



Presentation to the City Council

October 22, 2019



Office of the City Attorney
Gary G. Geuss, City Attorney

Amendments to RMC Chapter 5.38 – Pedestrian Food Vendors

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SIDEWALK VENDORS PURPOSE

Amend RMC Chapter 5.38 "Pedestrian Food Vendors" to
comply with new state law regulating "Sidewalk Vendors."



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SIDEWALK VENDORS INTRODUCTION

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



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SIDEWALK VENDORS CURRENT RMC

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 CURRENT RMC

Current 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 HISTORY

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, 2018

Effective January 1, 2019 as Gov't Code Sections 51036-51039.

"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**

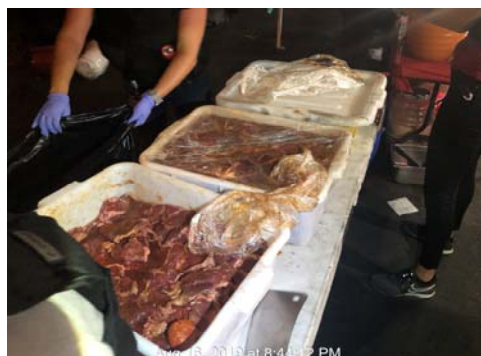
4. Criminal prosecution and/or seizure of carts and merchandise no longer allowed.



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SIDEWALK VENDORS AMENDMENTS TO RMC 5.38

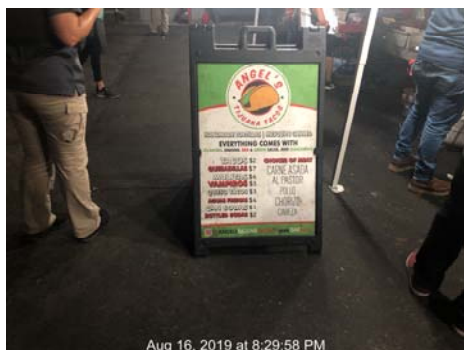
Note – County Health Inspectors can still seize and destroy unsafe food.



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SIDEWALK VENDORS AMENDMENTS TO RMC 5.38

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



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

The City Council adopt an ordinance amending RMC
Chapter 5.38 to comply with new state law.



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