



Legislation Details (With Text)

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Title: Consideration and Introduction of an Ordinance to Amend Section 3.68 of the Manhattan Beach Municipal Code Related to Mobile Vending Businesses (Community Development Director Alkire).
(Estimated Time: 1 Hr.)
A) CONSIDER ESTABLISHING A PERMIT PROCESS FOR MOBILE VENDING AND AMENDING REGULATIONS APPLICABLE THERETO
B) INTRODUCE ORDINANCE NO. 25-0011

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance No. 25-0011, 2. Existing Municipal Code Section 3.68, 3. PPIC Staff Report – Mobile Food Vendors (September 4, 2025), 4. Draft PPIC Special Meeting Minutes of September 4, 2025, 5. PowerPoint Presentation

Date	Ver.	Action By	Action	Result
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TO:
Honorable Mayor and Members of the City Council

THROUGH:
Talyn Mirzakhanian, City Manager

FROM:
Masa Alkire, Community Development Department Director
Erik Zandvliet, T.E., City Traffic Engineer

SUBJECT:
Consideration and Introduction of an Ordinance to Amend Section 3.68 of the Manhattan Beach Municipal Code Related to Mobile Vending Businesses (Community Development Director Alkire).
(Estimated Time: 1 Hr.)
A) CONSIDER ESTABLISHING A PERMIT PROCESS FOR MOBILE VENDING AND AMENDING REGULATIONS APPLICABLE THERETO
B) INTRODUCE ORDINANCE NO. 25-0011

RECOMMENDATION:
Staff recommends that the City Council consider introducing Ordinance No. 25-0011 to establish a permit process for mobile vending and modifying regulations applicable thereto.

FISCAL IMPLICATIONS:

The City anticipates increased costs to regulate and enforce a mobile vending program, however, those increased costs would be recovered through a new permit process and additional citation revenue recovered through enforcement activities.

If adopted, Ordinance No. 25-0011, would require a Mobile Vending Business Permit, which would involve the review, inspection and permit issuance for each mobile vendor that operates within the City. The estimated permit fee of \$471.40 is based on cost recovery for staff time involved in issuing the permit. Based on the existing six licensed mobile vendors, the City anticipates approximately \$2,828.39 in annual revenue associated with this new permit. The Mobile Vending Business Permit fee and Appeal Fee of Director decisions to deny or revoke a Permit is scheduled to be considered by the City Council concurrent with the second reading of the ordinance.

As is true with all violations of the Municipal Code, a violation of Ordinance No. 25-0011 constitutes a misdemeanor. However, to achieve compliance with Code provisions, the City has the option of issuing an administrative citation pursuant to Chapter 1.06. Additional revenue impacts are anticipated from enforcing Code requirements. However, the approximate amount is not quantifiable due to unknown factors such as the frequency and number of operators violating the code at any given time.

BACKGROUND:

This summer, a number of mobile vendors began operating in Southern California cities, including congested coastal communities. On July 15, 2025, the City Council directed staff to agendize a consideration of an update to the City's mobile vendor regulations to protect public safety related to ADA access, increased congestion, narrow streets, and limited parking, especially in the City's commercial areas in close proximity to the beach.

The City's existing regulations regarding mobile food vendors in the public right-of-way (ROW) are found in Municipal Code Chapter 3.68, which was adopted by the City Council on February 21, 2012 (See Attachment). These regulations were established in accordance with California law, which authorizes cities to adopt regulations to facilitate public safety relating to the type of mobile vending, and the time, place and manner of vending.

On September 4, 2025, the Parking and Public Improvements Commission (Commission) reviewed State, County and City regulations that are applicable to mobile food vendors and discussed a summary of current practices in other municipalities that could be adapted for use in Manhattan Beach. The Commission's recommendations are described in more detail below. In addition, City staff has researched the potential regulations with regard to public safety in the City. Most of the Commission's safety concerns have been incorporated into the draft ordinance.

The California Vehicle Code allows mobile vendors of all types to operate on public streets in compliance with traffic laws unless they are further regulated by local codes based upon public safety. Presently, non-food mobile vendors are not subject to Municipal Code Chapter 3.68 and could potentially operate on any public street with only a business license, and subject solely to State law. Additionally, the City's zoning and land use codes do not apply to vehicles on public streets. For this reason, the proposed Mobile Vending Business ordinance has been drafted to apply to all mobile vendors, not just food vendors. The proposed definition of mobile vending included in the ordinance is inclusive of the sale, free distribution, rental or lease of goods, services, food and beverages.

DISCUSSION:

The California Vehicle Code authorizes municipalities to regulate mobile vending in order to protect

public safety. In addition, Article XI, Section 7 of the California Constitution extends police power authority to municipalities to regulate public health and welfare. Most vendors must obtain a Seller's License from the California Department of Tax and Fee Administration. Additionally, California Code 114315(a) requires mobile food vending vehicles to be located in proximity to restroom and handwashing facilities, as follows:

A food facility shall be operated within 200 feet travel distance of an approved and readily available toilet and handwashing facility, or as otherwise approved by the enforcement agency, to ensure that restroom facilities are available to facility employees whenever the mobile food facility is stopped to conduct business for more than a one-hour period.

In Los Angeles County, mobile food vendors must obtain a Mobile Food Facility Permit from the Los Angeles Department of Public Health. This permit ensures that the operator complies with applicable County food safety and handling requirements. The permit requires an annual inspection of the mobile food facility (food truck) to guarantee that it meets certain health standards. The County permit also requires that the vendor have proper food handling certification and that the vending vehicle has a current vehicle registration, if applicable. More information is available on the [LA Public Health <http://www.publichealth.lacounty.gov/eh/business/food-trucks-carts.htm>](http://www.publichealth.lacounty.gov/eh/business/food-trucks-carts.htm) website regarding Health Permits for mobile food facilities.

In addition to State and County requirements, the City requires mobile food vendors obtain a Manhattan Beach business license to operate in the City. The business license is not a permit and does not give authority to operate in any specific location or area. Vendors are responsible for complying with all State, County and local codes and regulations. Pursuant to MBMC 6.01.160, City Council may revoke a business license if it is determined that the business has violated any conditions of the license, or permit, or any other terms of the City's municipal code or law of the State.

Note that California treats mobile food vendors differently than sidewalk vendors, which are regulated by different State and local codes and are not subject to the regulations on the draft ordinance. The City's sidewalk vending business regulations are found in Municipal Code Section 6.24.

Public Safety Concerns

As noted above, the California Constitution and California Vehicle Code authorize local municipalities to adopt regulations to ensure public safety relating to the type of mobile vending, and the time, place and manner of vending. Public safety concerns fall into four main categories, as follows:

- Public Health - Unsanitary food preparation, vermin attraction
- Environmental - Illegal dumping, oil and grease disposal, damage to infrastructure
- Safety - Fire hazards, traffic congestion, unsafe parking, pedestrian access, ADA compliance, driver sight distance

The following section is a discussion of regulations related to public safety that have been or could be implemented to ensure safe mobile vending operation in the City.

Compliance with Parking and Traffic Laws - State law and the Municipal Code contain existing regulations applicable to all vehicles, including mobile vendors. In addition, the proposed ordinance identifies certain parking laws relevant to mobile vendors to strengthen enforcement tools to protect

the public safety.

Pedestrian Obstructions - The existing code prohibits pedestrian obstructions in general and specifically prohibits encroachment by any part of the vending vehicle or other equipment or furniture on the sidewalk. The Commission and staff are recommending additional regulations including a minimum accessible path (5-feet minimum) for unobstructed pedestrian flow, prohibition of signs or advertising in the right-of-way, and management of customer lines to prevent blocking the sidewalk. A prohibition of any seating or tables or displays of merchandise in the right-of-way is also recommended. Access to emergency exits and other life safety equipment should be maintained at all times.

Vehicular Obstructions - The existing code prohibits obstruction of vehicular traffic by a mobile food vendor in general. Specifically, the existing code prohibits vending from the street or traffic side of the vending vehicle and parking within 25 feet of an intersection controlled by a crosswalk, traffic light or stop sign. The Commission and Staff recommend additional regulations to prohibit parking close to an intersection where mobile vending vehicles would block the driver's view of driver's view of approaching traffic, as well as to ensure that customers do not block accessible paths.

The proposed ordinance would prohibit mobile vending on a street within 50 feet of a stopped or signalized intersection, and within 150 feet of an uncontrolled intersection pursuant to the minimum recommended intersection stopping sight distance for streets under 35 miles per hour, found in the California Caltrans Highway Design Manual. In addition, the proposed code would prohibit mobile vendors within 10 feet of a restricted curb zone or bus stop identified with curb paint to maintain accessibility to those specialized parking facilities.

Proximity to Certain Uses - The existing code prohibits vending within 300 feet of a school property on school days between 7:00AM and 5:00PM. This is to reduce the risk of school age pedestrian collisions due to crossing streets to reach the vendor in an unsafe manner. The Commission and staff recommend additional locations where mobile vendors would be prohibited to protect the public safety.

The proposed ordinance would specifically prohibit mobile vendors near permitted special events and the Farmer's Market due to the need to keep the full sidewalk open for the heavy pedestrian traffic that is generated by special events. Additionally, the proposed ordinance would prohibit mobile vendors from operating within fifty (50') of another vendor because a concentration of mobile vendors would compound impacts to sidewalk accessibility and cause unsafe parking and pedestrian movements between vendors.

State and Local Laws - The existing code requires compliance with applicable State and local laws, including licensing, permits, food labeling, inspections and certifications. Specific codes, permits and law are identified in the proposed ordinance to ensure compliance by the mobile vendor through fines and/or revocation if such laws are not followed.

Time Limits - The Commission recommended limiting mobile vending in residential areas to the same hours as those allowed for construction activity, and in non-residential areas until 8:00PM. However, the proposed ordinance as drafted allows mobile vending in residentially zoned areas between 8:00 AM and 6:00 PM, which matches the allowed sidewalk vending hours pursuant to Municipal Code Section 6.24.090. In non-residential zones, the recommended permitted hours of 8:00 AM to 10:00 PM is consistent with the City's allowable sidewalk dining hours pursuant to

Municipal Code Section 7.36.160. A time limit for mobile vendors to operate in one place was considered, but staff finds that the existing time limits in the business districts adequately address safety issues.

Parking Beyond Parking Space - The City has an existing code prohibiting parking outside any painted parking space. Parking in more than one space creates safety hazards, reduces parking availability and can impede access to adjacent parking spaces. This prohibition is currently enforced with parking citations. The California Vehicle Code does not allow for parked vehicles in violation of local codes to be towed away except in fire lanes and when abandoned (over 72 hours). To adequately address public safety issues, the Commission and staff recommend including this prohibition in the draft Ordinance to provide an additional enforcement tool so that a violation is subject to a fine as well as potential revocation of the mobile vending business permit, if necessary.

Parking on Certain Streets - Vending on streets with a speed limit of 35 MPH or higher can endanger public safety as drivers may have to swerve quickly to avoid pedestrians in the street or other drivers parking to buy food or products from the vendor. Collisions at higher speeds have an exponentially higher risk of fatality than at speeds under 35 MPH.

The City also has numerous streets that have a vertical slope in excess of five percent (5%). Mobile vending on such streets is unsafe and would be in violation of the national Public Right-of-Way Accessibility Guidelines (PROWAG) for accessible facilities, thereby denying access to the mobile vending facility by persons with disabilities or other special needs. Therefore, staff recommends that all street segments that exceed a five percent (5%) slope, including all east-west streets west of Highland Avenue, be prohibited from mobile vending operations.

Trash and Cleanliness - The existing code requires mobile vendors to maintain a litter receptacle and to remove all trash from the vicinity prior to leaving the location. The Commission and Staff recommend additional regulations to prohibit the dumping of the vendor's trash and liquids in public receptacles, dumpsters or in any public facilities such as storm drains.

Disposable Plastics - The Commission and Staff recommend that mobile vendors comply with City and State regulations related to disposable plastic products including the prohibition of plastic bags and take-out boxes. The proposed ordinance will treat violations of these local and state regulations as a violation.

Business License Fees and Revocation - The Commission and staff recommended the implementation of a permit system to more proactively monitor and enforce mobile vending operations.

Liability Insurance - The Commission and Staff recommended that mobile vendors maintain a minimum amount of general liability insurance and automobile insurance to insure the City against negligent actions made by the vendor or damage that occurs to City property. The insurance coverage names the City as additionally insured.

Accessories and External Power - There are no current codes explicitly prohibiting canopies, lighting, portable cooking equipment, or external power adjacent to the mobile vending vehicle. The Commission and Staff recommended prohibition of such accessories due to the safety hazards and obstructions they cause to pedestrians and adjacent properties.

Signs - The existing code prohibits commercial signs in the public right-of-way. The proposed

ordinance specifies that any signs must be attached to the mobile vending vehicle only. The Commission and Staff also recommended that animated, flashing or scrolling signs be prohibited to reduce distraction to drivers, which could lead to accidents.

City-Issued Mobile Vending Permit

Many cities have established a local permit process that provides greater accountability to ensure compliance with the laws and regulations. Whereas a business license grants a business the legal authority to operate within the City, a permit allows operators to carry out specific activities that comply with particular safety and regulatory requirements. In addition to the information that the City already gathers for a mobile food vendor business license, a mobile vending permit typically requires copies of State, County and local permits; a hold-harmless agreement; and typically includes an acknowledgement that the vendor will comply with the conditions and penalties associated with non-compliance. The permit information also includes pictures of the mobile vending vehicle for identification purposes and copies of relevant health permit, insurance and licensing documentation. If mobile vending business permits are enacted, the Fire Department recommends including a mandatory fire and life safety inspection of the mobile vending vehicle as a condition to ensure adherence to all applicable fire and related code requirements.

Oversize Vehicle Prohibition

Mobile vending vehicles that exceed the City's dimensions of an oversized vehicle as defined in Municipal Code Chapter 14.46 can create safety concerns when parked in a standard marked parking space by extending beyond the designated parking boundaries. Infringement onto a separate parking stall hinders another vehicle's ability to park safely in the impacted space. It should be noted that mobile vendors are allowed to operate in the City without an oversize vehicle permit pursuant to Section 14.46.030D. The proposed ordinance includes regulations prohibiting parking of mobile vending vehicles in more than one marked space or in a diagonal space.

Enforcement Actions

The California Vehicle Code and the City's Municipal Code contain traffic and parking regulations. Additionally, the City's Municipal Code outlines a process for the revocation of a business license. Further, the Vehicle Code authorizes cities to adopt additional regulations to regulate vending from vehicles in order to protect public safety. If the Council adopts the draft ordinance, it will have additional enforcement tools to protect the public safety. As is true with all violations of the Municipal Code, a violation of Ordinance No. 25-0011 constitutes a misdemeanor.

If a City mobile vending business permit program is established, additional enforcement actions can be taken similar to the suspension, revocation or denial of other permits in the City. Administrative citations, fines, penalties and revocation can be utilized to obtain compliance by the mobile vendor or prohibit the mobile vendor's operation in the City. The proposed ordinance authorizes the Director to revoke a mobile vending business permit upon a fourth violation of the ordinance. The mobile vendor can then subsequently appeal the Director's decision to a hearing officer.

PUBLIC OUTREACH:

On July 10, 2025, the DBPA discussed this matter at its monthly board meeting and invited City staff to attend and listen. The DBPA and North MB business associations were invited to the PPIC meeting as well as to this City Council meeting and asked to notify their members. The public has

been informed of this agenda item as part of the City's standard meeting notice practices via public bulletin boards, website calendar, and social media. In addition, if the Council introduces this ordinance, a public hearing will be scheduled to consider the permit application fee and appeal fee for denial or revocation of the permit.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed ordinance for compliance with the California Environmental Quality Act (CEQA) and has determined that there is no possibility that the activity may have a significant effect on the environment; therefore, pursuant to Section 15061(b)(3) (the "common sense" exemption) of the State CEQA Guidelines, the agreement is exempt from CEQA.

LEGAL REVIEW:

The City Attorney has approved the proposed ordinance as to form.

ATTACHMENTS:

1. Ordinance No. 25-0112
2. Existing Municipal Code Section 3.68
3. PPIC Staff Report - Mobile Food Vendors (September 4, 2025)
4. Draft PPIC Special Meeting Minutes of September 4, 2025
5. PowerPoint Presentation