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**Chapter X.XX
SIDEWALK VENDING**

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X.XX.XXX INTENT AND PURPOSE.

- (a) The city council of the city of Santa Cruz declares that:
 - i. Sidewalk vending fosters vibrant public spaces and promotes a diverse and inclusive local economy, including economic opportunities for low-income and immigrant communities.
 - ii. At the same time, sidewalk vending has presented challenges to the City. For example, sidewalk vending in the City has caused unsafe overcrowding, a lack of adequate access for first responder and emergency personnel, the monopolization of public spaces for private commercial use, diversion of pedestrians into bike lanes or vehicular lanes, accumulation of trash and pollution in public spaces, and sidewalk vending in certain locations has been associated with violent altercations arising from vending “turf wars.” Sidewalk vending has also been associated with foodborne illnesses, the sale of counterfeit goods, and a lack of sales tax being collected by the vendors.
 - iii. Because the City is densely populated by residents and visitors, its public spaces often become extremely crowded. Many of the City’s parks, Wharf, Promenade, beaches, and pedestrian paths, are all heavily trafficked by the public and congestion in these places can be constant.
 - iv. Sidewalk vending must be regulated to address the concerns discussed above.
- (b) The purpose of this chapter is, therefore, to promote the public peace, safety, health, and welfare by, among other things, ensuring rapid access for first responder and emergency personnel; facilitating ingress into and egress from vehicles, rights-of-way, buildings, and

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public spaces; maximizing use and promoting maintenance of public rights-of-way, parks, beaches, and other public spaces; and reducing the City's exposure to civil liability.,

- (c) Additionally, the City desires to accomplish all of the foregoing public health, safety, and welfare policy objectives while simultaneously providing ample public access to desired goods, including culturally significant food and merchandise, and providing ample opportunity for underrepresented community members, including low-income and immigrant communities, to access the formal economy through entrepreneurial sidewalk vending.
- (d) Unless otherwise stated, the rules set forth in this chapter shall apply citywide.

X.XX.XXX DEFINITIONS.

For the purpose of this chapter, the following words and phrases are defined as follows:

- (a) The term “sidewalk vending” means to sell, offer for sale, expose or display for sale, solicit offers to purchase, or to barter food, goods, merchandise, or services on any sidewalk from a stand, table, pushcart, motor vehicle, bicycle, or by a person with or without the use of any other device, or to require someone to pay a fee or to set, negotiate, or establish a fee before providing any such food, goods, merchandise, or services, even if characterized by the vendor as a donation.
- (b) This definition of “sidewalk vending” does not include:
 - i. Traditional expressive speech and petitioning activities, and the distribution of the following expressive items: newspapers, leaflets, pamphlets, bumper stickers, patches, and/or buttons.
 - ii. The vending or distribution of the following items, which have been created, written or composed by the vendor or performer: books, audio, video, or other recordings of their performances, paintings, photographs, prints, or any other item that is inherently communicative and is of nominal value or utility apart from its communication.
 - iii. A performance, which is hereby defined to mean: the act of engaging in any of the following activities: playing musical instruments, singing, dancing, acting, pantomiming, puppeteering, juggling, reciting, engaging in magic, creating visual art in its entirety, presenting or enacting a play, work of music, physical or mental feat, or other constitutionally protected entertainment or form of expression. The term “performance” shall not include: (a) the application of substances to others' bodies, including but not limited to, paints, dyes, and inks; (b) the provision of personal services such as massage or hair weaving, cutting, or styling; (c) the completion or other partial creation of visual art; (d) the creation of visual art which is mass produced or produced with limited variation; or (e) the creation of handcrafts, such as weaving, carving, stitching, sewing, lacing, and beading objects such as jewelry, pottery, silver work, leather goods, and trinkets.

(b) “Vending Display Devices” means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, any nonmotorized conveyance, freestanding table, rack, chair, box, stand, or any container, structure, or other object used or capable of being used for holding, selling, or displaying tangible things, together with any associated seating facilities. “Display device” does not include any street furniture such as benches or planters, any other structure permanently installed by the city of Santa Cruz or with the consent of the city of Santa Cruz, or newsracks placed in conformity with the provisions of this code regulating newsracks.

(c) “No vending zone” means an area where sidewalk vending is prohibited due to objective public health, safety, and welfare concerns. The city council may establish no vending areas, as set forth in Section [X.XX.XXX](#).

(iv) “Farmer’s Market”

(v) “Concessionaire’s agreement”

(w) “Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

(x) “Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location.

(y) “Director” means the Director of the Planning & Community Development department or their designee.

(z) “Sidewalk vending worker’s permit” an identification card issued by the City to sidewalk vending applicants.

(aa) “Sidewalk vendor” means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path.

(bb) “Sidewalk vending permit” a permit card issued by the City to sidewalk vending applicant that remains and on the display device and is visible to the public and city staff.

(cc) “Mobile vendor” means any person in charge of or driving any motorized mobile vending vehicle requiring a state driver’s license to operate, either as agent, employee, or otherwise under the direction of the owner.

(dd) “vending permits” includes all permits associated with varying types of sidewalk vending including the sidewalk vending permit, parks permit, mobile permit, and any other government issued permit required for sidewalk vending.

X.XX.XXX SIDEWALK VENDING CONDUCT.

(a) Sidewalk vendors shall comply with this section in order to prevent pedestrian and vehicle traffic, improper disposal of trash, provide coastal access, assure that pedestrians have adequate

walking thoroughfares, minimize trip and fall hazards, and address other public health, safety, and welfare concerns:

1. Vending Display Devices shall be at least eighteen inches in height. Musicians and others engaged in performances may place a hat, guitar case, or other receptacle directly on the ground within three feet of their person to collect donations.
2. No person engaged in sidewalk vending may be accompanied by or in the custody or possession of a dog or any other animal.
3. No person engaged in sidewalk vending may display or sell their wares on the ground, or on a cloth, tarp, or other similar material on the ground.
4. No roaming or stationary sidewalk vendor may vend in a manner that unreasonably blocks or obstructs the free movement of pedestrians and/or vehicles.
5. Roaming and stationary sidewalk vendors may not engage in vending in such a manner as to cause onlookers, customers, or others to obstruct the free flow, access, or view of pedestrian or vehicular traffic.
6. Roaming and stationary sidewalk vendors using electricity must do so only through the use of a generator or battery pack contained on a Vending Display Device. Sidewalk and mobile vendors may not use extension cords to connect to a power source not contained on the Vending Display Device.
7. Roaming and stationary sidewalk vendors must provide a trash receptacle for customers and employ good faith efforts to 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 and/or the vendor's customers within a fifteen-foot (15') radius of the vending location. Sidewalk vendors are responsible for disposing of the trash associated with their business and may not use City receptacles for this purpose.
8. Sidewalk vendors of food or food products shall possess and display in plain view on the Vending Display Device a valid permit from the Santa Cruz County Department of Environmental Health.
9. Sidewalk and mobile vendors shall possess and display their sidewalk vending identification card in plain view at all times while vending pursuant to this chapter.
10. Roaming and stationary sidewalk vendors shall possess at all time while vending, current liability insurance, and automotive insurance for mobile vendors.
11. Sidewalk and mobile vendors shall be responsible for their own compliance of 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 cigarette, smoking devices and controlled substances regulations; sanitation and health standards set for in Title 6 and 16 including, but not limited to, the product regulations set for in Chapter 6.48 and 16.19; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).
12. Vending Display Devices 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

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within the public right-of-way. No Vending Display Device shall become a permanent fixture on the vending site or be considered an improvement to real property.

13. Vending Display Devices shall not be left or stored unattended on public property or within the public right-of-way.
14. Sidewalk vendors shall not vend live animals, wildlife, fish, fowl, or insects.
15. Vending of counterfeit merchandize is prohibited.
16. Except for (i) Vending Display Devices and associated seating, (ii) hats, guitar cases, and other receptacles intended for collecting donations, or (iii) personal belongings wholly contained underneath a display device, no person engaging in sidewalk vending shall use sidewalks to store merchandise or personal belongings.
17. Sidewalk vendors shall not leave accessories, equipment, or objects used for sidewalk vending purposes on public property or in any portion of the public right-of-way after sunset or before sunrise. Any equipment or objects left overnight on public property or in any portion of the public right-of-way will be considered abandoned and may be impounded by the city.
18. No person shall use any street furniture, including any bench, planter, utility cabinet, or other street furniture or structure permanently installed on public property, for the display, sale, or distribution of food, goods, merchandise, or services. This provision shall apply throughout the city.
19. Sidewalk vendors shall not unreasonably interfere with access or use of City infrastructure, including City benches, bike racks, wheelchair access ramps, and trash receptacles.
20. Sidewalk vendors shall not unreasonably blocks access to or creates unreasonable congestion at: (i) a corner of any street intersection, (ii) Any fire hydrant, fire call box, emergency exit, or other emergency facility, (iii) Any curb which is designated as white, yellow, green, blue, or red zone, or a bus zone; (iv) Any building entrance, stairway access; (v) Any driveway or driveway apron; (vi) Parking pay station

(b) The city manager or their designee may promulgate regulations governing sidewalk vending to address objective health, safety and welfare concerns. A violation of such regulations shall constitute a separate violation of this chapter.

X.XX.XXX SIDEWALK VENDING PERMIT APPLICATION.

(a) No person shall engage in sidewalk vending in the City without first obtaining 1) a sidewalk vendor permit issued pursuant to this Chapter, 2) if applicable, a sidewalk vending worker's permit issued pursuant to this chapter, 3) a business license issued pursuant to Chapter 5.04 , 4) if applicable, a mobile vending permit issued pursuant to Chapter 5.22, and 5) if applicable, a park permit, issued pursuant to Section X.XX.XX of this chapter.

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(b) To apply for a sidewalk vending permit, the sidewalk vendor must file an application with the Planning & Community Development department, accompanied by an 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:

1. The legal name and current address, telephone number, and email address of the applicant;
2. If a firm, association, or partnership, the name and address thereof and the names and residences of partners or association members. If a corporation, the name and address thereof and the names and residences of officers and local manager;
3. Number, make, model and engine number, and photograph, if any, of mobile vending vehicles proposed to be operated, or so much of said information as is available at the time of application;
4. A description of the food or merchandise offered for sale;
5. The dimensions of the Vending Display Device;
6. The hours per day and the days per week during which the sidewalk vendor proposes to operate;
7. A description of the area(s) the applicant wishes to operate;
8. Whether the applicant intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;
9. Any person desiring a permit shall submit a written application signed under penalty of perjury to the city's planning & community development department on a form specifically adopted by the Director for that purpose and pay a fee in an amount to be set by resolution. Upon approval of a sidewalk vendor worker permit, the city shall issue a sidewalk vendor worker identification card to the sidewalk permit applicant.
10. A copy of a valid business license issued pursuant to City of Santa Cruz Municipal Code 5.04;
11. A copy of a valid California's seller's permit pursuant to Revenue and Taxation Code Section 6067;
12. A copy of the applicant's California driver's license or California identification number, individual taxpayer identification number, federal identification number, or other identification number issued by a foreign government;
13. Certification by the applicant, under penalty of perjury that the information contained in the application is true to their knowledge and belief;
14. If a vendor of food or food products, proof of all required approval from the County of Santa Cruz Department of Environmental Health and any applicable discharge permits;
15. An acknowledgement of having read and agreement to abide by this SCMC Chapter X.XX (Sidewalk Vending); SCMC Chapter 6.48 Environmentally Acceptable Food Packaging, and SCMC Chapter 16.19 Urban Runoff Pollution Control; and
16. Proof of liability insurance and an agreement by the applicant to defend, 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.

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X.XX.XXX CRITERIA FOR APPROVAL OR DENIAL OF SIDEWALK VENDING PERMITS

- (a) The Director shall approve the issuance of the sidewalk vending permit unless they determine that:
- (1) Information contained in the application, or supplemental information requested from the applicant, is false in any material detail; or
 - (2) The proposed operations contained in the application are contrary to the provisions of this Chapter; or
 - (3) The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents; or
 - (4) The applicant has failed to demonstrate an ability to conform to the operating standards set forth in this Chapter; or
 - (5) The applicant has failed to pay or otherwise resolve any previous administrative citations associated with a previous violation of this chapter.
- (b) If the permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

X.XX.XXX SIDEWALK PERMIT EXPIRATION AND RENEWAL

A sidewalk vending permit shall be valid for twelve (12) months from the date of issuance, except that a City sidewalk vending permit shall be deemed null and void upon the revocation or expiration of: (a) the related City issued business license, (b) a required permit from the Santa Cruz County Department of Environmental Health, and/or (c) the California's seller's permit pursuant to Revenue and Taxation Code Section 6067.

X.XX.XXX SIDEWALK PERMIT RECISSION

The director or their designee 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.

X.XX.XXX PERMITS NONTRANSFERABLE

A sidewalk vendor permit shall only permit the operation of one sidewalk vendor display device at any one time.

No permit granted pursuant to this chapter shall be transferable.

X.XX.XXX RESTRICTED VENDING TIMES AND LOCATIONS

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- (a) Unless specifically permitted by another provision of this municipal code, to ensure rapid access by first responder and emergency personnel; to facilitate ingress into and egress from vehicles, rights-of-way, buildings, and public spaces; to maximize use and promote maintenance of public rights-of-way, parks, the beach, and other public spaces; and to reduce the City's exposure to civil liability, stationary sidewalk vending is not permitted in the following limited areas:
- i. From April 1 until October 1, on the streets and sidewalks of Beach Street Between the Municipal Wharf and Third Street;
 - ii. Year round, on the vehicle and pedestrian thorough fares of the Santa Cruz Municipal Wharf
 - iii. Year round, on the Beach Street Promenade Deck.
 - iv. Year round, in the areas outside of the City demarcated vending/display zones on Pacific Avenue
 - v. Year round, in any City park or beach where the City has entered into an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.
 - vi. Within five hundred feet (500') of a permitted certified farmer's market, a swap meet, or an area designated for a temporary special permit. This prohibition shall be limited to the operating hours of the farmer's market or swap meet, or the limited duration of the temporary special permit.
 - vii. Year round, in areas that are zoned exclusively residential.

(a) The city council, by resolution, may from time to time designate no stationary vending zones due to objective health, safety, or welfare concerns. In designating a no stationary vending zone, the city council shall first determine that stationary vending in the area would impede or interfere with public health, safety, or welfare.

(b) This section shall not be construed as prohibiting events that are conducted pursuant to, and in accordance with, Chapters [10.64, Major Special Events](#) and [10.65, Public Gathering and Expression Events](#).

X.XX.XXX SIDEWALK VENDING AND COMMERCIAL SALES IN PUBLIC BEACHES AND PARKS

- (a) An additional parks permit is required if sidewalk vending is located in a City Park or Beach
- (b) Granted based on these criteria

X.XX.XXX MOBILE VENDING PERMIT REQUIRED

All Mobile vendors require a mobile vending permit. Refer to City Municipal Code Chapter 5.22.

X.XX.XXX ADMINISTRATIVE CITATIONS

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- (a) A violation of this chapter by a sidewalk vendor who has a valid sidewalk vending permit from the City is punishable only by an administrative citation pursuant to Chapter 4, in amounts not to exceed the following:
 - i. One hundred dollars (\$100.00) for a first violation
 - ii. Two hundred dollars (\$200.00) for a second violation within one (1) year of the first violation.
 - iii. Five hundred dollars (\$500.00) for each additional violation within one (1) year of the first violation.
- (b) A person engaged in sidewalk vending without a valid City sidewalk vending permit is punishable by an administrative citation pursuant to Chapter 4 in amounts not to exceed the following, in lieu of the amounts set for in paragraph (a):
 - i. Two hundred and fifty dollars (\$250.00) for a first violation.
 - ii. Five hundred dollars (\$500.00) for a second violation within one (1) year of the first violation.
 - iii. One thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.
- (c) Upon proof of a valid sidewalk vending permit issued by the City, the administrative citations set forth in paragraph (b) shall be reduced to amounts set forth in paragraph (a).
- (d) 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.
- (e) If an individual violates this chapter, and is issued an administrative citation, that person is required to come into reasonably prompt compliance with this Chapter. If a cited individual continues to vend unlawfully and/or fails to come into reasonably prompt compliance with this chapter, a City code enforcement officer may give the cited individual subsequent administrative citation on the same day, so long as at least 2 hours have passed between each administrative citation.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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.

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XX.XX.XXXX IMPOUNDMENT

- (a) The City may impound food, goods, and/or merchandise that: (1) reasonably appear to be abandoned on public property, or (2) are displayed, offered, or made available for rent or sale by a vendor who does not possess a valid City vending permit, or (3) displayed, offered, or made available for rent or sale by a vendor who has, within a 24-month period, been found responsible for violating this chapter four or more times.
- (b) The City may immediately dispose of impounded materials that are perishable or cannot be safely stored.
- (c) An aggrieved vendor may appeal a City forfeiture order pursuant to the procedures set forth in Chapter _____.
- (d) An individual may recover impounded materials upon paying applicable impound fees and demonstrating proper proof of ownership.
- (e) The City Council may by resolution adopt impound fees, which shall reflect the City's enforcement, investigation, storage, and impound costs.
- (d) Any unclaimed items will be considered abandoned and forfeited to the City after 90 days following impoundment.

X.XX.XXX Appeals

- (a) 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 in accordance with Chapter 1.16 of the Santa Cruz Municipal Code. For appeals related to parks and mobile permit see sections X.Xx.XXX and X.XX.XXX.