearance on the sidewalk or pathway.
- d. All sidewalk vendors must provide locking wheels on all sidewalk vending equipment to prevent uncontrolled movement.
- e. No sidewalk vendor shall erect, place, or maintain any tent, canopy or other temporary shelter (excluding umbrellas) in the public right-of-way, a park, or the beach.
- f. A sidewalk vendor may have one (1) umbrella. When in use, the umbrella shall not exceed 10 feet in height as measured from ground level to its highest point. The umbrella cannot be attached to any public or private fixture, such as the sidewalk, street furniture, fence, bench, or trees. The umbrella must be made of a sturdy and safe material and must be attached and anchored to the sidewalk vending equipment in such a way that sudden bursts of wind will not dislodge it.
- g. No external power, piping, or plumbing is allowed. The sidewalk vending equipment must be entirely self-contained.
- h. Signage is permitted only if attached to the sidewalk vending equipment or the sidewalk vendor's person.
- i. Operations must not damage public or private property.
- j. Sidewalk vending equipment must not lean against or attach to a building or structure.
- k. All sidewalk vendors shall be limited to two (2) chairs. The chairs may be placed behind or next to (but not in front of) the sidewalk vending equipment.
- l. Food, goods, and merchandise must be securely fastened to the sidewalk vending equipment.

### 3.4 Operational Requirements

- a. Hours of operations for roaming sidewalk vendors in areas zoned exclusively residential shall be between the hours of 8 am to 9 pm.
- b. The maximum amount of time a roaming sidewalk vendor can be in the same location while not actively engaged in a sales transaction is three (3) minutes.
- c. Sidewalk vendors cannot leave their sidewalk vending equipment or their food, goods, or merchandise unattended at any time. For the purposes of these Regulations, unattended means that the vendor is not within 10 feet of the sidewalk vending equipment or the vendor's food, goods, or merchandise.
- d. No sidewalk vending equipment shall be chained or fastened to any pole, sign, tree, or other object in the public right-of-way, in a park, or on the beach.
- e. All sidewalk vendors must display their City-issued sidewalk vending decal on their sidewalk vending equipment when operating. Specifically, the decal shall be placed directly on the upper left-hand side of the side that faces the public.
- f. All sidewalk vendors shall wear City-issued vending badges or display the City-issued decals on their vending equipment at all times during operations.
- g. Under no circumstance shall food, goods, or merchandise be displayed using or placed directly upon a street, sidewalk, pathway, structure (bench, planters, tree, trash container, signpost, etc.), or any public place.
- h. No sidewalk vendor shall display food, goods, or merchandise by placing any blanket, tarp, or other covering in any public space, including in a park or the beach, directly in the public right-of-way, or on any public fixtures, benches, or structures.
- i. Sidewalk vending equipment shall be parallel to the curb, with the longest side of the equipment parallel to the curb.
- j. No sidewalk vendor shall use any power source that poses a fire or public safety hazard, any generator, or wet cell battery with removable fill caps. No sidewalk vendor shall connect or maintain an electrical cord to an adjacent building or to a City power source.
- k. Any food, goods, merchandise, boxes, or accessory items shall be stored entirely beneath the sidewalk vending equipment, as applicable, and shall not be stored or piled alongside, behind, or in front of the sidewalk vending equipment.
- l. No sidewalk vendor or their sidewalk vending equipment shall obstruct the entrance or exit of any property.
- m. All sidewalk vendors must offer receipts to customers for the sale of any food, goods, or merchandise.

### 3.5 Good Neighbor Policies

All sidewalk vendors (including their employees) will manage their sidewalk 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. Ensure that noise and odors will not become a nuisance or burden on neighbors.
- d. Walk a 100 feet radius from the vending site after close of business to gather and dispose of beverage and serving materials or other trash left by their customers.



### 3.6 Receptacle and Clean Environment

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

## 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

- a. Sidewalk vending is permitted only on sidewalks and pathways that are a minimum of 6 feet wide.
- b. To comply with the Americans with Disabilities Act and to ensure adequate passageway for pedestrians, sidewalk vendors must maintain a minimum 5-foot clearance in any direction, including from another sidewalk vendor.
- c. No sidewalk vendor may obstruct the free movement of pedestrians or cyclists, block the path of a person, or obstruct the free movement of vehicles, bicycles, or parked vehicles. Sidewalk vendors must implement measures to ensure that their customers do not obstruct the free movement of pedestrians or cyclists, block the path of a person, or obstruct the free movement of vehicles, bicycles, or parked vehicles.
- d. Sidewalk vendors with multiple vendor permits must maintain a minimum of 50 feet distance in any direction from any of their other operations.
- e. No sidewalk vending equipment shall occupy parking stalls or spaces.
- f. Sidewalk vendors cannot conduct business in such a way that would restrict or interfere with the ingress or egress of the abutting property owner or tenant;



create or become a public nuisance; increase traffic congestion or delay; or constitute a hazard to traffic, life, or property.

- g. No sidewalk vendor shall use any noise-making device. The ringing of bells, chimes, or the intentional production of other forms of electronic or mechanical sounds to attract the public is prohibited.
- h. No sidewalk vendor shall shout or willfully make any loud noise (except in an emergency).
- i. No sidewalk vendor shall solicit or conduct business with persons in motor vehicles located on traffic lanes of public streets, highways, or public parking lots.
- j. Sidewalk vendors shall not block passengers from existing and entering legally parked vehicles.

#### 4.2 Specific Location Restrictions

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

Restriction	Distance
Street, driveway, or public parking lot	Prohibited in any direction
Limousine staging zone, bus stop, tour bus, trolley stop, taxi stand, bus bench, bus shelter, or valet parking service	25 feet in any direction
Automated teller machine or parking pay station	15 feet in any direction
Fire hydrant, call box, traffic signal controller, or streetlight controller	15 feet in any direction
Police officer, firefighter, or emergency medical personnel who is actively performing his or her duties or providing services to the public	100 feet in any direction
Any alley	25 feet in any direction
Permitted filming, camps, classes, community events, or other City- approved temporarily-permitted activities, unless otherwise specified on the permit for certain vendors directly associated with the permitted activity	200 feet in any direction
Entrance or exit to a public building, parking lot or structure, structure, or facility (including pedestrian entrance/exit or “elevator lobby” to a building, parking lot or structure, structure, or facility)	25 feet in any direction
Handicapped parking space or access ramp	5 feet in any direction
Marked or unmarked curb return of a crosswalk or driveway	10 feet in any direction
Freeway entrance, freeway exit	50 feet in any direction
All fire stations- the grounds, buildings, structures, and open areas	200 feet in any direction
Public or private school	300 feet in any direction
City operated Farmer’s Market or swap meet	200 feet in any direction
City owned parking lots and structures	25 feet in any direction

Restriction	Distance
LA Marathon marked routes	250 feet in any direction

#### 4.3 Special Regulations for the Parks and the Beach

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

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

#### 4.4 Special Regulations for the Santa Monica Pier

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

- a. It shall be unlawful to vend upon the Santa Monica Pier other than from locations designated and managed under the authority of an approved license/concession agreement.
- b. It shall be unlawful to vend upon the Santa Monica Pier Bridge or within 100 feet from the entrances and exits of the bridge.
- c. It shall be unlawful to vend from the beach immediately adjacent to or under the Pier and within 100 feet from the Pier's entrances and exits, including stairs, ramps, elevators, and plazas.

- d. It shall be unlawful for any stationary sidewalk vendor to vend in any portion of Palisades Park that is within 500 feet of the Ocean Avenue entrance point to the Pier Bridge.

#### 4.5 Special Regulations for the Third Street Promenade and Transit Mall

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

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

#### 4.6 Prohibited Items

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

## Section 5 Business License/Vendor Permits

### 5.1 Suspension, Revocation, or Denial of Vendor Permit/Business License

A vendor permit/business license may be revoked, suspended, or denied by the Community Development Department for a violation of one of the grounds specified in SMMC Section 6.36.080(b), as further specified below.

- a. **Suspension** – If a sidewalk vendor has received two citations for violation of any provision of the SMMC or these Regulations that have become final during the term of the vendor permit/business license, the vendor permit/business license shall be suspended for 60 days or as long as at least one citation is open, whichever is longer. For these purposes, if a sidewalk vendor contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. The suspension shall become effective 10 days after the mailing of a Notice of Intent to Suspend to the sidewalk vendor, unless the sidewalk vendor appeals the decision in accordance with SMMC Chapter 6.16.
- b. **Revocation** – Upon the fourth or more citation for violation of any provision of the SMMC or these Regulations that have become final during the term of the vendor permit/business license, the vendor permit/business license shall be revoked. For these purposes, if a sidewalk vendor contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. In addition, a vendor permit/business license shall be revoked if the sidewalk vendor made a materially false, misleading or fraudulent statement or material omission in the

application or during the application process. The revocation shall become effective 10 days after the mailing of a Notice of Intent to Revoke to the sidewalk vendor, unless the sidewalk vendor appeals the decision in accordance with SMMC Chapter 6.16.

- c. **Denial** – If a sidewalk vendor submitting an initial sidewalk vendor application has received two or more citations that have become final for violation of the SMMC or these Regulations or any such citation remains unpaid within the prior fiscal year (i.e., July 1-June 30), the City may, in its sole and absolute discretion, deny the initial application. If a sidewalk vendor has received two or more citations that have become final for violation of the SMMC or these Regulations during the term of the immediately preceding vendor permit/business license or any such citation remains unpaid, the City may, in its sole and absolute discretion, deny the renewal application. For these purposes, if a sidewalk vendor contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. In addition, an initial or renewal application for a vendor permit/business license shall be denied if the sidewalk vendor makes a materially false, misleading, or fraudulent statement or material omission in the application or during the application process. If the City denies either the initial application or the renewal application for any of these reasons, the City shall notify the host in writing.
- d. **Citation Involving Conduct Endangering Public Health or Safety or Conviction of Certain Criminal Offenses** – Notwithstanding Section 5.a.-c. above, the City reserves the right: (1) to suspend for a period up to 6 months a vendor permit/business license in the event (a) the sidewalk vendor has received one citation that has become final during the term of the vendor permit/business license for conduct that endangers public health or safety or (b) the sidewalk vendor (or any of its officers, owners, or principals) has been convicted of a criminal offense that is substantially related to the qualifications, functions or duties of the vending profession; or (2) to deny an initial or renewal application for a vendor permit/business license in the event (a) the sidewalk vendor has received one citation that has become final during the prior fiscal year (July 1-June 30) for conduct that endangers public health or safety or (b) the sidewalk vendor (or any of its officers, owners, or principals) has been convicted of a criminal offense that is substantially related to the qualifications, functions or duties of the vending profession. For these purposes, if a sidewalk vendor contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. The suspension shall become effective 10 days after the mailing of a Notice of Intent to Suspend to the sidewalk vendor, unless the sidewalk vendor appeals the decision in accordance with SMMC Chapter 6.16. If an initial or renewal application is denied for this reason, the City shall notify the host in writing.

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

## 5.2 Cessation of Operations of a Sidewalk Vendor

The City may order any sidewalk vendor to immediately cease operations and comply with such an order if the continued operation presents any of the following situations:

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

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

When the City determines that a sidewalk 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 sidewalk vendor permit decal/badge.

## 5.4 Surrender of Licenses and Permits

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

# Section 6 Impoundment

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

## 6.1 Enforcement

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

## 6.2 Unattended Materials as Abandoned

- a. Food, goods, or merchandise shall be considered abandoned after an enforcement officer observes such materials unattended on public property for a period of at least 30 consecutive minutes. An enforcement officer may satisfy the 30-minute observation period by placing a marking on or attaching a notice to the food, goods, or merchandise and then observing and documenting that the marking or notice is undisturbed after the passage of at least 30 minutes.
- b. An enforcement officer may impound such abandoned materials only after the enforcement officer has made a reasonable attempt to locate the owner of such materials at the time the enforcement officer first observes the unattended materials.
- c. Prior to impoundment, any person claiming ownership of the unattended materials may recover and retain such items on site for vending purposes upon providing a valid vendor permit. Such a vendor may be cited for leaving their food, goods, or merchandise unattended in violation of Section 3.4(c) of these Regulations.

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

### 6.3 Other Abandoned Materials

- a. An enforcement officer may impound goods, food, or merchandise if the enforcement officer directly observes a vendor discarding and leaving such materials on public property in such a manner that leads the enforcement officer to find, based on the totality of the circumstances, that the vendor abandoned the materials. In addition, depending on the totality of the circumstances, a vendor's affirmative disavowal of ownership of goods, food, or merchandise in response to an enforcement officer's question as to ownership may be a basis for a finding of abandonment and grounds for impoundment. The placement of goods, food, or merchandise in the care of another does not constitute abandonment, but may lead to impoundment under Section 6.4 of these Regulations if the person taking care of the materials is engaged in vending and lacks a vending permit.
- b. At the time of impoundment, the enforcement officer shall document the date, the time period, and location the abandoned materials were observed, the circumstances that support the enforcement officer's finding of abandonment, and a complete description of such materials, including any perishable items and the storage of which raise health or safety concerns. This documentation shall be maintained by the City with the impounded materials.

### 6.4 Impoundment Due to Lack of Valid City Vending Permit

- a. Food, goods, or merchandise displayed, offered, or made available for rent or sale by a vendor who does not possess a valid City vending permit may be impounded by any enforcement officer.
- b. At the time of impoundment, the enforcement officer shall provide to the vendor a receipt that includes the date and time the materials were impounded and a complete description of the impounded materials, including any perishable items and the storage of which raise health or safety concerns. The receipt shall also include instructions on how to reclaim impounded materials and notify the vendor 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 materials to the City.
- c. If a vendor has received three or more citations that have become final for vending without a valid City permit within the prior 24-month period, the City may forfeit the vendor's impounded materials. For these purposes, if a vendor contests a citation pursuant to SMMC Chapter 1.09, the citation will become final only if the Hearing Officer determines that the citation should be upheld. A vendor whose

property is subject to a City forfeiture order may appeal that order pursuant to the procedures set forth in SMMC Chapter 6.16.

#### 6.5 City Retention of Impounded Materials.

Impounded food, goods, or merchandise shall be held by the City for a period of at least 90 days. Unless a person claiming ownership has timely appealed (as described in Section 6.6) or reclaimed the impounded materials pursuant to Section 6.6, the impounded materials will be forfeited to the City after the expiration of the 90-day holding period. Notwithstanding the foregoing, the City may immediately dispose of impounded materials that are perishable and the storage of which raises health or safety concerns.

#### 6.6 Reclaiming Impounded Materials

Prior to the expiration of the 90-day holding period described in Section 6.5 or before any appeal related to impoundment becomes final, any person claiming ownership of food, goods, or merchandise that has been impounded may reclaim such materials upon payment of impound fees, proper proof of ownership, and a vending permit valid as of the date the goods were impounded. Owners of impounded material should contact the Code Enforcement Division at 310-458-4984 to reclaim their property. Owners may recover impounded goods without showing a vending permit valid as of the date the goods were impounded, but may be subject to citation for vending without a permit.

#### 6.7 Appeals Related to Impoundment

Any person claiming ownership of impounded food, goods, or merchandise may contest the impoundment by filing a timely appeal pursuant to SMMC Chapter 6.16. Impounded materials that are the subject of a timely appeal shall be held by the City until the later of (a) the expiration of the 90-day holding period described in Section 6.5 or (b) the appeal, including any judicial review, becoming final. Thereafter, provided that the impoundment is upheld on appeal, the impounded materials will be forfeited to the City.

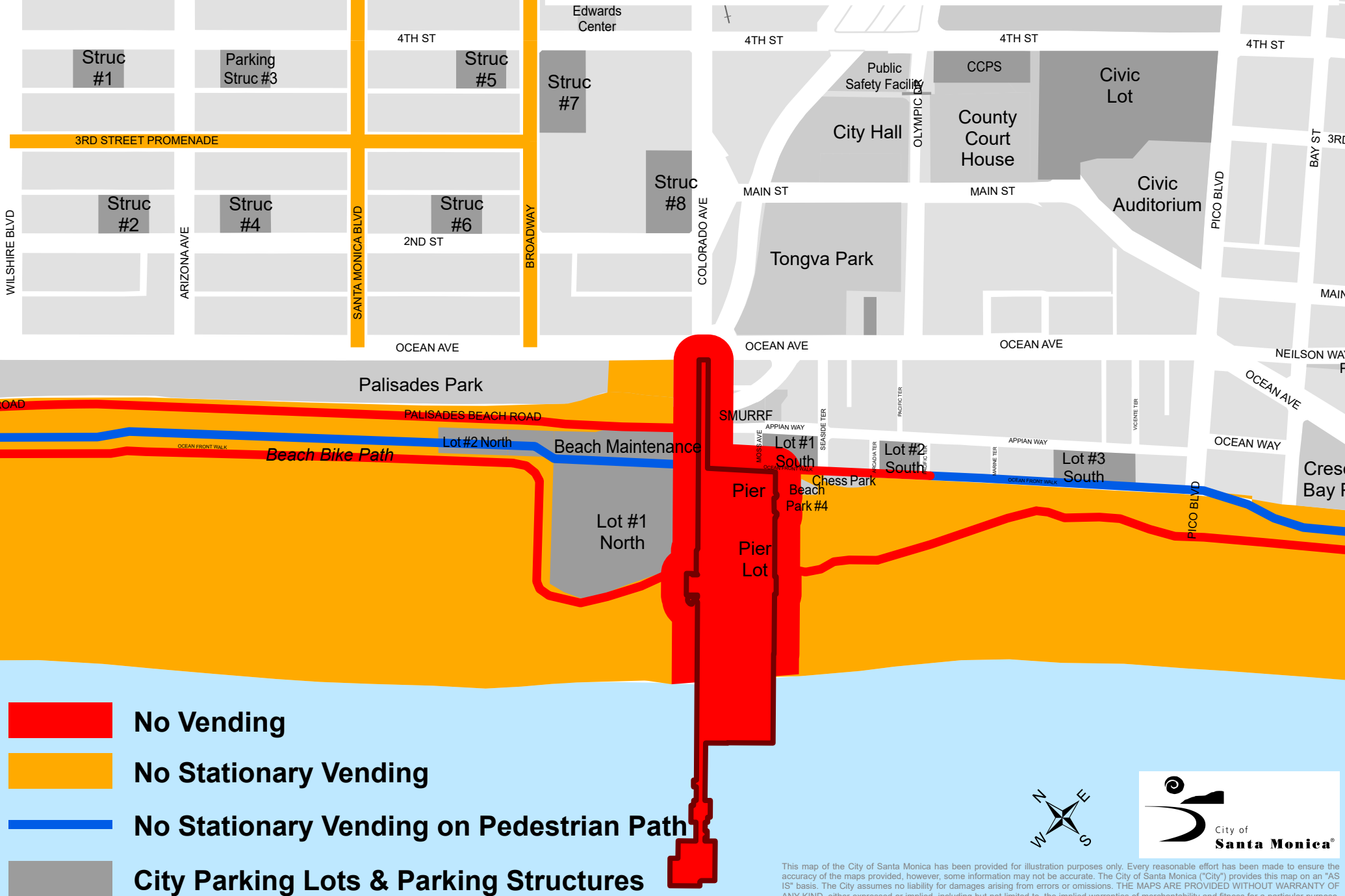
#### 6.8 Items Forfeited to the City

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



## Section 6 Map

# Vending Restrictions in Downtown and Near Santa Monica State Beach



This map of the City of Santa Monica has been provided for illustration purposes only. Every reasonable effort has been made to ensure the accuracy of the maps provided, however, some information may not be accurate. The City of Santa Monica ("City") provides this map on an "AS IS" basis. The City assumes no liability for damages arising from errors or omissions. THE MAPS ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this map before validating your decision with the appropriate City office.