



El Segundo Police Department
Training Section
348 Main Street, El Segundo, CA 90245
Phone (310) 524-2253

TRAINING BULLETIN

November 4, 2021

City of El Segundo

Sidewalk Vending Program

On October 1st, 2019 the City of El Segundo adopted Ordinance 1593, establishing the creation of the Sidewalk Vending Program. In order to be compliant with California Senate Bill 946 and to protect El Segundo's health, safety and welfare, the ordinance lays out the rules and regulations for vendors that wish to conduct business within El Segundo.

The attached handout was created by City staff to address basic questions and concerns regarding street vendors.

Also attached is the applicable El Segundo Municipal Code, which explains the rules and regulations related to street vending in greater detail.

With the holiday season approaching, we will undoubtedly see an increase in the number of street vendors within the city.

Please review the attached handout and associated municipal code for your reference and awareness.



SIDEWALK VENDING INFORMATION

On October 1st, 2019 the City of El Segundo adopted Ordinance 1593 establishing the creation of the Sidewalk Vending Program. In order to be compliant with California Senate Bill 946 and to protect El Segundo's health, safety and welfare, the ordinance lays out the rules and regulations for vendors that wish to conduct business within El Segundo.

Vending will be classified into two categories, Stationary and Roaming.

What Can I Sell?

- A Sidewalk Vendor may sell merchandise and/or food as long as they meet the requirements for holding a Sidewalk Vending Permit.

Where Can Vending Occur?

- Vending may occur on the sidewalk. Vendors need to maintain 6 feet of clearance on any path they operate on.
- Only Roaming Vendors may sell in residential neighborhoods, as long as they are continually moving, only stopping to complete a transaction.

Where is Vending Prohibited?

- The street and street median.
- Junk Food may not be offered within 300 feet of any school between 6:00AM and 6:00PM when school is in session.
- Within 300 feet of a Farmer's Market, Swap Meet, or Area Designated for Special Event during the event's duration.
- In any "City-owned park" where the City has an operative agreement between the City and a concessionaire.
- In an area that would prevent access or departure from the surrounding property, 3 ft. from any parking lot or driveway apron or a specific site determined by the City Engineer or Police Department.

SIDEWALK VENDING INFORMATION

REQUIREMENTS:

All Street Vendors must provide the following:

- | | |
|---|---|
| -A Complete City of El Segundo Sidewalk Vending Application | -Seller's Permit from the California Department of Tax and Fee Administration |
| -A written description of all items to be sold | -Proof of liability insurance |
| -A valid City of El Segundo Business Tax Registration Certificate | -List of ancillary items to be used in conjunction with their business |

Street Vendors selling food have the following additional requirements:

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|---|---|
| -A valid Food Handler's Card or Certified Food Protection Manager certification | -Valid Los Angeles County Department of Health Permit |
| -List of ancillary Items to be used in conjunction with their business | |

ENFORCEMENT QUESTIONS/ COMPLAINTS:

ESPD: 310-524-2200
Code Enforcement: 310-524-2387

PERMIT APPLICATION QUESTIONS:

CALL 310-524-2317
OR
EMAIL: Taxinquiries@elsegundo.org

EL SEGUNDO MUNICIPAL CODE
CHAPTER 15

SIDEWALK VENDOR PROGRAM

4-15-1: PURPOSE:

This Chapter is adopted pursuant to the City's police powers and Government Code sections 51036 et seq., including any successor statutes, for the purpose of regulating the sale of food and merchandise on the City's sidewalks and pedestrian paths.

4-15-2: DEFINITIONS:

For the purposes of this chapter, the following definitions apply. Words and phrases undefined in this Code have the same meaning as such words and phrases in title 8 of the Public Health Code of Los Angeles County:

CERTIFIED FARMER'S MARKET: A California agricultural product point-of-sale location that is registered under, and operated in accordance with Food and Agriculture Code sections 47000, et seq.

JUNK FOOD: Any food or beverage that is low in essential nutrients, protein, vitamins or minerals and high in calories, sodium, sugar and fat. "Junk Foods" include, without limitation, soda, candy, chips, ice cream, hot dogs or processed meat and chocolates.

PEDESTRIAN PATH: A footpath, not adjacent to a road, which is intended for use only by pedestrians, tricycles, strollers or baby carriages.

ROAMING SIDEWALK VENDOR: A sidewalk vendor who sells food or merchandise while continuously moving from place to place and who only stops temporarily to complete a transaction.

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

SPECIAL EVENT: Includes an event that requires a City-issued permit for the temporary use of, or encroachment on, the sidewalk or other public area, including, without limitation, an encroachment permit, special event permit, or temporary event permit. For purposes of this chapter, "Special Event" also includes organized youth sports league events and games and City-sponsored events.

STATIONARY SIDEWALK VENDOR: A sidewalk vendor who sells food or merchandise from a fixed location.

SWAP MEET: As defined in Business and Professions Code section 21661, as may be amended.

VENDOR: A person, individual, firm, co-partnership, joint venture, association, corporation, or any other group or combination acting as an entity, that sells, offers for sale, solicits for purchase,

or exposes or displays for sale, any food, beverage or merchandise, or to require someone to negotiate or establish to pay a fee before providing food, beverages or merchandise, even if characterized as a donation.

4-15-3: SIDEWALK VENDOR PERMIT REQUIRED; EXEMPTION:

A. No person or vendor may operate as a sidewalk vendor on a public sidewalk, park, parkway, median, land, property, pedestrian path or any other land or property under the City's control, unless the City has issued such person a sidewalk vending permit and city business license.

B. No pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or other non-motorized conveyance may be used for the sale of food or merchandise from the public sidewalk, park, parkway, median, land, property, pedestrian path or any other land or property under the City's control, anywhere in the City without first obtaining a sidewalk vending permit for such activity.

C. The sidewalk vending permit is valid for twelve (12) months after being issued, unless revoked or suspended, and may be renewed at any time before expiration. A maximum of one (1) sidewalk vending permit may be issued to a vendor. A sidewalk vending permit may not be issued to pushcarts, wagons, or other non-motorized conveyances. Sidewalk vending permits are non-transferable.

D. A bona fide charity is exempt from the permit requirements of this Chapter and is otherwise regulated pursuant to Business and Professions Code sections 17510 et seq.

E. City-permitted filming and special event permits shall have priority over sidewalk vending permits.

4-15-4: APPLICATION:

A. To apply for a sidewalk vending permit, the applicant must provide to the City all of the following information under penalty of perjury:

1. The applicant's full name and a social security number or California driver's license, California identification card number, or individual taxpayer identification number;
2. Proof of a valid California Department of Tax and Fee Administration seller's permit;
3. The name, telephone number and current mailing address of the sidewalk vendor;
4. The name and business address of the principal if the sidewalk vendor is an agent of an individual, company, partnership or corporation;
5. A complete description of the food or merchandise offered for sale or exchange. Any applicant who intends to sell food must also provide proof of either a food handler card or certified food protection manager certificate, if applicable, pursuant to Health and Safety Code sections 113700 through 114437, and certify that the pushcart, stand, display, pedal driven cart, wagon, showcase, rack or other non-motorized conveyance used has been approved by the County Health Department for that particular type of food;

6. Proof of liability insurance and signed indemnification in favor of the City, in an amount not less than five hundred thousand dollars (\$500,000) for property damage, including injury resulting in death, caused by the operation of the vending business; and

7. A complete description of any ancillary items that the applicant intends to use in conjunction with sales including, without limitation, small tables, trash receptacles, chairs, umbrellas and umbrella stands, or other similar items.

B. Applicants must agree in writing to abide by the location and operational requirements stated in this Chapter.

C. Each application must be in writing on forms approved by the City, and the application must be accompanied by the non-refundable fee established by City Council resolution.

D. Sidewalk vendors may not be permitted as a permanent or proprietary location in any property within the City.

E. The Finance Director or designee is responsible for issuing sidewalk vending permits and may promulgate any additional requirements for the issuance of such permits, provided such requirements comply with this chapter, this Code and state law. The Director's decision with respect to a sidewalk vendor permit application may be appealed to the City Manager. The City Manager's decision is the City's final decision.

4-15-5: LOCATION REQUIREMENTS:

A. Sidewalk vendors must maintain a clearance of no less than four feet (4') (forty eight inches (48")) upon every sidewalk or pedestrian path in order to comply with the Americans with Disabilities Act of 1990 (Public Law 101-336).

B. Stationary sidewalk vendors may not operate in any of the City's residential zones; roaming sidewalk vendors may sell food or merchandise within residential zones, provided the vendor moves continuously and only stops temporarily to complete a transaction.

C. Sidewalk vendors may not offer junk food within three hundred feet (300') of any kindergarten, elementary school, junior high school or senior high school, between the hours of six o'clock (6:00) A.M. and six o'clock (6:00) P.M., when such school is in session.

D. Sidewalk vendors may not operate within three hundred feet (300') of a certified farmer's market, swap meet, or area designated for a special event, during the event's limited duration. City-permitted filming and special event permits shall have priority over sidewalk vending permits.

E. Stationary sidewalk vendors may not operate within any City-owned park with an operative agreement between the City and a concessionaire for the exclusive sale of food or merchandise by the concessionaire.

F. Sidewalk vendors may not operate:

1. Where placement impedes the flow of pedestrian traffic by reducing the clear space to less than six feet (6'), or impedes egress from, access to or the use of abutting property; or

2. In any location where vending operations endanger the safety of persons or property including, but not limited to, three feet (3') from any parking lot or driveway apron, or as determined on a site-specific basis by the City Engineer or Police Department.

G. No vendor may use the median strip of a divided roadway.

4-15-6: OPERATING REQUIREMENTS:

A. A cart approved by the Health Department to vend one particular type of food may not be used to vend a different type of food.

B. A cart used for sidewalk vending must not exceed a length of seventy two inches (72") (six feet (6')), a width of fifty four inches (54" (four and one half feet (4.5')), or a height, including a roof or awning, of seventy eight inches (78") (six and one half feet (6.5')). An applicant may request, and the City may approve, a table for condiments to be used in conjunction with a cart selling food. Such table must not exceed a length of forty eight inches (48") (four feet (4')) and a width of twenty four inches (24") (two feet (2')). A vendor may only set up and use furniture as expressly approved by the City.

C. All sidewalk vendors must allow a police officer, firefighter, code enforcement officer, health inspector or other government official charged with enforcing laws relating to street vendor activities, at any time, to inspect the vendor's cart for compliance with the requirements of this Chapter and to ensure the safe operation of any heating elements used to prepare food.

D. A vendor must operate according to its approved hours of operation. The Finance Director may impose reasonable hours of operation for sidewalk vendors, provided that for sidewalk vending in non-residential areas, the Director may limit the hours of operation in a manner consistent with other businesses or uses on the same street(s) in such areas. Vending in City parks is only permitted during park operating hours.

E. Stationary sidewalk vendors must provide a trash receptacle and recycling container for customers and ensure proper disposal of customer trash, when necessary, during all hours of operation. The trash receptacle and recycling container must be large enough to accommodate customer trash without resorting to existing trash receptacles and recycling containers provided by the City for use by the general public. A sidewalk vendor may not dispose of customer trash in existing receptacles provided by the City. Sidewalk vendors must prevent the accumulation of solid waste in quantities that are unreasonable or detrimental to the public health or safety.

F. Sidewalk vendors must keep the immediate area around them clean and free of trash or liquids during hours of operation. Vendors must pick up and properly discard any trash associated with the vendor's activities, and clean up any spilled or leaked liquids on the sidewalk or pedestrian path before leaving the area.

G. All applicable permits, including the City-issued sidewalk vending permit, must be displayed in plain view at all times.

H. A pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or other non-motorized conveyance, or ancillary vending items or equipment must not be left unattended or chained or fastened to any pole, sign, tree or other object in the public right-of-way, or be left unattended and

intruding in the public right-of-way. Any pushcart, stand, display, pedal-driven cart, wagon, showcase, rack or other non-motorized conveyance in violation of this subsection may be confiscated.

I. A sidewalk vendor must provide their own, independent source of electricity and other utilities for the cart's operation. A sidewalk vendor may not connect a cart to an external source of electricity, water or any other utilities while located on public property.

J. A sidewalk vendor may not burn wood or barbeque briquettes.

K. Merchandise may not be placed directly onto the public right-of-way without the City's express approval.

L. Sidewalk vendors may not offer services or any illegal or counterfeit merchandise. No sidewalk vendor may sell any alcohol-related beverage, tobacco or electronic vaping products; cannabis products; weapons, including knives, guns or explosive devices; pharmaceuticals; or other similar products.

M. All signs associated with a sidewalk vendor must be affixed to the cart or conveyance. A sidewalk vendor must not display any signage that is potentially distracting to motorists, including but not limited to, flashing signs, LED lights or lasers.

N. Vendors must comply with the noise requirements outlined in Chapter 7-2 of this Code, particularly with regard to the amplification of voices, music or sound.

O. Sidewalk vendors may not operate vending tricycles, icicle trikes, bicycle vending carts or the like, in any City park.

4-15-7: REVOCATION OR SUSPENSION OF PERMIT:

A. Whenever any person fails to comply with any provision of this Chapter, or any rule or regulation adopted pursuant hereto, or with any other provision or requirement of law, including, but not limited to, this Code or any grounds that would warrant the denial of initial issuance of a permit hereunder, the City Manager, after giving such person ten (10) days' notice in writing to the address stated on the application and specifying the time and place of hearing and requiring him/her to show cause why his/her permit should not be revoked, will conduct a hearing. If permit violations are shown by substantial evidence, the City Manager may revoke or suspend any permit. The City will not issue a new permit after the revocation of a permit unless it is satisfied that the applicant will thereafter comply with all provisions of this Chapter and the rules and regulations adopted thereunder and all other applicable provisions of law, and until the City Manager collects a fee in an amount sufficient to recover the actual costs of processing the re-application.

B. The City Manager will provide the permittee with written notice of the revocation by certified mail addressed to the permittee's address.

C. Any person who vends, peddles or sells any goods or merchandise after such person's permit has been suspended or revoked, and before such suspended or revoked permit has been reinstated or a new permit issued, is subject to administrative penalties pursuant to section 4-15-8.

4-15-8: VIOLATIONS AND PENALTIES:

A. Any violation of this Chapter is deemed to be a public nuisance and each day such condition continues will be regarded as a new and separate offense. Violations of this Chapter will be subject to administrative penalties, enumerated in subsections C and D below and administered pursuant to Chapter 1-2A of this Code. Any administrative fines issued pursuant to this Chapter may be appealed pursuant to Chapter 1-2A of this Code.

B. It is unlawful for any person engaged in sidewalk vending, solicitation or peddling as described herein to fail or refuse to display or show the identification card upon demand for the display thereof by an officer of the City, or by any person being solicited by the solicitor.

C. Any vendor who operates without a duly-issued sidewalk vending permit will be subject to the following fines:

1. An administrative fine of two hundred fifty dollars (\$250.00) for a first violation;
2. An administrative fine of five hundred dollars (\$500.00) for a second violation within one (1) year of the first violation;
3. An administrative fine of one thousand dollars (\$1,000.00) for a third or subsequent violation within one (1) year of the first violation.

The city may reduce these fines for any vendor who subsequently obtains a valid permit.

D. A person who violates any provision of this Chapter other than vending without a duly-issued sidewalk vending permit is subject to the following fines:

1. An administrative fine of one hundred dollars (\$100.00) for a first violation;
2. An administrative fine of two hundred dollars (\$200.00) for a second violation within one (1) year of the first violation; and
3. An administrative fine of five hundred dollars (\$500.00) for a third or subsequent violation within one (1) year of the first violation. Alternatively, the City may revoke the permit issued upon a fourth or subsequent violation.

E. When assessing an administrative fine, the City must take into consideration the violator's ability to pay the fine. If either of the following are true, the violator may remit to the City twenty percent (20%) of the administrative fine imposed:

1. The violator is receiving public benefits under one (1) or more of the following programs: (i) Supplemental Security Income (SSI) and State Supplementary Payment (SSP); (ii) California Work Opportunity and Responsibility to Kids Act (CalWORKs) or a federal Tribal Temporary Assistance for Needy Families (Tribal TANF) grant program; (iii) Supplemental Nutrition Assistance Program or the California Food Assistance Program; (iv) County Relief, General Relief (GR), or General Assistance (GA); (v) Cash Assistance Program for Aged, Blind, and Disabled Legal Immigrants; (vi) In-Home Supportive Services (IHSS); or (vii) Medi-Cal; or

2. The violator's monthly income is one hundred twenty five percent (125%) or less of the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of paragraph (2) of section 9902 of title 42 of the United States Code.

F. Any fine required to be paid under the provisions of this Chapter shall be deemed a debt owed by the person to the City. Any person owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City for the recovery of such amount.