

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					

				Photos of Cart				
Business Name								
Business Addr	ess:							
Cart Operator	's Name:			Business Phone: ()				
Number of ver	ndors:			Type of Vending: Stationary Roaming				
Description of	Products Being Sold:							
Areas of Opera	ition:							
Days and Hou	rs of Operation within Manhat	tan Beach:	1					
Days:			Hours					
Acknowledge	ment of Understanding of O	perating R	Requirements	(MBMC 6.24.090)				
1) a b c c	In City Parks, sidewalk vending shall be permitted during hours open to the public.							
a b c d e	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;							
3)				ess than 3 feet on all sidewalks or pedestrian areas.				
4)	Sidewalk vendors shall not vend t	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 una	Vending carts shall not be left unattended or stored on public property or within the public right-of-way.						
7)	has an agreement for concessions	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 venders 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	The vendor has not been convicted of a felony or misdemeanor involving moral turpitude.						
11)	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		e		Date				
Approved Denied -	Application fee (non-refundable) Annual Permit Fee	(TC xxxx)	NOTES:					



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		WEBSITE ADDRESS:								
DESCRIPTION OF BUSINESS (Primary Nature of Business):										
PRINCIPAL OWNER INFORMA	TION									
NAME:	TITLE:									
PHONE:	ONE: E-MAIL:			SOCIAL SECURITY # OR DRIVER'S LICENSE/ID				LICENSE/ID #:		
INFOR	MATION IN TI	HIS SECTION IS CO	NSIDERED CO	ONFIDEN	ITIAI	. AND NOT MADE PUBLIC				
FEDERAL TAX ID or SOCIAL SEC		PROFESSIONAL L								
STATE CONTRACTORS LICENS	STATE CONTRACTORS CLASS:				# of EMPLOYEES (working in City or on job site):					
ADDITIONAL BUSINESS LICEN	SE CONTACT	(Whom is authorize	ed to speak to	the City	, aha	out the husiness license applic	ation	(5)		
ADDITIONAL BUSINESS LICENSE CONTACT (Whom is auth						HONE:				
TV UVIL.		TITEE.	E-MAIL:							
	Y UNDER PEN		HAT THE INF		ON [DISCLOSED IS TRUE AND COR		•		
SIGNATURE:		PRINT NAME:		TITLE:		<u>D.</u>	ATE:			
FOR OFFICE USE ONLY										
		GROSS RECEIPTS EST	TIMATE	BASE TA	AX					
LICENSING YEAR(S):	<u>\$</u>		GROSS RECE		REC	EIPTS /1000 over \$)	+			
CHANGE IN OWNERSHIP		<u>NOTES</u>		BID (A		·	+			
☐ CHANGE OF BUSINESS ADDRESS				DECALS (\$5.00 each)				+		
CHANGE OF MAILING ADDRES		AB 2164 FEI		4 FEE		+	\$ 4.00			
		TOTAL TAX DUE:			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. <u>PAYMENTS:</u> 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. <u>BUSINESS LICENSE CHANGES</u>: 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.ccda.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.legislature.ca.gov
- 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. <u>ENVIRONMENTAL REGULATIONS:</u> 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. <u>BUSINESS LICENSE QUESTIONS:</u> If you have any questions or need assistance with your Renewal, please contact Business Licensing at (310) 802-5558 or <u>revenue@manhattanbeach.gov</u>.



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:

Signature of Authorized Representative

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.
 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, filling fees, transcripts, court reporters, and other reasonable costs of investigation and defense.
 This agreement is effective (date) ________ at 12:01 a.m.
 Named Insured ________, warrant that I have authority to bind the above listed applicant and by my signature hereon do so bind this applicant.

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.

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.

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 <u>Chapter 6.01</u>;
- 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. <u>18-0025</u>, 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 <u>6.24.090</u>.
- 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. <u>18-0025</u>, 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 <u>6.01.060</u> 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. <u>18-0025</u>, 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.

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(§ 1, Ord. <u>18-0025</u>, eff. Feb. 1, 2019)
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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.

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(§ 1, Ord. <u>18-0025</u>, eff. Feb. 1, 2019)
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6.24.080 - Permits Nontransferable.

No permit granted pursuant to this chapter shall be transferable.

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(§ 1, Ord. <u>18-0025</u>, eff. Feb. 1, 2019)
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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 <u>Title 5</u>, including, but not limited to, the

product regulations set forth in <u>Chapters 5.80</u> and <u>5.88</u>; 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 <u>12.08.260</u>.
- 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. <u>18-0025</u>, 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 <u>Chapter 1.06</u>, 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 <u>Chapter 1.06</u> 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. <u>18-0025</u>, eff. Feb. 1, 2019)