

ORDINANCE NO. _____

An ordinance amending Section 42.13 of the Los Angeles Municipal Code to create a new Sidewalk Vending Program, amending Section 42.00(b) and deleting Section (b)(5) to remove the prohibition against vending and adding Section 42.15.D.8 to clarify that the new Sidewalk Vending Program will exclude traditional First Amendment activities.

WHEREAS, a well-regulated sidewalk vending program would enliven the City's streetscape by creating a vibrant marketplace;

WHEREAS, sidewalk vending, because it has a relatively low barrier to entry, encourages entrepreneurship;

WHEREAS, providing economic opportunity for people to support themselves and their families is one of the most important goals for the City;

WHEREAS, the Los Angeles City Council finds that there is a need to regulate the sale of food and merchandise in the public right-of-way;

WHEREAS, regulations are needed to ensure that the public has a simple way to ensure vendors prepare food safely and according to the Los Angeles County Department of Public Health's requirements;

WHEREAS, regulations are needed to prevent unsanitary conditions and ensure trash and debris are removed by vendors;

WHEREAS, regulations are needed to accommodate a vendor's equipment while safe-guarding pedestrian movement on the sidewalk;

WHEREAS, the City Council finds that regulation of sidewalk vending benefits the City as a whole as it leads to orderly commerce; and

WHEREAS, the City Council seeks to create a Sidewalk Vending Program which will provide licensing and regulation of street vendors in Los Angeles.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 42.00(b) of the Los Angeles Municipal Code is amended to read as follows:

(b) **First Amendment Protected Street Vending.** No License or Permit specified in Section 42.13 of this Code is required for any Person engaging exclusively in the following types of first amendment protected Street Vending:

Sec. 2. Section 42.00(b)(5) of the Los Angeles Municipal Code is deleted.

Sec. 3. Section 42.13 of the Los Angeles Municipal Code is amended in its entirety to read as follows:

SEC. 42.13. SIDEWALK VENDING PROGRAM.

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

1. **Board.** The Board of Public Works of the City of Los Angeles.
2. **Cart.** Collectively, a Stationary Cart or a Mobile Cart.
3. **Citation.** An Administrative Citation issued pursuant to Article 1.2 of Chapter 1 of this Code, unless otherwise specified.
4. **City.** The City of Los Angeles, a municipal corporation.
5. **Department.** The Department of Public Works, Bureau of Street Services of the City of Los Angeles.
6. **Food.** Any type of edible substance or beverage.
7. **Goods or Merchandise (Merchandise).** Any item that is not Food.
8. **Healthy Food.** Food which provides vital nutrients with limited fats, cholesterol, sodium and added sugar, as defined in the Rules and Regulations.
9. **Mobile Cart.** A piece of equipment used for Vending, as specified in the Rules and Regulations, which is mobile, has no motor and is capable of being propelled by a single Person.
10. **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.

11. **Rules and Regulations.** Detailed requirements concerning the Sidewalk Vending Program meant to clarify and aid in the administration and enforcement of this section.

12. **Sidewalk.** Any surface in the public right-of-way provided for the exclusive use of pedestrians.

13. **Sidewalk Vending Program.** The Sidewalk Vending Program regulates the City's allocation of Licenses and Permits for the sale of Food or Merchandise.

14. **Stationary Cart.** A piece of equipment used for Vending, as specified in the Rules and Regulations, which has no motor and is not mobile, except when being pushed, carried, or transported to and from a space on the Sidewalk on a daily basis.

15. **Vend, Vends or Vending.** To sell, offer for sale, expose or display for sale, solicit offers to purchase, or to barter Food or Merchandise, or to require someone to negotiate, establish or pay a fee before providing Food or Merchandise, even if characterized as a donation.

16. **Vending License (License).** A written City approval required for each person who Vends in the City.

17. **Vending Permit (Permit).** A written City approval required for each Cart used for Vending in the City.

18. **Vending Service Provider.** The entity chosen by the City Council to assist the Department and other City departments to administer the Sidewalk Vending Program.

19. **Vendor.** A Person who Vends.

B. City Administration.

1. The Department is authorized to issue Licenses and Permits for Vending Food or Merchandise and the use of Carts through the Sidewalk Vending Program.

2. Rules and Regulations to implement the Sidewalk Vending Program will be developed and recommended by the Department. The Rules and Regulations shall be approved by the Board and shall be adopted by the City Council through resolution. The Department shall post the Rules and Regulations on its website. The Department shall enforce this section and the Rules and Regulations, as adopted by City Council.

3. The City Council shall select a Vending Service Provider through a competitive process, consistent with City law. The Department shall monitor and assist the Vending Service Provider with its duties and responsibilities.

C. Duties and Responsibilities of the Vending Service Provider.

1. The Vending Service Provider may effectuate the duties and responsibilities listed in this subsection and the Rules and Regulations, including, but not limited to, the following:

(a) Create a position entitled Sidewalk Vending Coordinator to administer the Sidewalk Vending Program.

(b) Develop a notification system to inform Council Districts, the Department, the Los Angeles Police Department and the Economic & Workforce Development Department (EWDD) of all Permits issued.

(c) Manage and operate the Sidewalk Vending Program, with the assistance of and oversight by the Department.

(d) Evaluate applicants for Licenses and Permits to ensure that all requirements under this section and the Rules and Regulations are satisfied.

(e) Establish a complaint process, with the assistance of the Department, to allow the public to report problems. This process shall be described in the Rules and Regulations.

(f) Create, prepare and periodically update a fact sheet indicating the Vending requirements pursuant to this section and the Rules and Regulations.

(g) Notify Licensees and Permittees of all filming and special event locations. Filming and special event schedules shall be posted on the Vending Service Provider's website, and the Sidewalk Vending Coordinator will assist with identifying alternative locations for Vending, if possible.

(h) Provide electronic notification of each issued Permit to the Department, the affected Council District and Los Angeles Police Department Bureau/Division.

(i) Conduct community outreach, with the assistance of the Department, EWDD, Office of Finance and the Los Angeles County

Department of Public Health (Health Department), that provides education about Vending opportunities and responsibilities, which includes the following features:

(1) Coordinating with the Health Department to host a series of workshops throughout the City to educate potential Vendors about the requirements of the Sidewalk Vending Program;

(2) Providing education to interested Vendors about business development services; and

(3) Working with Neighborhood Councils and Business Improvement Districts to host workshops of interest to local businesses, residents, and any other interested community groups.

(4) Providing outreach and education in Spanish and any other languages, as necessary, to provide access to other City resources, such as the City's 311 system and MyLA311.

(j) Allow access to the Office of the Controller and Office of Finance to all Sidewalk Vending Program records for audit purposes. Audit records, include, but are not limited to: applications, fee payments, issuance of Permits and Licenses and dispute resolution proceedings.

D. Special Sidewalk Vending Districts.

1. The City Council may establish certain areas where Vending may be expanded, restricted or prohibited. Such areas shall be called "Special Sidewalk Vending Districts."

2. Special Sidewalk Vending Districts, as well as all conditions applicable in each Special Sidewalk Vending District, shall be detailed in the Rules and Regulations.

3. The Department of Public Works, Bureau of Engineering shall develop interactive maps that display all Sidewalks with any restrictions for Special Sidewalk Vending Districts approved by the City Council.

E. Vending Licenses and Permits.

1. License.

(a) Every Person who engages in Vending is a Vendor and must first obtain, and at all times maintain, a valid License.

(b) Every Vendor must Vend in compliance with the terms and conditions of the License.

(c) To apply for a License, the Vendor must present a valid identification, such as a State of California identification, Matricula Consular or any other government-issued identification card and provide the following information:

(1) The name, address and telephone number of the Vendor.

(2) Proof of liability insurance, as specified by the Rules and Regulations.

(3) Any other information required by the Rules and Regulations.

(4) A Vendor who sells Food, in addition to the requirements of this subdivision, shall certify completion of a food handler course and present a copy of the course completion certificate, as specified by the Rules and Regulations.

(d) A License must be renewed every year, prior to expiration.

(e) No License is transferable.

(f) The applicant must pay an application or renewal fee, as established by the Rules and Regulations.

(g) To promote the sale of Healthy Food options, the Department and the Sidewalk Vending Coordinator may: 1) reduce fees for Vendors who Vend Healthy Food; and 2) waive fees to encourage Vending in areas declared "food deserts" by each Council District, as specified by the Rules and Regulations.

2. Permit.

(a) Every Cart used for Vending must obtain and display a valid Permit.

(b) Every Cart must be placed and used at all times in compliance with the terms and conditions of the Permit and all other applicable laws and regulations.

(c) An applicant for a Permit shall present a valid identification, such as a State of California identification, Matricula Consular or any other government-issued identification and provide the following information:

(1) The name, address and telephone number of the Vendor.

(2) A complete list of the types of Food or Merchandise that will be sold.

(3) The hours per day and days per week during which Sidewalk Vending will be conducted.

(4) An application for placement of a Stationary Cart in a commercial or industrial area of the City shall contain the proposed location, marked by major cross streets, and either the north, south, east or west side of the street and a photo or sketch of that location. An application for a Mobile Cart in a residential area of the City shall contain a sketch showing the route the Vendor will travel. Commercial, industrial and residential areas will be specified in the Rules and Regulations.

(5) Proof of liability insurance, as specified by the Rules and Regulations.

(6) Any other information required by the Rules and Regulations.

(d) A Person may apply for a maximum of three separate Permits.

(e) A Permit must be renewed every year, prior to expiration, except for a Permit to Vend Healthy Food, which must be renewed every two years, prior to expiration.

(f) The Vendor shall pay an application and renewal fee, as established by the Rules and Regulations.

(g) No Person may Vend by placing an object on the Sidewalk unless it has a Permit. The Permit must be attached onto the Cart and be posted where visible.

(h) Every Cart used to Vend Food must be approved by the Health Department. A Cart approved by the Health Department to Vend one type or types of Food, may not be used to Vend a different type or types of Food.

- (i) A Permit is not transferrable to another Cart, location or route.

F. Additional Operational Requirements for Vending.

1. At all times, a Vendor must Vend in compliance with the Rules and Regulations.
2. Every Vendor who Vends with a Cart must be in possession of a valid License and the Cart must display a valid Permit.
3. A Vendor may not use a Stationary Cart to Vend in a residential area. Only a Mobile Cart may be used to Vend in a residential area.
4. A Vendor may operate a Stationary Cart only in an authorized commercial or industrial zone.
5. No more than two Stationary Carts with approved Permits may be used to Vend on the Sidewalk of a single block face within commercial and industrial area Sidewalks of the City, except as may be approved or alternatively regulated in a Special Sidewalk Vending District.
6. A Vendor who Vends in a residential area with a Mobile Cart shall move continuously, except when conducting a sale, which must last no more than seven minutes per sale, except as may be approved or alternatively regulated in a Special Sidewalk Vending District.
7. A decal issued by the City and certifying the issuance of a Permit for the Cart, as well as the Health Department permit, shall be attached to and prominently displayed on each Cart in use by a Vendor to sell Food.
8. Every Cart must not exceed a length of 72 inches, a width of 54 inches, or a height, including roof or awning, of 78 inches. A Permit application may request, and the City may approve, a small table for condiments to be used in conjunction with a Cart selling Food.
9. A Food Vendor must provide a trash receptacle for customers and must ensure proper disposal of customer trash. The trash receptacle must be large enough to accommodate customer trash without resort to existing trash receptacles located on any block for use by the general public. A Vendor may not dispose of customer trash in existing trash receptacles on Sidewalks.
10. A Vendor must maintain a clean and trash-free 10-foot radius from the Vendor's Cart during hours of operation and must leave the area clean by the approved closing time.

11. No Cart, condiment table or Vendor's trash receptacle may be left on the Sidewalk after the Vendor's approved closing time.

12. No Cart shall be chained or fastened to any pole, sign, tree or other object in the public right-of-way or left unattended, as specified by the Rules and Regulations.

13. Vending within 500 feet of any K-12 school is prohibited from 6:00 a.m. through 6:00 p.m., unless the Vendor is selling exclusively Healthy Food.

14. For safety reasons, including pedestrian and vendor safety, Vending is not allowed within 500 feet of Dodger Stadium, the Hollywood Bowl, the Staples Center, the LA Coliseum, the Hollywood Walk of Fame, Universal Studios or any other venue as determined by the Board and published in the Rules and Regulations.

15. No Vending is allowed one hour before, during and one hour after special events that are permitted by the City, including filming, as specified in the Rules and Regulations.

16. City permitted filming and special events shall have priority over Vending Permits, as specified in the Rules and Regulations.

17. Vending of illegal or counterfeit Merchandise is prohibited.

18. Vending of services is prohibited.

G. Placement of Stationary or Mobile Carts.

1. Vending Food or Merchandise on City Sidewalks shall be prohibited:

(a) Within 5 feet of a marked crosswalk.

(b) Within 5 feet of the curb return of an unmarked crosswalk.

(c) Within 5 feet of any fire hydrant, fire call box or other emergency facility, as defined in the Rules and Regulations.

(d) Within 5 feet ahead and 45 feet to the rear of a sign designating a bus stop.

(e) Within a marked bus zone.

(f) Within 5 feet of a bus bench.

- (g) Within 10 feet of a transit shelter.
- (h) Within 5 feet of an area improved with lawn, flowers shrubs, trees or street tree well.
- (i) Within 5 feet of a driveway or driveway apron.
- (j) Within 4 feet of an outdoor dining or patio dining area.
- (k) Within 18 inches from the edge of the curb.
- (l) Where placement impedes the flow of pedestrian traffic by reducing the clear space to less than 6 feet, or impedes access to or the use of abutting property, including, but not limited to, residences and places of business.
- (m) On City-owned property without prior City approval.

2. Notwithstanding any specific prohibitions in this subsection, no Vendor shall install, use or maintain a Cart where placement endangers the safety of persons or property.

3. Notwithstanding the requirements of this section, a Bulky Item, as defined in LAMC 56.11, is subject to confiscation unless the item is a Cart with a valid Permit and is in compliance with this section and the Rules and Regulations.

H. Monitoring and Compliance.

1. A Vendor issued a Citation shall be subject to the following fines:

(a) Vending without a valid Permit or License:

- (1) An administrative fine of \$250 for a first violation;
- (2) An administrative fine of \$500 for a second violation;
- (3) An administrative fine of \$1,000 for a third violation; and
- (4) An administrative fine of \$1,000 for a fourth and each subsequent violation and confiscation of the Cart, Food and Merchandise.

(5) The administrative fines listed in this paragraph may be reduced from \$250 to \$100, \$500 to \$150 and \$1000 to \$200

upon submission of proof of Permit or License to the City Attorney's ACE citation processing center, as specified in the Rules and Regulations.

(b) Vending which violates a requirement in this section or in the Rules and Regulations, other than failure to possess a valid Permit or License:

- (1) An administrative fine of \$100 for a first violation;
- (2) An administrative fine of \$150 for a second violation;
- (3) An administrative fine of \$200 for a third violation; and
- (4) An administrative fine of \$200 for a fourth and each subsequent violation and revocation or suspension of Permit or License and/or confiscation of Cart, Food and Merchandise.

(c) Unless otherwise specified herein, all Citations issued for violations of this section and the Rules and Regulations shall be subject to the provisions set forth in Article 1.2 of Chapter 1 of this Code, including, but not limited to, the administrative hearing and appeal process and the City's authority to use any civil remedy available to collect any unpaid administrative fine.

2. Only the Board may revoke or suspend a Permit or License or order the confiscation of a Cart, Food and Merchandise.

3. Revocation of License or Permit:

(a) Revocation or suspension proceedings shall be conducted pursuant to the requirements in the Rules and Regulations.

(b) Prior to revocation or suspension, the Board shall afford the Vendor or Cart owner a due process hearing.

(c) A Vendor whose License or Permit is revoked may not renew their License or Permit for one year.

4. Confiscation of Cart and/or Food and Merchandise:

(a) Confiscation proceedings shall be conducted pursuant to the requirements in the Rules and Regulations.

(b) Prior to confiscation, the Board shall afford the Vendor or Cart owner a due process hearing, except where the health and safety of the general population are at risk or the Vendor is arrested.

(c) The Rules and Regulations shall specify the circumstances which a Vendor may recover his or her property, if at all.

I. Other Provisions.

1. The Office of Finance shall provide technical training to the Sidewalk Vending Coordinator for the completion of online renewal applications for Business Tax Registration Certificates.

2. The Department shall report six months after the effective date of the ordinance and annually thereafter on the operations and enforcement of the Sidewalk Vending Program in order to identify areas for improvement.

3. The EWDD shall report six months after the effective date of the ordinance and annually thereafter on the outreach efforts of the Sidewalk Vending Coordinator in order to identify areas for improvement.

J. Severability. If any subsection, subdivision, clause, sentence, phrase or portion of this section is held unconstitutional or invalid or unenforceable by any court or tribunal of competent jurisdiction, the remaining subsections, subdivisions, clauses, sentences, phrases or portions of this section shall remain in full force and effect, and to this end the provisions of this section are severable.

Sec. 4. A new Section D.8 is added to Section 42.15 of the Los Angeles Municipal Code to read as follows:

8. No license or permit as specified in Section 42.13 of this Code is required for any Vendor engaged in traditional expressive speech, Performing or petitioning activities.

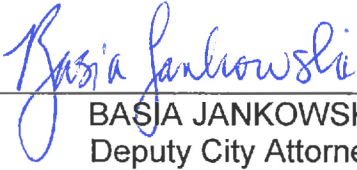
Sec. 5. URGENCY CLAUSE. The City Council finds and declares that this ordinance is required for the immediate protection of public peace, health and safety for the following reason: Many people are currently vending in the City of Los Angeles without regulations which are needed to protect the health and safety of the public and vendors. Regulations requiring the placement of vending equipment on approved City sidewalks will provide sufficient space for safe passage of pedestrians walking by a vendor and his or her equipment. Regulations requiring vendors who sell food to complete a course in the proper way to handle food and requiring the Los Angeles County Department of Public Health to approve food carts used in the City will help prevent foodborne illnesses caused by the improper handling of food by vendors. In

order for the City of Los Angeles to protect the health and safety of its residents, the Sidewalk Vending Program must become effective as soon as possible. For all these reasons, the ordinance shall become effective upon publication pursuant to Los Angeles Charter Section 253.

Sec. 6. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
BASIA JANKOWSKI
Deputy City Attorney

Date 7-2-18

File No. _____

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I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than three-fourths** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____