COMMUNITY DEVELOPMENT
Planning & Development Services

SIDEWALK VENDING ATTESTATION FORM

This form must be filed with the completed Sidewalk Vending Permit Application.

Before operating a sidewalk vending business, prospective vendors must submit a permit application along with this required attestation form, pay the non-refundable processing fee listed in the Planning and Development Services Fee Schedule, and obtain a business license at least 30 days before the requested permit start date. The permit will expire on December 31 of the year it is issued.

Submit your application and this attestation form to the City's online submittal portal at https://cityofirvine.gov/irvineready. For questions, contact the Planning Counter at 949-724-6308 or planning@cityofirvine.org.

APPLICANT INFORMATION

CONTACT NAME		BUSINESS NAME	
☐ BUSINESS or ☐ PERSONAL ADDRESS*		SUITE	PHONE*
CITY	STATE	ZIP	EMAIL*

NOTICE TO ALL APPLICANTS

Receiving a Sidewalk Vending Permit does not authorize you to operate or conduct business unless you comply with all requirements of Irvine Municipal Code (IMC) Chapter 14, as well as all applicable federal, state, and local regulations pertaining to such business.

The City of Irvine may approve a Sidewalk Vending Permit only if the following standards are satisfied. Please mark an "X" in each box to indicate your agreement with all listed items below.

As a sidewalk vendor, I will comply with and understand the following operating conditions, including those conditions set forth in IMC Section 2-10-1405:

☐ A. All food and merchandise shall be stored either inside or affixed to the sidewalk vendor receptacle or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the sidewalk vendor receptacle, the overall space taken up by the sidewalk vendor receptacle shall not exceed the size requirements provided in this section.

☐ B. The Sidewalk Vendor Permit shall be displayed conspicuously at all times on the sidewalk vending receptacle or the sidewalk vendor's person. If multiple sidewalk vendors are staffing a sidewalk vendor receptacle or working as roaming sidewalk vendors, each person shall wear their permit on their person in a conspicuous manner.

☐ C. A sidewalk vendor shall not leave their sidewalk vending receptacle unattended to solicit business for their sidewalk vending activities. Sidewalk vending receptacles shall not be stored on public property and shall be removed when not in active use by a vendor.

- ☐ D. A sidewalk vendor shall allow a City police officer, firefighter, or code enforcement officer, at any time, to inspect their sidewalk vending receptacle for compliance with the size requirements of the IMC and to ensure the safe operation of any heating elements used to prepare food.
- ☐ E. Sidewalk vending receptacles shall not exceed a total height of 3 feet, a total width of 3 feet, and a total length of 3 feet.
- ☐ F. No sidewalk vending receptacle shall be motorized.
- ☐ G. If a sidewalk vending receptacle requires more than one person to conduct the sidewalk vending activity, all vendors associated with the sidewalk vending receptacle shall be within 5 feet of the sidewalk vending receptacle when conducting sidewalk vending activities.
- ☐ H. A sidewalk vendor that sells food shall maintain a trash container in or on their sidewalk vending receptacle and shall not empty their trash into public trashcans. The size of the vendor's trash container shall be taken into account when assessing the total size limit of a sidewalk vending receptacle. A sidewalk vendor shall not leave any location without first picking up, removing, disposing of all trash or refuse from their operation, and returning the site to the condition present at the time the sidewalk vendor arrived.
- ☐ I. A sidewalk vendor shall maintain a minimum 4-foot clear accessible path free from obstructions, including sidewalk vending receptacles and customer queuing area.
- ☐ J. A sidewalk vendor shall comply with the noise standards provided in IMC Section 6-8-204, and any successor chapters.
- ☐ K. A sidewalk vendor shall not create excessive odors or smells constituting a public nuisance.
- ☐ L. A sidewalk vendor shall not use any luminaire for the purpose of attracting customers, advertising, decoration, or to an extent constituting a public nuisance. A sidewalk vendor shall only utilize the minimum amount of luminaires necessary for the safe operation of sidewalk vending activities as determined by the City.
- ☐ M. A sidewalk vendor shall not approach persons to sell food or merchandise and shall not interfere in any way with anyone engaged in an activity to sell food or merchandise.
- ☐ N. A sidewalk vendor shall not vend to or otherwise conduct transactions with persons in moving vehicles or vehicles illegally parked or stopped.
- ☐ O. A sidewalk vendor shall immediately clean up any food, grease, or other fluid or item related to sidewalk vending activities that falls on public property and return the site to the condition present at the time the sidewalk vendor arrived.
- ☐ A sidewalk vendor shall not engage in any of the following activities set forth in IMC Section 2-10-1406, as follows:
  - ☐ 1. Renting merchandise to customers.
  - ☐ 2. Displaying merchandise or food that is not available for immediate sale.
  - ☐ 3. Selling of adult-oriented material, cannabis, or alcohol.
  - ☐ 4. Using an open flame on or within any sidewalk vending receptacle.

☐ 5. All sidewalk vendors, regardless of whether a roaming sidewalk vendor or stationary sidewalk vendor, are prohibited from conducting sidewalk vending activities between the hours of 10 p.m. and 7 a.m. daily or consistent with the hours of operation of the businesses on the same street. In residential areas, all stationary sidewalk vending is prohibited. In residential areas, roaming sidewalk vending activity is prohibited between the hours of 6 p.m. or sunset, whichever is earlier, and 9 a.m. of the following day, Monday through Saturday, inclusive, and all day on Sundays and federal holidays.

☐ 6. Continuing to offer food or merchandise for sale, following, or accompanying any person who has been offered food or merchandise after the person has asked the vendor to leave or after the person has declined the offer to purchase food or merchandise.

☐ 7. Knowingly making false statements or misrepresentations during the course of offering food or merchandise for sale.

☐ 8. Blocking or impeding the path of the person(s) being offered food or merchandise to purchase.

☐ 9. 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.

☐ 10. Touching the person(s) being offered to purchase food or merchandise without that person(s)' consent.

☐ 11. Stationary sidewalk vending activities shall only occur on sidewalks or pathways with a minimum width of 8 feet or larger.

☐ 12. Sidewalk vending activities may not occur at the following locations:

i. Within 12 inches of any curb face on all roads;

ii. Within 15 feet of any entrance or exit to a building, structure or facility;

iii. On any designated emergency vehicle access way;

iv. On any public property that does not meet the definition of a sidewalk or pathway including, without limitation, any alley, trail, street, roadway, or parking lot;

v. Within the immediate vicinity of an area designated for a temporary special permit issued by the City, during the limited duration of the temporary special permit. If the City provides any notice, business interruption mitigation, or other rights to affected businesses or property owners under the City's temporary special permit, such notice will also be provided to any sidewalk vendors specifically permitted to operate in the area, if applicable;

vi. On any private property without the express written consent of the owner or lessee of the property;

vii. Within 200 feet of another sidewalk vendor;

viii. Within 500 feet of a school, a place of worship, or a child day-care facility;

ix. Within 200 feet of a permitted certified farmers' market or swap meet during the limited operating hours of that certified farmers' market or swap meet;

x. On any public property other than a sidewalk or pedestrian pathway, including, without limitation, streets, alleys, plazas, and City-owned parking structures, as defined in the IMC;

xi. Within 500 feet of the nearest property line of any property on which a place of worship or general child day care facility is located while the same is in use;

xii. Within 500 feet of the nearest property line of any property on which a school building or facility, including an athletic field, is located while the same is in use, including for afterschool child care, enrichment classes and sports;

xiii. Within 100 feet of a public picnic area, playground area or playground equipment while the same is in use;

xiv. Within 100 feet of a public community center, athletic field, softball/baseball diamond, basketball court, handball court, pickle ball court, tennis court, soccer field, or volleyball court while the same is in use;

xv. Within 100 feet of a police officer, firefighter, or emergency medical personnel who is actively performing their duties or providing services to the public;

xvi. Within 100 feet of a street intersection or traffic signal;

xvii. Within 100 feet of any entrance to a park;

xviii. Within 100 feet of the portion of any City facility that is renting merchandise to the public or where rental merchandise is stored;

xix. Within 25 feet of a litter receptacle, bike rack, newspaper stand, or restroom;

xx. Within 25 feet of a fire hydrant, fire call box, police call box, traffic signal controller, or streetlight controller;

xxi. Within 25 feet of a door or emergency exit of any business during the hours that the business is open to the public or to persons having or conducting lawful business within the premises;

xxii. Within 25 feet of a pedestrian entrance/exit or elevator lobby of a City-owned parking structure;

xxiii. With five feet of parking along a curb;

xxiv. Within 25 feet of a red curb if not adjacent to a parking meter or loading zone or a curb if posted for permanent no parking;

xxv. Within 100 feet of an alley, parking lot, or parking garage vehicle entrance/exit;

xxvi. Within 25 feet of any driveway or driveway approach;

xxvii. Within 25 feet of a marked crosswalk;

xxviii. Within 25 feet of the curb return of an unmarked crosswalk;

xxix. Within any median strip or dividing section;

xxx. Within 40 feet of a tour bus loading zone or staging zone during the time posted;

xxxi. Within 25 feet of a bus stop, taxi stand, bus bench, or bus shelter;

xxxii. Within 200 feet of a police station or fire station;

xxxiii. Within 200 feet of a train station entrance or exit;

xxxiv. Within 25 feet of an automated teller machine or parking pay station;

xxxv. Within 25 feet of public art objects, items, and displays;

xxxvi. If a stationary sidewalk vendor, within a park owned or operated by the City if the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire;

xxxvii Within 200 feet of the Irvine Civic Center; and

xxxviii. Within 200 feet of a backup City Emergency Operations Center, identified in the City's Emergency Operations Plan, during the operational period.

☐ 13. Sidewalk vending receptacles shall not touch, lean against, or be affixed at any time to any building or structure including, but not limited to lamp posts, parking meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters, newsstands, trash cans, or traffic barriers.

AGREEMENT

I UNDERSTAND THAT IN THE EVENT IT IS DETERMINED THAT MY BUSINESS DOES NOT COMPLY WITH CITY REQUIREMENTS, MY SIDEWALK VENDING PERMIT MAY BE REVOKED. I DO HEREBY CERTIFY THAT, UNDER PENALTY OF PERJURY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

_____
PRINT NAME

_____ _____
APPLICANT SIGNATURE DATE

If your request for a Sidewalk Vending Permit is not approved, you may submit a written appeal within 21 calendar days, in accordance with IMC Section 2-10-1408.

FOR OFFICE USE ONLY

COMMUNITY DEVELOPMENT RECOMMENDATION: ☐ APPROVE ☐ DENY

CASE NUMBER: _____-PETC PERMIT EXPIRATION DATE: _____

PLANNER: _____ DATE: _____