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1 natural resources and recreational opportunities, as well as scenic and natural
2 character of these parks; and

3 **WHEREAS**, the Culver City Park Nature Trail, which is six (6) feet wide,
4 has a finite capacity for a high volume of pedestrians to travel in each direction, and
5 restrictions on sidewalk vending are necessary to protect the public from injury given
6 the Nature Trail's popularity as a recreation destination and has a narrow width; and
7

8 **WHEREAS**, Carlson Park, which is surrounded on all sides by a
9 residential neighborhood, has 5-foot walkways for the large volume of park users; and

10 **WHEREAS**, Coombs Park, which is surrounded on all sides by a
11 residential neighborhood, has no walkways and no sidewalks; and

12 **WHEREAS**, the La Ballona Creek Bike Path is narrow and intended for
13 the active use of bicycles and joggers and has many blind corners, and sidewalk
14 vending would interfere with the active use of the area and create hazards for the
15 active users; and
16

17 **WHEREAS**, active areas of parks, such as the Municipal Plunge
18 swimming pool, public community centers, athletic fields, softball/baseball diamonds,
19 basketball courts, handball courts, pickleball courts, paddle tennis courts, soccer
20 fields, public picnic areas, and playground areas and equipment are highly impacted
21 areas, and
22

23 **WHEREAS**, Town Plaza is located at the heart of the City's busy
24 Downtown District and was constructed with pavers that are vulnerable to regular
25 usage by heavy wheeled vehicles; and

26 **WHEREAS**, Town Plaza is used by fire protection services as a fire lane;
27 and
28

1 **WHEREAS**, the Dale Jones City Hall Courtyard and the Quotation
2 Courtyard were constructed with a surface that is vulnerable to damage from the use
3 of heavy wheeled vehicles; and

4 **WHEREAS**, parts of the Quotation Courtyard were constructed with
5 decomposed granite that is difficult to clean and not conducive to supporting wheeled
6 vehicles; and

7 **WHEREAS**, all of these public spaces are heavily patronized by the
8 public year-round, and congestion in these confined places is a constant norm; and

9 **WHEREAS**, the intensity and variety of uses in City public spaces further
10 necessitates regulation to avoid safety hazards and conflicts; and

11 **WHEREAS**, public sidewalks, pedestrian paths, and other public spaces
12 are created and maintained for the primary purpose of enabling pedestrians to move
13 about safely and efficiently from place to place; and

14 **WHEREAS**, ensuring the unobstructed flow of pedestrian traffic on
15 sidewalks, pedestrian paths, and other public spaces promotes public safety by
16 minimizing the risk that pedestrians will jostle one another, collide, trip, or fall, and
17 safeguarding the ability of the public to safely away from dangerous situations that
18 may occur on or near public streets, pedestrian paths, and sidewalks; and

19 **WHEREAS**, ensuring the free flow of pedestrian traffic is particularly
20 important to the safety of the elderly, the very young, the disabled, vision-impaired
21 persons, and others who are less able to navigate through crowds and around
22 obstacles or hazards and who are particularly impacted by having to navigate off and
23 onto curbs when sidewalks or pedestrian paths are blocked; and

1 **WHEREAS**, hindrances to the free flow of pedestrian traffic, particularly
2 in the City’s congested public places, may interfere with the work of public safety
3 personnel seeking immediate access to emergency situations and with other work
4 vital to the public health and safety, such as cleaning and maintenance; and

5 **WHEREAS**, because each of the above-mentioned public spaces and
6 resources is limited and heavily utilized, special efforts must be undertaken to maintain
7 them and facilitate their shared use and availability to all; and

8 **WHEREAS**, sidewalk vending is disruptive to children in schools, day
9 care facilities, and day camps in that it encourages children to unsafely crowd around
10 schools and on sidewalks that are heavily impacted with pedestrian traffic; and

11 **WHEREAS**, sidewalk vending around emergency service providers can
12 serve to distract emergency service providers and create an unsafe impediment to
13 sidewalk access and an unsafe congregation of people; and

14 **WHEREAS**, disruptive activities, including unregulated vending
15 activities, within the City’s congested public spaces interfere with the general public’s
16 use and enjoyment of these public facilities, create serious public safety hazards, and
17 damages the public welfare; and

18 **WHEREAS**, the City has long regulated vending activities in order to
19 address these and other public health, safety, and welfare concerns; and

20 **WHEREAS**, on September 17, 2018, California Governor Edmund
21 Gerald Brown signed Senate Bill (“SB”) 946 into law, which regulates and
22 decriminalizes certain sidewalk vending activities; and

23 **WHEREAS**, the City undertook an extensive review of vending activities
24 in light of SB 946; and

1 **WHEREAS**, the results of the review show that continued regulation of
2 vending activities, especially in the City's most congested public places, remains
3 essential to protect public health, safety, and welfare; and

4 **WHEREAS**, the City Council adopts this ordinance pursuant to the City's
5 constitutionally authorized charter city police powers and consistent with authorities
6 granted by State Senate Bill 946; and

7 **WHEREAS**, the City Council finds that the regulations and requirements
8 provided in this ordinance are necessary to protect the health, safety, and welfare of
9 its residents, workers, businesses, and visitors; and

10 **WHEREAS**, the City Council further finds that the regulations and
11 requirements provided in this ordinance are necessary to ensure compliance with the
12 federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other
13 disability access standards; safeguard the public's use and enjoyment of natural
14 resources and recreational opportunities; prevent undue concentration of disruptive
15 activities that unreasonably interferes with the scenic and natural character of City
16 parks; and prevent unsanitary conditions; and

17 **WHEREAS**, further amendments to the Culver City Municipal Code are
18 required to eliminate sections that are inconsistent with the new Sidewalk Vending
19 Chapter.

20 **NOW, THEREFORE**, the City Council of the City of Culver City,
21 California DOES HEREBY ORDAIN as follows:

22 **SECTION 1.** The Culver City Municipal Code is hereby amended to add
23 Chapter 11.21 as follows:
24

Chapter 11.21
SIDEWALK VENDING PROGRAM

- 11.21.010 Purpose.
- 11.21.020 Definitions.
- 11.21.030 Permit Required.
- 11.21.040 Issuance of Permit.
- 11.21.050 Operating Conditions.
- 11.21.060 Prohibited Activities and Locations.
- 11.21.070 Penalties.
- 11.21.080 Revocation.
- 11.21.090 Appeals.

§11.21.010 Purpose.

The purpose of this chapter is to establish a sidewalk vendor permitting and regulatory program. The provisions of this Chapter allow the City to encourage small business activities by removing total prohibitions on portable food stands and certain forms of solicitation while still permitting regulation and enforcement of unpermitted sidewalk vending activities to protect the public's health, safety, and welfare.

§11.21.020 Definitions.

- A. If a term or phrase is not defined in this part, or elsewhere in this Code, the most common dictionary definition is presumed to be correct.
- B. As used in this Chapter, the following terms and phrases shall have the meaning ascribed to them in this part, unless the context in which they are used clearly requires otherwise:
 - 1. "Cannabis" shall have the same meaning as defined in Section 11.17.025, or any successor section;
 - 2. "Culver City Nature Trail" means the wooden boardwalk that leads from the parking lot of Culver City Park near the Ropes Course to the parking lot of the lower ball field at Culver City Park;
 - 3. "Certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that Chapter, or any successor Chapter;
 - 4. "Chief Financial Officer" means the City of Culver City's Chief Financial Officer or their designee;

5. "City Hall" means the building, facilities, and parking structure located at 9770 Culver Boulevard, Culver City, CA 90232;
6. "Fire Station" means any facility where fire engines and other equipment of the City's Fire Department are housed;
7. "Food" means any item provided in Health and Safety Code Section 113781, or any successor section;
8. "Heating element" means any device used to create heat for food preparation;
9. "Merchandise" means any item(s) that can be sold and immediately obtained from a sidewalk vendor, which is not considered food. Items for rent shall not be considered merchandise;
10. "Park" means the public parks defined in CCMC Section 9.10.005.A, or any successor ordinance or regulation;
11. "Pathway" means a paved path or walkway owned by the City or other public entity that is specifically designed for pedestrian or bicycle travel, other than a sidewalk;
12. "Person" means a "person" as defined in CCMC 1.01.010 and includes a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual;
13. "Police Station" means the facility where police vehicles and other equipment of the City's Police Department are housed;
14. "Public property" means all property owned or controlled by the City, including, but not limited to, buildings, alleys, parks, pathways, roadways, streets, parking lots, sidewalks, parkways, biking, and walking paths, or other public-rights-of-way;
15. "Residential" means any area zoned exclusively as residential in a Residential Zoning District as defined in CCMC 17.210.010;
16. "Roaming sidewalk vendor" shall have the same meaning as defined in Government Code Section 51036, or any successor section;
17. "Sidewalk" means that portion of a highway, other than the roadway, set apart by curbs, barriers, markings, or other delineation specifically designed for pedestrian travel and that is owned by the City or other public entity;
18. "Sidewalk vending receptacle" or "sidewalk vendor receptacle" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack equipment, buckets, supplies or other non-motorized conveyance used for sidewalk vending activities;

19. "Sidewalk vendor" or "vendor" shall have the same meaning as defined in Government Code Section 51036, or any successor section;
20. "Sidewalk vendor activities" or "sidewalk vending activity" means actions that qualify a person as a sidewalk vendor or actions done in anticipation of becoming a sidewalk vendor such as, but not limited to, placement or maintenance of any sidewalk vendor receptacles;
21. "Special event" means any special event described in CCMC Chapter 17.520, or any successor section;
22. "Stationary sidewalk vendor" shall have the same meaning as defined in Government Code Section 51036, or any successor section; and
23. "Swap meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that Chapter, or any successor Chapter.

§11.21.30 Permit Required.

- A. No person, either for themselves or any other person, shall engage in any sidewalk vendor activities within the City without first applying for and receiving a permit from the Chief Financial Officer under this Chapter.
- B. CCMC Subchapter 11.09.200 (Street Vendors) shall not apply to a sidewalk vendor.
- C. A written application for a sidewalk vendor permit shall be filed with the Chief Financial Officer, on a form provided by the City, and shall contain the following information:
 1. The name, address, and telephone number of the person applying to become a sidewalk vendor;
 2. The name, address, and telephone number of the person who will be in charge of any roaming sidewalk vendors, sidewalk vending activity and/or be responsible for the person(s) working at the sidewalk vending receptacle;
 3. The name, address, and telephone number of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending receptacle;
 4. The number of sidewalk vending receptacles the sidewalk vendor will operate within the City under the permit;
 5. The location(s) in the City where the sidewalk vendor intends to operate;

6. The day(s) and hours of operation the sidewalk vendor intends to operate at such location(s);
7. Whether the vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor and, if roaming, the intended path of travel and, if stationary, a map with the location designated.
8. The dimensions of the sidewalk vendor's sidewalk vending receptacle(s), including a picture of each sidewalk vending receptacle operating under the permit and any signs that will be affixed thereto;
9. Whether the sidewalk vendor will be selling food, merchandise, or both;
10. If the sidewalk vendor is selling food, a description of the type of food to be sold, whether such foods are prepared on site, whether such foods will require a heating element inside or on the sidewalk vending receptacle for food preparation, and the type of heating element, if any;
11. If the vendor is selling merchandise, a description of the merchandise to be sold;
12. A copy of the County of Los Angeles Department of Public Health Permit required for any sidewalk vendors selling food, or proof of an applicable exemption;
13. Proof the person possesses a valid California Department of Tax and Fee Administration seller's permit which notes the City as a location or sub-location, which shall be maintained for the duration of the sidewalk vendor's permit;
14. An acknowledgment that the sidewalk vendor will comply with all other generally applicable local, State, and Federal laws;
15. A certification that, to their knowledge and belief, the information contained within the application is true;
16. An agreement by the sidewalk vendor to defend, indemnify, release and hold harmless the City, its City Council, boards, commissions, officers and employees from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the permit or the vendor's sidewalk vending activities. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, City, and/or the parties initiating or bringing such proceeding;

1 17. An acknowledgement that use of public property is at the sidewalk
2 vendor's own risk, the City does not take any steps to ensure public
3 property is safe or conducive to the sidewalk vending activities, and the
4 sidewalk vendor uses public property at their own risk;

5 18. An acknowledgement that the sidewalk vendor will obtain and maintain
6 throughout the duration of any permit issued under this Chapter any
7 insurance required by the City;

8 19. If the sidewalk vendor has operated in the City in the past, proof of prior
9 sales tax payments made to the State and allocated to the City; and

10 20. Any other relevant information required by the Chief Financial Officer.

11 D. Each application for a sidewalk vendor permit shall be accompanied by a
12 nonrefundable application fee as established by resolution of the City Council.
13 The application and permit are only applicable to the individual(s) named on
14 the application. An approved sidewalk vendor permit is required prior to the
15 applicant obtaining its official City business tax certificate, as set forth in
16 Chapter 11.01, to carry on the activities authorized by said permit.

17 **§11.21.040 Issuance of Permit.**

18 A. The Chief Financial Officer may issue a sidewalk vending permit, with
19 appropriate conditions, including but not limited to the review and approval of the
20 Public Works Director, and as provided for herein, if they find based on all of the
21 relevant information that:

22 1. The conduct of the sidewalk vendor will not unduly interfere with traffic or
23 pedestrian movement, or tend to interfere with or endanger the public peace
24 or rights of nearby residents to the quiet and peaceable enjoyment of their
25 property, or otherwise be detrimental to the public peace, health, safety, or
26 general welfare;

27 2. The conduct of the sidewalk vendor will not unduly interfere with the ingress
28 or egress of commercial properties nor create an unsafe condition for
adjacent businesses.

3. The conduct of the sidewalk vendor will not unduly interfere with normal
governmental or City operations, threaten to result in damage or detriment
to public property, or result in the City incurring costs or expenditures in
either money or personnel not reimbursed in advance by the vendor;

4. The conduct of such sidewalk vending activity will not constitute a fire
hazard, and all proper safety precautions will be taken;

5. The conduct of such sidewalk vending activity will not require the diversion of police officers to properly police the area of such activity as to interfere with normal police protection for other areas of the City;
6. The sidewalk vendor has paid all previous administrative fines, completed all community service, and completed any other alternative disposition associated in any way with a previous violation of this Chapter or any other City regulation governing sidewalk vending;
7. The sidewalk vendor has not had a permit revoked within the past twelve (12) months;
8. The sidewalk vendor's application contains all required information;
9. The sidewalk vendor has not made a materially false, misleading, or fraudulent statement of fact to the City in the application process;
10. The sidewalk vendor has satisfied all the requirements of this Chapter;
11. The sidewalk vendor has paid all applicable fees as set by City Council resolution;
12. The sidewalk vendor's sidewalk vending receptacle and proposed activities conform to the requirements of this Chapter;
13. The sidewalk vendor has adequate insurance, as determined by the City, to protect the City from liability associated with the sidewalk vendor's activities. If approved, all insurance policies required by this Permit, except workers' compensation, shall name the City as an additional insured, and shall contain a waiver of subrogation against City, its agents, and employees. The sidewalk vendor shall provide a copy of a Certificate of Insurance with required endorsements providing this coverage; and
14. The sidewalk vendor has satisfactorily provided all information requested by the Chief Financial Officer, to consider the vendor's application.

B. A sidewalk vendor permit is nontransferable. Any change in ownership or operation of a sidewalk vendor or sidewalk vending receptacle requires a new permit under this Chapter.

C. All permits issued under this Chapter shall expire twelve (12) months from date of issuance.

§11.21.050 Operating Conditions.

All sidewalk vendors are subject to the following operating conditions when conducting sidewalk vending activities:

- 1 A. All food and merchandise shall be stored either inside or affixed to the sidewalk
2 vendor receptacle or carried by the sidewalk vendor. Food and merchandise
3 shall not be stored, placed, or kept on any public property. If affixed to the
4 sidewalk vendor receptacle, the overall space taken up by the sidewalk vendor
5 receptacle shall not exceed the size requirements provided in this section.
- 6 B. The sidewalk vendor permit shall be affixed to and conspicuously displayed at
7 all times on the sidewalk vending receptacle and the sidewalk vendor's person.
8 If multiple sidewalk vendors are staffing a sidewalk vendor receptacle or
9 working as roaming sidewalk vendors, each person shall wear their permit on
10 their person in a conspicuous manner.
- 11 C. Sidewalk vendors shall not leave their sidewalk vending receptacle unattended
12 to solicit business for their sidewalk vending activities.
- 13 D. Sidewalk vendors shall not call out, yell, ring bells or other devices to attract
14 the attention of potential customers.
- 15 E. Sidewalk vendors are not allowed to provide onsite dining, nor provide, allow,
16 or encourage others to provide or utilize tables, chairs, tents, umbrellas, or
17 similar items on public property.
- 18 F. All signage and advertising related in any way to the sidewalk vendor shall be
19 attached to the sidewalk vending receptacle, if any, or the sidewalk vendor's
20 person.
- 21 G. Sidewalk vendors shall not use any electrical, flashing, wind powered, or
22 animated sign.
- 23 H. Sidewalk vending receptacles shall not be stored on public property and shall
24 be removed from public property when not in active use by a sidewalk vendor.
- 25 I. All sidewalk vendors shall allow any government official charged with enforcing
26 laws related to the sidewalk vendor's activities to inspect their sidewalk vending
27 receptacle at any time for compliance with the size requirements of this Chapter
28 and to ensure the safe operation of any heating elements used to prepare food.
- J. Sidewalk vending receptacles and any attachments thereto shall not exceed a
total height of six (6) feet, a total width of six (6) feet, and a total length of four
(4) feet.
- K. No sidewalk vending receptacle shall contain or use propane, natural gas,
batteries, or other explosive or hazardous materials.
- L. Sidewalk vendors shall comply with CCMC Chapter 11.18.015 Polystyrene
Regulations, which include the prohibition of polystyrene food service ware.
- M. If a sidewalk vending receptacle requires more than one person to conduct the
sidewalk vending activity, all sidewalk vendors associated with the sidewalk

1 vending receptacle shall be within five (5) feet of the sidewalk vending
2 receptacle when conducting sidewalk vending activities.

3 N. Sidewalk vendors that sell food shall have the County of Los Angeles
4 Department of Public Health permit in their possession at all times they are
5 conducting sidewalk vending activities. If applicable, a sidewalk vendor shall
6 have proof of a permit exemption from County of Los Angeles Department of
7 Public Health.

8 O. Sidewalk vendors that sell food shall maintain separate food waste, trash, and
9 recycling bins in or on their sidewalk vending receptacle and shall not empty
10 their waste into public trashcans. The size of the vendor's trash container shall
11 be taken into account when assessing the total size limit of a sidewalk vending
12 receptacle. Sidewalk vendors shall not leave any location without first picking
13 up, removing, and disposing of all trash or refuse from their operation.

14 P. Sidewalk vendors shall immediately clean up any food, grease or other fluid or
15 item related to sidewalk vending activities that falls on public property; washing
16 down hard surfaces must comply with Section § 5.05.025 Prohibited Activities
17 and § 5.05.030 Requirements for Existing Properties; Good Housekeeping
18 Provisions.

19 Q. Sidewalk vendors shall maintain a minimum four-foot clear accessible path free
20 from obstructions, including sidewalk vending receptacles and customer
21 queuing area.

22 R. Sidewalk vendors shall comply with the noise provisions, including but not
23 limited to those in Section 9.04.015 and Chapter 9.07, including but not limited
24 to permit requirements for loudspeakers and amplified devices.

25 S. In parks, sidewalk vendors shall not interfere in any way with anyone engaged
26 in a sporting activity or other activity for which a permit has been obtained from
27 the City.

28 T. Sidewalk vendors shall ensure that all City-required insurance is in effect prior
to conducting any sidewalk vendor activities and maintained for the duration of
the permit.

29 **§11.21.060 Prohibited Activities and Locations.**

30 A. Sidewalk vendors shall comply with all operating conditions including those
31 conditions set forth in CCMC Section 11.21.050, or any successor sections.

32 B. Sidewalk vending receptacles shall not touch, lean against, or be affixed at any
33 time to any building or structure including but not limited to lampposts, parking
34 meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters,
35 newsstands, trashcans, or traffic barriers.

1 C. Sidewalk vendors shall not engage in any of the following activities:

- 2 1. Renting merchandise to customers;
- 3 2. Displaying merchandise or food that is not available for immediate sale;
- 4 3. Selling of alcoholic beverages of any kind, cannabis, cannabis
5 concentrate, or cannabis products, adult oriented material, tobacco
6 products, products that contain nicotine or any product used to
7 smoke/vape nicotine or cannabis;
- 8 4. Using an open flame on or within any sidewalk vending receptacle;
- 9 5. Using an electrical outlet or power source that is owned by the City or
10 another person other than the sidewalk vendor;
- 11 6. Conducting sidewalk vending activities outside of allowed hours of
12 operation:
- 13 a. In nonresidential areas, the hours of operation for sidewalk vending
14 shall be the same as the hours of operation imposed on other
15 businesses or uses on the same street;
- 16 b. No person shall peddle or solicit for commercial purposes in any
17 area of the city, which is zoned for residential use under this Code,
18 from 8:00 p.m. until 9:00 a.m. of the following day;
- 19 7. Continuing to offer food or merchandise for sale, following, or
20 accompanying any potential customer who has been offered food or
21 merchandise after such person has refused an offer and has asked to be
22 left alone or after the person has declined the offer to purchase food or
23 merchandise;
- 24 8. Knowingly making false statements or misrepresentations during the
25 course of offering food or merchandise for sale;
- 26 9. Blocking or impeding the path of the person(s) being offered food or
27 merchandise to purchase;
- 28 10. Making any statement, gesture, or other communication which a
reasonable person in the situation of the person(s) being offered food or
merchandise to purchase would perceive to be a threat and which has a
reasonable likelihood to produce in the person(s) a fear that the threat will
be carried out;
11. Touching the person(s) being offered food or merchandise without that
person(s)' consent;

1 12. Advertising any product or service that is not related to the food or
2 merchandise being offered for immediate sale;

3 13. Placing their sidewalk vending receptacles on private property or any
4 other non-permitted space when engaging in sidewalk vending activities;
5 or

6 14. Soliciting or conducting business with persons in motor vehicles located
7 on traffic lanes of public streets, highways, or parking lots.

8 D. Sidewalk vendors shall not engage in sidewalk vending activities at the
9 following locations:

10 1. The Culver City Nature Trail;

11 2. Carlson Park;

12 3. Coombs Park;

13 4. The Dale Jones City Hall Courtyard;

14 5. Quotation Courtyard;

15 6. Town Plaza;

16 7. Bikeways or bike paths;

17 8. Within a marked bus zone;

18 9. Where placement impedes the flow of pedestrian traffic by reducing the
19 clear space to less than four (4) feet, or impedes access to or the use of
20 abutting property, including, but not limited to, residences and places of
21 business;

22 10. Any public property that does not meet the definition of a sidewalk
23 including, but not limited to, any alley, square, roadway, street, street
24 end, median island, pedestrian island, or parking lot, without prior City
25 approval;

26 11. On City-owned property without prior City approval;

27 12. Within 18 inches of the curb;

28 13. Within 15 feet of another sidewalk vendor; or

14. At any park where the City has signed an agreement for concessions
that exclusively permits the sale of food or merchandise by a
concessionaire;

1 15. On private property without the written consent and prior approval of the
2 City.

3 16. Within one block of any school between the hours of 7:30 a.m. and 5:30
4 p.m. on days when the school is in session.

5 E. Sidewalk vendors shall not engage in sidewalk vending activities within five (5)
6 feet of:

- 7 1. A marked crosswalk;
- 8 2. The curb return of an unmarked crosswalk;
- 9 3. Any fire hydrant, fire call box, or other emergency facility;
- 10 4. An area improved with lawn, flowers shrubs, trees, or street tree well;
- 11 5. An alley or entrance to a parking lot or parking garage;
- 12 6. A driveway or driveway apron;
- 13 7. An outdoor dining or patio dining area;
- 14 8. An entrance or exit to a building, structure, or facility; or
- 15 9. An entrance to a bike path.

16 F. Sidewalk vendors shall not engage in sidewalk vending activities within ten (10)
17 feet of:

- 18 1. A transit shelter or bench;
- 19 2. An Automated teller machine (ATM);
- 20 3. The gated entrance to a public community center, athletic field,
21 softball/baseball diamond, basketball court, handball court, pickleball,
22 paddle tennis court, tennis court, soccer field, or other recreational field,
23 facility, or court;
- 24 4. Any public picnic area, outdoor exercise equipment, playground area or
25 playground equipment;
- 26 5. Any public restroom; or
- 27 6. Any athletic field, basketball court, softball/baseball diamond, tennis
28 court, soccer field, or volleyball court.

G. Sidewalk vendors shall not engage in sidewalk vending activities within fifty
(50) feet of:

1. A permitted certified farmers' market or swap meet during the limited operating hours of that certified farmers' market or swap meet;
 2. An area designated for a special event permit issued by the City, during the limited duration of the special event, if the City provides the sidewalk vendor any notice, business interruption mitigation, or other rights the City provided to any affected businesses or property owners under the City's special event permit; or
 3. A place of worship, or a large or general child day-care facility, or day camp, while children are present.
- H. Sidewalk vendors shall not engage in sidewalk vending activities within one hundred (100) feet of:
1. The driveways and entrances to the Police Station;
 2. The driveways and entrances to a fire station;
 3. Any police officer, firefighter, lifeguard, or emergency medical personnel who are actively performing their duties or providing services to the public.
- I. Stationary sidewalk vendors shall not sell food or merchandise or engage in any sidewalk vending activities:
1. On any sidewalk or pathway that is not a minimum width of eight (8) feet;
 2. On sidewalks or pathways directly adjacent to or within residential areas.
 3. On any city block where there are already two stationary vendors.

§11.21.070 Penalties.

Violations of this Chapter shall not be prosecuted as infractions or misdemeanors and shall only be enforced by the administrative citations as defined in CCMC 1.02.025 and the revocation provisions of this Chapter.

- A. If a sidewalk vendor conducts business without a valid permit, the sidewalk vendor shall be assessed administrative fines in the following amounts:
1. An administrative fine not exceeding two hundred fifty dollars (\$250.00) for a first violation;
 2. An administrative fine not exceeding five hundred dollars (\$500.00) for a second violation within one year of the first violation;
 3. An administrative fine not exceeding one thousand dollars (\$1,000.00) for each additional violation within one year of the first violation.

1 B. If a sidewalk vendor violates any portion of this Chapter other than conducting
2 business without a valid permit, the sidewalk vendor shall be assessed
administrative fines in the following amounts.

- 3 1. An administrative fine not exceeding one hundred dollars (\$100.00) for
a first violation;
- 4 2. An administrative fine not exceeding two hundred dollars (\$200.00) for
a second violation within one year of the first violation;
- 5 3. An administrative fine not exceeding five hundred dollars (\$500.00) for
6 each additional violation within one year of the first violation.

7 **§11.21.080 Revocation.**

8 A. The Chief Financial Officer may revoke a permit issued to a sidewalk vendor
9 for any of the following reasons:

- 10 1. The permittee's failure to comply with the provisions of this Chapter;
- 11 2. If the permittee makes any false statement or material
misrepresentation of fact related to a sidewalk vendor permit
12 application; or
- 13 3. Upon the fourth violation or subsequent violations within one year of the
first violation.

14 B. The revocation takes effect upon delivery of the notice of decision to revoke the
15 license and remains in effect unless overturned on appeal.

16 **§11.21.090 Appeals.**

17 A. Administrative citations may be appealed as provided in CCMC Sections
1.02.045 and 1.02.050.

18 B. Decisions of the Chief Financial Officer to revoke a permit shall be appealed in
19 the following manner:

- 20 1. Appeals may be initiated by the person whose permit was revoked;
- 21 2. Appeals shall be initiated within fifteen (15) calendar days of service of
22 notice of the decision to revoke the license;
- 23 3. Appeals of decisions shall be made in writing and shall state the factual
24 basis and evidence to substantiate the appeal;
- 25 4. All appeals of decisions shall be heard by a Hearing Officer appointed
by the City Manager;
- 26 5. A hearing before the Hearing Officer may be set for a date that is not
27 less than fifteen (15) and not more than sixty (60) days from the date
28 that the request for hearing is filed in accordance with the provisions of

1 this Chapter. The appellant shall be notified of the time and place set
2 for the hearing at least ten (10) days prior to the date of the hearing.
3 The City and appellant may mutually agree to waive, modify, or change
4 the date of the proceeding;

5 6. All appeals of decisions shall be conducted in accordance with the
6 following procedures:

7 a. At least ten (10) days prior to the hearing, the appellant shall be
8 provided with copies of the citations, reports and other documents
9 or evidence submitted or relied upon by the Chief Financial Officer;

10 b. No other discovery is permitted. Formal rules of evidence shall not
11 apply. Appeal hearings are intended to be informal in nature. Each
12 party shall have the opportunity to present evidence in support of
13 his or her case, and to cross-examine witnesses. Irrelevant and
14 unduly repetitious evidence shall be excluded;

15 c. The failure of the appellant to appear at the hearing shall constitute
16 a failure to exhaust their administrative remedies.

17 7. After considering all of the testimony and evidence submitted at the
18 hearing, the Hearing Officer shall issue a written decision within ten
19 (10) days of the hearing and shall list in the decision the reasons for
20 that decision:

21 a. The Hearing Officer may uphold or deny the decision;

22 b. The appellant shall be served with a copy of the Hearing Officer's
23 written decision; and

24 c. The decision of the Hearing Officer is final.

25 **SECTION 2:** Subsection I of Section 9.10.055 (PROHIBITIONS) is
26 amended to read as follows (underline denotes addition):

27 I. To announce, advertise or call public attention in any way to any article or
28 service for sale or hire, or expose or offer for sale any article or thing; nor shall
he station or place any stand, cart, or vehicle for the transportation, sale or
display of any such article or thing. Exception is here made as to any regularly
licensed concessionaire acting by and under the authority and regulation of the
Parks, Recreation and Community Services Director and activities expressly
allowed by Chapter 11.21 (SIDEWALK VENDING).

SECTION 3. Subsection K of Section 9.10.055 (PROHIBITIONS) is
amended to read as follows (underline denotes addition):

1 K. To practice, carry on, conduct, or solicit for any trade, occupation, business, or
2 profession without the permission of the City Council, unless otherwise
3 expressly authorized by this Code.

4 **SECTION 4.** Subsection L of Section 9.10.055 (PROHIBITIONS) is
5 amended to read as follows (underline denotes addition):

6 L. To drive or have any dray, truck, wagon, cart, or other traffic vehicle carrying
7 goods or regularly used or employed in carrying goods, merchandise, lumber,
8 machinery, oil, manure, dirt, sand or soil or any article of trade or commerce,
9 or any offensive article or material whatsoever, upon any road or drive except
10 such as may be especially provided or designated for such use, or such as may
11 be authorized by permit from the Parks, Recreation and Community Services
12 Director or such as is authorized by Chapter 11.21 (SIDEWALK VENDING).

13 **SECTION 5:** Section 9.08.040 (USE OF SIDEWALKS FOR OUTDOOR
14 DISPLAY OF GOODS) is amended to add subsection (E) as follows:

15 E. This section does not apply to sidewalk vending as regulated by CCMC
16 Chapter 11.21.

17 **SECTION 6:** Nothing in this Ordinance shall be construed to affect any
18 suit or proceeding impending in any court, or any rights acquired, or liability incurred,
19 or any cause or causes of action acquired or existing, under any act or Ordinance
20 hereby repealed or amended as cited in this Ordinance; nor shall any just or legal right
21 or remedy of any character be lost, impaired, or affected by this Ordinance.

22 **SECTION 7:** Pursuant to Section 619 of the City Charter, this Ordinance
23 shall take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621
24 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the
25 City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
26 Culver City News and shall post this Ordinance or a summary thereof in at least three
27 (3) places within the City.

1 **SECTION 8:** The City Council hereby declares that, if any provision,
2 section, subsection, paragraph, sentence, phrase or word of this Ordinance is
3 rendered or declared invalid or unconstitutional by any final action in a court of
4 competent jurisdiction or by reason or any preemptive legislation, then the City Council
5 would have independently adopted the remaining provisions, sections, subsections,
6 paragraphs, sentences, phrases, or words of this Ordinance, and as such they shall
7 remain in full force and effect.
8

9
10 APPROVED and ADOPTED this ____ day of February, 2023.
11

12
13 _____
14 ALBERT VERA, MAYOR
15 City of Culver City, California

16 ATTEST:
17

18 _____
19 JEREMY BOCCHINO
20 City Clerk

21 APPROVED AS TO FORM:
22 _____
23 HEATHER BAKER
24 City Attorney