Los Angeles Municipal Code Section

Section 42.00

(b) Street Vending Prohibited. (Amended by Ord. No. 182,813, Eff. 12/10/13.) Except as otherwise allowed by law, no Person shall engage in Vending upon any Street except as specifically allowed below:

(1) Persons can engage in traditional expressive speech and petitioning activities, and can Vend the following expressive items: newspapers, leaflets, pamphlets, bumper stickers, patches and/or buttons.

(2) Persons can 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. 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.

(3) Performers can Perform.

(4) Any Vendor conducting lawful Vending under Subsections (b)(1) and (b)(2), above, must comply with applicable tax and licensing requirements.
Los Angeles Municipal Code

Section 42.00

(m) Establishment and Regulation of Special Sidewalk Vending Districts. (Added by Ord. No. 169,319, Eff. 2/18/94.)

(1) The Board of Public Works, hereinafter referred to as “Board,” is authorized to form special sidewalk vending districts for the purpose of permitting vending of goods, wares and merchandise and announcing the availability thereof within such districts, and to promulgate rules and regulations with respect to the formation of such districts. The term “district” whenever used in this subdivision shall mean “special sidewalk vending district.” No more than eight districts shall be approved by the Board during the first two years following the effective date of this ordinance. Each district shall have a designated police liaison appointed by the Chief of Police. Before any proposed vending districts are established, the City Council shall adopt a humane and comprehensive enforcement policy regarding sidewalk vending both inside and outside the proposed districts.

(2) (Amended by Ord. No. 171,913, Eff. 3/15/98.) A petition may be filed with the Sidewalk Vending Administrator of the Community Development Department, hereinafter referred to as “Sidewalk Vending Administrator,” by any person or persons, hereinafter referred to as “applicant,” interested in the formation of a special sidewalk vending district. The Sidewalk Vending Administrator shall coordinate with the Board regarding the filing and processing of said application. The petition shall be subject to the following conditions and requirements:

(A) The applicant shall pay to the Sidewalk Vending Administrator a nonrefundable application fee to establish a district. However, such fee shall not be paid until after the City Council has approved the formation of the district pursuant to Subdivision (6) of this subsection. No license application in respect to said district shall be approved until the fee has been paid. Said fee shall be determined and adopted in the same manner as provided in Section 12.37-1,1 of the Los Angeles Municipal Code for establishing fees.

(B) The petition shall contain the name or names of the applicant(s) and names and signatures together with residence or business addresses within the district of persons endorsing the formation of the district. The endorsing list must consist of the owners or those in possession, such as tenants or lessees, of at least 20 percent of the businesses and 20 percent of the residents in each block or portion thereof to be included in the district.
The petition shall set forth:

1. The proposed boundaries of the district, which shall only be in commercially zoned areas of the City;

2. The location and number of vending sites sought to be approved;

3. Any rules or regulations deemed necessary or desirable by the petitioners to organize vending activity within the district; and

4. The purpose for establishing the district.

The petition shall be accompanied by a list provided by the Sidewalk Vending Administrator of the names and addresses of all property owners, businesses and residents within the district and within a 500-foot radius of the boundaries of the district, together with a cash deposit sufficient to cover the costs of preparing such a list and of mailing and publishing notifications as provided below.

The district shall not be limited to any particular size and the proposed density of vending sites may vary from area-to-area within the district.

(3) (Amended by Ord. No. 171,913, Eff. 3/15/98.) Upon receipt of said petition, the Sidewalk Vending Administrator shall notify the Council member or Council members in whose district or districts the special sidewalk vending district is proposed to be located, at which time the Council member or Council members shall appoint a Community Advisory Committee. The Community Advisory Committee must contain a Street Use Inspector, a Police Officer and the Sidewalk Vending Administrator. The committee shall have balanced representation of proponents of the district, fixed businesses, and residents within or adjacent to the proposed districts, as well as a representative of the Council office or offices. The committee will make recommendations on boundaries of the district, density and location of vendors, goods sold, design of carts and hours of operation. There shall be a limit of 90 days between filing this petition and a final decision by the Board.

(4) (Amended by Ord. No. 171,913, Eff. 3/15/98.) After reviewing the petition for compliance with the provisions of this Code, the Sidewalk Vending Administrator shall transmit said petition to the Board which shall set the matter for public hearing in coordination with the Sidewalk Vending Administrator within 30 days after receipt thereof. Notice of the time, place and purpose of the public hearing shall be given by the Sidewalk Vending Administrator to each applicant by mailing a written notice of the hearing not less than 30 days prior to the date of such hearing. The Sidewalk Vending Administrator shall at the same time mail such notice to all property owners, businesses and residents within the proposed district and within a 500-foot radius of the boundaries of the district. The Sidewalk Vending Administrator shall further cause there to be published a notice of such public hearing in a newspaper of general circulation in the area wherein the sidewalk vending district is proposed to be established. The notice shall be published in both English and in any other language spoken as their primary language by a
substantial number of the persons residing in the proposed district. The notice shall be published as provided for in Section 6064 of the Government Code of the State of California, and shall state the purpose of the proposed district, the boundaries thereof and the date, time and place of the public hearing.

(5) Any interested person may appear at such hearing and comment with respect to the proposed vending district. Comments may also be submitted in writing prior to the date of such hearing. The Board shall also consider recommendations of merchant associations, chambers of commerce, the Los Angeles Police Department and various other affected City departments.

(6) (Amended by Ord. No. 171,913, Eff. 3/15/98.) The Sidewalk Vending Administrator shall refer the matter to the Council member or Council members in whose district or districts the special vending district is proposed to be located for review and recommendation, together with a summary of comments made at the hearing. Based upon the foregoing comments, recommendations of the Community Advisory Committee and Council member recommendations, the Board may make a finding that the public welfare would be served by the establishment of such a district. In so doing, the Board may for good cause alter the proposed district boundaries and the number, location and density of proposed vending sites. The Board shall transmit to the City Council its finding and the reasons therefor together with its recommendation that the district be established in the manner proposed in the petition or as modified by the Board. The City Council may approve, modify or disapprove the recommendation of the Board. The district shall be established upon approval, or approval as modified, of the Board’s recommendation. For good cause, after due consideration of all comments and recommendations presented, the Board may make a finding that the public welfare would not be served by the establishment of the district. The Board’s finding may be based on factors such as incompatibility of vending pushcarts with area architectural style, conflict with the area’s specific plan, the presence of pushcarts as an impediment to the use of on-street parking locations in areas where an unusually heavy demand for such parking exists, or the presence of zoning restrictions prohibiting such vending activities on private property in the area. The Board shall transmit to the City Council its finding and the reasons therefor together with its recommendation that the district not be established. The City Council may approve or disapprove the recommendation of the Board. If disapproved, such disapproval shall establish the district and the Board shall be so informed, provided, however, that either the City Council, or the Board with approval of the Council, may modify district boundaries and number, location and density of proposed vending sites, as set forth in the petition.

(7) Upon petition of an interested party, a special district may be disestablished, or areas withdrawn therefrom, for good cause. Each such petition shall contain the signatures of at least 20 percent of the owners or persons in possession, such as tenants or lessees, of businesses in each block or portion thereof of the district or part thereof proposed to be withdrawn, and at least 20 percent of the residents of each such block or portion thereof. Each such petition shall comply with the requirements of Section 42.00(m)(2)(D). The Board shall hold a hearing into the matter preceded by notice as provided for in Subdivision (4) above. In the event the Board makes a finding that the public welfare would be served by disestablishment of the district or by withdrawal of an area, the Board shall transmit to the City Council its finding and the reasons therefor, together with its recommendation that district be disestablished or an area be withdrawn.
therefrom. The City Council may approve or disapprove the Board’s recommendation. Approval disestablishes the district or withdraws the subject area therefrom.

(8) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** The Sidewalk Vending Administrator shall review all rules and regulations proposed by petitioners, the Community Advisory Committee of the particular vending district, and any other interested parties provided that the Community Advisory Committee has had an opportunity to review them and transmit all such rules and regulations to the Board, together with his or her recommendations regarding adoption. The Board shall adopt all such rules and regulations for the district unless good cause exists for non-adoption. In addition, the Board, for good cause, may adopt such other rules and regulations for the district as would promote the public health, welfare and safety. Rules and regulations, when adopted, shall be binding upon all affected persons within the district.

(9) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** No permit shall be issued, however, until a contract has been executed between the City, through the Community Development Department, and any organization selected to manage the special sidewalk vending district, referred to hereinafter as “management organization”, as provided for in Los Angeles Administrative Code Section 22.361.

(10) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** The Community Development Department, through the Sidewalk Vending Administrator, shall determine the allocation of vending permits within the district, whether by lottery or otherwise, in a manner consistent with public health, safety and welfare. However, the Sidewalk Vending Administrator may by contract delegate that function to any organization selected to manage the district subject to the supervision of the Sidewalk Vending Administrator and approval by the Community Development Department as to method of allocation to assure that vending permits are allocated in a fair and impartial manner.

(11) **(Amended by Ord. No. 171,913, Eff. 3/15/98.)** The Community Development Department, through the Sidewalk Vending Administrator, shall issue all sidewalk vending permits and collect all fees and charges in connection therewith. Any person desiring to be issued a permit for sidewalk vending within a district may make application to the Sidewalk Vending Administrator on forms provided. The application shall set forth the following information:

(A) The name, address and telephone number of the applicant;

(B) The exact location at which the vending is proposed to be conducted;

(C) A complete list of what is proposed to be sold;

(D) The hours per day and days per week during which sidewalk vending will be conducted; and

(E) Any other information required by the Community Development Department.
No permit or renewal permit shall be issued unless the applicant has complied with all of the following requirements:

(A) If any food or drink item is proposed to be sold, the applicant has obtained approval from the County Department of Health Services to engage in the vending of the item in the manner proposed;

(B) All other necessary City, County and State licenses and permits have been obtained, including a Business Tax Registration Certificate from the Office of Finance.

(C) The applicant has filed with the Community Development Department a policy of public liability and property damage insurance, in a form satisfactory to it and to the City Attorney, in which the City is named as a co-insured with the applicant. The policy of insurance shall so insure the City and its officers and employees against all claims arising out of or in connection with the issuance of the permit or the operation of the permittee. The policy of insurance shall be in an amount and type as determined by the Community Development Department in consultation with the Director of the Office of Administrative and Research Services, subject to reasonable availability. The Community Development Department, in consultation with the Director of the Office of Administrative and Research Services, may waive the requirement of insurance if none is reasonably available. In lieu of individual policies of insurance, the Community Development Department may cause to be secured a general or blanket policy of insurance covering all applicants and thereafter determine the pro rata cost to each applicant, which shall be collected before approval of the application. Any policy of insurance shall contain a statement by the insurance carrier that thirty (30) days’ notice will be given to the City Attorney before any cancellation of coverage. Insurance shall be maintained throughout the permit period. The Community Development Department may for good cause increase the amount of required insurance.

(D) The applicant shows proof of ownership, lease or rental of a pushcart constructed for the purpose of vending goods, wares or merchandise according to the requirements and specifications of the Community Development Department.

(E) Approval in writing has been obtained from the owner, tenant or person in lawful possession or control of the property abutting upon the street immediately adjacent to the location where the vending is proposed to be conducted. Such approval may be secured by the management organization.

(F) The applicant has provided the City with two passport size photos of the applicant.

(G) The applicant has presented adequate identification of himself or herself. Adequate identification shall include, but not be limited to, a California driver’s license or a California Department of Motor Vehicles identification card.
The applicant is old enough under State law to engage in the vending activity.

The applicant has submitted to fingerprinting, in connection with which applicant shall pay a fingerprint process fee. Such fee shall be determined and adopted in the same manner as is provided in Section 12.37-I,1 of the Los Angeles Municipal Code for establishing fees.

No permit shall be issued to any applicant who has been convicted of any crime relating to fraudulent business practices, the receipt or sale of stolen property or the illegal sale of any controlled substance under the provisions of the California Controlled Substances Act within five (5) years prior to the date of application for permit.

The applicant may designate up to two co-applicants who are authorized by the applicant to vend at the location for which the applicant’s permit is issued in his or her temporary absence due to circumstances such as illness, injury or vacation. However, there must be provided the name, address and phone number of each co-applicant and two passport size photos of each co-applicant must be submitted. Each co-applicant must present adequate identification of himself or herself in the same manner as required for the applicant, and must be old enough under State law to engage in vending activity. Each co-applicant shall submit to fingerprinting and shall be subject to provisions of Subdivision 12 with respect to approval as a co-applicant and the provisions of Subdivision (22) with respect to operating requirements. Those approved shall be designated co-permittees and shall pay an application fee for the issuance of a co-permit. Such fee shall be determined and adopted in the same manner as is provided in Section 12.37-I,1 of the Los Angeles Municipal Code for establishing fees.

A permit shall be issued only to a natural person and only for the days or hours of the day indicated on the application as days and hours of operation. Such permit shall not be transferable to any other person and shall be valid only for the location for which it is issued.

Only one permit shall be issued to each permittee.

(Amended by Ord. No. 171,913, Eff. 3/15/98.) A non-refundable annual permit fee shall be paid before issuance of any permit provided, however, that the applicant may elect to pay said fee in semi-annual installments. Such election shall be stated in writing and installments shall be paid as directed by the Sidewalk Vending Administrator. If such election is made, a payment of one-half the annual permit fee shall be required before issuance of a permit. Permits shall be valid for one year from the date of issuance. If any installment fee is not paid on or before the date provided by the Sidewalk Vending Administrator for payment, a letter shall be sent to the permittee advising that such fee is due within 30 days of the date of such letter or the permit shall terminate. If the fee is not paid within the 30-day period, the permit shall terminate and the former permittee shall cease from vending. The permit may be reinstated upon payment of the fee. At the time of making any payment as provided for above, the applicant or permittee shall pay a supplemental fee which is a pro-rated amount determined by the Community Development Department as sufficient to cover the cost to the City of entering into a contract for management of the district. Supplemental fees collected shall be placed in a special fund established for such purpose. In addition fees will be charged for the following:
Replacement of existing permit in the event of loss, name change or change of company;

Replacement of existing permit decal; and

Replacement of any vending identification badge.

Fees herein shall be determined and adopted in the same manner as provided in Section 12.37-1,1 of the Los Angeles Municipal Code for establishing fees.

(18) (Amended by Ord. No. 171,913, Eff. 3/15/98.) In the event an application for permit is denied, the applicant shall be so notified within 60 days, which notification shall also state the reason for denial and that the applicant has 45 days from the date of notice within which to request reconsideration of the denial.

(19) (Amended by Ord. No. 171,913, Eff. 3/15/98.) Any permit issued shall be subject to the right of the Community Development Department to rescind issuance thereof in response to a request for reconsideration of its action in issuing the permit.

(20) (Amended by Ord. No. 171,913, Eff. 3/15/98.) Either the applicant or any other person affected by the issuance of a vending permit may request reconsideration by the Community Development Department of its decision to grant or deny an application for permit. Such request must be in writing and must be received by the Sidewalk Vending Administrator within the 45 days from the date of issuance of the permit or notification of denial. Upon receipt of such request the Sidewalk Vending Administrator shall set a hearing date no less than 30 days from the date of the receipt of the request. The Sidewalk Vending Administrator shall notify the requestor and, if the requestor is not the applicant, the applicant, of the hearing date. The Community Development Department shall rescind issuance of the permit if at the hearing it is demonstrated to its satisfaction that the issuance thereof was contrary to the provisions of this subdivision or to applicable rules and regulations. The Community Development Department may direct the Sidewalk Vending Administrator to issue a permit if it is shown to the satisfaction of the Department that it was in error in denying the permit.

(21) (Amended by Ord. No. 171,913, Eff. 3/15/98.) The permittee may amend his or her application with respect to the goods, wares and merchandise proposed to be sold and the hours during which vending is to occur by written notification thereof to and approval by the Sidewalk Vending Administrator, and the owner, tenant, or person in lawful control of the property immediately adjacent to the vending site.

(22) Operating Requirements. (Amended by Ord. No. 171,913, Eff. 3/15/98.)

(A) Vending shall be conducted only from pushcarts constructed for that purpose according to the requirements and specifications of the Community Development Department. Such pushcarts shall have a length of no greater than six feet and a width of no greater than 3 feet, 6 inches, and shall be no more than 6 feet, 6 inches
in Height, including roof or awning. A decal so certifying shall be attached to each pushcart approved for use.

(B) All of the permittee’s advertising must be attached to the pushcart and shall advertise only the goods, wares or merchandise being sold. Advertising signs shall not extend beyond the overall width or height of the pushcart.

(C) The permittee shall not conduct any portion of its vending business outside the boundaries of its vending location as described in the permit.

(D) One small, compact stool or chair may be utilized by the permittee. The stool or chair shall be placed within four feet of the pushcart and shall not block the safe passage of pedestrians. No advertising shall be placed on the stool or chair. Other than the pushcart and stool or chair, no other items or object of any kind shall be placed on the public sidewalk or parkway.

(E) No vending shall be conducted on the roadway portion of any street.

(F) The permittee shall provide a trash receptacle for the use of customers and 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 permittee.

(G) The City vending permit shall be visibly displayed at all times while the permittee is engaged in vending activity.

(H) The permittee shall wear a vendor identification badge issued by the Sidewalk Vending Administrator at all times while engaged in vending.

(I) Pushcarts shall be positioned no less than 18 inches from the curb.

(J) No permittee shall knowingly allow, permit or authorize another person to vend from permittee’s pushcart or at permittee’s assigned location, other than designated co-permittees of that particular vendor.

(K) No pushcart shall be chained or fastened to any pole, sign, tree or other object in the public way.

(23) **Amended by Ord. No. 171,913, Eff. 3/15/98.** The Sidewalk Vending Administrator may from time to time recommend rules and regulations to the Board. The Board may adopt such rules and regulations as it deems necessary to implement the provisions of this subsection.

(24) **Revocation, Suspension or Non-renewal.** (Amended by Ord. No. 171,913, Eff. 3/15/98.)
(A) After notice and hearing in accordance with Section 22.02 of the Municipal Code, the Community Development Department may revoke or suspend any permit issued pursuant to this subsection or decline to renew any such permit, if the permittee has:

1. Knowingly made any false, misleading or fraudulent statement of material fact in its application for a permit;

2. Been convicted of any criminal act in connection with the operation of the permitted activity, or any of the crimes set forth in Subdivision (13) of this subsection;

3. Violated any of the operating requirements set forth in Subdivision (22) of this subsection;

4. Violated any rule or regulation promulgated by the Board with respect to this subdivision;

5. Failed to comply with any order by the department to cease and desist from any violation; or

6. In any other way endangered the public health, safety or welfare in the conducting of its sidewalk vending activities.

(B) A permittee who has had his or her permit revoked or whose application for renewal has been declined shall not be eligible to apply for another permit under this subdivision until 12 months after the date of revocation or renewal declination.

(C) Any action revoking or suspending a license may be appealed to the Board within 60 days of the action of suspension or revocation. The Board shall hear and make a determination on the appeal.

(25) Enforcement and Penalties.

(A) Within each district the provisions of this Subsection (m) shall be enforced by the Street Use Inspection Division of the Bureau of Street Maintenance of the Department of Public Works.

(B) The Department may issue an order to immediately cease and desist from any violation of this Subsection (m) or any rule or regulation of the Board.

(C) It shall be a violation of law to fail to comply with any of the provisions of Subdivision (22) of this Subsection (m). The first, second and third violations of Subdivision (22) of Subsection (m) shall each be infractions. The commission of a fourth violation of any of the provisions of Subdivision (22) of Subsection (m) within a two-year period after the commission of the first violation shall be a misdemeanor.
(D) It shall be illegal for any person to display any imitation or facsimile of a vending permit, vendor identification badge or decal which has not been issued by the Department.