

Account Number: _____
(Above is for City use only)

SIDEWALK VENDOR PERMIT APPLICATION

HMC CHAPTER 5.57A

Adopted by Ordinance Nos. 2171 & 2174

Fee of \$175.00 adopted by Resolution No. 8052

HMC Section 5.57A.020 Sidewalk vending – Permit Required. No person, either for themselves or any other person or business entity, shall conduct or engage in sidewalk vending within the City without first obtaining a sidewalk vending permit pursuant to this Chapter. This requirement is in addition to any requirement that such person obtain a business license pursuant to Chapter 5.02 of this code.

NOTE: Failure to provide a complete application, all supplemental information, or false information will result in a denial. A new application, supplemental information and applicable fees will apply for any subsequent submissions.

THIS APPLICATION IS FOR A (check one): NEW PERMIT RENEWAL PERMIT

APPLICANT'S FULL NAME: _____

ADDRESS: _____
(ADDRESS) (APT / STE #) (CITY) (STATE) (ZIP CODE)

MAILING ADDRESS (if different from above):

(ADDRESS) (APT / STE #) (CITY) (STATE) (ZIP CODE)

TELEPHONE NUMBER: (____) _____ - _____

1. Are you an agent, member or employee of another person or business entity? YES NO (circle one)
2. If yes, identify such person or business entity: NAME: _____
ADDRESS: _____
(ADDRESS) (APT / STE #) (CITY) (STATE) (ZIP CODE)
3. Is declaration of entity attached? YES NO (circle one)
4. Describe goods (food or merchandise) to be sold: _____
5. Describe in detail the time, place and manner of proposed vending: _____
6. Are you a Stationary vendor or Roaming vendor? _____
7. Is copy of City business license attached? YES NO (circle one)
8. Valid Seller's permit number (issued by the California Dept. of Tax & Fee Administration): _____
9. Is copy of Seller's permit attached? YES NO (circle one)
10. Is copy of food handler course completion from Health Department attached? YES NO (circle one)

NOTE: A sidewalk vending permit shall be valid for twelve months from the date of issuance, and shall expire and become null and void on the anniversary of its issuance. A person may apply for a permit renewal on a form provided by the city prior to the expiration of his or her active sidewalk vending permit. An issued sidewalk vendor permit may be rescinded for a fourth violation or subsequent violation of HMC 5.57A. All permits are NON-transferable. No permit shall be issued to a company, partnership, corporation or other entity in its own name, only to a natural person. STREET VENDING IS STRICTLY PROHIBITED.

I (applicant) certify that to my knowledge and belief, the information provided on this form is true and correct, and that I have read and fully understand the guidelines per the sidewalk vending ordinance and the Hawthorne Municipal Codes (HMC 5.57A & 5.02).

_____ (applicant's signature) _____ (date)

Below portion for City Use Only

Permit Dates:	Permit Fee:	Issued Decal #:	Received By:	Received Date:
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- copy of valid business license
- valid seller's permit number
- food handler's card/cert. (food / food products vendor)
- LA County Health Permit (food / food products vendor)
- signed declaration for agent/member/employee

FINANCE STAFF WILL DENY YOUR APPLICATION PURSUANT TO SECTION 5.57.040A IF IT IS DETERMINED:

- A. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;
- B. The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents; or
- C. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in Section 5.57.090A.

THE PERMIT IS VALID FOR 12 MONTHS FROM THE DATE OF ISSUANCE, AND AND SHALL BE NULL AND VOID ON THE ANNIVERSARY OF ISSUANCE. AN APPLICATION FOR RENEWAL IS REQUIRED TO MAINTAIN CURRENT PERMIT.

THE FINANCE DIRECTOR MAY RESCIND A PERMIT ISSUED TO A SIDEWALK VENDOR FOR A FOURTH VIOLATION OR SUBSEQUENT VIOLATION OF THIS CHAPTER.

PERMITS ARE NONTRANSFERABLE.

OPERATING REQUIREMENTS. SIDEWALK VENDORS SHALL COMPLY WITH THE FOLLOWING:

- A. **NO SIDEWALK VENDOR SHALL VEND IN THE FOLLOWING LOCATIONS:**
 - 1. **WITHIN TWENTY (20) FEET OF ANY STREET INTERSECTION;**
 - 2. **WITHIN FIFTEEN (15) FEET OF ANY FIRE HYDRANT, FIRE CALL BOX, OR OTHER EMERGENCY FACILITY;**
 - 3. **WITHIN TEN (10) FEET OF ANY DRIVEWAY OR DRIVEWAY APRON;**
 - 4. **UPON OR WITHIN ANY ROADWAY, MEDIAN STRIP, OR DIVIDING SECTION;**
 - 5. **WITHIN TWO HUNDRED (200) FEET OF (I) A PERMITTED CERTIFIED FARMERS' MARKET, (II) AN AREA FOR WHICH A COMMUNITY EVENTS PERMIT HAS BEEN ISSUED, OR (III) AN AREA WHERE A FILM PERMIT HAS BEEN ISSUED BY THE CITY PURSUANT TO CHAPTER 5.96. THIS PROHIBITION SHALL BE LIMITED TO THE OPERATING HOURS OF THE FARMERS' MARKET, OR THE LIMITED DURATION OF THE COMMUNITY EVENTS PERMIT OR FILM PERMIT.**
- B. **NO SIDEWALK VENDOR SHALL VEND IN A MANNER THAT BLOCKS OR OBSTRUCTS THE FREE MOVEMENT OF PEDESTRIANS OR VEHICLES. SIDEWALK VENDORS MUST AT ALL TIMES PROVIDE A CLEARANCE OF NOT LESS THAN THREE (3) FEET ON ALL SIDEWALKS OR PEDESTRIAN AREAS SO AS TO ENABLE PERSONS TO FREELY PASS WHILE WALKING, RUNNING, OR USING MOBILITY ASSISTANCE DEVICES.**
- C. **SIDEWALK VENDING IS PERMITTED BETWEEN THE HOURS OF 8:00 A.M. AND 10:00 P.M., DAILY, EXCEPT AS FOLLOWS:**
 - 1. **IN RESIDENTIAL AREAS, SIDEWALK VENDING SHALL BE PERMITTED ONLY BETWEEN THE HOURS OF 8:00 A.M. AND 6:00 P.M.**
 - 2. **IN NONRESIDENTIAL AREAS, SIDEWALK VENDING SHALL ALSO BE PERMITTED DURING THE HOURS OF OPERATION OF OTHER BUSINESSES OR USES OPERATING IN A LEGAL MANNER ON THE SAME STREET.**
- D. **STATIONARY SIDEWALK VENDORS SHALL NOT VEND IN AREAS THAT ARE ZONED EXCLUSIVELY RESIDENTIAL.**
- E. **STATIONARY SIDEWALK VENDORS SHALL NOT VEND AT ANY PARK WHERE THE CITY HAS SIGNED AN AGREEMENT FOR CONCESSIONS THAT EXCLUSIVELY PERMITS THE SALE OF FOOD OR MERCHANDISE BY A CONCESSIONAIRE.**

- F. SIDEWALK VENDORS SHALL PROVIDE A TRASH RECEPTACLE FOR CUSTOMERS AND ENSURE PROPER DISPOSAL OF CUSTOMER TRASH. PRIOR TO LEAVING ANY VENDING LOCATION, THE SIDEWALK VENDOR SHALL PICK UP, REMOVE, AND DISPOSE OF ALL TRASH GENERATED BY THE VENDING OPERATIONS OR THE VENDOR'S CUSTOMERS WITHIN A FIFTEEN (15) FOOT RADIUS OF THE VENDING LOCATION.**
- G. VENDORS OF FOOD OR FOOD PRODUCTS SHALL POSSESS AND DISPLAY IN PLAIN VIEW ON THE VENDING CART A VALID STREET VENDING PERMIT ISSUED PURSUANT TO THIS CHAPTER, AS WELL AS ANY PERMITS THAT ARE REQUIRED BY THE LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH AND ANY BUSINESS LICENSE OR OTHER PERMIT THAT IS OTHERWISE REQUIRED TO BE DISPLAYED PURSUANT TO THIS CODE.**
- H. SIDEWALK VENDORS SHALL POSSESS AT ALL TIMES WHILE VENDING A VALID PERMIT ISSUED PURSUANT TO THIS CHAPTER, AS WELL AS ANY OTHER PERMIT OR LICENSE REQUIRED BY THE CITY AND ANY OTHER APPROPRIATE GOVERNMENTAL AGENCY.**
- I. SIDEWALK VENDORS SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL LAWS, INCLUDING WITHOUT LIMITATION STATE FOOD PREPARATION, HANDLING, AND LABELING REQUIREMENTS; FIRE CODES AND REGULATIONS; NOISE STANDARDS, AND THE AMERICANS WITH DISABILITIES ACT OF 1990 AND OTHER DISABILITY ACCESS STANDARDS (BOTH STATE AND FEDERAL).**
- J. NO VENDING CART SHALL BECOME A PERMANENT FIXTURE ON THE VENDING SITE OR BE CONSIDERED AN IMPROVEMENT TO REAL PROPERTY.**
- K. NO VENDOR SHALL ENGAGE IN VENDING IN ANY MANNER OTHER THAN THE MANNER SET FORTH ON HIS OR HER APPROVED VENDING PERMIT APPLICATION.**

I ACKNOWLEDGE THAT I HAVE READ AND UNDERSTAND THE AFOREMENTIONED OPERATING REQUIREMENTS FOR SIDEWALK VENDORS.

HAWTHORNE MUNICIPAL CODE

Chapter 5.57A SIDEWALK VENDING

5.57A.010 Definitions.

The following words and terms as used in this chapter shall have the following meanings:

“Business entity” means any corporation, partnership, association, business trust, group, joint venture, joint stock company, partnership, association, club, or organization, whether engaged in business, nonprofit activity, or any other activity, that is either composed of more than one natural person or is legally distinct from the natural person.

“Certified farmer’ market” means a community event operated in accordance with Section 9.39.150 of the Hawthorne Municipal Code.

“City manager” means the city manager of the city of Hawthorne or designee.

“Community events permit” means a permit issued by the city for the temporary use of, or encroachment on, the sidewalk or any other public area, including, but not limited to, an encroachment permit, or community events permit (pursuant to Chapter 9.39 or Section 10.80.240 of the HMC), for purposes including, but not limited to, filming, parades, or other outdoor events.

“Finance director” means the finance director or finance manager of the city of Hawthorne or designee.

“Goods” or “merchandise” includes items and products of every kind and description, including all foods, produce and beverage items.

“Non-residential area” means any territory that is not a residential area.

“Person” means a single individual and does not include a business entity.

“Public property” means any real property, or interest, therein, owned, leased, operated or otherwise controlled by the city, either wholly or jointly with another public agency, other than a street, alley, parkway or sidewalk.

“Residential area” means any territory that, by ordinance of the city, is then currently classified into any one of the residential zones specified in the code in which residential dwellings are an expressly permitted use.

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

“Sidewalk vending” means vending from a vending cart or from one’ person, upon: (1) a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians; or (2) a pathway in a public park.

“Sidewalk vendor” means a person who engages in sidewalk vending.

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

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

“Vending cart” means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code. (Ord. 2171 § 4, 2019.)

5.57A.020 Sidewalk vending—Permit required.

No person, either for themselves or any other person or business entity, shall conduct or engage in sidewalk vending within the city without first obtaining a sidewalk vending permit pursuant to this chapter. This requirement is in addition to any requirement that such person obtain a business license pursuant to Chapter 5.02 of this code. (Ord. 2171 § 4, 2019.)

5.57A.030 Permit application for sidewalk vending.

To apply for a sidewalk vending permit, a person must file an application with the finance director, accompanied by a nonrefundable processing fee in an amount established by resolution of the city council. The application shall be in a form prescribed by the finance director and shall contain, at a minimum, the following:

- A. The legal name and current address and telephone number of the applicant;
- B. If the applicant intends to vend as an agent, member or employee of (or otherwise on behalf of) another person or a business entity, the name and business address of that person or business entity;
- C. If the applicant intends to vend as an as an agent, member or employee of (or otherwise on behalf of) another person or a business entity, a signed declaration from that person or business entity indicating that the person or business entity intends to employ or otherwise operate through the applicant;
- D. A description of the food or merchandise to be offered for sale;
- E. Whether the applicant intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;
- F. A copy of a valid business license issued pursuant to Chapter 5.02 of the Hawthorne Municipal Code;
- G. A valid seller's permit number issued by the California Department of Tax and Fee Administration pursuant to Section 6067 of the Revenue and Taxation Code;
- H. If the applicant intends to vend food or food products, certification of completion by the applicant of a food handler course and proof of all required approvals from the Los Angeles County department of public health;
- I. A detailed description of the time, place, and manner of the proposed vending; and
- J. Certification by the applicant that to his or her knowledge and belief, the information contained on the form is true and correct. (Ord. 2171 § 4, 2019.)

5.57A.040 Criteria for approval or denial of permit.

The finance director, or designee, shall approve the issuance of a permit unless he or she determines that:

- A. Information contained in the application, or supplemental information requested from the applicant, is false in any material detail;
- B. The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents; or
- C. The applicant has failed to demonstrate an ability to conform to the operating standards set forth in Section 5.57A.090.

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

The permit shall indicate the scope of vending operations that was indicated on the approved application. (Ord. 2171 § 4, 2019.)

5.57A.050 Permit expiration and renewal.

A sidewalk vending permit shall be valid for twelve months from the date of issuance, and shall expire and become null and void on the anniversary of its issuance. A person may apply for a permit renewal on a form provided by the city prior to the expiration of his or her active sidewalk vending permit. (Ord. 2171 § 4, 2019.)

5.57A.060 Permit rescission.

The finance director may rescind a permit issued to a sidewalk vendor for a fourth violation or subsequent violation of this chapter. A sidewalk vendor whose permit is rescinded may apply for a new sidewalk vending permit upon the expiration of the term of the rescinded permit. (Ord. 2171 § 4, 2019.)

5.57A.070 Appeals.

Any person aggrieved by the decision of the finance director to issue, deny issuance, or rescind a sidewalk vending permit may appeal the decision to the city manager. The appeal shall be filed with the city manager within fifteen days following the date of the finance director's decision. (Ord. 2171 § 4, 2019.)

5.57A.080 Permits nontransferable.

No permit granted pursuant to this chapter shall be transferable. A permit shall be issued only to a natural person. No company, partnership, corporation, or other entity shall be issued a permit in its own name. (Ord. 2171 § 4, 2019.)

5.57A.090 Operating requirements.

Sidewalk vendors shall comply with the following:

- A. No sidewalk vendor shall vend in the following locations:
 1. Within twenty feet of any street intersection;
 2. Within ten feet of any fire hydrant, fire call box, or other emergency facility;
 3. Within ten feet of any driveway or driveway apron;
 4. Upon or within any roadway, median strip, or dividing section;
 5. Within two hundred feet of: (a) a permitted certified farmers' market; (b) an area for which a community events permit has been issued; or (c) an area where a film permit has been issued by the city pursuant to Chapter 5.96. This prohibition shall be limited to the operating hours of the farmers' market, or the limited duration of the community events permit or film permit.
- B. No sidewalk vendor shall vend in a manner that blocks or obstructs the free movement of pedestrians or vehicles. Sidewalk vendors must at all times provide a clearance of not less than three feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices.
- C. Sidewalk vending is permitted between the hours of 8:00 a.m. and 10:00 p.m., daily, except as follows:
 1. In residential areas, sidewalk vending shall be permitted only between the hours of 8:00 a.m. and 6:00 p.m.
 2. In nonresidential areas, sidewalk vending shall also be permitted during the hours of operation of other businesses or uses operating in a legal manner on the same street.

D. Stationary sidewalk vendors shall not vend in areas that are zoned exclusively residential.

E. Stationary sidewalk vendors shall not vend at any park where the city has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire.

F. Sidewalk vendors shall provide a trash receptacle for customers and ensure proper disposal of customer trash. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all trash generated by the vending operations or the vendor's customers within a fifteen foot radius of the vending location.

G. Vendors of food or food products shall possess and display in plain view on the vending cart a valid street vending permit issued pursuant to this chapter, as well as any permits that are required by the Los Angeles County department of public health and any business license or other permit that is otherwise required to be displayed pursuant to this code.

H. Sidewalk vendors shall possess at all times while vending a valid permit issued pursuant to this chapter, as well as any other permit or license required by the city and any other appropriate governmental agency.

I. Sidewalk vendors shall comply with all applicable state and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards, and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).

J. No vending cart shall become a permanent fixture on the vending site or be considered an improvement to real property.

K. No vendor shall engage in vending in any manner other than the manner set forth on his or her approved vending permit application. (Ord. 2171 § 4, 2019.)

5.57A.100 Administrative citations.

A. A violation of this chapter by a sidewalk vendor who has a valid sidewalk vending permit from the city is punishable only by an administrative citation pursuant to Chapters 1.23A and 1.23B, in amounts not to exceed the following:

1. One hundred dollars for a first violation.
2. Two hundred dollars for a second violation within one year of the first violation.
3. Five hundred dollars for each additional violation within one year of the first violation.

B. A person or business entity engaged in sidewalk vending without a valid City sidewalk vending permit is punishable by an administrative citation pursuant to Chapters 1.23A and 1.23B in amounts not to exceed the following, in lieu of the amounts set forth in subsection A:

1. Two hundred fifty dollars for a first violation.
2. Five hundred dollars for a second violation within one year of the first violation.
3. One thousand dollars for each additional violation within one year of the first violation.

4. Upon proof of a valid sidewalk vending permit issued by the city, the administrative citations set forth in this paragraph shall be reduced to amounts set forth in subsection A.

C. A violation of this chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.

D. Failure to pay an administrative citation issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions, beyond those authorized herein shall not be assessed.

E. When assessing administrative citations pursuant to this section, the hearing officer shall take into consideration the person's ability to pay the fine. The city shall provide the person with notice of his or her right to request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

F. If the persons meet the criteria described in subdivision (a) or (b) of Government Code Section 68632, the city shall accept, in full satisfaction, twenty percent of an administrative citation imposed pursuant to this chapter.

G. The hearing officer may allow a person to complete community service in lieu of paying the total administrative citation, may waive the administrative citation, or may offer an alternative disposition. (Ord. 2171 § 4, 2019.)

5.57A.110 Business license taxes.

Nothing in this chapter should be interpreted to affect any business license tax or any other tax or fee otherwise imposed by this code. (Ord. 2171 § 4, 2019.)
