## **OFFICE OF THE CHIEF OF POLICE**

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March 11, 2019

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 <u>non</u>-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 <u>only</u> 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).

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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 B. MOORE, Chief of Police

Attachment

DISTRIBUTION "D"

## LOS ANGELES POLICE DEPARTMENT CITY OF LOS ANGELES

## A:072676

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