

CITY OF LOS ANGELES
CALIFORNIA

BOARD OF PUBLIC WORKS
MEMBERS

CYNTHIA M. RUIZ
PRESIDENT

DAVID SICKLER
VICE PRESIDENT

PAULA A. DANIELS
PRESIDENT PRO-TEMPORE

YOLANDA FUENTES
COMMISSIONER

VALERIE LYNNE SHAW
COMMISSIONER



ANTONIO R. VILLARAIGOSA
MAYOR

OFFICE OF THE
BOARD OF PUBLIC WORKS
200 N. Spring St., Rm. 355, City Hall
LOS ANGELES, CA 90012

JAMES A. GIBSON
EXECUTIVE OFFICER

GENERAL INFORMATION
(213) 978-0261
FAX: (213) 978-0278
TDD: (213) 978-2310

March 31, 2006

#1 ST

City Council
Room 395, CH

Subject: RECOMMENDATION TO AMEND LOS ANGELES MUNICIPAL CODE SECTION 42.00(a)(b) and (g) TO STANDARDIZE CITY WIDE MOBILE VENDING AND NEWSSTAND REGULATION AND TO ALLOW THE BOARD OF PUBLIC WORKS THE ABILITY TO EXAMINE THE BACKGROUND OF APPLICANTS

As recommended in the accompanying report of the Director of the Bureau of Street Services, which this Board has adopted, the Board of Public Works recommends support of the proposed amendment to the Los Angeles Municipal Code Section 42.00(a)(b) and (g) and forwarding to the City Attorney for review as to form and legality, and to prepare a draft of the ordinance to reflect the amendment.

The proposed ordinance amendment would allow the City to ensure the safety of products legally sold with permits and to strictly enforce existing laws that make all other sales on the public right-of-way illegal by funding sufficient staff and equipment in the Investigation and Enforcement Division of the Bureau of Street Services. Street Services Division Investigators would regulate legal vending and enforce illegal vending ordinances.

Fiscal Impact Statement:

The specialized Bureau of Street Services Enforcement Program would be funded by permit fees paid by vendors meeting City requirements.

Respectfully submitted,

James A. Gibson
Executive Officer
Board of Public Works

JAG/SSC:cg

**DEPARTMENT OF PUBLIC WORKS
BUREAU OF STREET SERVICES
REPORT NO. 1**

March 31, 2006

CD # ALL

Honorable Board of Public Works
Of the City of Los Angeles

Commissioners:

RECOMMENDATION TO AMEND LOS ANGELES MUNICIPAL CODE SECTION 42.00(a)(b) and (g) TO STANDARDIZE CITY WIDE MOBILE VENDING AND NEWSSTAND REGULATION AND TO ALLOW THE BOARD OF PUBLIC WORKS THE ABILITY TO EXAMINE THE BACKGROUND OF APPLICANTS

RECOMMENDATION:

That your Board adopts this report supporting the proposed amendments to Los Angeles Municipal Code Section 42.00(a)(b) and (g) and transmit a copy of this report to the Public Works Committee of the City Council with the recommendation that the attached proposed ordinance amendments be forwarded to the City Attorney for review as to form and legality; and that the City Attorney be instructed to prepare a draft of the ordinance to reflect the amendment for City Council review and approval.

TRANSMITTALS:

Los Angeles Municipal Code Section 42.00(a)(b) and (g) with recommended amendments.

RECITAL:

The City of Los Angeles does not currently license or regulate mobile sidewalk vendors. The lack of regulatory control has led to a proliferation of un-permitted vendors and forced otherwise law abiding service providers to work with "illegal" sidewalk vendor status. While the majority of these vendors provide a service desired by the community and are willing to comply with reasonable permit requirements, a small group of unregulated sidewalk vendors pose a danger to public health and safety or sell illegal pirated items. Unregulated sales on public and private streets, pose traffic hazards and special dangers to public safety and the welfare of children as illustrated by the recent problems with street vendors selling replica firearms to elementary school age children. It is the purpose of this proposed vending regulation program to provide responsible companies and persons who engage in permitted mobile vending activities with clear and concise regulations to prevent safety and traffic hazards, as well as to preserve the peace, safety, and welfare of the community.

ADOPTED BY THE BOARD OF
PUBLIC WORKS OF THE CITY
of Los Angeles, California
AND REFERRED TO THE CITY COUNCIL
MAR 31 2006


Secretary

**DEPARTMENT OF PUBLIC WORKS
BUREAU OF STREET SERVICES
REPORT NO 1**

Page 2

The Bureau of Street Services proposes the establishment of minimum standards for mobile vendors. Mobile vendors primarily operate in areas of heavy pedestrian travel on the public right-of-way near bus stops, schools and other public facilities. A regulation plan similar to the ordinance recently adopted by the City of Santa Ana is proposed. The Santa Ana plan permits mobile vendors while strictly prohibiting competition from illegal stationary sidewalk sales.

PROGRAM HIGHLIGHTS:

- ✚ Establishes basic requirements for mobile sidewalk sales and prevents stationary unregulated sidewalk vending blockages that create safety issues when pedestrians are forced to walk in heavily traveled streets in commercial/retail areas commonly frequented by numerous unlicensed sidewalk vendors.
- ✚ Ensures that mobile vendors will not unfairly compete with similar stationary business.
- ✚ Protects the public from the sales of potentially dangerous food items and illegal counterfeit items. All food/beverage mobile vendors must obtain required health permits and use pushcarts approved by the Department of Health Services, County of Los Angeles
- ✚ Establishes consistent enforcement to deter un-permitted vendors and allows legitimate mobile vendors and legal vendors in established sidewalk vending districts to sell approved items without unfair competition from unregulated competitors.
- ✚ Ensures that legal mobile vendors participate in the City business tax program.
- ✚ Reduces sidewalk congestion, creates an aesthetically pleasing sidewalk environment and reduces trash and litter problems associated with unregulated sidewalk sales.
- ✚ Standardizes the appearance of permitted carts, establishes uniform guidelines for cart attendants and requires trash receptacles on carts.
- ✚ The program is completely cost neutral with costs recovered from permit fees.

On January 12, 1994, the City Council passed the Sidewalk Vending Ordinance which allows interested persons or organizations to establish Special Sidewalk Vending

Districts to permit legalized vending within designated areas of the City of Los Angeles. This ordinance did not address mobile vendors and did not provide any resources to control the proliferation of un-permitted stationary illegal sidewalk vendors. The

**DEPARTMENT OF PUBLIC WORKS
BUREAU OF STREET SERVICES
REPORT NO 1**

Page 3

proposed new program would strengthen existing ordinances by the specialized Bureau of Street Services enforcement program that would be funded by permitting vendors meeting City requirements.

The proposed ordinance amendment would allow the City to ensure the safety of products legally sold with permits and to strictly enforce existing laws that make all other sales on the public right-of-way illegal by funding sufficient staff and equipment in the Investigation and Enforcement Division of the Bureau of Street Services. Street Services Investigators would regulate legal vending and enforce illegal vending ordinances.

Legal vendors in Vending Districts and those permitted as mobile vendors under this proposal would benefit from reduced competition from illegal vendors. Legal vendors would more likely be able to make a reasonable profit from their operations while complying with City standards. The public would have the ability to easily identify permitted vendors by their distinctive uniform appearance and display of a City permit.

In addition to street vendors, newsstands create similar issues for public health and safety. Los Angeles Municipal Code Section 42.00(g) requires a permit for the operation of a newsstand on the public right-of-way in the Central Traffic District as defined in Section 80.00. The ordinance specifies design, color and rules of operation. The primary purpose of the regulation is to ensure that newsstands distribute periodicals only and do not create a public nuisance. The Bureau of Street Services regulates the operation of newsstands in the Central Traffic District area of Los Angeles; however, the Bureau has no ordinance authority to require permits for newsstands in other parts of the City.

The lack of Citywide permitting has led to many complaints from the public, Neighborhood Prosecutors and the Los Angeles Police Department. Non-permitted newsstands are routinely involved in the sales of illegal or unauthorized merchandise other than periodicals

To effectively regulate the proliferation of newsstands on the public right-of-way, it is recommended that all newsstands, not just those in the Central Traffic District, be required to obtain a permit. The Board of Public works is authorized by Section 42.00 to "enact regulations for the selection of permittees." The Bureau of Street Services proposes that minimum standards are established for newsstands operators because newsstands are located in areas of heavy pedestrian travel on the public right-of-way near bus stops, schools and other public facilities.

The Bureau's Street Services Investigators will perform a review of local summary records on each applicant to ensure the applicant meets Board of Public Works minimum permitting requirements. This would be similar to the permitting process currently in place for Department of Transportation driver and attendant permits.

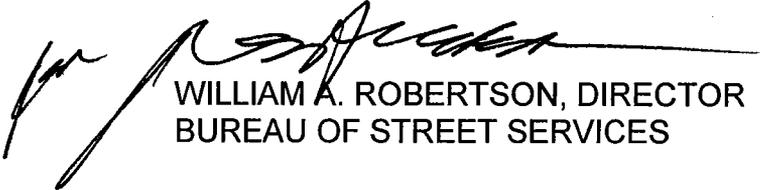
**DEPARTMENT OF PUBLIC WORKS
BUREAU OF STREET SERVICES
REPORT NO 1**

Page 4

The proposed ordinance amendment also contains technical changes for the Coordinated Street Furniture Program to allow advertising on street furniture installed under the City contract. In addition it makes changes in the dimensions of newsstands to accommodate the City approved Street Furniture Program newsstands as directed by Council File # 00-1073-S16. This ordinance amendment will deter nuisance problems related to mobile vendors and newsstands while improving regulatory oversight to effectively protect the public.

(GH ----- NS)

Respectfully Submitted,



WILLIAM A. ROBERTSON, DIRECTOR
BUREAU OF STREET SERVICES

PREPARED BY:
Gary Harris, Chief Street Services Investigator II
Investigation and Enforcement Division
(213) 485-3711