

OFFICE OF OPERATIONS

OPERATIONS NOTICE NO. 1

April 9, 2015

SUBJECT: AMENDMENTS TO LOS ANGELES MUNICIPAL CODES REGARDING PROHIBITED AGGRESSIVE SOLICITATION AND REGULATION OF STREET SALES

PURPOSE: Based on rulings by the 9th Circuit Court of Appeals, the Los Angeles City Council has recently approved amendments to Los Angeles Municipal Code (LAMC) § 41.59 and § 42.00, which became effective on December 10, 2013.

This Notice provides an overview of the changes, which may potentially affect Department operations. Department personnel should review these highlights and read the specific code sections for the full language of each ordinance.

Los Angeles Municipal Code

LAMC § 41.59, Prohibition Against Certain Forms of Aggressive Solicitation. Previously, it was a violation for an individual to engage in any solicitation of an occupant of a motor vehicle located in a public place, even if not made in an aggressive manner.

LAMC § 41.59(c)(2), has been deleted, meaning there is no longer a complete prohibition of solicitations from occupants of motor vehicles.

The remainder of **LAMC 41.59(c)(2), Parking Lots**, was re-lettered accordingly.

Note: Officers are reminded that LAMC § 41.59(b) prohibiting "Aggressive Solicitation" remains in effect and it continues to be unlawful for persons to engage in any aggressive solicitation, even of the occupants of a motor vehicle.

LAMC § 42.00, Regulation of Soliciting and Sales in Streets. The previous Code section prohibited all forms of street/sidewalk sales, Citywide. The amendments to this Code section continue to prohibit street/sidewalk sales, generally, but now include certain activities and sales which are exceptions to the "no sales" rule. Additionally, the terms and definitions for "Donation", "Food", "Goods or Merchandise", "Handcrafts", "Persons", "Roadway", "Ticket", "Vend or Vending", and "Vendor" have been added; the definitions for "Parkway" and "Sidewalk" have been modified.

LAMC § 42.00(b)(1), (2), (3), and (4). The following subsections have been added as exceptions to prohibited street vending:

Subsection (b)(1) allows persons to engage in traditional expressive speech and petitioning activities, and Vend the following expressive items: newspapers, leaflets, pamphlets, bumper stickers, patches and/or buttons.

Subsection (b)(2) allows persons to 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.

Note: The following language now appears directly in the ordinance: "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."

Subsection (b)(3) allows Performers to Perform.

Note: While persons may Perform, they may not do so in a manner which unreasonably obstructs the free passage of persons along the sidewalk. Should officers observe facts supporting a violation of LAMC § 41.18(a), they may take appropriate enforcement action.


Subsection (b)(4) requires any Vendor conducting lawful Vending under subsections (b)(1) and (b)(2) to comply with applicable tax and licensing requirements.

LAMC § 42.00(c). It is now prohibited to sell, exchange or provide tickets on the street in connection with the operation of a business.

Note: It is not illegal to solicit business on the sidewalk by verbally calling out or by passing out flyers or other written materials. This subdivision prohibits the actual transaction of money or other consideration for a ticket or voucher when it occurs on the street/sidewalk.

April 9, 2015

Should you have any questions, please contact the Evaluation and Administration Section, Office of Operations, at (213) 486-6050.



JORGE A. VILLEGAS, Assistant Chief
Director, Office of Operations

DISTRIBUTION "A"