

Sidewalk Vendor Permit



Planning Office
City of Monterey

What is a Sidewalk Vendor Permit?

A permit that allows vending on public sidewalks in the public right-of-way and on pedestrian paths within City parks.

How do I apply for the Permit?

To start, you need:

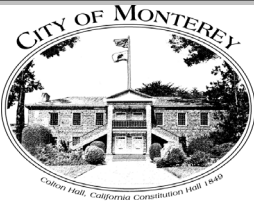
- Sidewalk Vendor Permit** issued by City of Monterey Planning Office (phone: 831-646-3885), 570 Pacific Street, Monterey, CA 93940
 - ✓ Completed vending permit application form with filing fee
 - ✓ Color photographs of cart
- LiveScan Report** issued by the Monterey Police Department (phone: 831-646-3830), 351 Madison St, Monterey, CA 93940 (**Please contact the Monterey Police Department directly to schedule an appointment for your LiveScan. Walk-ins will not be accommodated.**)
- Health Permit** issued by Monterey County Health Department (phone: 831-755-4500) for food/beverage vending only
- Proof of Insurance** insuring the sidewalk vendor and naming the City as an additional insured against loss by reason of injury or damage that may result to persons or property from the negligent operation or defective construction of the sidewalk vending device, or from violation of this chapter or of any other law of the State or the United States. The insurance policy shall be in the sum as determined adequate by the City's Finance Director, or designee, which said sum shall be listed on the sidewalk vending permit application.

Once complete, bring the street vendor permit application with photographs of cart, health permit and LiveScan report to the City of Monterey Planning Office:

City of Monterey Planning Office
570 Pacific Street
Monterey, CA 93940
(831) 646-3885

How Long Does It Take to Get the Permit?

If required documents (listed above) are provided and determined to be complete, the Sidewalk Vendor Permit can be issued within a day.

	<p>City of Monterey Planning Office <u>Sidewalk Vendor Permit</u></p>	<p>City of Monterey PLANNING OFFICE City Hall Monterey, CA 93940 (831) 646-3885 Fax: (831) 646-3408</p>
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Applicant Information

Applicant Name: _____

Business Name: _____ **Email Address:** _____

Phone #: (____) _____ **Cell Phone #:** (____) _____

Applicant's Street Address: _____

City: _____ **State:** _____ **Zip:** _____

Driver's License Check: Yes _____ No _____

Health Department Permit Number: _____ (Provide Copy of Permit)

Background Check Confirmation: Yes _____ No _____

Description of Vendor Cart: _____ (Provide Color Photograph)

Measurements: Length _____ Width _____ Height _____

I/we, _____, agree that my vendor permit will conform with the City of Monterey Code 32-3.

A summary of key restrictions is provided below.

Sidewalk Vending General Regulations

1. Every sidewalk vendor must ensure that no obstruction is placed in the sidewalk or pedestrian path that would reduce the width of the sidewalk or pedestrian path to less than 48 inches, exclusive of the top of the curb.
2. No sidewalk vendor shall sell in a manner that blocks or obstructs the free movement of pedestrians or vehicles. The sidewalk vendor may not occupy space on any sidewalk or pedestrian path in such a way that would impede upon the required sidewalk width or path of travel requirement pursuant to the Americans with Disabilities Act of 1990 and other disability access standards.
3. While in transit 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.
4. The sidewalk vendor shall maintain the vending area in a clean, orderly and sanitary condition. The sidewalk vendor shall provide trash and recycling receptacles to collect all trash and recycling materials.
5. The location of the sidewalk vending shall not block any entrance to any building, driveway, or parking space.
6. No sidewalk vending may occur within 500 feet of the property line of any public school between the hours of 7:00 am and 4:00 pm on the days the public school is in session.
7. No sidewalk vending may occur within 500 feet of any freeway on-ramp or off-ramp as defined in the California Vehicle Code.
8. No sound amplification equipment, music, or live entertainment may be used in conjunction with any sidewalk vending.
9. A sidewalk vending permit does not provide an exclusive right to operate within any specific portion of the public right-of-way.
10. Any equipment or objects used for sidewalk vending purposes may not be left unattended overnight (from 10:00 pm to 8:00 am) in public spaces or in any portion of the public right-of-way and if so left will be considered discarded and may be immediately seized or disposed of by the City.
11. To facilitate the enforcement of this Chapter, every sidewalk vendor must display their City-issued vending permit on their pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance when operating.
12. To prevent unintended rolling or slipping, a sidewalk vendor is prohibited from operating a pushcart, pedal-driven cart, wagon, or other non-motorized conveyance on a public right-of-way with a slope greater than five percent.
13. A stationary sidewalk vendor may place a chair on the sidewalk for the vendor's personal use provided that a 48-inch clear pedestrian path along the sidewalk is maintained at all times. Restrictions on sitting on commercial sidewalks set forth in City Code section 32-6.2 are applicable.

- 14. To ameliorate sun exposure and not impede sidewalks, sidewalk vendors may have an umbrella if it is securely attached to the cart or stand and the lowest edge of any umbrella shall not be less than 7 feet above the sidewalk surface.
- 15. Except as otherwise permitted under this Chapter, no fences, shade structures, balloons, flags, banners, on-site furniture, blankets, mats or freestanding signs are permitted in conjunction with the vendor’s vending activities.
- 16. No sidewalk vendor shall sell streamer spray, also known as aerosol string; confetti; plastic glitter; water balloons; or helium-filled balloons, including but not limited to balloons made of foil and latex.
- 17. The maximum size sign displayed by a sidewalk vendor shall be two square feet.
- 18. Sidewalk vending from a vendor to individuals in a parked car is prohibited.
- 19. Vending shall be prohibited within twenty-five feet of an outdoor dining or patio dining area.

Sidewalk Vending Specific Regulations

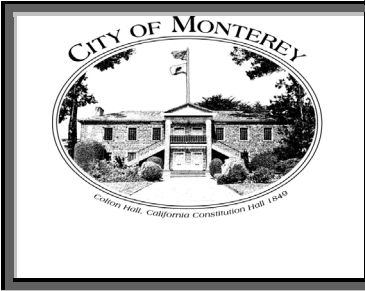
- 1. Sidewalk vending hours’ limitations in areas zoned for nonresidential use will be as destructive as any limitations on hours of operation imposed on other businesses or uses on the same street.
- 2. Sidewalk vending is limited to the hours of 9:00 a.m. to 5:00 p.m. for areas that are exclusively residential.
- 3. Stationary sidewalk vendors are prohibited from operating in areas that are exclusively residential.
- 4. In addition to the other applicable requirements of this Chapter, sidewalk vending in City parks is subject to the following regulations:
 - a. A stationary sidewalk vendor is prohibited from operating in a park which the City has entered into exclusive agreements for the sale of food or merchandise by one or more concessionaires for that park. This provision applies to the El Estero Park Complex, Peter J. Ferrante park, Jacks Ballpark, the Monterey Tennis Center, and such other parks as for which the City Council may authorize exclusive concession agreements.
 - b. Sidewalk vending in City parks may only occur during the park’s normal open hours.
 - c. Sidewalk vending in City parks may only occur on City sidewalks or designated pedestrian paths.
 - d. No vending shall occur within 100 feet of an area reserved with a valid BBQ/Picnic Facility Use Permit.
- 5. A sidewalk vendor is prohibited from operating within 500 feet of a permitted certified farmers’ market or any area subject to a special event permit for the duration of the permit.
- 6. Sidewalk vending is prohibited during the hours of 11:00 a.m. to 6:00 p.m., Monday through Friday and 10:00 a.m. to 9:00 p.m. on weekends and holidays for the portion of Cannery Row between David Avenue and Hoffman Avenue.
- 7. No sidewalk vending shall be allowed in, on, or along the Monterey Bay Coastal Recreation Trail within the City of Monterey.
- 8. Sidewalk vending is prohibited on sidewalks along Fairground Road between Garden Road and Airport Road for two hours before, during, and two hours after, major events at the Monterey Fairgrounds.

I/we further declare under penalty of perjury that the information contained in this Permit is true and correct to the best of my/our knowledge.

Applicant Signature

Date

To be completed by Planning Division Staff only:	
Permit No.:	_____
Date Received:	_____ Expiration Date: _____
Tentative Approval by:	_____



City of Monterey INDEMNIFICATION AGREEMENT

On (date) an application was submitted to the Planning Office, on behalf of _____ (the Property Owner/Lessee). The project, which is the subject of the application, is described as _____ (the "Project") and is located at the following address _____.

1. The Property Owner/Lessee agrees, as part of the application, to defend, indemnify, and hold harmless the City and its agents, officers, attorneys and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City or its agents, officers, attorneys or employees to attack, set aside, void, or annul:

- a. Any approval of the above described application by City; and/or
- b. An action taken to provide related environmental clearance under the California Environmental Quality Act (CEQA) by its advisory agencies, appeal boards, or City Council.

The indemnification is intended to include but not be limited to damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Property Owner/Lessee, the City, and/or the parties initiating or bringing such proceeding other than that arising from the City's or gross negligence, willful misconduct, or criminal action.

- 2. The Property Owner/Lessee agrees to indemnify the City for all of the City's costs, fees, and damages incurred in enforcing the indemnification provisions of this Agreement.
- 3. The Property Owner/Lessee agrees to defend, indemnify and hold harmless the City, its agents, officers, employees and attorneys for all costs incurred in additional investigation or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the applicant desires to pursue such approvals and/or clearances, after initiation of the proceeding, which are conditioned on the approval of these documents.
- 4. In the event that the Property Owner/Lessee is required to defend the City in connection with such proceeding the City shall retain the right to reasonably approve:
 - a. The counsel to so defend the City;
 - b. All significant decisions concerning the manner in which the defense is conducted; and
 - c. Any and all settlements, which approval shall not be unreasonably withheld.

The City shall also have the right not to participate in the defense, except that the City agrees to cooperate with the Property Owner/Lessee in the defense of the proceeding. If the City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City. Notwithstanding the immediately preceding sentence, if the City Attorney's Office participates in the defense, all City Attorney fees and costs shall be paid by the Property Owner/ Lessee.

5. The defense and indemnification of city set forth herein shall remain in full force and effect throughout all stages of litigation including appeals of any lower court judgments rendered in the proceeding.

Signature _____ Date _____