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**ORDINANCE NO. 2023-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF CULVER CITY,  
CALIFORNIA ADDING CHAPTER 11.18 TO TITLE 11  
OF THE CULVER CITY MUNICIPAL CODE AND  
AMENDING SECTIONS 9.08.040 AND 9.10.055  
PERTAINING TO SIDEWALK VENDING**

**WHEREAS**, the City of Culver City (the “City”) consists of just over five square miles and is home to approximately 40,000 residents, the job site of 300,000 workers, and a destination for as many as 500,000 visitors on weekends and holidays; and

**WHEREAS**, because the City is both densely populated and has a large daytime population, its public spaces often become extremely crowded; and

**WHEREAS**, many of the sidewalks and pathways in the City are under eight (8) feet wide, with some of them are as narrow as four (4) feet, and sidewalk vending in these areas would unreasonably interfere with the flow of pedestrians and disrupt access for persons with disabilities without reasonable restrictions; and

**WHEREAS**, the City’s park space is limited; and

**WHEREAS**, much of the City’s limited park space is devoted to active uses such as sports fields and children’s playgrounds, leaving a smaller amount of open space available for all other activities, such as passive recreation; and

**WHEREAS**, City parks are congested public recreational facilities that are heavily used by residents, workers, visitors, and organized activities; and

**WHEREAS**, some of the City’s parks provide passive recreational opportunities, and restrictions on sidewalk vending are necessary to protect the

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

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

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

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

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

23           **WHEREAS**, Town Plaza is used by fire protection services as a fire lane;  
24 and

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 stay away from dangerous situations  
18 that 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  
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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:  
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23           **SECTION 1.** The Culver City Municipal Code is hereby amended to add  
24 Chapter 11.18 as follows:  
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**Chapter 11.18**

**SIDEWALK VENDING PROGRAM**

- 11.18.010 Purpose.
- 11.18.020 Definitions.
- 11.18.030 Permit Required.
- 11.18.040 Issuance of Permit.
- 11.18.050 Operating Conditions.
- 11.18.060 Prohibited Activities and Locations.
- 11.18.070 Penalties.
- 11.18.080 Revocation.
- 11.18.090 Appeals.

**§11.18.010 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.

**§11.18.020 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;

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- 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;

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

15 **§11.18.30 Permit Required.**

- 16 A. No person, either for themselves or any other person, shall engage in any  
17 sidewalk vendor activities within the City without first applying for and receiving  
18 a permit from the Chief Financial Officer under this Chapter.
- 19 B. CCMC Subchapter 11.09.200 (Street Vendors) shall not apply to a sidewalk  
20 vendor.
- 21 C. A written application for a sidewalk vendor permit shall be filed with the Chief  
22 Financial Officer, on a form provided by the City, and shall contain the following  
23 information:
- 24 1. The name, address, and telephone number of the person applying to  
25 become a sidewalk vendor;
  - 26 2. The name, address, and telephone number of the person who will be in  
27 charge of any roaming sidewalk vendors, sidewalk vending activity and/or  
28 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;



- 1 6. The day(s) and hours of operation the sidewalk vendor intends to operate  
2 at such location(s);
- 3 7. Whether the vendor intends to operate as a stationary sidewalk vendor or  
4 a roaming sidewalk vendor and, if roaming, the intended path of travel  
5 and, if stationary, a map with the location designated.
- 6 8. The dimensions of the sidewalk vendor's sidewalk vending receptacle(s),  
7 including a picture of each sidewalk vending receptacle operating under  
8 the permit and any signs that will be affixed thereto;
- 9 9. Whether the sidewalk vendor will be selling food, merchandise, or both;
- 10 10. If the sidewalk vendor is selling food, a description of the type of food to  
11 be sold, whether such foods are prepared on site, whether such foods will  
12 require a heating element inside or on the sidewalk vending receptacle for  
13 food preparation, and the type of heating element, if any;
- 14 11. If the vendor is selling merchandise, a description of the merchandise to  
15 be sold;
- 16 12. A copy of the County of Los Angeles Department of Public Health Permit  
17 required for any sidewalk vendors selling food, or proof of an applicable  
18 exemption;
- 19 13. Proof the person possesses a valid California Department of Tax and Fee  
20 Administration seller's permit which notes the City as a location or sub-  
21 location, which shall be maintained for the duration of the sidewalk  
22 vendor's permit;
- 23 14. An acknowledgment that the sidewalk vendor will comply with all other  
24 generally applicable local, State, and Federal laws;
- 25 15. A certification that, to their knowledge and belief, the information  
26 contained within the application is true;
- 27 16. An agreement by the sidewalk vendor to defend, indemnify, release and  
28 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 **§11.18.040 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;

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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.

**§11.18.050 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.

**§11.18.060 Prohibited Activities and Locations.**

29 A. Sidewalk vendors shall comply with all operating conditions including those  
30 conditions set forth in CCMC Section 11.18.050, or any successor sections.

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

**§11.18.070 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 **§11.18.080 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 **§11.18.090 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 11.18 (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  
expressly authorized by this Code.

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

5 L. To drive or have any dray, truck, wagon, cart, or other traffic vehicle carrying  
6 goods or regularly used or employed in carrying goods, merchandise, lumber,  
7 machinery, oil, manure, dirt, sand or soil or any article of trade or commerce,  
8 or any offensive article or material whatsoever, upon any road or drive except  
9 such as may be especially provided or designated for such use, or such as may  
be authorized by permit from the Parks, Recreation and Community Services  
Director or such as is authorized by Chapter 11.18 (SIDEWALK VENDING).

10  
11 **SECTION 5:** Section 9.08.040 (USE OF SIDEWALKS FOR OUTDOOR  
12 DISPLAY OF GOODS) is amended to add subsection (E) as follows:

13 E. This section does not apply to sidewalk vending as regulated by CCMC  
14 Chapter 11.18.

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

20  
21 **SECTION 7:** Pursuant to Section 619 of the City Charter, this Ordinance  
22 shall take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621  
23 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the  
24 City Clerk shall cause this Ordinance, or a summary thereof, to be published in the  
25 Culver City News and shall post this Ordinance or a summary thereof in at least three  
26 (3) places within the City.  
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**SECTION 8:** Pursuant to direction given at the February 13, 2023 City Council meeting, the City will delay enforcement until ninety (90) days after adoption of this ordinance.

**SECTION 9:** The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases, or words of this Ordinance, and as such they shall remain in full force and effect.

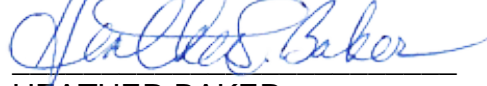
APPROVED and ADOPTED this 23 day of October, 2023.

\_\_\_\_\_  
ALBERT VERA, MAYOR  
City of Culver City, California

ATTEST:

\_\_\_\_\_  
JEREMY BOCCHINO  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
HEATHER BAKER  
City Attorney