

LASVC – MODEL SIDEWALK VENDING REGULATIONS

I. Definitions

As used in this section, unless the context or subject matter otherwise requires:

“City” shall mean the city of Los Angeles.

“City Park” shall include every public park, roadside rest area, playground, zoological garden, beach or other recreational facility area, together with any parking lot, reservoir, pier, field, trail or other recreational facility, or structure thereon, in the City of Los Angeles and under the control, operation or management of the board of Recreation and Parks Commissioners.

“Compliance Department” shall mean the Department charged with enforcing the provisions of this ordinance. For vending in City Parks, the Compliance Department shall be the Department of Recreation and Parks, Park Ranger Division. For vending on the Public Right of Way, the Compliance Department shall be the Investigation and Enforcement Division of the Bureau of Street Services of the Department of Public Works

“Food” shall mean any type of edible substance or beverage.

“Food Cart” shall mean any wheeled vehicle, pushcart or other device used by a food vendor, other than a motor vehicle, which may be moved without the assistance of a motor and which does not require registration by the department of motor vehicles.

“Goods or Merchandise” shall mean any items that are not Food.

“Healthy Food” shall include, but not be limited to, the following:

- (i) Raw fruits and vegetables
- (ii) Low fat or nonfat milk products
- (iii) Nondairy milk
- (iv) Drinking water
- (v) 100% fruit juice
- (vi) Uncooked beans
- (vii) Uncooked whole grain rice
- (viii) Unsalted nuts and seeds
- (ix) Commercially packaged foods that meet at least one of the following criteria:
 1. A whole-grain rich product
 2. Any food item that has as the first ingredient a fruit, vegetable, dairy product or protein food
 3. Combination food that contains at least one cup of fruit and/or vegetable

“Healthy Food Cart” shall mean a Food Cart permitted to sell only Healthy Food, as defined above. Healthy Food Carts are prohibited from vending commercially packaged sugar-sweetened beverages.

“Healthy Food Corners” shall mean those intersections, designated in this Section, located in areas of the City that lack sufficient access to healthy food options, where vending is reserved exclusively for Healthy Food Vendors.

“Mobile” shall mean that any vending operation shall be entirely self-contained within a Food Cart, Healthy Food Cart, stand or other fixture or device used for display and capable of moving from one location to another without undue delay.

“Permitting Department” shall mean the Department responsible for reviewing Vending Permit Applications and issuing Vending Permits. For applicants who wish to vend in City Parks, the Permitting Department shall be the Department of Recreation and Parks. For applicants who wish to vend on the Public Right Of Way in the City, the Permitting Department shall be the Public Works Department, Bureau of Street Services.

“Public Right of Way” shall mean any public street, sidewalk, parkway, plaza, alley or other locations owned or otherwise controlled by the City for the benefit of the general public.

“Sidewalk” shall mean any surface in the public right-of-way provided for the exclusive use of pedestrians.

“Stand” shall mean any nonpermanent table, bench, booth, rack, handcart, or any other fixture or device used for the display, sale, storage or transportation of food or merchandise offered for sale by a Vendor.

“Vend or Vending” shall mean to sell or offer for sale food, goods, wares, or merchandise not otherwise prohibited by this section from a Food Cart, Stand, or from one’s person on the public right-of-way.

“Vendor” shall mean a person who vends, including the employers, employees, and agents of a Vendor.

“Vending Operation” shall mean a Food Cart, Stand, pushcart, vehicle or any other structure or method that will constitute the means by which a Vendor will display and offer for sale any goods, wares, merchandise, beverages or food of any kind. Each individual Food Cart, Stand, pushcart or display shall be considered a separate Vending Operation.

“Vending Permit” shall mean a permit issued by the Permitting Department, pursuant to [subsection] of this Section

II. Permit required

- a. No person shall vend any food, product, or merchandise from any public right-of-way or City Park without first applying for and receiving a valid permit from the applicable Permitting Department.

III. Permitting Rules and Procedures

- a. Permitting Department. For applicants who wish to vend on City Sidewalks, the Permitting Department shall be the Public Works Department, Bureau of Street Services. For applicants who wish to vend in City Parks, the Permitting Department shall be the Department of Recreation and Parks. If an applicant wishes to vend both in City Parks and on the Public Right of Way, the applicant may complete and submit a single Vending Permit Application to [TBD: single entity/single process to avoid undue delay].
- b. Permit classifications. The applicable Permitting Department shall issue the Vending Permits for the following types and modes of vending:
 - i. *Type of Vending*
 1. A Class A Permit shall authorize the vending of food, provided that the applicant has obtained approval from the County Department of Public Health to engage in the vending of the item in the manner proposed, and holds any additional food vending licenses and permits required under state law, including a Public Health Permit from the County Department of Public Health.
 2. A Class B Permits shall authorize the operation of a Healthy Food Cart, subject to the regulations and incentives contained in this section.
 3. A Class C Permit shall authorize the vending of non-food Merchandise, subject to the restriction or prohibitions of this section and any other applicable law.
 - ii. *Mode of Vending*
 1. A Class 1 Stationary Permit shall authorize a Vendor to vend Food or non-food merchandise from a single fixed location, provided that the Vendor provides a trash receptacle for the use of customers for the duration of the day, and at the end of the day completely vacates the location, removes all Vending equipment, and disposes of any trash or litter left by customers.
 2. A Class 2 Roaming Permit shall authorize a Vendor to roam along the route listed on the County Department of Public Health Mobile Food Facility Route Sheet, provided that the Vendor provides a trash receptacle for the use of

customers for the duration of the day and disposes of any trash or litter left by customers. Class 2 Permit shall authorize but shall not require the use of a Cart, Stand, pushcart or other display. A Vendor who has obtained a Class 2 Permit may vend from their person, provided that the Vendor only vends what they can carry on their person.

- c. Permit Fees. The applicable Permitting Department shall establish all fees, in accordance with the level of enforcement deemed appropriate by the Permitting Department, and shall only be used to defray the total expenses of operation of the street vending program including: permitting, administration, and enforcement, required by this Section. The Initial Permit Fee, the Renewal Permit Fee, and Late Renewal Penalty Fee shall be determined and adopted from time to time by the Permitting Department. The Fees shall be assessed based on the Class of Item (Letter). In determining the appropriate fee, the Permitting Department shall:
- i. Waive or set a lower initial permit fee and renewal fee for approved Class B Healthy Food Cart vendors.
 - ii. Waive or set a lower initial permit fee and renewal fee for Veterans.
 - iii. Limit the initial permit fee for Class A Permits to no more than [tbd] dollars (\$xxx), payable in annual installments of [tbd] (\$xx).
 - iv. Limit the initial permit fee for Class B Permits to no more than [tbd] dollars (\$xxx), payable in annual installments of [tbd] dollars (\$xx).
 - v. Provide for fee waivers in special circumstances as to be determined by the Board of the Permitting Department.
 - vi. Limit any annual increase in the fee amount to 1%.
- d. Permit terms and conditions.
- i. A Vending Permit shall be issued only to the owner or principle responsible for the Vending Operation, and may not be sold, transferred, conveyed, or otherwise assigned to any other person or entity without the express written consent of the Permitting Department.
 - ii. A unique Vending Permit shall be required for each Vending Operation. Any individual, partnership, corporation, limited liability company or other association or entity may not obtain more than three [3] Vending Permits, or serve as the principle responsible for more than three [3] Vending Operations at any one time.
 - iii. Unless earlier revoked, Vending Permits shall expire three years following the date upon which each such permit is issued. Such permits may thereafter be renewed annually upon the payment of the fee hereinafter prescribed. Applications for renewal shall be made at least 30 days prior to the expiration of any permit issued, and must be accompanied by a permit renewal fee as set forth below. Applications for permit renewals and payments must be either presented in person to the Permitting Department, via the Internet (if available), or mailed via certified mail, postmarked no later than 30 days prior to the date of permit expiration. Failure to renew an existing Vending Permit before its expiration will require the payment of a late renewal penalty as set forth below.
 - iv. Notwithstanding subsection (xx) above, the applicable Permitting Department may issue temporary permits, valid for a predetermined three-month period of time, upon the furnishing of an application in such form and detail as the Permitting Department may prescribe, and payment of a pro-rated fee.
 - v. Through the issuance of a Vending Permit, the Permitting Department may place reasonable conditions and restrictions on the Vending Operation in furtherance of the public welfare.
- e. Permit Applications. All Vending Permit Applications shall be in writing on forms provided by the Permitting Department, and shall be accompanied by payment of the permit fee. In addition to

any other information the Permitting Department shall require, a Vending Permit Application shall including the following information:

- i. The name, address, and telephone number of the applicant who is the owner and/or principal responsible for the Vending Operation.
 - ii. Valid identification, which requirement shall be satisfied by a Vendor providing any one of the following: a valid driver's license; a state or federal government-issued identification card; a current U.S. passport; a current foreign passport; an expired passport; any valid consular identification document honored by the City, County or State; or any other form of identification approved pursuant to Section 16.08 of Chapter 1, Division 1, Article 2.0 of Title 13, California Code of Regulations.
 - iii. The name, address, and telephone number of the responsible person whom the City may contact or notify at any time concerning the applicant's Vending Operation.
 - iv. If the applicant is a partnership, corporation, association, limited liability company or other legal entity, the name and address of each partner, member, officer or manager of such entity; if a corporation, the designated individual for service of process.
 - v. The number of Vending Operations owned, operated, leased, controlled or contracted by the applicant to be used in the City.
 - vi. The Class(es) of Vending Permit(s) being sought.
 - vii. For Class A and B Vending Permits, the applicant shall provide:
 - a. a copy of the Mobile Food Facility Route Sheet provided to the County Department of Public Health, Vehicle Inspection Program, listing the route information and location of operation.
 - b. a copy of a valid Public Health Permit from the County Department of Public Health, if required, and proof of commissary usage in accordance with the California Food Retail Code.
 - viii. Proof that the applicant has obtained all other City, County and State required licenses and permits, including a Business Tax registration Certificate from the Office of Finance.
 - ix. Proof that the applicant has obtained a policy of general liability insurance, pursuant to the requirements described herein.
 - x. No City officer or employee shall inquire about an applicant's immigration or citizenship status as part of an application made pursuant to this section. Information about an applicant's immigration or citizenship status shall not affect the consideration of the application for a license under this section or renewal thereof.
- f. Economic and Workforce Development Department (EWDD) Liaison. At the request of an applicant, the EWDD shall assign a Liaison to review the applicant's compliance with the above requirements regarding a City of Los Angeles Business Tax Registration Certificate, a State of California Seller's Permit, a policy of general Liability Insurance, and any required County Health Permit. If an applicant has not complied with the above requirements, the Liaison shall provide information and technical assistance to help the applicant meet the requirements above. If the Liaison determines that an applicant has complied with the requirements outlined above, the Liaison shall refer the applicant to the applicable Permitting Department. The purpose of the EWDD Sidewalk Vending Liaison shall be to support vending applicants in complying with permitting requirements and accessing technical support. In no event shall consultation with the EWDD Liaison be a prerequisite for submitting a Vending Permit Application directly to the applicable Permitting Department.
- g. Introductory Course. The Economic and Workforce Development Department shall, in partnership with community based organizations and City and County officials, provide no fewer than four introductory courses during the first 12-month period after the effective date of this ordinance. The purpose of this introductory course shall be to educate Vendors about the new sidewalk vending opportunities and requirements; provide information about vending locations

and mode of vending, including opportunities to operate a Healthy Food Cart as described below; and to assist Vendors with the permit application process and compliance. The introductory course shall be held at a time and place that is convenient and accessible to Vendors, with appropriate language assistance services.

- h. Incomplete applications and Reconsideration. Any applicant whose request for a permit is deemed incomplete or denied for any reason is entitled to a written explanation of why the Vending Permit was denied. The applicant shall have an opportunity to correct any deficiencies in the application, including an opportunity to consult with the EWDD Liaison, and resubmit for reconsideration. If the revised application is deemed complete, the Permitting Department shall issue a Vending Permit to the applicant.
- i. Complete applications. Upon making a determination that the application is complete and the applicant has satisfied all requirements, the Permitting Department shall issue a Vending Permit for the Vending Operation.
- j. Identification and permit display. The Permitting Department shall issue a plate or sticker displaying the letter, number and color associated with the permitted type, and mode of vending. Each Permit Plate shall contain a unique identification number assigned to the particular Food Cart or Stand, a telephone number or postal box number where the owner may be reached, and whether the Permit is for a Healthy Food Cart. Said plate or sticker must be affixed to the Vending Operation that is authorized under the Vending Permit, in a place which is clearly visible to the public. Any Vendor who has obtained a Green Permit and who does not operate a Cart or Stand shall be required to carry a valid Vending Permit on his or her person while engaged in the business of vending.
- k. Suspension of Permit by Permitting Department. The Permitting Department may choose to suspend any permit issued pursuant to this section for any of the following reasons.
 - i. Falsehood of any information supplied by the permittee upon which issuance of the permit was based.
 - ii. Citation on four (4) or more occasions within a 12 month period for violations of the regulations set forth in this Section.
 - iii. Citation on four (4) or more occasions within a 12 month period for violations of the applicable requirements of the California Retail Food Code.
- l. Suspension Procedures. The permit holder shall be notified in writing when a permit has been suspended. Such notice shall contain the grounds upon which the suspension is based and the right to seek an appeal of the suspension under this Section. If no appeal is filed, suspension of the permit shall become effective twenty-one (21) days after notice is served. If an appeal is filed, the suspension or revocation shall become effective upon final determination by the Board of the Permitting Department.
- m. Term of suspension. Any person whose permit is suspended shall not be eligible to Vend or operate any Vending Operation for a period of six months.

IV. Vending Operation Requirements

- a. Sellers Permit required. To obtain a Vending Permit to Vend on City sidewalks, in City parks or both, an applicant must first obtain a State of California Seller's Permit.
- b. Business Tax Registration required. To obtain a Vending Permit to Vend on City sidewalks, in City parks or both, an applicant must first obtain a City of Los Angeles Business Tax Registration Certificate.

c. Liability Insurance Required.

- i. The owner of a permitted Vending Operation shall be required to maintain a policy of general liability insurance, naming the City of Los Angeles, the Board of Public Works, the Board of Recreation and Parks, and its employees, agents etc. as "Additional Insureds" for the specific purpose of indemnifying and holding harmless the City of Los Angeles, its officers, boards, employees, etc. from and against any and all losses, costs, damages, expenses, or liability, whatsoever, which may result from or arise out of the granting of a permit. The policy of insurance shall be maintained in its original amount by the permittee at permittee's expense at all times during the period for which the permittee holds a valid permit or permits. Should said policy be called upon to satisfy any liability for damages covered by said policy, the policy must be of such a nature that the original amount of coverage is restored after any payment of damages by the policy. Where a Vending Operation owns and operates more than one Food Cart or Stand, the owner shall only be required to maintain a single policy of insurance covering all Food Carts or Stands owned in the amount set forth below.
- ii. The Permitting Department shall be responsible, from time to time, for adopting the limits of liability insurance required to be maintained by owners of Vending Operations under this section. The Permitting Department shall receive a recommendation from the City's Risk Manager prior to setting the limits of liability insurance.
- iii. The policy must include coverage for Vendors who are not the owner of the Vending Operation and the owner of the Vending Operation is fully responsible for the acts or omissions of any Vendor who vends for or on behalf of the owner's Vending Operation, regardless of whether the Vendor is an employee, agent, or independent contractor of the Vending Operation.
- iv. Group policies shall be permitted under this section.

d. Size and Appearance of Vending Operations.

- i. The City Vending Permit plate or sticker and any designated Healthy Food Cart plate shall be permanently affixed and conspicuously displayed on the Vending Operation in a way that is clearly visible to the public.
- ii. Any Vending Operation that sells food shall comply with all equipment certification requirements of the California Food Retail Code.
- iii. Class B Vending Operations shall not exceed 8 feet in length by 4 feet in width.
- iv. No Vending Operation shall be used for offsite advertising or publicity purposes. External lettering shall be limited to: Vendor's name or fictitious business name, including address and phone number of the principal; menu items sold by the Vendor and prices; photos of items sold by the Vendor; and the Vending Permit plate issued pursuant to this Section, including a designated Healthy Food Cart plate, if applicable.

e. Good Neighbor Policy. Vending Operations shall provide a trash receptacle for the use of customers and Vendors 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 Vendor.

f. Hours of Operation. No Vending Operation shall operate on City Sidewalks between the hours of 3:00am and 6:00am, unless the Permitting Department has approved such sales after consulting with the Chief of Police. No Vending Operation shall operate in City Parks between the hours of 10:00pm and 6:00am, unless the Permitting Department has approved such sales after consulting with the Chief of Police.

V. Vending Location Restrictions Generally

a. Sidewalk Vending Restrictions. No person shall maintain a Vending Operation:

- i. In such a way that would restrict or interfere with the ingress or egress of the abutting owner or tenant or to create or become a nuisance, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police, or sanitation vehicles.
- ii. Where placement impedes the flow of pedestrian traffic by reducing the clear space to less than 5 feet or, impedes access to or the use of abutting property, including, but not limited to, residences and places of business.
- iii. Immediately in front of buildings, houses, structures, or public stairs such that it causes a violation of ADA guidelines for pedestrian passage.
- iv. Within [xx] feet of another Vending Operation.
- v. On any part of the public right-of-way that is improved with lawn, flowers, shrubs, trees, other plants or decorative landscaping.
- vi. On the roadway portion of any street, except that Vending shall be permitted within a People St Plaza or other areas reserved exclusively for pedestrian use.
- vii. On medians of divided highways, unless such median is intended as a pedestrian walkway.
- viii. Within ten feet of a fire hydrant.
- ix. Within twenty feet of any hospital or emergency room entrance.
- x. Within an Exclusive Healthy Food Vending Area, as defined below, unless the Vending Operation has a valid Class B Healthy Food Vending Permit.
- xi. Where exigent circumstances exist and a police officer or other authorized officer or employee of the city gives notice to a Vendor to temporarily move from a location such Vendor shall not Vend from such location. For the purpose of this subsection, exigent circumstances shall include but not be limited to, unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire or other emergency situation at or near such location, or a parade, demonstration, or other such event or occurrence at or near such location.

b. Park Vending Restrictions

[tbd]

VI. Healthy Food Cart Program.

- a. Healthy Food Cart Incentives. A Vendor with a Class B Healthy Food Cart Permit may operate a Healthy Food Cart, as defined in this section, consistent with the following:
 - i. The Permitting Department shall waive or set a lower permit fee for Healthy Food Carts.
 - ii. The Permitting Department shall waive or set a lower renewal fee for Healthy Food Carts.
 - iii. The City shall reserve [30]% of available Technical Assistance funds to be allocated and expended exclusively to provide technical and financial assistance to Healthy Food Carts.
 - iv. As a condition of approval for a street closure that includes subsidy or sponsorship by the City or for any private event held on city-owned property, and at any event in which the City contracts with food vendors to vend food, the City shall require that at least 10% of the stands or booths at which food will be sold shall be made available for Healthy Food Carts at no cost to the Vendor. The City shall create and maintain a database of Healthy Food Vending Operations that are interested in vending opportunities at City-sponsored events, and shall publicize opportunities for Healthy Food Vending at City-sponsored events. This provision shall not apply to Catering Trucks as defined in Section 80.73(b) of this Code or any public event in which fewer than five stands or booths will be available.
 - v. Healthy Food Carts shall be permitted in Exclusive Healthy Food Vending Areas that are not accessible to other Food Carts, as described below.

- b. Exclusive Healthy Food Vending Areas. No Vending Operation shall vend any food, goods or merchandise in the following locations:
 - i. Except for Healthy Food Carts, within 500 feet of any school during school hours.
 - ii. Except for Healthy Food Carts, within 100 feet of City Hall.
 - iii. Except for Healthy Food Carts, directly in front of hospitals and medical clinics.
 - iv. Except for Healthy Food Carts, within 20 feet of designated Healthy Food Corners, which shall be the following intersections located in areas of the City that lack sufficient healthy food retail options:
 - [TBD]
 - [TBD]
 - [TBD]
 - [TBD]
 - [TBD]

VII. Enforcement and Penalties

- a. Shared Enforcement. The provisions of this section shall be enforced by the Los Angeles Police Department and the applicable Compliance Department. For vending on the Public Right of Way, the Compliance Department shall be the Investigation and Enforcement Division of the Bureau of Street Services of the Department of Public Works. For vending in City Parks, the Compliance Department shall be the Los Angeles Department of Recreation and Parks, Park Ranger Division. The Police Department and/or the applicable Compliance Department may issue an order to immediately cease and desist from any violation of this section or any rule or regulation of the Permitting Department.
- b. Penalties. No person shall be subject to a misdemeanor for any violation of this Section, except that the vending of any item in violation of the restrictions or prohibitions of any other applicable law shall be subject to any applicable criminal penalties as set forth in the Penal Code. In addition to the permit suspension provisions described [above], additional compliance strategies should focus on education and outreach, with escalating penalties for non-compliance consistent with the following:
 - i. Upon the first occasion in which a Vendor is found to be in violation of this section a Vendor shall be informed of the nature of the violation(s) and issued a warning.
 - ii. Upon a second occasion in which a Vendor is found to be in violation of this section, occurring within one year of the first occasion, the Vendor shall be issued a notice of violation that identifies the condition(s) or activities that constitutes the violation(s) and specifies that a penalty may be imposed unless compliance is achieved within 6 months. If the Vendor corrects the violation(s) and demonstrates that compliance has been achieved within 6 months, no fine or citation shall be imposed. If the Vendor does not correct the violation(s) within 6 months, the Vendor may be issued an infraction and subject to a fine not to exceed \$150. Vendors experiencing financial hardship due to compliance with this provision may request in writing that the Compliance Department approve an extension of the time to come into compliance.
 - iii. Upon a third occasion in which a Vendor is found to be in violation of this section, occurring within one year of the first occasion, any violation shall be an infraction, subject to a fine not to exceed \$150 if no fines were imposed on the second occasion, or a fine not to exceed \$250 if any fine was imposed on the second occasion.
 - iv. Upon a fourth and any subsequent occasion in which a Vendor is found to be in violation of this section occurring within one year of the first occasion, a violation shall be an infraction, subject to a fine not to exceed \$250, and subject to suspension of the permit for a period of six months.

- c. Grace Period. A Grace Period shall follow the effective date of this ordinance to accommodate a period of public education.
- i. All Vending Operations shall be brought into compliance with all provisions of this Section within one year of its effective date, unless the City's implementation schedule takes longer than 12 months, in which case the Grace Period shall be extended based on the City's implementation schedule.
 - ii. Vendors experiencing financial hardship due to compliance with this program may request the Permitting Department to approve one 6-month extension for the payment of fees.
 - iii. During the Grace Period, Vendors who have not yet obtained a Vending Permit, Business Tax Registration or a policy of general liability insurance may be referred to an introductory course, but in no event shall failure to obtain a Vending Permit, Business Tax Registration or a policy of general liability insurance be subject to a fine or citation from the Compliance Department or any other City law enforcement agency during the Grace Period.
 - iv. Vendors who have failed to obtain a Vending Permit, Business Tax Registration or a policy of general liability insurance after the Grace Period ends shall be deemed to be in violation of this Section and subject to the penalties described above.
 - v. Notwithstanding the Grace Period in which no Vendor shall be cited for failure to obtain a Vending Permit, Business Tax Registration or a policy of general liability insurance, all violations of requirements pertaining to obstructions, vending location, vending appearance and Exclusive Healthy Food Vending Areas shall be subject to the penalties described above, beginning immediately on the effective date of this ordinance.