



# Presentation to the Public Safety Committee

September 18, 2019



Office of the City Attorney  
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Amendments to RMC Chapter 5.38 – Pedestrian Food Vendors

RMC Chapter

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## SIDEWALK VENDORS INTRODUCTION

RMC Chapter 5.38, dated 1988, regulates Pedestrian Food Vendors:



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## SIDEWALK VENDORS INTRODUCTION

RMC Chapter 5.38 specifies that mobile and stationary vendors have to be licensed and insured.

Further Restrictions:

1. Can't be on major arterial streets.
2. Can't be in parks without written permission.
3. Must stay at least 150' from restaurants.



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## **SIDEWALK VENDORS INTRODUCTION**

Penalties for violation of RMC Chapter 5.38:

1. Administrative fines.
2. Criminal prosecution.
3. Confiscation of carts and wares.



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## **SIDEWALK VENDORS INTRODUCTION**

City of Los Angeles Sidewalk Vendor ordinance was criticized:

1. Unfair restrictions on where vendors could operate favored brick and mortar establishments.
2. Criminal convictions could lead to deportation.



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## **SIDEWALK VENDORS NEW STATE LAW**

Senate Bill 946 by state senator Ricardo Lara  
Signed by governor on September 17, 2019

Effective January 1, 2019 as Govt Code Sections 51036-51039.

"The author wants to allow sidewalk vendors to operate freely in local jurisdictions throughout the state and to decriminalize violations issued for local sidewalk vending policies."



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## **SIDEWALK VENDORS NEW STATE LAW**

"SB 946 also protects the most vulnerable sidewalk vendors from deportation by allowing local governments to levy administrative citations and fines, but not criminal penalties that can be used against them by a hostile federal government."



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## **SIDEWALK VENDORS NEW STATE LAW**

Government Code section 51038:

- A local authority shall not require a sidewalk vendor to operate within specific parts of the public right-of-way, except when that restriction is directly related to objective health, safety or welfare concerns.



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## **SIDEWALK VENDORS NEW STATE LAW**

Government Code section 51038:

- "perceived community animus or economic competition does not constitute an objective health, safety or welfare concern."



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### **SIDEWALK VENDORS AMENDMENTS TO RMC 5.38**

1. Restrictions on which streets vendors can operate are lifted.
  - Stationary vendors are still banned from residential neighborhoods; mobile vendors are still allowed.
2. Sidewalk vendors can operate next to restaurants.



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### **SIDEWALK VENDORS AMENDMENTS TO RMC 5.38**

3. Sidewalk vendors can operate in parks.
  - Time/place/manner restrictions okay for:
    - a) Objective health, safety, welfare concerns.
    - b) Necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities.



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**SIDEWALK VENDORS**  
**AMENDMENTS TO RMC 5.38**

3. Sidewalk vendors can operate in parks.
  - Time/place/manner restrictions okay for:
    - c) Necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.



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**SIDEWALK VENDORS**  
**AMENDMENTS TO RMC 5.38**

4. Criminal prosecution and/or seizure of carts and merchandise no longer allowed.



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### **SIDEWALK VENDORS AMENDMENTS TO RMC 5.38**

Note – County Health Inspectors can still seize and destroy unsafe food.



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Aug 16, 2019 at 8:29:58 PM

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## SIDEWALK VENDORS AMENDMENTS TO RMC 5.38

Note – County Health Inspectors can still seize and destroy unsafe food.



Aug 16, 2019 at 8:28:31 PM

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**CITY ATTORNEY'S OFFICE  
PUBLIC SAFETY DIVISION  
RECOMMENDATION**

1. This Committee approve the proposed changes to RMC Chapter 5.38; and
2. Recommend the City Council adopt an ordinance amending RMC Chapter 5.38



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