



CITY OF MANHATTAN BEACH

1400 Highland Avenue Manhattan Beach, CA 90266
www.manhattanbeach.gov • (310) 802-5000

STAFF REPORT

Agenda Date: 9/4/2025

TO:

Honorable Parking and Public Improvements Commission Chair and Commissioners

THROUGH:

Michael Codron, Interim Community Development Director

FROM:

Erik Zandvliet, T.E., City Traffic Engineer

SUBJECT:

Consider Modifications to the Municipal Code Related to Mobile Food Vendors

RECOMMEND ADOPTION BY CITY COUNCIL

RECOMMENDATION:

Staff recommends that the Commission pass a motion recommending that City Council adopt an ordinance amending Chapter 3.68 of the City's Municipal Code regulating mobile food vendors.

BACKGROUND:

This summer, a number of mobile food 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 food vendor regulations to protect public health and safety related to increased congestion, increased tourists, 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 (Attachment A). These regulations were established in accordance with California law, which authorizes cities to adopt regulations to facilitate the public safety relating to the type of vending, and the time, place and manner of vending.

This report is a review of State, County and City regulations that are applicable to mobile food vendors and a summary of current practices in other municipalities that could be adapted for use in Manhattan Beach.

DISCUSSION:

The California Vehicle Code authorizes municipalities to regulate mobile food vending in order to protect public health and 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 the vendor 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 has proper food handling certification, and the vending vehicle has a current vehicle registration, if applicable. More information 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>](http://www.publichealth.lacounty.gov/eh/business/food-trucks-carts.htm) website regarding Health Permits for mobile food facilities.

Besides 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 any other terms of the City's municipal code or law of the State.

The California Mobile Food Vendor Act (SB 946), effective January 1, 2019, decriminalized mobile food vending at the state level but preserved local authority to regulate vendors through business licenses, health permits, and location restrictions. In addition, California Senate Bill SB 972, effective January 1, 2023, established a new category called Compact Mobile Food Operations (CMFOs), otherwise known as sidewalk vendors, and modified health codes to remove barriers for obtaining health permits for non-motorized food carts while maintaining public health standards. The City requires a special permit for sidewalk vendors. (Attachment B)

Public Safety Concerns

As noted above, the California Constitution and California Vehicle Code authorize local municipalities to adopt regulations to ensure public safety and welfare relating to the type of 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
Quality of Life - Noise, unruly or aggressive behavior, disturbing the peace

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

Compliance with Parking and Traffic Laws - This is an existing regulation that ensures that parking time limits, meter fees, prohibited parking zones and all other vehicle codes apply to mobile food vendors. Enforcement and fines are discussed later in this report.

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. Additional regulations to be considered include a minimum unobstructed accessible path (5-foot minimum), prohibition of signs or advertising in the right-of-way, and establishment of customer lines that do not block the sidewalk. A prohibition of any seating or tables or displays of merchandise in the right-of-way can also be considered. 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 in general. Specifically, the 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. Additional regulations may be considered to prohibit parking within a certain distance of any intersection to maintain a minimum recommended driver sight distance of 150 feet, as well as within 50 feet of a driveway or bus stop.

Proximity to Certain Uses - The existing code prohibits vending within 300 feet of a school property on school days between 7AM and 5PM. This is to reduce the risk of school age pedestrian collisions going to/from the vendor in an unsafe manner. Any prohibition near a certain use would need to be justified on the basis of public safety or welfare. Additional proximity prohibitions could include other public facilities such as the beach, pier, library, civic center, fire and police stations, public parking lots, places of worship, child day care, Farmer's Market, parks and other places where vendor operations may impede public safety. A minimum distance to another mobile food vendor can also be established to reduce traffic impacts, crowding on the sidewalk or street congestion.

State and Local Laws - The existing code requires compliance with applicable State and local laws, including licensing, permits, food labeling, inspections and certifications.

Time Limits - A maximum vending time at one location could be required in certain districts or street segments to ensure an opportunity for the public to park in those spaces, particularly in areas that do not have existing time-limit parking. Limiting the time a vendor operates also discourages attraction of vermin to a particular location, particularly if the vendor parks in the same location every day. Similarly, a maximum number of vending days per week within a particular area could be imposed.

Parking Beyond Parking Space - The City has an existing code prohibiting parking outside any painted parking space. Parking in more than one space reduces parking availability and can impede access to adjacent parking spaces. This prohibition is enforced with citations. The City's current municipal code and 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). Mobile food vendors typically accept and pay for illegal parking citations as the cost of doing business. Escalating or higher fines may provide an incentive to obey parking regulations.

Parking in Metered Spaces - There are no current codes prohibiting the use of metered spaces by mobile food vendors. The vendor must pay the meter and vacate the space after the maximum time limit. However, enforcement is by citation only, and vendors often treat the citations as the cost of doing business. Progressive fines may be more effective in discouraging this practice. A City-issued mobile food vendor permit program could be established with conditions to revoke the permit to operate in the City if the vendor repeatedly violates local codes.

Parking on High Speed 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 or other drivers parking to buy food from the vendor, which increases congestion and the potential for collisions.

Trash and Cleanliness - The existing code requires the vendor to maintain a litter receptacle and to remove all trash from the vicinity prior to leaving the location. Additional regulations can be considered 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 regulations should specifically require compliance with the City's disposable plastic ordinances including the prohibition of plastic bags and take-out boxes.

Noise and Amplified Sound - The city's noise ordinance regulates maximum sound levels during certain hours of the day. Additional regulations could be considered to prohibit food trucks from operating within a certain distance of residential or other noises sensitive land uses for the peaceful enjoyment of residents and others. Amplified sound of any kind should be prohibited.

Residential Areas - Specific regulations should be identified to prohibit long-term vending in residential areas during the evening hours to avoid disturbance to adjacent residents. Roaming ice cream vendors or food trucks serving construction sites could be allowed if they do not remain stationary for longer than necessary to complete the order.

Business License Fees and Revocation - The City's business license fee for mobile food vendors could be evaluated to more accurately represent the value of sales from the vendor. In addition, fines and revocation terms for violating the license terms can be reviewed to ensure compliance with the City's codes.

Liability Insurance - Some cities require that the vendor maintain a minimum amount of

general liability 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. This is commonly administered through a permit program, similar to Right-of-Way permits.

Designated Food Truck Zone - Some cities have established designated food truck zones in conjunction with prohibited areas where congregating around a food truck would block traffic or public sidewalks, such as near the beach or pier. The designated zones are a safer and more controlled alternative.

Accessories and External Power - There are no current codes explicitly prohibiting canopies, lighting, portable cooking equipment, or external power adjacent to the mobile food vehicle. These accessories should be expressly prohibited in the regulations.

Alcoholic Beverages - Regulations should be considered to prohibit the sale or consumption of alcoholic beverages within a certain distance of a mobile food vendor.

Signs - The existing code prohibits commercial signs in the public right-of-way. However, mobile food vendor regulations should explicitly state that any signs must be attached to the vehicle only. Animated, flashing or scrolling signs should be prohibited to reduce distraction to drivers.

City-Issued Mobile Food Vendor 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 provides permission 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 food vendor permit usually requires copies of State, County and local permits; may contain a hold-harmless agreement; and usually includes an acknowledgement that the vendor will comply with the conditions and penalties associated with non-compliance. The permit may also include pictures of the food facility for identification purposes and copies of relevant health permit, insurance and licensing documentation. If mobile food vendor permits are enacted, the Fire Department recommends including a mandatory fire and life safety inspection as a condition to ensure adherence to all applicable fire and related code requirements.

Oversize Vehicle Prohibition

Mobile Food Trucks 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 food vendors are allowed to operate in the City without an oversize vehicle permit pursuant to Section 14.46.030D. Oversized vehicles are prohibited from parking on City streets, except in the Coastal Zone.

Enforcement Actions

Existing police enforcement actions include citations for not parking within lines and/or in a red zone, staying over the posted limit, expired meter, etc. Code enforcement actions include violations of regulations outlined in MBMC 3.68.

Additionally, the City's Municipal Code outlines a process for the revocation of a business license. As outlined by MBMC 6.01.160, the 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, or has conducted business in an amoral or disorderly manner or that the business has been so conducted as to be a public nuisance; provided, however, that no license shall be revoked without giving the business an opportunity to appear before the City Council and be heard on their own behalf following a duly noticed hearing not less than five days before the hearing.

If a City mobile food vendor permit program is established, additional enforcement actions could be taken similar to the suspension, revocation or denial of other permits in the City. Specific administrative citations, fines, penalties, revocation and appeal terms could be imposed to obtain compliance by the mobile food vendor or prohibit its operation in the City.

RECOMMENDATION:

It is recommended that the Commission hear public testimony, discuss, and provide recommendations to amend the City's Municipal Code regulating mobile food vendors.

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 this meeting and encouraged to reach out to 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.

ATTACHMENT/ATTACHMENTS:

1. Municipal Code Section 3.38
2. Sidewalk Vending Permit Application

Chapter 3.68 - MOBILE FOOD VENDORS

3.68.010 - Authority.

Chapter 3.68 is adopted pursuant to the authority granted to the City of Manhattan Beach by Section 22455 of the California Vehicle Code, which permits local authorities to regulate the type of vending and the time, place and manner of vending from vehicles upon the street in order to promote public safety.

(§ 2, Ord. 2157, eff. March 23, 2012)

3.68.020 - Definitions.

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

- A. "Food or food products" means any type of edible substance or beverage.
- B. "Mobile food vendor" means person that operates or assists in the operation of a vending vehicle.
- C. "Vend" or "vending" means to sell, offer for sale, display, barter, exchange, or otherwise give food or food products from a vending vehicle.
- D. "Vendor" means a person who vends, including an employee or agent of a vendor.
- E. "Vending vehicle" means any self-propelled, motorized device or vehicle by which any person or property may be propelled or moved upon a highway, excepting a device moved exclusively by human power, such as a vending cart operated by a sidewalk vendor pursuant to Chapter 6.24, or which may be drawn or towed by a self-propelled, motorized vehicle, from which food or food products are sold, offered for sale, displayed, bartered, exchanged or otherwise given.

(§ 2, Ord. 2157, eff. March 23, 2012; amended by § 2, Ord. 18-0025, eff. Feb. 1, 2019)

3.68.030 - Mobile food vendors in the right of way.

A mobile food vendor may locate its vehicle in the public right-of-way as long as the mobile food vendor adheres to the following standards and conditions:

- A. The vending vehicle is in full compliance with all parking and Vehicle Code provisions which apply to the location at which it is parked.
- B. The vending vehicle does not obstruct pedestrian or vehicular traffic.
- C. Vending is prohibited on the exposed street and/or traffic side of the vending vehicle.
- D.

The mobile food vendor shall not distribute any item from the vending vehicle in a manner that causes any person to stand in that portion of the street that is between the vehicle and the center of the street.

- E. The mobile food vendor shall not encroach onto a public sidewalk with any part of its vending vehicle or any other equipment or furniture related to the operation of its business.
- F. The mobile food vendor shall not keep, maintain or operate any vending vehicle upon any public street within three hundred feet (300') of the nearest property line of any property on which a school building is located between the hours of 7:00 a.m. and 5:00 p.m. of any school day. This prohibition will not apply if the school principal gives the mobile food vendor written permission to park on school property. The mobile food vendor shall provide a copy of that authorization to the City within five (5) days of its receipt.
- G. The mobile food vendor has a valid business license from the City.
- H. The mobile food vendor has a valid permit, certificate or other required approval from the Los Angeles County Department of Health.
- I. All food products sold or provided from the vending vehicle shall comply with all applicable food labeling requirements established by the State of California and the mobile food vendor must obtain all required permits, including without limitation, health permits, to sell or provide such items.
- J. No mobile food vendor shall engage in vending unless he or she maintains a clearly designated litter receptacle in the immediate vicinity of the vending vehicle, marked with a sign requesting use by patrons. Prior to leaving the location, the mobile food vendor shall pick up, remove and dispose of all trash generated by the mobile food vendor's operation located within a twenty-five-foot (25') radius of the mobile food vendor's location.
- K. The vending vehicle shall not operate within twenty-five feet (25') of any street intersection controlled by a crosswalk, traffic light, or stop sign.

(§ 2, Ord. 2157, eff. March 23, 2012)

3.68.040 - Compliance with state and local laws.

- A. Mobile food vendors shall comply with all applicable state and local laws.
- B. This chapter is not intended to be enforced against pedestrian food vendors or against food vendors who operate human powered push carts and other non-self-propelled vehicles. Such vendors may be regulated by other chapters in this Code of by other state or local laws.

(§ 2, Ord. 2157, eff. March 23, 2012)



City of Manhattan Beach
Finance Department
SIDEWALK VENDOR PERMIT APPLICATION
1400 Highland Avenue, Manhattan Beach, CA 90266
Phone: (310) 802-5558 Fax: (310) 802-5551 TDD: (310) 546-3501

FOR OFFICE USE ONLY

Documents Received:

- ☐ Food Handler Certification
- ☐ Proof of Liability Insurance
- ☐ Driver's License
- ☐ Hold Harmless Agreement
- ☐ California Seller's Permit
- ☐ Photos of Cart

Business Name:	
Business Address:	
Cart Operator's Name:	Business Phone: ()
Number of vendors:	Type of Vending: ☐ Stationary ☐ Roaming
Description of Products Being Sold:	
Areas of Operation:	
Days and Hours of Operation within Manhattan Beach:	
Days:	Hours

Acknowledgement of Understanding of Operating Requirements (MBMC 6.24.090)

- _____ 1) Hours of Operation
- a) In non-residential areas, sidewalk vending is permitted between the hours of 8:00 a.m. and 10:00 p.m.
 - b) In residential areas, sidewalk vending shall be permitted between the hours of 9:00 a.m. and 6:00 p.m.
 - c) In City Parks, sidewalk vending shall be permitted during hours open to the public.
- _____ 2) No sidewalk vendor shall vend in the following locations:
- a) Any public property other than a sidewalk, including, without limitation, streets, alleys, parking spaces, plazas, the Civic Center, the Los Angeles County Library, the Metlox property, and City-owned parking structures and parking lots; On any bike path, sharrow, or bike trail, including but not limited to the bike path adjacent to The Strand, or on any portion of the public beach westerly of the easterly line of The Strand; upon or within any roadway, median strip, or dividing section;
 - b) Within 15 feet of any street intersection; any automated teller machine or parking pay station
 - c) Within 10 feet of any fire hydrant, fire call box, emergency exit, or emergency facility; any curb which has been designated as white, yellow, green, blue, or red zone, or a bus zone; any driveway or driveway apron
 - d) Within 200 feet of another vendor
 - e) Within 500 feet of a permitted certified farmer's market, fair, swap meet, or an area designated for a temporary special permit;
 - f) On private property without the consent of the property owner;
- _____ 3) Sidewalk vendors must at all times provide a clearance of not less than 3 feet on all sidewalks or pedestrian areas.
- _____ 4) Sidewalk vendors shall not vend to occupants of vehicles
- _____ 5) Sidewalk vendors shall provide a trash receptacle for customers and shall ensure proper disposal of customer trash. Prior to leaving any vending location, all trash generated by the vending operations or the vendor's customers within a 15 foot radius of the vending location must be picked up and disposed.
- _____ 6) Vending carts shall not be left unattended or stored on public property or within the public right-of-way.
- _____ 7) Stationary vendors shall not vend in areas that are zoned exclusively residential or at any park where the park operator has an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire. Stationary sidewalk vendors shall not operate on The Strand
- _____ 8) Sidewalk vendors shall comply with all applicable federal, state and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; alcoholic beverages, tobacco products, cannabis, electronic cigarettes, smoking devices, and controlled substances regulations; sanitation and health standards the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).
- _____ 9) Vending carts shall not be chained, fastened, or affixed at any time to any building or any structure.
- _____ 10) The vendor has not been convicted of a felony or misdemeanor involving moral turpitude.
- _____ 11) The vendor has received a "Rules of Decorum" handout.

I, (print name) _____, have read and understand the "Acknowledgement of Understanding of Operating Requirements" is not a comprehensive list of restrictions or allowances. I understand City of Manhattan Beach Code Enforcement may inspect my vending operations at any time without prior notification. I hereby certify under penalty of perjury that the information disclosed is true and accurate to the best of my knowledge and belief.

Applicant's Signature _____ Title _____ Date _____

☐ Approved	Application fee (non-refundable) _____ (TC xxxx)	NOTES:
☐ Denied -	Annual Permit Fee _____ (TC xxxx)	



City Of Manhattan Beach

Finance Department

1400 Highland Avenue, Manhattan Beach, CA 90266

Email: revenue@manhattanbeach.gov

Phone: (310) 802-5558 TDD: (310) 546-3501

BUSINESS LICENSE TAX APPLICATION

FOR OFFICE USE ONLY

CATEGORY: _____

BUSINESS LICENSE #: BL-_____

BUSINESS NAME (DBA):

CORPORATE NAME (if applicable):

TYPE OF BUSINESS: ☐ SOLE OWNERSHIP ☐ CORPORATION (C-CORP or S-CORP) ☐ PARTNERSHIP ☐ LLP ☐ LLC

BUSINESS ADDRESS (Physical Location):

MAILING ADDRESS (if different than business address):

BUSINESS PHONE:

BUSINESS E-MAIL:

START DATE IN MAN. BCH (MM/DD/YYYY):

WEBSITE ADDRESS:

DESCRIPTION OF BUSINESS (Primary Nature of Business):

PRINCIPAL OWNER INFORMATION

NAME:

TITLE:

PHONE:

E-MAIL:

SOCIAL SECURITY # OR DRIVER'S LICENSE/ID #:

INFORMATION IN THIS SECTION IS CONSIDERED CONFIDENTIAL AND NOT MADE PUBLIC

FEDERAL TAX ID or SOCIAL SECURITY #:

PROFESSIONAL LICENSE #:

STATE RESALE # (if applicable):

STATE CONTRACTORS LICENSE #:

STATE CONTRACTORS CLASS:

of EMPLOYEES (working in City or on job site):

ADDITIONAL BUSINESS LICENSE CONTACT (Whom is authorized to speak to the City about the business license application?)

NAME:

TITLE:

PHONE:

E-MAIL:

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION DISCLOSED IS TRUE AND CORRECT

SIGNATURE:

PRINT NAME:

TITLE:

DATE:

FOR OFFICE USE ONLY

LICENSING YEAR(S) : _____

GROSS RECEIPTS ESTIMATE

\$ _____

☐ CHANGE IN OWNERSHIP

☐ CHANGE OF BUSINESS ADDRESS

☐ CHANGE OF MAILING ADDRESS

NOTES

BASE TAX

GROSS RECEIPTS

(@ \$ _____ /1000 over \$ _____)

+

BID (A OR B)

+

DECALS (\$5.00 each)

+

AB 2164 FEE

+

\$ 4.00

TOTAL TAX DUE:

=

ADDITIONAL INFO:

1. **HOW TO APPLY:** Please verify all fields have been completed before submitting the application. Completed applications can be submitted by either emailing to revenue@manhattanbeach.gov or by mailing to City of Manhattan Beach ATTN: Business License Division 1400 Highland Ave Manhattan Beach CA 90266. Upon review, additional documentation may be requested.
2. **PAYMENTS:** You may pay your Business License Tax by check via mail, using the payment drop box, or in person at City Hall. Checks should be made payable to: *City of Manhattan Beach*. A returned check fee will be added for any checks not honored by the bank.
3. **ANNUAL CONSUMER PRICE INDEX (CPI) ADJUSTMENTS:** MBMC Section 6.01.320 states that Business License taxes shall be adjusted annually to provide for an increase or decrease in the cost of municipal operations. Tax rate adjustments are based on the Bureau of Labor Statistics - Consumer Price Index (All Items Indexed for Los Angeles-Riverside-Orange County) for the preceding September.
4. **BUSINESS LICENSE CHANGES:** *If your business has changed ownership or relocated within the City of Manhattan Beach, a new application needs to be filed and will be routed internally for Community Development Department Planning Division approval (incl. Zoning Business Review).*
5. **BUSINESS LICENSE CERTIFICATES:** Business License certificates are mailed approximately two weeks from the time the tax payment is processed and all required documentation has been received.
6. **NO TAX DUE:** Tax Exempt businesses are required to have a business license to conduct business in the City. This includes, but is not limited to, soliciting donations and distributing handbills. Tax Exempt businesses are still required to return the renewal form to receive a business license certificate.
7. **DISABILITY ACCESS FEE (AB 2164):** Assembly Bill 2164 requires the City to collect a fee of \$4.00 from all local business license applications and renewals. The purpose of the fee is to provide funding for increased disability access and compliance with construction-related accessibility requirements and to develop educational resources for businesses in order to facilitate compliance with federal and state disability laws.
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:
 - The Division of the State Architect at <https://www.dgs.ca.gov/DSA> or by phone (213) 897-3995
 - The Department of Rehabilitation at <https://www.dor.ca.gov/>
 - The California Commission on Disability Access at www.cdda.ca.gov
8. **SINGLE-USER RESTROOMS (AB 783):** Assembly Bill 783 requires that all single-user toilet facilities in any business establishment, place of public accommodation, or government agency be identified as all-gender toilet facilities. For more information, please visit the Health and Safety Code website at: <https://leginfo.ca.gov>
9. **FATS, OILS, & GREASE SOURCE CONTROL PROGRAM FEE:** This fee assessed to Food Service Establishments (FSEs) and covers administrative expenses associated with the annual FSE "FOG Source Control Facility Inspection" of kitchen facilities to ensure that the requirements of MBMC Chapter 5.38 are being met. For more information, please contact the City's Public Works Department at (310) 802-5304.
10. **ENVIRONMENTAL REGULATIONS:** Per MBMC Section 5.80 by signing this Business License Renewal form, you indicate your compliance with MBMC Chapter 5.80 to protect the health of the Manhattan Beach community and promote environmentally sustainable practices in the City. For more information, please visit the City website at: <https://www.manhattanbeach.gov/departments/environmental-sustainability/plastic-free-mb>.
11. **BUSINESS LICENSE QUESTIONS:** If you have any questions or need assistance with your Renewal, please contact Business Licensing at (310) 802-5558 or revenue@manhattanbeach.gov.



City of Manhattan Beach Finance Department

1400 Highland Avenue, Manhattan Beach, CA 90266
Phone: (310) 802-5558 Fax: (310) 802-5551 TDD: (310) 546-3501

City of Manhattan Beach INDEMNIFICATION & HOLD HARMLESS AGREEMENT MBMC 6.24 Sidewalk Vending

This agreement is issued in consideration of the City approval of the application. The applicant must still provide a Certificate of Insurance.

The applicant hereby agrees to the following:

1. **INDEMNIFICATION CLAUSE**. The applicant agrees to indemnify, defend, and hold harmless the City of Manhattan Beach and its elected officials, appointive boards, officers, agents, attorneys, and employees from any and all claims, liabilities, judgments, expenses, or damages of any nature arising out of, or in any way connected with performance or act of the applicant, applicant's agents, officers, employees, subcontractors, or independent contractor(s) hired by applicant. This indemnity shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by the applicant.

List activity location and date(s) of activity:

- All sidewalk vending activities conducted within the City of Manhattan Beach beginning January 1, 2019.

2. **INVESTIGATION AND DEFENSE COSTS**. Said hold harmless assumption on the part of the named applicant shall include all reasonable costs necessary to defend a lawsuit including attorney fees, investigators, filing fees, transcripts, court reporters, and other reasonable costs of investigation and defense.

This agreement is effective (date) _____ at 12:01 a.m.

Named Insured _____

I, (print/type name) _____, warrant that I have authority to bind the above listed applicant and by my signature hereon do so bind this applicant.

By _____
Signature of Authorized Representative

Chapter 6.24 - SIDEWALK VENDING

Sections:

6.24.010 - Definitions.

The following words and phrases, whenever used in this chapter, shall mean as follows:

"Certified farmers' market" means a location operated in accordance with Chapter 10.5 of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

"Director" means the Manhattan Beach Director of Finance.

"Person" shall mean one (1) or more natural persons, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnerships, entities, associations, clubs, or organizations composed of two (2) or more individuals (or the manager, lessee, agent, servant, officer, or employee of any of them), whether engaged in business, nonprofit, or any other activity.

"Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

"Sidewalk" means a public sidewalk or paved pedestrian path or walkway specifically designed for pedestrian travel.

"Sidewalk vendor" means a person who vends from a vending cart or from one's person, upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians.

"Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.

"Strand" means the paved public right-of-way defined in Section 12.01.030.

"Swap meet" means a location operated in accordance with Article 6 of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

"Temporary special permit" means a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or any other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerns.

"Vend" or "vending" means to sell, offer for sale, display for sale, or solicit offers to purchase, food, food products, beverages, goods, or merchandise.

"Vending cart" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.

(§ 1, Ord. 18-0025, eff. Feb. 1, 2019)

6.24.020 - Permit Required.

No person, either for themselves or any other person, shall conduct or engage in sidewalk vending within the City without first obtaining a sidewalk vending permit pursuant to this chapter.

(§ 1, Ord. 18-0025, eff. Feb. 1, 2019)

6.24.030 - Permit application.

To apply for a sidewalk vending permit, a person must file an application with the Director, or his or her designee, accompanied by a nonrefundable application fee in an amount established by resolution of the City Council. The application shall be in a form prescribed by the Director and shall contain, at a minimum, the following:

- A. The legal name and current address and telephone number of the applicant;
- B. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;
- C. A description of the food or merchandise offered for sale;
- D. The dimensions of the vending cart;
- E. The hours per day and the days per week during which the sidewalk vendor proposes to operate;
- F. A description of the area(s) the applicant wishes to operate;
- G. Whether the applicant intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;
- H. A copy of a valid business license issued pursuant to Manhattan Beach Municipal Code Chapter 6.01;
- I. A copy of a valid California's seller's permit pursuant to Revenue and Taxation Code Section 6067;
- J. Certification by the applicant, under penalty of perjury that the information contained in the application is true to his or her knowledge and belief;
- K. If a vendor of food or food products, certification to completion of a food handler course and proof of all required approvals from the Los Angeles County Department of Public Health and any applicable discharge permits, in compliance with Manhattan Beach Municipal Code Chapter 5.38;

- L. Proof of liability insurance and an agreement by the applicant to indemnify and hold harmless the City, its officers and employees, for any damage or injury to the City as a result of the sidewalk vending conduct or activity; and
- M. Any other reasonable information regarding the time, place, and manner of the proposed vending.

(§ 1, Ord. 18-0025, eff. Feb. 1, 2019)

6.24.040 - Criteria for Approval or Denial of Permit.

The Director, or his or her designee, shall approve the issuance of a permit unless he or she determines that:

- A. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;
- B. The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents; or
- C. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in section 6.24.090.
- D. The applicant has failed to pay any previous administrative fines, complete any community service, and/or complete any other alternative disposition associated with a previous violation of this chapter; or
- E. The applicant has been convicted of a felony or misdemeanor involving moral turpitude, and has not subsequently demonstrated rehabilitative characteristics.

If the permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

(§ 1, Ord. 18-0025, eff. Feb. 1, 2019)

6.24.050 - Permit Expiration and Renewal.

A sidewalk vending permit shall be valid for twelve (12) months, or fraction thereof, from the date of issuance. The permit period shall coincide and expire concurrently with the City issued business license in accordance with Section 6.01.060 and become null and void if the vendor fails to renew each year. Renewal forms will be mailed to the address provided by the applicant prior to the expiration of his or her active sidewalk vending permit. The annual permit is not subject to proration.

(§ 1, Ord. 18-0025, eff. Feb. 1, 2019)

6.24.060 - Permit Rescission.

The Director may rescind a permit issued to a sidewalk vendor for a fourth violation or subsequent violation of this chapter. A sidewalk vendor whose permit is rescinded may apply for a new sidewalk vending permit upon the expiration of the term of the rescinded permit.

(§ 1, Ord. 18-0025, eff. Feb. 1, 2019)

6.24.070 - Appeals.

Any person aggrieved by the decision of the Director to issue, deny issuance, or rescind a sidewalk vending permit may appeal the decision to the City Council. The appeal shall be filed with the City Clerk within fifteen (15) days following the date of the Director's decision.

(§ 1, Ord. 18-0025, eff. Feb. 1, 2019)

6.24.080 - Permits Nontransferable.

No permit granted pursuant to this chapter shall be transferable.

(§ 1, Ord. 18-0025, eff. Feb. 1, 2019)

6.24.090 - Operating Requirements.

Sidewalk vendors shall comply with the following:

A. No sidewalk vendor shall vend in the following locations:

1. Any public property other than a sidewalk, including, without limitation, streets, alleys, parking spaces, plazas, grass areas, lawns, the Civic Center, the Los Angeles County Library, the Metlox property, and parking structures and parking lots owned or operated by the City, County of Los Angeles, or State of California;
2. Within fifteen feet (15') of a corner to any street intersection;
3. Within ten feet (10') of any fire hydrant, fire call box, emergency exit, or other emergency facility;
4. Within ten feet (10') of any curb which has been designated as white, yellow, green, blue, or red zone, or a bus zone;
5. Within ten feet (10') of any driveway or driveway apron;
6. Upon or within any roadway, median strip, or dividing section;
- 7.

Within five hundred feet (500') of a permitted certified farmers' market, a swap meet, or an area designated for a temporary special permit. This prohibition shall be limited to the operating hours of the farmers' market or swap meet, or the limited duration of the temporary special permit;

8. Within fifteen feet (15') of an automated teller machine or parking pay station;
 9. On private property without the consent of the property owner; or
 10. Within two hundred feet (200') of another vendor.
- B. No sidewalk vendor shall vend in a manner that blocks or obstructs the free movement of pedestrians or vehicles. Sidewalk vendors shall not vend to occupants of vehicles. Sidewalk vendors must at all times provide a clearance of not less than three feet (3') on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, accessing parking meters, or using mobility assistance devices.
- C. Sidewalk vending is permitted between the hours of 8:00 a.m. and 10:00 p.m., daily, except as follows:
1. In residential areas, sidewalk vending shall be permitted between the hours of 9:00 a.m. and 6:00 p.m.
 2. In nonresidential areas, the limit on hours of operation shall not be more restrictive than the hours of operation of other businesses or uses on the same street.
 3. In City parks, sidewalk vending shall be permitted during hours open to the public.
- D. Stationary sidewalk vendors shall not vend in areas that are zoned exclusively residential.
- E. Stationary sidewalk vendors shall not vend at any park where the park operator has an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.
- F. Sidewalk vendors shall provide a trash receptacle for customers and shall ensure proper disposal of customer trash. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all trash generated by the vending operations or the vendor's customers within a fifteen-foot (15') radius of the vending location.
- G. Vendors of food or food products shall possess and display in plain view on the vending cart a valid Public Health Permit from the Los Angeles County Department of Public Health.
- H. Sidewalk vendors shall possess and display in plain view on the vending cart at all times while vending a valid permit issued pursuant to this chapter, as well as any other permit or license required by the City and any other appropriate governmental agency.
- I. Sidewalk vendors shall possess at all times while vending, current liability insurance.
- J. Sidewalk vendors shall comply with all applicable federal, state and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; alcoholic beverages, tobacco products, cannabis, electronic cigarettes, smoking devices and controlled substances regulations; sanitation and health standards set forth in Title 5, including, but not limited to, the

product regulations set forth in Chapters 5.80 and 5.88; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).

- K. Sidewalk vendors shall not operate on any bike path, sharrow, or bike trail, including, but not limited to, the bike path adjacent to The Strand.
- L. Stationary sidewalk vendors shall not operate on The Strand.
- M. Sidewalk vendors shall not operate on any portion of the public beach westerly of the easterly line of The Strand, or the City's Municipal Pier, unless authorized in connection with a special event permit or pursuant to Municipal Code Section 12.08.260.
- N. Vending carts shall not be chained, fastened, or affixed at any time to any building or structure, including, but not limited to, lampposts, parking meters, traffic signals, fire hydrants, benches, bus shelters, trash cans, street signs, trees, or other objects within the public right-of-way. No vending cart shall become a permanent fixture on the vending site or be considered an improvement to real property.
- O. Vending carts shall not be left unattended or stored on public property or within the public right-of-way.
- P. Sidewalk vendors shall not vend live animals, wildlife, fish, fowl, or insects.

(§ 1, Ord. 18-0025, eff. Feb. 1, 2019)

6.24.100 - Administrative Citations.

- A. A violation of this chapter by a sidewalk vendor who has a valid sidewalk vending permit from the City is punishable only by an administrative citation pursuant to Chapter 1.06, in amounts not to exceed the following:
 - 1. One hundred dollars (\$100.00) for a first violation.
 - 2. Two hundred dollars (\$200.00) for a second violation within one (1) year of the first violation.
 - 3. Five hundred dollars (\$500.00) for each additional violation within one (1) year of the first violation.
- B. A person engaged in sidewalk vending without a valid City sidewalk vending permit is punishable by an administrative citation pursuant to Chapter 1.06 in amounts not to exceed the following, in lieu of the amounts set forth in paragraph A:
 - 1. Two hundred fifty dollars (\$250.00) for a first violation.
 - 2. Five hundred dollars (\$500.00) for a second violation within one (1) year of the first violation.
 - 3. One thousand dollars (\$1,000.00) for each additional violation within one (1) year of the first violation.
 - 4. Upon proof of a valid sidewalk vending permit issued by the City, the administrative citations set forth in this paragraph shall be reduced to amounts set forth in paragraph A.
- C. A violation of this chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.

- D. Failure to pay an administrative citation issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed.
- E. When assessing administrative citations pursuant to this section, the hearing officer shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
- F. If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, the City shall accept, in full satisfaction, twenty percent (20%) of an administrative citation imposed pursuant to this chapter.
- G. The hearing officer may allow a person to complete community service in lieu of paying the total administrative citation, may waive the administrative citation, or may offer an alternative disposition.

(§ 1, Ord. 18-0025, eff. Feb. 1, 2019)