

13-1493

NOV 06 2013

Related CFs: 13-0980  
08-0011-83

## MOTION

Street vending on the City right-of-way and sidewalk is illegal. In the average year, there are hundreds of tickets written to vendors, and several hundred arrests. Yet thousands of vendors continue to operate in an underground marketplace, selling a wide variety of food and merchandise on the sidewalks of Los Angeles.

Street vending largely falls within two categories, food street vending and merchandise (non-food) street vending, each with their own complexities. Street vending is permitted in various forms by most other large cities. New York, San Francisco, Houston, Portland and Chicago are among the cities that have established a regulatory system for selling merchandise and/or food on city sidewalks.

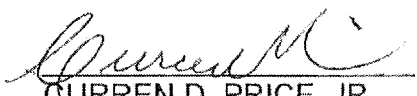
In Los Angeles, a more comprehensive legal framework is required to effectively address sidewalk vending. An effective regulatory system has the potential to protect health and increase public safety and economic activity. Such a policy should also consider the rights and investments of brick-and-mortar businesses, including opportunities to expand and promote their businesses through street vending and with the overall goal of enhancing economic growth and the viability of neighborhoods.

I THEREFORE MOVE, that the CLA, along with Bureau of Street Services and in consultation with other Departments as needed, the City Attorney and the County of Los Angeles, be instructed to prepare and present a report within 90 days with recommendations on possible regulation that could effectively permit and regulate *food street vending* on City sidewalks and parkways. This report should include the following: the history and status of the Special Sidewalk Vending District program administered by the former Community Development Department; a review of policies in other jurisdictions; recommendations to improve public safety; and ways to ensure street food vendors provide safe and healthy food options.

I FURTHER MOVE, that the CLA, along with Economic and Workforce Development Department, City Attorney and Bureau of Street Services, and in consultation with other Departments as needed, be instructed to prepare and present a report within 90 days with recommendations on possible regulation of *merchandise and non-food street vending* in the City of Los Angeles. This report should include the following: information on the number of citations that have been issued over the past year and where the citations were issued; the current regulations on street vending and how the regulations are enforced; potential legal constraints for regulating street vending; and a review of policies in other jurisdictions.

PRESENTED BY:

  
JOSE HUIZAR  
Councilmember, District 14

  
CURREN D. PRICE, JR.  
Councilmember, District 9

SECONDED BY:





NOV 11 2013

## **Timeline of City of Los Angeles Sidewalk Vending Program**

- 1989 - Councilmember Michael Woo formed a Task Force on Street Vending to assess the extent and nature of vending activity in the City and to recommend regulatory action to alleviate problems with street sales of food and merchandise.
- December 1990 - Councilmember Woo and Councilmember Robert C. Farrell introduced a Motion requesting the City Attorney to prepare and present an Ordinance which would allow open air vending in special districts; and also limit Citywide density to no more than two vendors per block. The CAO was instructed to report on the resources needed and fees to support such a program.
- May 1991- City Attorney prepared report and draft ordinance to allow vending on public streets. The ordinance would amend LAMC Section 42.00 to establish procedures and regulations for street vending, both citywide and in special districts.
- January 1992 - CAO released report describing street vending as a program involving the legalization and regulation of street vending in all commercial areas of the City at a level of two vendors per block with higher concentration of vendors in formally approved Special Districts, all regulated by Public Works. The CAO stated that the program would be fee supported and that it would need an initial appropriation of \$1.13 million for the first six months of operation of the program pending receipts of fees from vendors. Fee recovery estimates were \$949 per vendor for a Citywide and in Special Districts model and \$439 per vendor for a Special District model. The fee per vendor in the Special District model was calculated based on a total administrative and enforcement cost of \$1.3 Million divided by an estimated 3,000 vendors. The Bureau of Street maintenance indicated that permits can be issued on a semi-annual basis, without increasing City costs, to ease the financial burden on low income vendors.
- October 1993- the Council established the Ad Hoc Committee on Sidewalk Vending Enforcement Strategy pursuant to Motion (Alarcon-Goldberg) to present recommendations for a citywide enforcement strategy on illegal vending activities for outside of proposed legal vending districts.
- November 1993 – Department of Public Works, Bureau of Street Maintenance releases report including a staff deployment plan and regulations to be included in the sidewalk vending ordinance. The report describes the number of personnel assigned to the Vending Enforcement Section. The report also includes a deployment plan consisting of the hours of operation, enforcement procedures such as “notice to abate nuisance or correct violation” and penalties such as suspension and revocation of a vendor’s permit.
- December 1993- the CAO reported that according to the Police Department, to mount an aggressive full-time enforcement campaign citywide, two additional police officers per geographic area would be needed. The CAO reported that the cost to deploy 36 officers using overtime for nine months would be \$2.1 million and could be funded out of budgeted overtime and Mayor’s Public Safety Plan. The CAO indicated that placing a higher priority on enforcement of the sidewalk vending provisions is a policy issue for the Council and a resource management issue for the Police Chief and Commission.
- December 1993 – CAO reports that in addition to the Vending Administrator and a secretary, a staff of 14 positions would be required for enforcement of a program of this magnitude. This report also makes reference to a two-year pilot program with up to 1,000 vendors. The report also states that the 14 positions were eliminated as part of the Mayor’s 1993-94 budget reduction action approved by Council on October 5, 1993.

- December 1993 - the Public Works Committee considered a report from the Ad Hoc Committee on Sidewalk Vending Enforcement Strategy which included a four-tier strategy for enforcement.
  - A. Education and Notification – Process about how to become a permitted vendor.
  - B. Los Angeles Police Department – LAPD estimated that in order to mount an aggressive full-time enforcement campaign Citywide, they would need 36 additional police officers. CAO reported that approximately \$2.1 Million would be needed to fund the equivalent of 36 officers. The Police Department expressed reservation about this funding given the low level of officers, at the time, and the relatively low level of priority for sidewalk vending enforcement.
  - C. Building and Safety Inspectors – Only enforced in private property at the time. Unable to enforce on sidewalks at the time.
  - D. County Health Department – Enforcement of code violations by permitted and unpermitted vendors.
- December 1993 - Council established the Office of Sidewalk Vending Administrator, under the Direction of the Board of Public Works and with the assistance of the Community Advisory Committee, for the formation and management of Special Sidewalk Vending Districts and to consider proposals to establish and regulate no more than eight Special Sidewalk Vending Districts.
- January 1994 - the City Council adopts the Sidewalk Vending Ordinance which allowed the establishment of eight Special Sidewalk Vending Districts in commercially-zoned areas within the first two years from adoption of the ordinance.
- February 1994 – Ordinance No 169319 establishing the Sidewalk Vending Program becomes effective allowing the formation of up to eight vending districts in commercially-zoned areas. No more than eight districts shall be approved by the Board during the first two years following the effective date of this ordinance.
- March 1994 - CLA released report described the role of civilian versus sworn enforcement personnel. Within Special Sidewalk Vending Districts civilian Street Use Inspectors will regulate the operation of legal vendors.
- March 1994 - Police Department reported that it was in no position specifically dedicate supplemental personnel resources from the Public Safety Plan to street or sidewalk vending enforcement. The Department further reported that other more pressing priorities involving violent crimes of violence and matters of essential service delivery make it exceedingly difficult to redeploy personnel to vending enforcement. The proposed strategy was as follows:
  - Engage in a public education program to advise violators of the elements of vending offenses and the consequences of engaging in such activity; and provide violators information about becoming a participant in a legal sidewalk vending district.
  - Enforcement of vending statutes generally will occur subsequent to a complaint.
  - All sworn personnel would be instructed relative to the prudence of visibility and its influence on all crime, including illegal vending.
  - Formation of enforcement task force when needed.
  - Develop appropriate training material for personnel.
- August 1994 - Motion (Goldberg-Alarcon) instructed the Community Development Department to report on the availability of state or federal funds, including Community Development Block Grants, for business start-ups for the newly established street vending program.
- February 1995 - The Community Development Department discusses the reprogramming of Community Development Block Grant funds for the Sidewalk Vending Program. In this report, CDD proposes to use \$1

million to create a pilot program for sidewalk vendors operating in approved Sidewalk Vending Districts. The program will include start-up loans, training and support services.

- November 1995 - the City Council adopted an Ordinance to establish a Special Sidewalk Vending District at MacArthur Park.
- February 1996 – The Community Development Department report on the activities undertaken in support of the Sidewalk Vending Program: Sole Source Contract, Discussions with various organizations and Cooperation with Sidewalk Vending Administrator.
- March 1998- Council amends LAMC Section 42.00 (m) to transfer the sidewalk vending function to the Economic and Workforce Development Department (formerly Community Development Department).
- July 1998 – CAO recommends \$235,308 in Community Development Block Grant funds for a sole source contract with Cathedral Center of Saint Paul to oversee and manage the sidewalk vending program at MacArthur Park.
- August 1998 – Council approved recommendations to enter into a sole source contract with Cathedral Center of Saint Paul in the amount of \$235,308 for a twelve-month period starting on August 1, 1998 and ending July 31, 1999.
- November 1998 – Motion (Hernandez-Goldberg) adopted by Council to change the name of the contractor from Cathedral Center of Saint Paul to Cathedral Housing Economic Development.
- August 1999 – Council approved CAO recommendations to amend the contract with Cathedral Housing Economic Development by: 1) adding \$232,000 for a total of \$467,308 in Community Development Block Grant funds, and, 2) extending the contract through July 31, 2000.
- December 2011 – Council adopts Venice Beach Ordinance (No. 181963) where the City designates 205 spaces for vending in Venice Beach. Vending limited to items of free speech and performances.
- November 2013 - Motion (Price-Huizar-Buscaino) is introduced requesting staff to report on the possible regulation of to permit the sale of food and merchandise on city sidewalks and parkways.
- December 2013 – Council amends LAMC 42.00 (b) to allow the sale of certain free speech items on City sidewalks. Persons can engage in traditional expressive speech and petitioning activities, and can vend the following expressive items: newspapers, leaflets, pamphlets, bumper stickers, patches and/or buttons.
- May 2014 – CLA First Status Report to the Economic Development Committee. Report included initial community input with regard to sidewalk vending, preliminary review of other cities and history of sidewalk vending in the City of Los Angeles.
- December 2014 – CLA presented Second Status Report to the Economic Development Committee. Report included potential permit framework.
- May 28, 2015 – CLA conducted community meeting in Boyle Heights. Meeting consisted of a PowerPoint Presentation and public comment period. 200 people in attendance.
- June 11, 2015 – CLA conducted community meeting in Van Nuys. Meeting consisted of PowerPoint Presentation and public comment period. 150 people in attendance.

- June 18, 2015 – CLA conducted community meeting in Downtown Los Angeles. Meeting consisted of PowerPoint Presentation and public comment period. 400 people in attendance.
- June 25, 2015 – CLA conducted community meeting in South Los Angeles. Meeting consisted of PowerPoint Presentation and public comment period. 200 people in attendance.
- August 11, 2015 – CLA conducted community meeting in West Los Angeles. Meeting consisted of PowerPoint Presentation and public comment period. 130 people in attendance.
- August 13, 2015 – CLA conducted community meeting in Hollywood. Meeting consisted of PowerPoint Presentation and public comment period. 150 people in attendance.

# Los Angeles Municipal Code

## Section 11.00 (m)

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, shall be guilty of a misdemeanor unless that violation or failure is declared in this Code to be an infraction. An infraction shall be tried and be punishable as provided in Section 19.6 of the Penal Code and the provisions of this section. Any violation of this Code that is designated as a misdemeanor, may be charged by the City Attorney as either a misdemeanor or an infraction.

Every violation of this Code is punishable as a misdemeanor unless provision is otherwise made, and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

Every violation of this code is that is established as an infraction, or is charged as an infraction, is punishable by a fine as set forth in this Code section, or as otherwise provided in this Code, not to exceed \$250 for each violation.

As an alternative enforcement method that may be used in the sole discretion of the City, violations of this Code may be addressed through the use of an Administrative Citation as set forth in Article 1.2 of Chapter 1 of this Code. The administrative fines prescribed by Chapter 1, Article 1.2 may be sought in addition to any other remedy, including, but not limited to, criminal remedies, injunctive relief, specific performance, and any other remedy provided by law. The remedies provided by Chapter 1, Article 1.2 of this Code are cumulative to those prescribed by this Code or other applicable law and are not exclusive. **(Added by Ord. No. 182,610, Eff. 8/2/13.)**

Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by that person, and shall be punishable accordingly.

# Los Angeles Municipal Code Section

## Section 42.00

- (b) **Street Vending Prohibited. (Amended by Ord. No. 182,813, Eff. 12/10/13.)** Except as otherwise allowed by law, no Person shall engage in Vending upon any Street except as specifically allowed below:
- (1) Persons can engage in traditional expressive speech and petitioning activities, and can Vend the following expressive items: newspapers, leaflets, pamphlets, bumper stickers, patches and/or buttons.
  - (2) Persons can Vend the following items, which have been created, written or composed by the Vendor: books, audio, video or other recordings of their Performances, paintings, photographs, prints, sculptures or any other item that is inherently communicative and is of nominal value or utility apart from its communication. Although an item may have some expressive purpose, it will be deemed to have more than nominal utility apart from its communication if it has a common and dominant non-expressive purpose. Examples of items that have more than nominal utility apart from their communication and thus are subject to the Vending ban under the provision of this section include, but are not limited to, the following: housewares, appliances, articles of clothing, sunglasses, auto parts, oils, incense, perfume, crystals, lotions, candles, jewelry, toys, and stuffed animals.
  - (3) Performers can Perform.
  - (4) Any Vendor conducting lawful Vending under Subsections (b)(1) and (b)(2), above, must comply with applicable tax and licensing requirements.

# Los Angeles Municipal Code

## Section 42.00

### (m) **Establishment and Regulation of Special Sidewalk Vending Districts. (Added by Ord. No. 169,319, Eff. 2/18/94.)**

(1) The Board of Public Works, hereinafter referred to as “**Board**,” is authorized to form special sidewalk vending districts for the purpose of permitting vending of goods, wares and merchandise and announcing the availability thereof within such districts, and to promulgate rules and regulations with respect to the formation of such districts. The term “**district**” whenever used in this subdivision shall mean “**special sidewalk vending district**.” No more than eight districts shall be approved by the Board during the first two years following the effective date of this ordinance. Each district shall have a designated police liaison appointed by the Chief of Police. Before any proposed vending districts are established, the City Council shall adopt a humane and comprehensive enforcement policy regarding sidewalk vending both inside and outside the proposed districts.

(2) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** A petition may be filed with the Sidewalk Vending Administrator of the Community Development Department, hereinafter referred to as “**Sidewalk Vending Administrator**,” by any person or persons, hereinafter referred to as “**applicant**,” interested in the formation of a special sidewalk vending district. The Sidewalk Vending Administrator shall coordinate with the Board regarding the filing and processing of said application. The petition shall be subject to the following conditions and requirements:

(A) The applicant shall pay to the Sidewalk Vending Administrator a non refundable application fee to establish a district. However, such fee shall not be paid until after the City Council has approved the formation of the district pursuant to Subdivision (6) of this subsection. No license application in respect to said district shall be approved until the fee has been paid. Said fee shall be determined and adopted in the same manner as provided in Section 12.37-I,1 of the Los Angeles Municipal Code for establishing fees.

(B) The petition shall contain the name or names of the applicant(s) and names and signatures together with residence or business addresses within the district of persons endorsing the formation of the district. The endorsing list must consist of the owners or those in possession, such as tenants or lessees, of at least 20 percent of the businesses and 20 percent of the residents in each block or portion thereof to be included in the district.



(C) The petition shall set forth:

1. The proposed boundaries of the district, which shall only be in commercially zoned areas of the City;
2. The location and number of vending sites sought to be approved;
3. Any rules or regulations deemed necessary or desirable by the petitioners to organize vending activity within the district; and
4. The purpose for establishing the district.

(D) The petition shall be accompanied by a list provided by the Sidewalk Vending Administrator of the names and addresses of all property owners, businesses and residents within the district and within a 500-foot radius of the boundaries of the district, together with a cash deposit sufficient to cover the costs of preparing such a list and of mailing and publishing notifications as provided below.

(E) The district shall not be limited to any particular size and the proposed density of vending sites may vary from area-to-area within the district.

(3) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** Upon receipt of said petition, the Sidewalk Vending Administrator shall notify the Council member or Council members in whose district or districts the special sidewalk vending district is proposed to be located, at which time the Council member or Council members shall appoint a Community Advisory Committee. The Community Advisory Committee must contain a Street Use Inspector, a Police Officer and the Sidewalk Vending Administrator. The committee shall have balanced representation of proponents of the district, fixed businesses, and residents within or adjacent to the proposed districts, as well as a representative of the Council office or offices. The committee will make recommendations on boundaries of the district, density and location of vendors, goods sold, design of carts and hours of operation. There shall be a limit of 90 days between filing this petition and a final decision by the Board.

(4) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** After reviewing the petition for compliance with the provisions of this Code, the Sidewalk Vending Administrator shall transmit said petition to the Board which shall set the matter for public hearing in coordination with the Sidewalk Vending Administrator within 30 days after receipt thereof. Notice of the time, place and purpose of the public hearing shall be given by the Sidewalk Vending Administrator to each applicant by mailing a written notice of the hearing not less than 30 days prior to the date of such hearing. The Sidewalk Vending Administrator shall at the same time mail such notice to all property owners, businesses and residents within the proposed district and within a 500-foot radius of the boundaries of the district. The Sidewalk Vending Administrator shall further cause there to be published a notice of such public hearing in a newspaper of general circulation in the area wherein the sidewalk vending district is proposed to be established. The notice shall be published in both English and in any other language spoken as their primary language by a

substantial number of the persons residing in the proposed district. The notice shall be published as provided for in Section 6064 of the Government Code of the State of California, and shall state the purpose of the proposed district, the boundaries thereof and the date, time and place of the public hearing.

(5) Any interested person may appear at such hearing and comment with respect to the proposed vending district. Comments may also be submitted in writing prior to the date of such hearing. The Board shall also consider recommendations of merchant associations, chambers of commerce, the Los Angeles Police Department and various other affected City departments.

(6) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** The Sidewalk Vending Administrator shall refer the matter to the Council member or Council members in whose district or districts the special vending district is proposed to be located for review and recommendation, together with a summary of comments made at the hearing. Based upon the foregoing comments, recommendations of the Community Advisory Committee and Council member recommendations, the Board may make a finding that the public welfare would be served by the establishment of such a district. In so doing, the Board may for good cause alter the proposed district boundaries and the number, location and density of proposed vending sites. The Board shall transmit to the City Council its finding and the reasons therefor together with its recommendation that the district be established in the manner proposed in the petition or as modified by the Board. The City Council may approve, modify or disapprove the recommendation of the Board. The district shall be established upon approval, or approval as modified, of the Board's recommendation. For good cause, after due consideration of all comments and recommendations presented, the Board may make a finding that the public welfare would not be served by the establishment of the district. The Board's finding may be based on factors such as incompatibility of vending pushcarts with area architectural style, conflict with the area's specific plan, the presence of pushcarts as an impediment to the use of on-street parking locations in areas where an unusually heavy demand for such parking exists, or the presence of zoning restrictions prohibiting such vending activities on private property in the area. The Board shall transmit to the City Council its finding and the reasons therefor together with its recommendation that the district not be established. The City Council may approve or disapprove the recommendation of the Board. If disapproved, such disapproval shall establish the district and the Board shall be so informed, provided, however, that either the City Council, or the Board with approval of the Council, may modify district boundaries and number, location and density of proposed vending sites, as set forth in the petition.

(7) Upon petition of an interested party, a special district may be disestablished, or areas withdrawn therefrom, for good cause. Each such petition shall contain the signatures of at least 20 percent of the owners or persons in possession, such as tenants or lessees, of businesses in each block or portion thereof of the district or part thereof proposed to be withdrawn, and at least 20 percent of the residents of each such block or portion thereof. Each such petition shall comply with the requirements of Section 42.00(m)(2)(D). The Board shall hold a hearing into the matter preceded by notice as provided for in Subdivision (4) above. In the event the Board makes a finding that the public welfare would be served by disestablishment of the district or by withdrawal of an area, the Board shall transmit to the City Council its finding and the reasons therefor, together with its recommendation that district be disestablished or an area be withdrawn

therefrom. The City Council may approve or disapprove the Board's recommendation. Approval disestablishes the district or withdraws the subject area therefrom.

(8) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** The Sidewalk Vending Administrator shall review all rules and regulations proposed by petitioners, the Community Advisory Committee of the particular vending district, and any other interested parties provided that the Community Advisory Committee has had an opportunity to review them and transmit all such rules and regulations to the Board, together with his or her recommendations regarding adoption. The Board shall adopt all such rules and regulations for the district unless good cause exists for non-adoption. In addition, the Board, for good cause, may adopt such other rules and regulations for the district as would promote the public health, welfare and safety. Rules and regulations, when adopted, shall be binding upon all affected persons within the district.

(9) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** No permit shall be issued, however, until a contract has been executed between the City, through the Community Development Department, and any organization selected to manage the special sidewalk vending district, referred to hereinafter as "**management organization**", as provided for in Los Angeles Administrative Code Section 22.361.

(10) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** The Community Development Department, through the Sidewalk Vending Administrator, shall determine the allocation of vending permits within the district, whether by lottery or otherwise, in a manner consistent with public health, safety and welfare. However, the Sidewalk Vending Administrator may by contract delegate that function to any organization selected to manage the district subject to the supervision of the Sidewalk Vending Administrator and approval by the Community Development Department as to method of allocation to assure that vending permits are allocated in a fair and impartial manner.

(11) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** The Community Development Department, through the Sidewalk Vending Administrator, shall issue all sidewalk vending permits and collect all fees and charges in connection therewith. Any person desiring to be issued a permit for sidewalk vending within a district may make application to the Sidewalk Vending Administrator on forms provided. The application shall set forth the following information:

- (A) The name, address and telephone number of the applicant;
- (B) The exact location at which the vending is proposed to be conducted;
- (C) A complete list of what is proposed to be sold;
- (D) The hours per day and days per week during which sidewalk vending will be conducted; and
- (E) Any other information required by the Community Development Department.

(12) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** No permit or renewal permit shall be issued unless the applicant has complied with all of the following requirements:

(A) If any food or drink item is proposed to be sold, the applicant has obtained approval from the County Department of Health Services to engage in the vending of the item in the manner proposed;

(B) **(Amended by Ord. No. 173,298, Eff. 6/30/00, Oper. 7/1/00.)** All other necessary City, County and State licenses and permits have been obtained, including a Business Tax Registration Certificate from the Office of Finance.

(C) **(Amended by Ord. No. 173,363, Eff. 7/29/00, Oper. 7/1/00.)** The applicant has filed with the Community Development Department a policy of public liability and property damage insurance, in a form satisfactory to it and to the City Attorney, in which the City is named as a co-insured with the applicant. The policy of insurance shall so insure the City and its officers and employees against all claims arising out of or in connection with the issuance of the permit or the operation of the permittee. The policy of insurance shall be in an amount and type as determined by the Community Development Department in consultation with the Director of the Office of Administrative and Research Services, subject to reasonable availability. The Community Development Department, in consultation with the Director of the Office of Administrative and Research Services, may waive the requirement of insurance if none is reasonably available. In lieu of individual policies of insurance, the Community Development Department may cause to be secured a general or blanket policy of insurance covering all applicants and thereafter determine the pro rata cost to each applicant, which shall be collected before approval of the application. Any policy of insurance shall contain a statement by the insurance carrier that thirty (30) days' notice will be given to the City Attorney before any cancellation of coverage. Insurance shall be maintained throughout the permit period. The Community Development Department may for good cause increase the amount of required insurance.

(D) The applicant shows proof of ownership, lease or rental of a pushcart constructed for the purpose of vending goods, wares or merchandise according to the requirements and specifications of the Community Development Department.

(E) Approval in writing has been obtained from the owner, tenant or person in lawful possession or control of the property abutting upon the street immediately adjacent to the location where the vending is proposed to be conducted. Such approval may be secured by the management organization.

(F) The applicant has provided the City with two passport size photos of the applicant.

(G) The applicant has presented adequate identification of himself or herself. Adequate identification shall include, but not be limited to, a California driver's license or a California Department of Motor Vehicles identification card.

(H) The applicant is old enough under State law to engage in the vending activity.

(I) The applicant has submitted to fingerprinting, in connection with which applicant shall pay a fingerprint process fee. Such fee shall be determined and adopted in the same manner as is provided in Section 12.37-I,1 of the Los Angeles Municipal Code for establishing fees.

(13) No permit shall be issued to any applicant who has been convicted of any crime relating to fraudulent business practices, the receipt or sale of stolen property or the illegal sale of any controlled substance under the provisions of the California Controlled Substances Act within five (5) years prior to the date of application for permit.

(14) The applicant may designate up to two co-applicants who are authorized by the applicant to vend at the location for which the applicant's permit is issued in his or her temporary absence due to circumstances such as illness, injury or vacation. However, there must be provided the name, address and phone number of each co-applicant and two passport size photos of each co-applicant must be submitted. Each co-applicant must present adequate identification of himself or herself in the same manner as required for the applicant, and must be old enough under State law to engage in vending activity. Each co-applicant shall submit to fingerprinting and shall be subject to provisions of Subdivision 12 with respect to approval as a co-applicant and the provisions of Subdivision (22) with respect to operating requirements. Those approved shall be designated co-permittees and shall pay an application fee for the issuance of a co-permit. Such fee shall be determined and adopted in the same manner as is provided in Section 12.37-I,1 of the Los Angeles Municipal Code for establishing fees.

(15) A permit shall be issued only to a natural person and only for the days or hours of the day indicated on the application as days and hours of operation. Such permit shall not be transferable to any other person and shall be valid only for the location for which it is issued.

(16) Only one permit shall be issued to each permittee.

(17) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** A non-refundable annual permit fee shall be paid before issuance of any permit provided, however, that the applicant may elect to pay said fee in semi-annual installments. Such election shall be stated in writing and installments shall be paid as directed by the Sidewalk Vending Administrator. If such election is made, a payment of one-half the annual permit fee shall be required before issuance of a permit. Permits shall be valid for one year from the date of issuance. If any installment fee is not paid on or before the date provided by the Sidewalk Vending Administrator for payment, a letter shall be sent to the permittee advising that such fee is due within 30 days of the date of such letter or the permit shall terminate. If the fee is not paid within the 30-day period, the permit shall terminate and the former permittee shall cease from vending. The permit may be reinstated upon payment of the fee. At the time of making any payment as provided for above, the applicant or permittee shall pay a supplemental fee which is a pro-rated amount determined by the Community Development Department as sufficient to cover the cost to the City of entering into a contract for management of the district. Supplemental fees collected shall be placed in a special fund established for such purpose. In addition fees will be charged for the following:

Replacement of existing permit in the event of loss, name change or change of company;

Replacement of existing permit decal; and

Replacement of any vending identification badge.

Fees herein shall be determined and adopted in the same manner as provided in Section 12.37-1,1 of the Los Angeles Municipal Code for establishing fees.

(18) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** In the event an application for permit is denied, the applicant shall be so notified within 60 days, which notification shall also state the reason for denial and that the applicant has 45 days from the date of notice within which to request reconsideration of the denial.

(19) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** Any permit issued shall be subject to the right of the Community Development Department to rescind issuance thereof in response to a request for reconsideration of its action in issuing the permit.

(20) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** Either the applicant or any other person affected by the issuance of a vending permit may request reconsideration by the Community Development Department of its decision to grant or deny an application for permit. Such request must be in writing and must be received by the Sidewalk Vending Administrator within the 45 days from the date of issuance of the permit or notification of denial. Upon receipt of such request the Sidewalk Vending Administrator shall set a hearing date no less than 30 days from the date of the receipt of the request. The Sidewalk Vending Administrator shall notify the requestor and, if the requestor is not the applicant, the applicant, of the hearing date. The Community Development Department shall rescind issuance of the permit if at the hearing it is demonstrated to its satisfaction that the issuance thereof was contrary to the provisions of this subdivision or to applicable rules and regulations. The Community Development Department may direct the Sidewalk Vending Administrator to issue a permit if it is shown to the satisfaction of the Department that it was in error in denying the permit.

(21) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** The permittee may amend his or her application with respect to the goods, wares and merchandise proposed to be sold and the hours during which vending is to occur by written notification thereof to and approval by the Sidewalk Vending Administrator, and the owner, tenant, or person in lawful control of the property immediately adjacent to the vending site.

(22) **Operating Requirements. (Amended by Ord. No. 171,913, Eff. 3/15/98.)**

(A) Vending shall be conducted only from pushcarts constructed for that purpose according to the requirements and specifications of the Community Development Department. Such pushcarts shall have a length of no greater than six feet and a width of no greater than 3 feet, 6 inches, and shall be no more than 6 feet, 6 inches

in Height, including roof or awning. A decal so certifying shall be attached to each pushcart approved for use.

(B) All of the permittee's advertising must be attached to the pushcart and shall advertise only the goods, wares or merchandise being sold. Advertising signs shall not extend beyond the overall width or height of the pushcart.

(C) The permittee shall not conduct any portion of its vending business outside the boundaries of its vending location as described in the permit.

(D) One small, compact stool or chair may be utilized by the permittee. The stool or chair shall be placed within four feet of the pushcart and shall not block the safe passage of pedestrians. No advertising shall be placed on the stool or chair. Other than the pushcart and stool or chair, no other items or object of any kind shall be placed on the public sidewalk or parkway.

(E) No vending shall be conducted on the roadway portion of any street.

(F) The permittee shall provide a trash receptacle for the use of customers and shall pick up and dispose of any trash or litter left by customers before leaving the vending location. Full receptacles shall be immediately emptied by the permittee.

(G) The City vending permit shall be visibly displayed at all times while the permittee is engaged in vending activity.

(H) The permittee shall wear a vendor identification badge issued by the Sidewalk Vending Administrator at all times while engaged in vending.

(I) Pushcarts shall be positioned no less than 18 inches from the curb.

(J) No permittee shall knowingly allow, permit or authorize another person to vend from permittee's pushcart or at permittee's assigned location, other than designated co-permittees of that particular vendor.

(K) No pushcart shall be chained or fastened to any pole, sign, tree or other object in the public way.

(23) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** The Sidewalk Vending Administrator may from time to time recommend rules and regulations to the Board. The Board may adopt such rules and regulations as it deems necessary to implement the provisions of this subsection.

(24) **Revocation, Suspension or Non-renewal. (Amended by Ord. No. 171,913, Eff. 3/15/98.)**

(A) After notice and hearing in accordance with Section 22.02 of the Municipal Code, the Community Development Department may revoke or suspend any permit issued pursuant to this subsection or decline to renew any such permit, if the permittee has:

1. Knowingly made any false, misleading or fraudulent statement of material fact in its application for a permit;
2. Been convicted of any criminal act in connection with the operation of the permitted activity, or any of the crimes set forth in Subdivision (13) of this subsection;
3. Violated any of the operating requirements set forth in Subdivision (22) of this subsection;
4. Violated any rule or regulation promulgated by the Board with respect to this subdivision;
5. Failed to comply with any order by the department to cease and desist from any violation; or
6. In any other way endangered the public health, safety or welfare in the conducting of its sidewalk vending activities.

(B) A permittee who has had his or her permit revoked or whose application for renewal has been declined shall not be eligible to apply for another permit under this subdivision until 12 months after the date of revocation or renewal declination.

(C) Any action revoking or suspending a license may be appealed to the Board within 60 days of the action of suspension or revocation. The Board shall hear and make a determination on the appeal.

**(25) Enforcement and Penalties.**

(A) Within each district the provisions of this Subsection (m) shall be enforced by the Street Use Inspection Division of the Bureau of Street Maintenance of the Department of Public Works.

(B) The Department may issue an order to immediately cease and desist from any violation of this Subsection (m) or any rule or regulation of the Board.

(C) It shall be a violation of law to fail to comply with any of the provisions of Subdivision (22) of this Subsection (m). The first, second and third violations of Subdivision (22) of Subsection (m) shall each be infractions. The commission of a fourth violation of any of the provisions of Subdivision (22) of Subsection (m) within a two-year period after the commission of the first violation shall be a misdemeanor.



(D) It shall be illegal for any person to display any imitation or facsimile of a vending permit, vendor identification badge or decal which has not been issued by the Department.

# **Los Angeles Municipal Code**

## **Section 42.13 Peddlers –Venders - Hours**

Notwithstanding the provisions of Chapter 8 of this Code, no person shall peddle fruits or vegetables in or upon any street or sidewalk other than between the hours of 8 o'clock A.M. and 8 o'clock P.M.

# Los Angeles Municipal Code

## Section 42.15 Venice Boardwalk Vending Ordinance

SEC. 42.15. VENDING AND EXCESSIVE NOISE ON BEACHES PROHIBITED.  
(Amended by Ord. No. 181,963, Eff. 1/20/12.)

A. **Definitions.** For purposes of this Section, the following words or phrases shall have the following meanings:

1. **Board.** The Board of Recreation and Park Commissioners of the City of Los Angeles.
2. **Boardwalk.** The Boardwalk is the manmade promenade that runs parallel to the beach and is designated or referred to as "Ocean Front Walk" or just the "Boardwalk". The Boardwalk runs from the City of Santa Monica on the north to the City of El Segundo on the south. A map depicting the Boardwalk is available for inspection and copying at the Police Substation or at the Recreation Office.
3. **City.** The City of Los Angeles, a municipal corporation.
4. **Designated Space or Designated Spaces.** A Designated Space or Designated Spaces are the 205 areas on the Boardwalk designated by the City and located between Navy Street on the north and 17th Avenue on the south. A map depicting the Designated Spaces is available for inspection and copying at the Police Substation or at the Recreation Office.
5. **Department.** The Department of Recreation and Parks of the City of Los Angeles.
6. **Donation.** A gift; a voluntary act which is not required and does not require anything in return.
7. **Food.** Any type of edible substance or beverage.
8. **Goods or Merchandise.** Any items that are not food.
9. **Handcrafts.** Objects made either by hand or with the help of devices used to shape or produce the objects through such methods as weaving, carving, stitching, sewing, lacing, and beading including objects such as jewelry, pottery, silver work, leather goods, and trinkets. Most Handcrafts have more than nominal utility apart from any communicative value they possess. Most commonly, Handcrafts do not communicate a message, idea, or concept to others, are often mass produced or produced with limited variation. Handcrafts do not include visual arts.
10. **Pagodas.** The shade structures and seating, plus the area within a ten foot radius around each of the shade structures and seating, located on the Boardwalk at Clubhouse Avenue, Breeze

Avenue, Park Avenue, Sunset Avenue and Dudley Avenue. A map depicting the Pagodas is available for inspection and copying at the Police Substation or at the Recreation Office.

**11. Perform, Performing, Performance or Performances.** To engage in any of the following activities on public property: 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, work of art, physical or mental feat, or other constitutionally protected entertainment or form of expression. The terms Perform, Performing, Performance or Performances shall not include:

- (a) The application of substances to others' skin, 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.

**12. Performer.** A Performer is a Person who Performs. Performer includes the employers, employees, and agents of a Performer. Indicia of being a performer include, but are not limited to, setting up performance equipment, staging or orienting the performance towards the public, performing in the same location for an extended period of time, performing in the public over multiple days, seeking voluntary contributions through passing around a hat or leaving open an instrument case or other receptacle, and soliciting donations after a performance.

**13. Person or Persons.** One or more natural persons, individuals, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer or employee of any of them), whether engaged in business, nonprofit or any other activity.

**14. Police Substation.** The Police Substation is the Los Angeles Police Department office building located at 17th Avenue and Ocean Front Walk.

**15. Program Rules.** Rules adopted by the Board pursuant to its Charter authority and made applicable to use of the public space on and adjacent to the Boardwalk. The Program Rules will be adopted at a duly noticed public hearing at which the public is provided an opportunity to comment, as required by the Ralph M. Brown Act, at least ten (10) days prior to implementation. The Program Rules, as may be amended from time-to-time by the Board, shall be available for inspection and copying at the Police Substation or at the Recreation Office.

**16. Pushcart.** Any mobile device that holds Food or Goods or Merchandise, as defined in this Subsection, and is used to vend.

17. **Recreation Area.** The area between Horizon and 20th Avenues that includes the Boardwalk, grassy areas, the Police Substation, which is co-located with an office of the City's Department of Recreation and Parks, Muscle Beach, paddle tennis courts, skate park, skate plaza and other recreational facilities. This does not include the area west of the Boardwalk immediately adjacent to this area. A map of the Recreation Area is available for inspection and copying at the Police Substation or at the Recreation Office.

18. **Recreation Office.** The Recreation Office is an office of the City's Department of Recreation and Parks that is physically co-located with the Police Substation at 17th Avenue and Ocean Front Walk.

19. **Sunset.** Sunset is the time at which the sun's disk descends below the western horizon. The precise moment of Sunset can be determined by reference to various, publicly available almanacs and newspapers of general circulation in Los Angeles.

20. **Vend or Vending.** To sell, offer for sale, expose or display for sale, solicit offers to purchase, or to barter Food, Goods or Merchandise, or services in any area from a stand, table, Pushcart, motor vehicle, bicycle, or by a Person with or without the use of any other device or other method of transportation, or to require someone to pay a fee or to set, negotiate, or establish a fee before providing Food, Goods or Merchandise, or services, even if characterized by the Vendor as a Donation.

21. **Vendor.** A Vendor is a Person who Vends. Vendor includes the employers, employees, and agents of a Vendor.

22. **Westside of the Boardwalk.** The area on the ocean-side of the Boardwalk. A map depicting the Westside of the Boardwalk is available for inspection and copying at the Police Substation or at the Recreation Office.

**B. Findings and Purposes.** The City Council of the City of Los Angeles finds and declares as follows:

1. The Boardwalk and Recreation Area constitute a major tourist attraction in the City, hosting approximately 16 million visitors annually. The Boardwalk and Recreation Area are limited spaces geographically, located in a narrow, linear City park that is bounded by the beach to the West and private property to the East. The total width of the Boardwalk is only ten feet in certain sections and only as wide as 50 feet in other limited areas. The space is further constrained by the fact the Boardwalk and Recreation Area serve as emergency ingress and egress routes.

2. Historically, visitors, including tourists, have been drawn to Venice beach because, the Boardwalk and Recreation Area served as a traditional public forum for performance and visual artists, as well as other free speech activity. Vendors of Food, Goods and Merchandise viewed the large crowds of visitors to the Boardwalk and Recreation Area as a pool of potential customers and Vending proliferated. As the numbers of commercial Vendors increased, the

number of Performers and persons engaging in free speech activities decreased both because of the limited amount of space and because of the change in atmosphere from a vibrant center of art and expression to a commercial "flea market" atmosphere. Competing interests for space on the Boardwalk and Recreation Area intensified and physical altercations for space and disturbances of the peace resulted in law enforcement responses and arrests.

3. Unregulated Vending and Performances adversely affect the historic character of the Boardwalk, hamper rather than encourage a wide variety of performances, visual artists and other free speech activity, as well as jeopardize the public safety of visitors to the Boardwalk, resulting in an economic and cultural loss to the City. Therefore, the Boardwalk requires reasonable time, place, and manner restrictions to retain its unique historic character as a center of performance, art, and other free speech activity, preserve its status as a tourist attraction, protect the commercial life of the Boardwalk, and ensure the safety and enjoyment of residents, visitors, advocates, artists, performers, and Vendors alike. Due to its unique historical, geographical, and physical characteristics, the Boardwalk requires its own set of rules and regulations different from other public parks in the City.

4. Unregulated Vending and Performing harms the Boardwalk, and therefore must be regulated because:

(a) Tourists are deterred from visiting or shopping at the Boardwalk as they are constantly approached, solicited, and sometimes harassed by unregulated Vendors and Performers. Regulation is therefore necessary to manage the time, place, and manner of Vending on the Boardwalk, in order to ensure that tourists are not deterred from visiting or shopping at the Boardwalk;

(b) The amount of space on the Boardwalk that is available for performing and visual artists and for political advocacy is limited due to the size of the Boardwalk and the large crowds of visitors that the Boardwalk attracts. Due to the limited amount of space, unregulated Vending along the Boardwalk prevents many Persons from engaging in performance, art, advocacy or other expressive activities. The lack of regulations for Vending, Performing and noise has resulted in conflicting claims for the available spaces. Numerous altercations occurred, in competition for locations and amounts of space, during time periods in which the City lacked regulations for noise and a system for allocating available space for Vending and Performing. Frequently, the altercations became violent requiring law enforcement response to preserve the public peace. Persons wishing to secure spaces often arrive prior to dawn and create loud noise in setting up their displays, thereby disturbing the public peace, including the peace of the residents on and near the Boardwalk, and requiring a law enforcement response. Unregulated, the Boardwalk became a place where only the strongest and earliest arrivals could secure space to exercise their rights of free expression without threat of intimidation. Regulation is necessary, therefore, to manage the use of the limited space on the Boardwalk to prevent conflicting claims for the space and to allocate the limited space available fairly to all who desire to use it for lawful purposes;

(c) Tables, Pushcarts, stands, and certain equipment of Vendors and Performers impede the orderly movement of pedestrian traffic along the narrow Boardwalk and may make the

Boardwalk unsafe for pedestrians by limiting the City's ability to effect crowd management and control. Certain equipment of Vendors and Performers contributes to visual clutter and blight, especially when it impacts the ability of Boardwalk visitors to see the Pacific Ocean. Regulating the use of equipment by Vendors and Performers therefore is necessary to manage the orderly movement of pedestrian traffic. Regulation also is necessary to avoid injuries to pedestrians as well as ensure the existence of emergency and non-emergency ingress and egress between the beach and the Boardwalk;

(d) The Vendors, Performers and their equipment impede the ingress and egress of emergency and public safety vehicles by creating physical obstacles to emergency response and administration of aid to those in need of immediate medical attention and to victims of criminal activity. Regulation is therefore necessary to ensure that Vendors, Performers and their equipment do not interfere with emergency response vehicles that provide assistance to individuals with medical needs and victims of criminal activity;

(e) Unregulated Vending has resulted in the sale of stolen, defective or counterfeit merchandise. Regulation therefore is necessary to protect the public and the Boardwalk commercial life;

(f) Unregulated Vending of personal services has resulted in activities that are illegal and harmful to human health, including the offering of services by unlicensed Vendors of services for which a license is required by the State of California, physical assaults and the application of toxic chemicals to Persons;

(g) Unregulated Vending causes visual clutter/blight along the Boardwalk, impedes views of the beach and the Pacific Ocean, and threatens the City's ability to attract tourists and preserve businesses along the Boardwalk. Regulation therefore is necessary to manage the number of Vendors, the size of their equipment and displays, and the location of Vending activity;

(h) Unregulated Vending creates unnecessary, excessive and annoying noise on the Boardwalk, is detrimental to the public health, welfare and safety and contrary to the public interest, harms residents, the commercial life of the Boardwalk and the historic character of the Boardwalk, and diminishes the quality of life for those who visit, live or work on or near the Boardwalk. Regulation therefore is necessary to establish restrictions on noise at the Boardwalk; and

(i) The Recreation Area is a site that is uniquely suitable to and frequently used for events that require pre-planning and advanced notice. The Recreation Area is the location of the Police Substation where vehicles require the ability for unobstructed ingress and egress. Due to the size, shape, and physical attributes of the Recreation Area (including a skate park and plaza, paddle tennis courts and exercise equipment), it is also a site uniquely suitable to and used by many Persons for skateboarding, paddle tennis, and other sports and exercise. The Recreation Area is the home of historic "Muscle Beach", a popular tourist attraction. Muscle Beach is world renowned as home of physical fitness advocates and body builders, including Jack La Lanne (considered to be the father of the modern fitness movement), Arnold Schwarzenegger, Franco Columbo and Dave Draper.

**C. Beach Vending Prohibition.** Except as specifically allowed in this Section, no Person shall engage in Vending upon any public beach lands or properties adjoining the waterfront of the Pacific Ocean, or upon any immediately adjacent Boardwalk, sidewalk or public way between the southerly boundary of the City of Santa Monica and the northerly boundary of the City of El Segundo and between the northwesterly boundary of the City of Santa Monica and the northwesterly boundary of the City of Los Angeles.

**D. Vending and Performing on Designated Spaces. (Amended by Ord. No. 183,170, Eff. 9/15/14.)** To address the findings and purposes set forth in this Section, the City has created reasonable time, place, and manner restrictions on Vending and noise, as well as to facilitate Performing. To preserve the Boardwalk's rich history of fostering new artists, performance and other free speech activity, the City has divided the available space on the Boardwalk into 205 areas, known as Designated Spaces, where:

1. Persons can engage in traditional expressive speech and petitioning activities, and can Vend the following expressive items: newspapers, leaflets, pamphlets, bumper stickers, patches and/or buttons.
2. Persons can Vend 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, sculptures or any other item that is inherently communicative and is of nominal value or utility apart from its communication.
3. Although an item may have some expressive purpose, it will be deemed to have more than nominal utility apart from its communication if it has a common and dominant non-expressive purpose. Examples of items that have more than nominal utility apart from their communication and thus are subject to the Vending ban under the provisions of this Section, include, but are not limited to, the following: housewares, appliances, articles of clothing, sunglasses, auto parts, oils, incense, perfume, crystals, lotions, candles, jewelry, toys and stuffed animals.
4. Vendors may not display items that may not be Vended pursuant to this Subsection.
5. Vendors may not provide free of charge any item that may not be Vended pursuant to this Subsection if the purchase of an item that may be lawfully Vended pursuant to this Subsection is a condition of receiving the free item.
6. Performers can Perform.
7. Any Vendor conducting lawful Vending under Subsections D.1. and D.2., above, must comply with applicable tax and licensing requirements.

**E. Allocation and Use of Designated Spaces.** The City's Board of Recreation and Parks Commissioners shall designate a total of 205 spaces on the Boardwalk, referred to as the "Designated Spaces". The Designated Spaces will be available for use in accordance with a first-come, first-served system or any other legally permissible allocation system adopted by the



Board at a duly noticed public hearing at which the public is provided an opportunity to comment, as required by the Ralph M. Brown Act, posted at the Recreation Office for at least ten (10) days prior to implementation.

The 205 Designated Spaces shall be made available for the activities described in Subsection D. above. Five of the Designated Spaces shall be double-sized, large act spaces for Performers whose number of Performers plus audience can be anticipated to exceed 25 Persons. Two of the regular-sized Designated Spaces shall be made available for Persons engaging in any activity that is described in Subsection D. and who are predominantly giving away Food. The remainder of the regular-sized, Designated Spaces shall be made available for Persons engaging in any exempt activity described in Subsection D.

Persons using the 205 Designated Spaces are subject to, and shall comply with, the following restrictions and the Program Rules adopted by the Board:

1. The five double-sized, large act Performer spaces historically have been used by Performers (such as acrobats) whose performances require more space than is available in a single-sized, Designated Space, and have been used by Performers who attract large crowds due to the nature of their performances. The five, double-sized, large act Performer spaces are the only spaces able to safely accommodate large scale performances or a large audience and, therefore, in order to facilitate a variety of Performances in these double-sized spaces, the Performer spaces are subject to a rotation requirement, whereby each Performer using one of the five Performer spaces shall relinquish the space on the hour, every hour, whenever another Performer is waiting to use the Performer space in which the Performer is Performing.

2. No Person shall Vend any item in a Designated Space, except as expressly authorized by Subsection D.

3. No Person shall place or allow anything in any Designated Space to extend beyond the boundaries of the Designated Space nor place anything adjacent to the Designated Space nor obstruct or impede the access areas between the Designated Spaces.

4. No Person shall Vend in, Perform in, or place or allow any item to extend into a designated emergency ingress and egress area. A map depicting the emergency ingress and egress areas is available for inspection and copying at the Police Substation or at the Recreation Office.

5. The City desires to balance the goal of avoiding visual clutter and blight against the need of Performers and Vendors exempt pursuant to Subsection D., above, to have shade from the sun. Additionally, the City desires to balance the goal of avoiding visual clutter and blight against the desire of Performers and Vendors exempt pursuant to Subsection D., above to use equipment common to exempted Performing and Vending activities. Accordingly, the following rules relating to shade, Performing and Vending equipment: are adopted as follows: No Person shall place or allow any item (except an umbrella, sun shade, easel, display board or microphone stand) exceeding four feet above ground in any Designated Space, nor shall any Person cause or allow a Designated Space to be enclosed. An umbrella or sun shade shall not exceed 8 feet above ground and shall be open on all sides. An easel, display board or microphone stand shall not

exceed 6 feet in height. Persons shall not hang objects of any nature on or from any umbrella, sun shade, easel or display board.

6. No Person occupying a Designated Space shall leave that Designated Space for a period longer than 45 consecutive minutes without first removing all items from the Designated Space.

7. No Person shall occupy more than one single regular-sized or double-sized Designated Space at any given time, nor shall any Person solicit another Person to obtain or occupy a Designated Space on his or her behalf.

8. No Person shall purchase, sell, barter or exchange any Designated Space with any other Person.

9. No Person shall set up or set down items in, take down items from or block, or attempt to reserve a Designated Space between Sunset and 9:00 a.m.

10. Any umbrella used in connection with the activities authorized in the Designated Spaces must be adequately secured in an upright position with a diameter no greater than 8 feet.

11. Designated Spaces must be kept clean and free of litter and debris. No permanent markings shall be made in any Designated Space. Any temporary marking made in any Designated Space must be removed from the Designated Space when the Person using the Designated Space vacates the Designated Space or by Sunset, whichever is earlier.

12. No open flames combustible fuel or gasoline-fueled generators are allowed in any Designated Space. Electric cords may not be connected outside the assigned space or to any City or private power source.

#### **F. Special Rules for Other Areas of the Boardwalk.**

##### **1. Areas Outside of the Designated Spaces, Pagodas, and Recreation Area.**

(a) **Areas where use of equipment is prohibited.** The activities described in Subsection D. may occur in all areas covered by this Section outside the Designated Spaces, Pagodas, and Recreation Area, provided that no Person may set up a display table, easel, stand, equipment or other furniture, use a Pushcart or other vehicle or place any item on the property defined in Subsection C. except as provided in Paragraph (b) of this Subdivision.

(b) **Areas where limited use of equipment is permitted.** The activities described in Subsection D., but not including Vending, may occur on the Westside of the Boardwalk outside the Designated Spaces, Pagodas, Recreation Area and other areas designed as access points for or constitute routes for emergency ingress and egress. In connection with permissible activities in the area on the Westside of the Boardwalk, outside the Designated Spaces, Pagodas, Recreation Area and other areas designated for emergency ingress and egress, a Person may set up a display table, easel, stand, equipment or other furniture, a Pushcart or other vehicle, or place an item on the ground in the areas where limited use of equipment is permitted, subject to reasonable size

and height restrictions set forth in paragraph E.5., herein, provided the equipment or the activity associated with the equipment does not materially impede or obstruct pedestrian or vehicular traffic or areas designed for emergency ingress and egress. Nothing in this paragraph shall be construed to allow a person to use or set up equipment in connection with Vending.

(c) The areas in which use of equipment is prohibited and areas in which limited use of equipment is permitted is available for inspection and copying at Police Substation or Recreation Office.

## **2. The Recreation Area.**

(a) The Recreation Area is a limited space containing a confluence of public safety ingress and egress routes, and at which pre-planned events, recreation activities and tourism occur. The City's Board of Recreation and Parks Commissioners may allocate use of the Recreation Area through the adoption of Program Rules detailing an advance reservation system or any other legally permissible allocation system, and the advance reservation system or other legally permissible allocation system contained in the Program Rules will be adopted by the Board at a duly noticed public hearing at which the public is provided an opportunity to comment, as required by the Ralph M. Brown Act, and made effective after reasonable public notice by posting at the Recreation Office for at least ten (10) days prior to implementation. A copy of the Program Rules shall be available for inspection and copying at the Police Substation or the Recreation Office.

(b) No Vending, and no display tables, easels, stands, equipment, Pushcarts or other vehicles, or structures shall be allowed in the Recreation Area except as may be expressly authorized by the Board in connection with the Board's pre-approval of the use of the Recreation Area.

(c) No Person shall use the Recreation Area or any part of the Recreation Area while the Recreation Area or that part of the Recreation Area has been reserved, set aside, is being used, set up, maintained or designed for a specific recreational purpose, park purpose or event authorized by the City through the Department or Board. When the City, through the Department or Board, has reserved, intends to use, set up, maintain or designate the Recreation Area or any part of the Recreation Area for a specific recreational purpose, park purpose or event, the Department will make available for inspection and copying at the Police Substation or Recreation Office information describing the nature of the authorized park purpose or event, the location of the park purpose or event and the times during which the park purpose or event will take place.

**G. Use of City Property for Vending, Performing, or Display Prohibited.** No Person shall use or obstruct access to any City-owned or maintained property or equipment, including, but not limited to, street furniture, benches, planters, trash receptacles, Pagodas or other structures or equipment installed on public property, for Vending, Performing, or display of anything whatsoever.

## **H. Noise Regulation for all Property on or Abutting the Boardwalk.**

1. No Person whether on the Boardwalk or on private or public property abutting the Boardwalk shall create any noise, or allow the creation of any noise, which causes the noise level to exceed the following Lmax levels between 9:00 a.m. and Sunset:

- (a) 75 dBA, when measured at a minimum distance of 25 feet from the source of the noise; or,
- (b) 96 dBA, when measured at a minimum distance of one foot from the source of the noise.

When Lmax levels are measured for noise emanating from a building located on private property adjacent to the Boardwalk, the measurement shall be taken from the property line dividing the private property and the Boardwalk.

2. Nothing in this Section shall be construed as prohibiting the City from enforcing other provisions of this Code regulating noise and sound levels. At all times, the noise and sound provisions of Chapter 11 of the Los Angeles Municipal Code, Articles 1 through 5, inclusive, and Los Angeles Municipal Code Sections 63.44 B.6., 41.42, 41.57, 53.63 shall apply.

3. No Person shall interfere with or resist the taking of any noise measurement authorized by this Section.

**I. Violations. (Amended by Ord. 183,170, Eff. 9/15/14.)** Any Person violating a provision of this Section shall be subject to the following penalties:

1. **First violation.** A first violation of this Section shall be an infraction punishable by a fine in the amount of \$100.

2. **Second and subsequent violations.** A second violation and all subsequent violations shall be subject to the provisions of Section 11.00 of the Los Angeles Municipal Code, including prosecution as an infraction punishable by a fine in the amount of \$250, or prosecution as a misdemeanor punishable by a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or by both a fine and imprisonment.

3. The following constitute violations for purposes of this Subsection: A conviction for violation of this Section, a conviction under California Penal Code Section 853.7 for failure to appear in court to contest a citation for violation of this Section, or a forfeiture of bail.

4. Nothing in this Section shall be construed as prohibiting the City from enforcing any and all other provisions of this Code or other applicable laws. At all times, Los Angeles Municipal Code Section 63.44, which regulates the use of park and recreational facilities, shall apply.

**J. Other Applicable Opening and Closing Hours.** Nothing in this Section amends or extends the opening or closing hours otherwise established by law for any area subject to this Section.

**K. Posted Notice.** The City shall post signs providing notice of the existence of rules for the allocation and use of the Designated Spaces, Recreation Area and Boardwalk areas near the

entrances to the Designated Spaces and the Recreation Area. A complete copy of this Section shall be available for inspection and copying at the Police Substation or at the Recreation Office.

L. **Severability.** If any portion, subsection, sentence, clause or phrase of this Section is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Section and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.