

DEPARTMENT OF ECONOMIC OPPORTUNITY

November 2023

Sidewalk Vending In Los Angeles County

Proposed Sidewalk Vending Ordinance Regulations

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COUNTY OF LOS ANGELES

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Sidewalk Vending

Who We Are

The Los Angeles County Department of Economic Opportunity ("DEO") provides services to foster economic development. DEO will implement and support a new Sidewalk Vending program once the County Board of Supervisors ("Board") approves an ordinance. Since 2020, the County (including DEO) has provided support to the sidewalk vending community through pilot programs initiated by Board directives intended to assist with finding pathways to entrepreneurship for financial resiliency, while protecting the public's health, safety, and wellness.

DEO's Vision: An equitable economy with thriving communities, inclusive and sustainable growth, and opportunity and mobility for all.

DEO's Mission: To create quality jobs, help small businesses and employers start and grow, and build vibrant local communities and spaces.

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Sidewalk Vending

Listening Session Agenda

Part I: Who is a Sidewalk Vendor & registration requirements

Part II: Operation requirements and equipment

Part III: Protections, compliance and enforcement of SVO

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Sidewalk Vending

Listening Session Agenda

Part I:

Who is a Sidewalk Vendor and Registration Requirements

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Sidewalk Vending

Who is a sidewalk vendor?

Sidewalk vendors are people, whether an employee or agent of another, who vend food or merchandise upon a sidewalk or pedestrian path. A sidewalk vendor can be a roaming vendor or a stationary vendor, and a Compact Mobile Food Operator per State law and the County's Municipal Code.

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Sidewalk Vending

Sidewalk Vending Motion and Ordinance

Pursuant to a November 2018 Board Motion, once the Board approves the sidewalk vending ordinance, no person, for themselves or any other person, may engage in any sidewalk vending, including selling, displaying, or offering for sale any food or merchandise within the Unincorporated areas of the County without first obtaining a Sidewalk Vending Registration Certificate by applying with DEO, in addition to any other required license, registration or permits required by the County Code or State Law.

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Sidewalk Vendor Registration

Registration Certificate Required

A Sidewalk Vending Registration Certificate will:

- Require an application and non-refundable application fee payment in an amount to be approved by Board resolution;
- Valid for 1 year from date of issuance, and require annual renewal;
- Issued for each individual Food or Merchandise Cart, or person;
- Nontransferable, must not be sold or assigned; and
- Effective 180 days after the Board's final approval of the ordinance.

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Sidewalk Vending

Required for Registration Application

- Legal name, birthdates, current address, and telephone number
- If applicant is an agent (employee) of an individual, company, partnership, corporation, or other entity that has ownership in or control of the Sidewalk Vending business.
- Name birthdates, address and telephone numbers of persons employed by applicant to vend
- Description of foods and/or merchandise offered for sale
- Dimensions of the cart planned for use by a vendor, including a photo of the conveyance.
- Description of location(s) or area(s) of operation
- Description of Roaming or Stationary Vendor type
 - If roaming intended path of travel
- Hours of operation (days/times) at proposed locations
- Copy of CA Dept. of Tax & Fee Administration Seller's permit
- For food vendors Department of Public Health permit
- Signed acknowledgement of applicant information provided, disclosures, sanctions, and violations policies at the time of application under penalty of perjury.
- Government issued photo identification card (any government type)

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Sidewalk Vending

Denial, Suspension, Revocation & Appeals

DEO will have the authority to deny, suspend, or revoke a Sidewalk Vending Registration Certificate for:

- An incomplete application/ fee payment 30 days after the DEO notifies an applicant of a request for additional information.
- An applicant is found to make false, misleading or omitted a statement of a material fact in the application or documentation submitted in seeking a Sidewalk Vending Registration Certificate and may be prohibited from reapplying for SVRC for a period of up to 5 years.
- Applicant has had a previously revoked, suspended or denied license, registration, or permit for Sidewalk Vending activities for any jurisdiction within the State for good cause within the last 5 years
- Applicant has been convicted of an offence involving theft, fraud, or a felony offense within the last 10 years.
- Noncompliance with any elements of the Sidewalk Vending Ordinance
- Failure to pay administrative fines, fees, or remedies to address violations of this Ordinance.

DEO will provide a notice of denial, suspension, or revocation to the applicant or Registrant's address or business address.

- Applicant and Registrant's will have a right to appeal if submitted in writing to DEO within 15 calendar days after the date of notice, with required evidence, detailed statement of defense of any violations, signature & mailing address, and payment for cost of an appeal.
- Appeals beyond 15 days of notice of denial, revocation or suspension may be accepted at the Department's discretion.

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Comments

Public Comments

Thank you for the opportunity to present information on the forthcoming Ordinance.

Please limit your comment to 1-2 minutes and request to be unmuted.

Submit a public comment to DEO at :

bit.ly/SVComments



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Sidewalk Vending

Listening Session

Part II:

Operation requirements and equipment

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Operating Requirements

Zoned and Hours of Operation Requirements

- In residential areas, Roaming Sidewalk Vendors ONLY may operate between 9:00 a.m. and 9:00 p.m.
 - Roaming Vendors will be permitted to vend in residential areas stopping only for point for sale. Stationary sidewalk vendors will not be permitted in residential zones.
- In nonresidential areas, Sidewalk Vendors may operate between the hours of 6:00 a.m. and 12:00 a.m., or the hours of operation imposed on other businesses on the same street or block, whichever is least restrictive.

Vending may be restricted or prohibited in County Parks, Beaches, and Harbors pursuant to concession agreements or rules & restrictions of Titles 17 or 19 of the County Code.

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Operating Requirements (cont.)

A Sidewalk Vendor must not:

- Obstruct vehicle or pedestrian traffic or place items connected to the vending operation on the sidewalk or pedestrian path that would hinder pedestrian safety or vehicle visibility (Title 15, 16, and Federal ADA compliance requirements)
- Vend in areas without a sidewalk, pedestrian path, or where a pedestrian path is less than 6 feet wide
- Vend from a parked car or to any individuals in a motor vehicle along a public roadway.
- Vend from a private property unless through a permitted activity by the County Department of Regional Planning pursuant to Title 22 of County Code
- Sell counterfeit products, secondhand items, animals, insects, controlled substances, medicine, chemicals, lottery tickets, firearms, ammunition, alcohol, fireworks, cannabis or cannabis products, industrial hemp products, tobacco or related products, adult materials, or any other items that are illegal or unsafe for vending.

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Location Requirements

Sidewalk Vending Operating Requirements

No Vending will occur within:

- **5 feet** of a curb duly designated by the County as white, yellow, blue, or red zone;
- **10 feet of:**
 - Street corner or controlled intersection, or marked or unmarked crosswalk;
 - Any driveway, driveway apron or alley approach;
 - ADA access ramp on residential or commercial property
 - Utility meter or manhole, service box, street light pole, power pole, telecommunication pool or other utility
 - Another Sidewalk Vendor
- **25 feet of:**
 - Fire hydrant,
 - Bus stop, shelter, or bench
 - Entrance, exit or emergency exit of a build structure or facility
 - Trash receptacle, bike rack, public restroom, or park or beach bench
 - Automated teller machine

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Location Requirements (cont.)

Sidewalk Vending Operating Requirements

No Vending will occur within:

- **100 feet of:**

- Emergency personnel actively performing their duties or providing services to the public
- Emergency facility driveway (fire, police, hospital)
- Regional transit center
- Educational institutions or child day care center
- Freeway onramp or offramp

- **500 feet of:**

- Child day care, primary or secondary school during opening, closing hours, recess period and when children are arriving or leaving.
- A permitted, approved special event or community event during the duration of the event
- Certified Farmers' Market or Swap Meet during operating hours

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Conveyance and Equipment

Sidewalk Vending Operating Requirements

A registered merchandise or food cart must:

- Have a business name affixed to the cart or conveyance, as registered with the Department
- Allow for five (5) foot clearance on a pedestrian path (sidewalk) including the cart and all equipment
- Be removed with all equipment at the end of each day or night
- Be properly maintained and not left unattended at any time
- Not be attached or connected to surrounding buildings/structures, including but not limited to light posts, signs, parking meters, benches, trash cans, trees or landscaping adjacent to the sidewalk.
- Not connect to any utilities, including water, electricity or gas outlets

Food Carts - Must conform to all health requirements as set forth in California Health and Safety Code.

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Conveyance and Equipment

Sidewalk Vending Operating Requirements

Sidewalk Vendors shall be permitted:

- (1) chair or stool (no customer seating)
- (1) table for displaying merchandise (food/products)
- (1) umbrella or canopy with a minimum vertical clearance of 80” from the sidewalk when open and the overhang does not extend closer than 18” horizontally from the curb face, and allows for ADA compliance with a stable base to prevent accidental injury

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A Registered Merchandise or Food Cart Must:

Sidewalk Vending Operating Requirements

- Have a business name affixed to the cart or conveyance, with the name matching registration information and must include Fictitious Business Name as filed with County Registrar Recorder, CA Secretary of State, Seller's Permit as issued by CA Dept. of Tax & Fee Administration
- Be properly maintained and not left unattended at any time and must be removed completely at the end of each day or night.
- Must not store food, merchandise or equipment or items related to vending operation on the sidewalk when the vendor is not in operation.
- Equipment or items left overnight will be subject to removal as abandoned property, seized and disposed of by the County in accordance with applicable laws.
- Not be attached or connected to surrounding buildings/structures, including but not limited to light posts,
- signs, parking meters, benches, trash cans, trees or landscaping adjacent to the sidewalk or pedestrian path.

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Noise, Signs & Utilities

Sidewalk Vending Operating Requirements

- Vendors operating after sunset must ensure adequate lighting for safety and must be directed downward away from adjacent properties.
- May not display, place, or direct a lighted sign in a manner which can create glare or reflection that impacts vehicle or pedestrian safety.
- May not connect to external source of power, water, or other utilities.
- Sidewalk vendors must not use sound amplification equipment pursuant to Title 12 of the County Code.
- May not place free standing signs, lights, displays, or signals that imitate or resemble an official traffic sign or signal.

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Waste Disposal & Trash Collection

Sidewalk Vending Operating Requirements

- May not dispose food, oil, grease, ice, wastewater or other fluids, waste, trash generated by the Vending operation onto a: Sidewalk, parkway, or streets, Storm drains, catch basins, or sewer facilities in compliance with the provisions of California Penal Code section 374 .
- Must dispose of trash generated by the Vending operation or customers within a ten (10) foot radius of the vending area .
- Provide a trash receptacle for all customers during the hours of operation which will not be disposed into a public (city or County), transit operation, business, or private resident receptacle.

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Comments

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Part III:

Protections, compliance and enforcement of SVO

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Protections for Sidewalk Vendor

Retaliatory Action Prohibited

An employer of a Sidewalk Vendor or any business employing a Sidewalk Vendor is prohibited to discharge, reduce compensation, discriminate against any Sidewalk Vendor for participating in enforcement proceeding related to the Ordinance or otherwise asserting their rights or defenses under State law, the County Municipal Code, and the Ordinance

There will be rebuttable presumption that an employer or any entity for whom a Sidewalk Vendor works has engaged in an act of retaliation within 90 days a Sidewalk Vendor is discharged, has reduced compensation, is otherwise discriminated against for:

- Claiming an exemption from the payment of fines under the Ordinance
- Participating in proceedings related the Ordinance or
- Asserting rights or defenses under State law, the County Municipal Code, or
- the Ordinance

Protections for Sidewalk Vendor

Extortion of Sidewalk Vendors

Any extortion of a sidewalk vendor is punishable under CA Penal Code Section 818 and any attempt of extortion of a sidewalk vendor is punishable under CA Penal Code Section 524

Minors Vending

Any Vending by a minor under the age of eighteen (18) years MUST be accompanied by an adult who holds a valid Sidewalk Vending Registration.

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Enforcement and Compliance

Sidewalk Vending Operating Requirements

As the responsible Department, DEO will be responsible for the enforcement of the Ordinance and will issue administrative guidelines and regulations that include administering applications, operating requirements, enforcement, and appeals procedures.

When issuing an administrative notice of violation, the department may:

- Take necessary steps to immediately halt vending activity in violation of the ordinance
- Require a registrant to surrender the Sidewalk Vending Registration Certificate within ten (10) days of the date of the notice of a revocation.

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Investigations

Administrative Fines for Violations

The Department will be authorized to investigate any complaint of citing relating to Sidewalk Vending.

If the Department or any County department has reasonable cause to believe that the Sidewalk Vending activity is in violation of the requirements of the Ordinance, applicable provisions of the County Code, State, federal or other local laws the Department may issue a Notice of Violation in accordance with the authority in County Code and this Ordinance.

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Administrative Fines & Penalties

A. Fees for a violation of the Ordinance with a valid registration:

- 1st Violation - \$100.00
- 2nd Violation- \$200.00 (within one year of the first violation)
- 3rd Violation - \$500.00 (each subsequent violation within one year of the first violation)
- Upon a 4th or subsequent violation, the County may rescind the registration issued to the Sidewalk Vendor for the remaining term of that registration.

Administrative Fines & Penalties (cont.)

B. Fees for a violation of the Ordinance without a valid registration:

- 1st Violation - \$250
- 2nd Violation - \$500 (within 1 year from the date of the 1st violation)
- 3rd Violation - \$1000 (within 1 year from the date of the 2nd violation)
- Upon proof of a valid Registration Certificate the fine may be reduced to the costs of the fees associated with those of a vendor in noncompliance with a Registration Certification

Fines collected through the Ordinance may be reinvested into a Sidewalk Vending program by resolution of the Board to support business development and relevant economic growth of Sidewalk Vendor industry.

Failure to pay fines assessed for noncompliance with the Ordinance may be collected in accordance with County Code through a civil action, lien, or any other legal remedy and successors will be liable for unpaid fees and penalties if the successors had notice of the assessed debt owed to the County.

Exemptions – Payment of Fines

Administrative Fines for Violations

- Employees with valid proof of employment will be exempt from paying fines under the Ordinance.
- Exemption will not extend to the employer.
- Request to reduce or waive fines will be considered by DEO on a case-by-case basis, provided the Registrant complies with request for waiver procedures.
- Violations of this Ordinance are not punishable as an infraction or misdemeanor and a person alleged to have violated any provision of this Ordinance shall not be subject to arrest except when otherwise allowed by law.

Failure to pay an administrative citation issued for noncompliance with the Ordinance is not punishable as an infraction or misdemeanor.

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Monitoring Compliance

Protocols for Monitoring Compliance

As the responsible Department, DEO will:

- 1) Create and host the registration process for Sidewalk Vendors
- 2) Determine and collect annual fees for registration
- 3) Issue a registration Certificate to approve Sidewalk Vending operators
- 4) Establish a public complaints process to report instances of noncompliance with any provisions of the Ordinance
- 5) Provide referrals to relevant enforcement agencies resulting from reports of noncompliance
- 6) Implement guidelines that will include the appeals and exemption process

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Community Engagement Overview

Schedule of Sessions

Tuesday, November 21

- 1:00 am - Spanish Session
- 5:30 pm - English Session

South Whittier Library
11543 Colima Rd.
Whittier, CA 90604

Wednesday, November 22

- 12:30 pm - Spanish Session
- 6:00 pm - English Session

San Fernando Library
217 N Maclay Ave.
San Fernando, CA 91340

Monday, November 27

- 11:00 am - Spanish Session
- 6:00 pm - English Session

El Camino Real Library
4264 E Whittier Blvd
Los Angeles, CA 90023

Tuesday, November 28

- 12:30 pm - Spanish Session
- Lancaster Library**

601 W. Lancaster Blvd.,
Lancaster, CA 93534

Wednesday, November 29

- 11:00 am - Spanish Session
- 6:00 pm - English Session

Magic Johnson Park
905 E El Segundo Blvd,
Los Angeles, CA 90059

Thursday, November 30

- 11:00 am - English Session
- Altadena Library**

600 E. Mariposa Street,
Altadena, CA 91001

Virtual Sessions

Monday, November 20

- 11:00 am - Spanish Session
- 6:30pm - English Session

Thursday, November 30

- 11:00 am - Spanish Session
- 6:00 pm - English Session

Register Here!



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Thank you!

**Office of Small Business,
Department of Economic Opportunity**

(844) 432-4900

OSB@opportunity.lacounty.gov



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