

OFFICE OF THE CHIEF OF POLICE

NOTICE

March 11, 2019

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TO: All Sworn Personnel

FROM: Chief of Police

SUBJECT: CITY OF LOS ANGELES VENDING PROGRAM – EDUCATION AND ENFORCEMENT

Senate Bill 946, effective January 1, 2019, significantly changes the regulation of vending on public property. In response, the Los Angeles City Council passed an Ordinance updating Los Angeles Municipal Code (LAMC) Section 42.13, to create a Vending Program in a manner consistent with SB 946. The Vending Program regulates vendors on sidewalks and in parks engaged in the sale of food and non-First Amendment protected merchandise. The Ordinance requires the Bureau of Street Services (BOSS) and Department of Recreation and Parks (RAP) to adopt Rules and Regulations to further govern vendors' conduct.

With hundreds of street vendors operating on the sidewalks and public ways of Los Angeles, Department personnel should primarily seek to obtain voluntary compliance with BSS and RAP vending Rules and Regulations. Officers are encouraged to educate vendors and community members on the Vending Program. When it is necessary for officers to take enforcement action, officers shall only use the Administrative Citation Enforcement (ACE) program. Officers shall not use a Non-Traffic Release from Custody (RFC) to cite for a vending violation, as a violation of the Ordinance is neither an infraction nor misdemeanor.

Generally, officers should focus on ensuring the health, safety and welfare of all community members, as well as the usability of City sidewalks and public parks. After providing education, if an officer determines that issuance of a citation is appropriate, the officer shall use the following Municipal Code section and format to cite offenders (an exemplar citation is attached):

§42.13(B)(3) – Vending in violation of the Rules and Regulations established by either RAP or BOSS, or vending without a permit (the latter, effective January 2020).

Note: Where the offense consists of an observed violation of a Rule or Regulation, officers shall also include the specific RAP or BOSS Rule in the citation narrative, and provide a brief statement of the violation observed (i.e., LAMC §42.13(B)(3): Viol. of RAP Rule 25 – Vending within 500 feet of a permitted farmer's market/swap meet).

Common violations may include the following:

- Vendors shall not block or impede any pathways/sidewalks, ensuring sufficient pedestrian and wheelchair/ADA clearance (RAP Rule 6; BOSS Rule 2);
- Vendors shall be equipped with refuse containers to contain all refuse generated by the vendor's operations (RAP Rule 29, BOSS Rule 1);
- Vendors shall not operate within 500 feet of a special permitted activity (e.g., street closure, filming location, or farmer's market) [RAP Rule 25, BOSS Rule 2(i)]; and,
- Vendors shall possess, and make available for inspection, all applicable business, tax, and health permits required by the State, County, or City (RAP Rule 33, BOSS Rule 5).

Officers receiving a radio call reporting a potential vending violation should familiarize themselves with the BOSS and RAP Rules and Regulations, including Restricted Vending Locations (e.g., Hollywood Walk of Fame, Universal Studios, El Pueblo de Los Angeles Historical Monument). A list of these Rules and Regulations as well as the Restricted Vending Locations will be posted on the Department's Local Area Network under the "Reference Library."

Importantly, vending on sidewalks and in parks of First Amendment-protected merchandise (as defined in LAMC §§42.00 and 42.15) is not subject to the regulations of LAMC §42.13, but is subject to enforcement through the ACE program, and the penalties prescribed in Section 42.13(D).

If you have any questions regarding this Notice, please contact the Office of Operations, at (213) 486-6050.



MICHEL R. MOORE,
Chief of Police

Attachment

DISTRIBUTION "D"

LOS ANGELES POLICE DEPARTMENT
CITY OF LOS ANGELES

A: 072676

ADMINISTRATIVE CITATION

Date of Violation 11/19		Time 8:00	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Day of Week S @ T W T F S		Incident No.
Name (First, Middle, Last) JOHN Q. PUBLIC						
Address 123 MAPLE ST						
City LOS ANGELES		State CA		ZIP Code 90012		
Identification No. A1234567		State CA	Type C	Age 30	Birth Date 11/1/89	
Sex M	Hair BLK	Eyes BRO	Height 600	Weight 200	Race O	Other Description -
LAMC Section			Description			

LAMC 42.13(B)(3) : VIOLATION OF RAP
RULE 25 - VENDING WITHIN 500 FT. OF
A PERMITTED FARMER'S MARKET / SWAP MEET

Location of Violation(s) 1st / LOS ANGELES	City and County of Los Angeles	RD 01
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Comments

VENDING VICTUALS NEXT TO FARMER'S MARKET

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

OFFICER Citing Officer	<input type="checkbox"/> TE <input type="checkbox"/> CI <input type="checkbox"/> PT DIV 00	12345 Serial No.	PASSED to Dates Off
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The Administrative Citation Enforcement (ACE) Processing Center will mail you a "Notice of Administrative Violation and Fine Due" at the address noted above. The Notice will include the amount of the administrative fine(s) due and the instructions on how to either pay the fine(s) or contest the citation.

I PROMISE TO EITHER PAY OR CONTEST THIS ADMINISTRATIVE CITATION IN ACCORDANCE WITH THE "NOTICE OF ADMINISTRATIVE VIOLATION AND FINE DUE." I VERIFY THAT THE ADDRESS NOTED ABOVE IS MY CORRECT MAILING ADDRESS.

X Signature

IMPORTANT INFORMATION

If you do not receive the "Notice of Administrative Violation and Fine Due" within 14 days of the violation date on the citation, you must contact the ACE Processing Center regarding your citation.

ADMINISTRATIVE CITATION ENFORCEMENT (ACE) PROCESSING CENTER

Telephone: 1 (800) 969-6158

Website: www.CitationProcessingCenter.com

SEE IMPORTANT WARNING ON REVERSE