



# CITY OF SANTA CRUZ

## Sidewalk Vending Program Permit

Valid from 10/1/2024 to 9/30/2025 | Expires on 10/1/2025

### Conditions of Approval in Accordance with Ordinance No. 2023-04 – Revised 9/29/2023

1. **REQUIREMENTS.** No person may engage in sidewalk vending in the city without first obtaining: (1) a sidewalk vending permit issued pursuant to Santa Cruz Municipal Code (“SCMC”) section 5.82; (2) a business license issued pursuant to SCMC section 5.04; and (3) if applicable, a parks vending permit, issued pursuant to SCMC section 5.82.090.
2. **EXPIRATION.** A sidewalk vending permit shall expire on September 30 of each calendar year, irrespective of whether a twelve-month period has elapsed since the original issuance of the permit. A city sidewalk vending permit shall also be deemed null and void upon the revocation, expiration, or other failure to obtain/maintain: (a) the related city issued business license; (b) a required permit from the Santa Cruz County department of environmental health; (c) a required Parks and Recreation permit, if applicable, and/or (d) the California seller’s permit pursuant to Revenue and Taxation Code Section 6067.
3. **VENDORS MUST VEND IN CITY DEMARCATED VENDING AND DISPLAY ZONES.** Except for roaming vendors who are pausing briefly to make a sale, vendors must be vending in areas specifically set aside for sidewalk vending. The city-demarcated vending and display zones on Pacific Avenue are marked on the sidewalk, and an up-to-date, accurate copy of the map of Pacific Avenue city-demarcated vending and display zones shall be posted on the city’s website; a Park and Recreation permit and a reservation is needed to vend on Pacific. For areas by the beach and Boardwalk, there are a limited number of vendors allowed to vend on various side streets. Vending is on a first-come first-served basis but cannot exceed the number of vendors allowed on each side of the street. All vending is subject to objective health, safety, or welfare concerns. Any Vendor asked to move locations by code enforcement staff or the police must do so.
4. **ONLINE RESERVATIONS REQUIRED FOR AREAS MANAGED BY THE PARKS & RECREATION DEPARTMENT.** The City requires that vendors who have a Parks Vending Permit also obtain an online reservation, in order to reserve vending space in available City parks, beaches, or other facilities within the jurisdiction of the parks and recreation department (including the Beach Street and Pacific Avenue areas). Online reservations can be obtained by going to: <https://www.cityofsantacruz.com/government/city-departments/parks-recreation/event-permits>. For areas where online reservations are required, proof of reservation must be posted on the Vendor’s vending display device. Vending is allowed at the times specified in the approved reservation, and users are expected to leave at the time specified. Vendor may be cited for any use beyond the approved end time. **Must be within the specified space allotments on the provided map.**
5. **CITY VENDING PERMIT REQUIREMENTS.** A sidewalk vending permit is required for all vending conducted on public property. A parks vending permit is required for all vending in City parks, beaches, or other facilities within the jurisdiction of the parks and recreation department (including the Beach Street and Pacific Avenue areas). All City-issued permits must be in possession and displayed in clear view (on their person or on a vending display device) while

conducting business. Vendors must also, at all times while vending, carry these conditions of use on their person or within the vending display device.

6. **FOOD VENDORS MUST HAVE A VALID COUNTY HEALTH PERMIT TO SELL FOOD THAT IS NOT PRE-PACKAGED.** At all times while vending, food sidewalk vendors and persons vending anything that may be consumed shall possess a valid permit from the County of Santa Cruz Environmental Health Division.
7. **LEGAL COMPLIANCE.** Sidewalk vendors must be complaint with and are responsible for their own compliance with all applicable federal, state, and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; alcoholic beverages, tobacco products, cannabis, electronic cigarette, smoking devices and controlled substances regulations; sidewalk vending standards set forth in SCMC 5.82; sanitation and health standards set for in SCMC Titles 6 and 16 including, but not limited to, the product regulations set forth in SCMC 6.48 (Environmentally Acceptable Food Packaging), SCMC 6.49 (City of Santa Cruz Bag Reduction Ordinance), and SCMC 16.19 (Storm Water and Urban Runoff Pollution Control); and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal). Failure to comply with these requirements may result in a citation and/or revocation of your vending permit.
8. **NON-REFUNDABLE.** Permit fees are non-refundable and non-transferable. All permit fees are due at the time of application.
9. **PROHIBITED ITEMS:** Sidewalk vendors shall not vend or distribute: (A) live animals, wildlife, fish, fowl, or insects; (B) items prohibited from being sold or distributed by SCMC 6.48 (Environmentally Accepted Food Packaging) or SCMC 6.49 (City of Santa Cruz Bag Reduction Ordinance), or (C) items that are otherwise illegal to sell or distribute under other laws (such as unlawful narcotics, weapons, and counterfeit merchandise). Note that the unlawful possession or distribution of items is punishable according to the terms of applicable federal, state, or local law making such possession or distribution illegal.
10. **DISPLAY REQUIREMENTS.** Vending display devices shall be at least eighteen inches in height. 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. Sidewalk vendors shall not use sidewalks or public property as storage for extra inventory, merchandise, or personal belongings, except for: (A) vending display devices, items placed on or in vending display devices, and associated seating, (B) personal belongings wholly contained underneath or inside of a vending display device.  
**MAXIMUM SIZE. Vending displays cannot exceed 10 ft long by 4 ft wide.**
11. **NO UNATTENDED ITEMS.** Vending display devices and food/merchandise may not be left or stored unattended on public property or within the public right-of-way. Unattended items will be considered abandoned and could be impounded.
12. **NO OBSTRUCTION OF ACCESSIBLE PATH.** Sidewalk vendors may not engage in vending in such a manner as to cause onlookers, customers, or others to obstruct the accessible path of travel for persons with disabilities, or the free flow or view of pedestrian or vehicular traffic. Sidewalk vendors shall not unreasonably block access to or create unreasonable congestion at: (A) a corner of any street intersection, (B) any fire hydrant, fire call box, emergency exit, or other emergency facility, (C) any curb which is designated as white, yellow, green, blue, or red zone, or a bus zone; (D) any building entrance or stairway access point; (E) any driveway or driveway apron;

(F) upon or within any roadway, median strip, or dividing section; or (G) at any parking pay station. Vending or operating in a way that violates the accessible path of travel for persons with disabilities is per se unreasonable.

- 13. NO OBSTRUCTION ON SIDEWALK.** To maintain accessibility standards, sidewalk vendors shall not place or allow any obstruction to be placed on the sidewalk that would reduce the width of the sidewalk to a minimum of forty-eight (48) inches excluding curb, except for the brief duration of time for a roaming sidewalk vendor to conduct a sale. Sidewalk vendors shall maintain their vending display devices at all times in a manner that provides sufficient access to the sidewalk and avoids impeding the flow of pedestrian traffic. At no time, may a sidewalk vendor operate in such a fashion that would violate the Americans with Disabilities Act or state law on accessibility, or cause the sidewalk to narrow in a fashion that violates the accessible path of travel for persons with disabilities, including persons who use wheelchairs or other mobility devices.
- 14. NO AFFIXING OF DISPLAY DEVICES.** 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 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.
- 15. NO USING STREET FURNITURE.** 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, or merchandise. Sidewalk vendors shall not unreasonably interfere with access or use of City infrastructure, including City benches, bike racks, wheelchair access ramps, stairs, parking meters, trash receptacles, or recycling receptacles.
- 16. ANIMALS RESTRICTED.** No food sidewalk vendor may be accompanied by or in the custody or possession of a dog or any other animal. Merchandise sidewalk vendors may have one leashed animal.
- 17. NO VENDING TO MOTORIZED VEHICLES.** Sidewalk vendors shall not vend to occupants of motorized vehicles in operation.
- 18. SIGNS RESTRICTED.** To maintain the free movement of pedestrians and/or vehicles, sidewalk vendors may not use signs in connection with the sale, display, or offering for sale of items, except for those signs affixed to or painted on a vending display device.
- 19. TRASH.** 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. Sidewalk vendors must properly dispose of fats, grease, and oil as required in SCMC Chapter 16.19. All garbage/recycling, including cardboard, must be in containers. Cardboard must be broken down. Any permanent garbage containers on site should not be overfilled. All excess garbage/cardboard must be removed by Vendor at the end of day as needed. Vendor shall be responsible for the removal of any and all signs, flyers, and advertisement regarding the permitted activities.

EXAMPLE

- 20. NO TRAILERS ON SIDEWALK.** Trailers are not permitted on the sidewalk pursuant to California Vehicle Code 22500(f). In addition to possible citation under the SCMC, violation of this rule is punishable in accordance with the terms of the California Vehicle Code.
- 21. COMPLIANCE WITH ACCEPTABLE FOOD PACKAGING AND PLASTIC BAG REDUCTION ORDINANCE.** If food is served, Vendor must ensure that vendors comply with the *Environmentally Acceptable Food Packaging* ordinance which stipulates that all food service providers shall provide food or drink in containers that are reusable, biodegradable, compostable or recyclable. The ordinance expressly prohibits the use of all polystyrene foam "to-go" food packaging. All food service vendors must comply with the City's *Environmentally Acceptable Food Packaging and Products Ordinance* (SCMU 6.48) which requires that all items must be biodegradable or compostable, including lids, cutlery, and straws. There are strict limits regarding the use of certain types of food packaging, including polystyrene PS#6 (Styrofoam, rigid containers, clamshells, rigid coffee cup lids, etc.) and other non-compostable, non-biodegradable, or non-recyclable food serving items. Plant-based plastic items (PLA) are acceptable, but paper is preferred. Failure to comply may result in legal action taken against you. You may not use plastic carry out bags for customers, unless explicitly permitted by SCMC Chapter 6.49.
- 22. PACIFIC AVENUE VENDING.** On Pacific Avenue, vendors may only vend at those areas specifically set aside for sidewalk vending, operating vending display devices, operating other display devices, and/or conducting first amendment activities. The City demarcated vending and display zones on Pacific Avenue are rectangles marked with brass markers on the sidewalk, and the map of Pacific Avenue City demarcated vending and display zones shall be posted on the City's website. Vendors must have a reservation for the time, date, and space in which they vending and must post the reservation on their vending display device. Must be within with specified space allotment.
- 23. NO SMOKING** is permitted in City parks, public buildings, or on trails and pathways, perSCMC 9.50.050.
- 24. SOUND AMPLIFICATION** and the volume of all noise must be in compliance with SCMC 9.36 & 9.40.
- 25. ATTENDANCE IS LIMITED** at some City facilities to the occupant load of the facility as established by the City Fire Marshal or as determined by the Parks & Recreation Department. In order to promote public safety, you may be required to set limits on lines and queues formed for sales or transactions in the public right of way.
- 26. VEHICLES.** During set-up and break-down, drivers must remain with their vehicles in order to move vehicles if necessary. Vehicles must not be unattended in the designated 16' emergency access way. Traffic cones and delineation may be utilized if authorized by City personnel.
- 27. VENDOR WILL WORK DIRECTLY WITH PRIVATE PROPERTY OWNERS/MANAGERS** or other jurisdictions as needed for activities scheduled in their areas. Vendor will adhere to any additional restrictions in accordance to SCMC 10.64 (Major Special Events) and 10.65 (Public Gathering and Expression) if vending in the vicinity of City issued special event permits.
- 28. VENDOR MUST LEAVE ALL FACILITIES/AMENITIES CLEAN, ORDERLY, UNDAMAGED AND FULLY SECURE.** If the facility is not left in a satisfactory condition as determined by the City,

Vendor could be cited or billed for additional fees. If the facility or area is not clean and orderly upon your arrival, please notify City staff as soon as possible.

29. **NO FIRES** or open flame are permitted in public areas, other than those areas designated by department staff. Prior approval is required. No flames or heating devices are permitted near trees or shrubbery.
30. **GAS POWERED EQUIPMENT PROHIBITED.** Gas powered equipment, including generators, are prohibited unless this permit specifically authorizes such use.
31. **NO STAPLES, PINS, TACKS, NAILS, SCREWS** or other objects are allowed to be placed into any part of the facility, any equipment or furniture in the facility, or any public tables or trees on the beach. **NO STAKES OR OBJECTS** may be driven into the park turf, soil, sand or platform.
32. **NO STRUCTURES** are to be built and no shrubbery or trees are to be cut, trimmed, or destroyed. Shade structures are prohibited unless this permit specifically authorizes such use.
33. **PARKING** is available in parking lots and on nearby streets on a **FIRST-COME, FIRST-SERVED BASIS**. No parking is allowed in areas not designated for parking without prior written authorization from the City. Vendor is responsible for all parking fees.
34. If the vending activities involve **ANY TYPE OF PERFORMANCE**, such as music, poetry reading, etc., the Vendor warrants and represents to the City of Santa Cruz that the use of the facilities will not result in an infringement of any right protected under Item 17 of the U.S. Code (copyrights) or other protected intellectual property and that Vendor will be solely responsible for the content of any performance at the facility. Vendor further agrees to assume the defense and indemnify and hold harmless the City of Santa Cruz, its officers, and employees from every expense, liability, or payment, including attorneys' fees, by reason of any claimed infringement of any rights protected under Title 17 of the United States Code or other applicable laws.
35. Vendor will ensure that there is a minimum of ten (10) feet of access on either side of all fire hydrants and hose access points.
36. Vendor will comply with and abide by all applicable requirements outlined within the California Department of Health Industry Guidelines. For example, Vendor must insure compliance with current COVID-19-related criteria set forth by the California Public Health Department as follows:
  - High touch contact areas and equipment are to be disinfected regularly.
  - Use of contactless payment methods are highly encouraged.
  - Frequent handwashing and disinfecting procedures are to be implemented.
37. **AN AUTHORIZED REPRESENTATIVE OF THE CITY SHALL HAVE THE RIGHT TO ENTER THE FACILITY** and all parts thereof at any and all times during the vending activities. The City of Santa Cruz **MAY TERMINATE ANY PERMIT** when it is necessary for the public safety, health, welfare, or protection of resources.