19-07 - Sidewalk Vendors

Los Angeles County Sheriff's Department
NEWSLETTER
Field Operations Support Services

SIDEWALK VENDORS

Senate Bill 946 (SB 946), known as the Safe Sidewalk Vending Act, was signed into law on September 17, 2018, by former Governor Jerry Brown. SB 946 became effective on January 1, 2019, implementing Government Code (GOV) sections 51036 through 51039.

The following is a brief summary of the new Government Code sections enacted by SB 946. Links to the complete sections are at the end of this publication, and **all sworn personnel are strongly encouraged to read them in their entirety.**

51036 GOV - Provides the legal definition of a sidewalk vendor (stationary, roaming, etc.) and defines "local authorities" as general law cities, or cities and counties.

51037 GOV - Prohibits local authorities from limiting where sidewalk vendors can operate and provides that a local authority is not required to adopt a new sidewalk vendor program if they have one already in place that substantially complies with the new laws.

51038 GOV - Specifies that a local authority may elect to adopt a program to regulate sidewalk vendors; however, it shall be in compliance with the new law. This section lists in detail the limits in which sidewalk vendors may be regulated, and in general situations directly related to objective health, safety, or welfare concerns. SB 946 also allows the programs of local authorities to require sidewalk vendor to obtain a seller's permit and/or license to operate.

51039 GOV - Specifies limits of fines, penalties, and punishments, based on the violation of a local authority's sidewalk vending program.

NOTE: 51039(e) GOV orders that, "A local authority that has not adopted rules or regulations by ordinance or resolution that comply with Section 51037 **shall not cite, fine, or prosecute a sidewalk vendor for a violation of any rule or regulation** that is inconsistent with the standards described in subdivision (b)Section 51038."

ENFORCEMENT

On November 7, 2018, the Los Angeles County Board of Supervisors approved a motion to hire a consultant to meet with County stakeholders regarding questions, concerns, affected parties, and best practices

involving SB 946, and report their findings by May 31, 2019. This report will include programs and policies currently in place.

Because the following current Los Angeles County codes are affected by SB 946, they may not be compliant with the requirements of the statute;

7.04.020 - Business activity without license prohibited

7.04.220 - License - Exhibition on request

7.04.080 - License - Carrying by itinerants

7.04.320 - Violation of any provision a misdemeanor, includes penalty

7.04.330 - Operating without license a misdemeanor, includes penalty

8.36.040 - Conducting business on public highways prohibited - Exceptions.

Therefore, effective immediately, the Department will temporarily suspend the citing of street vendors for Los Angeles County code violations in unincorporated County areas. Deputies may issue citations for Municipal code violations in contract cities, providing the contract city has verified that their respective Municipal codes and/or street vendor programs are in compliance with SB 946.

Stations will continue to dispatch field personnel to respond to calls for service involving sidewalk vendors and may continue to take action where there may be other violations of the law, to assist with resolving conflicts, and to notify the parties involved of SB 946 and new Government codes.

Once the Los Angeles County code has been verified to be compliant and is in effect, Field Operations Support Services will update this Department newsletter or Field Operations Directive (FOD) outlining new procedures, if necessary.

It should be noted that as a result of SB 946, Department Newsletter 42, “Street Vendors,” has been rescinded and replaced by this Department Newsletter.

If you have any questions regarding the information contained in this newsletter, please contact Field Operations Support Services, at [REDACTED TEXT]

REFERENCES

Senate Bill No. 946

Government Code 51036

Government Code 51037

Government Code 51038

Government Code 51039

LASD Newsletter 42, Street Vendors