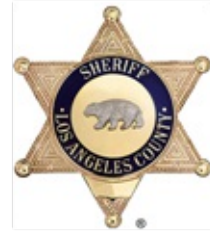


26-08 - Street and Sidewalk Vendor Enforcement in Contract Cities

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STREET AND SIDEWALK VENDOR ENFORCEMENT IN CONTRACT CITIES

This informational newsletter provides guidance for deputies assisting contract cities with street and sidewalk vending enforcement. It clarifies the distinction between administrative city code violations and independent criminal conduct and outlines deputies' enforcement authority and responsibilities during these operations.

THE BASIC RULE

When assisting a contract city with street and sidewalk vendor enforcement, Department personnel are reminded that a municipal vending violation is generally a city administrative violation—not a criminal offense.

Accordingly:

- City officials enforce municipal vending violations.
- Deputies enforce independent criminal offenses and address officer-safety issues.

If the only violation is illegal street or sidewalk vending, deputies generally should not:

- Arrest the vendor solely for the municipal vending violation.
- Issue a criminal citation solely for the municipal vending violation.
- Search the vendor, cart, vehicle, or merchandise solely because of the vending violation.
- Seize or confiscate merchandise, food, cash, the cart, or equipment solely because of the vending violation.
- Impound the cart or equipment solely as punishment for the municipal vending violation.

Under California's sidewalk-vending framework, qualifying vending violations are handled administratively rather than as ordinary criminal offenses. Government Code 51039 establishes the administrative enforcement framework. SB 635, effective January 1, 2026, amended portions of that framework.

QUESTIONS AND ANSWERS

What can deputies do?

Deputies may:

- Protect the public, vendors, city employees, and others at the scene.
- Address fights, assaults, threats, weapons, theft, vandalism, drugs, or other independent crimes.
- Make a lawful arrest when an independent criminal offense provides arrest authority.
- Conduct a lawful search when an independent legal basis exists.
- Seize evidence or contraband when an independent legal basis exists.
- Enforce a valid warrant.
- Enforce trespass when the elements of trespass are established.

IMPORTANT: A request from a city employee to “take the vendor into custody” or “take the merchandise” does not, by itself, create arrest or seizure authority. Responding deputies must independently assess whether the circumstances give rise to a legally supported enforcement action on a case-by-case basis.

Q: What if a Vendor Is Blocking a Sidewalk, Street, or Other Public Right-of-Way?

- A. Deputies should distinguish between a vendor's administrative vending violation and an obstruction that creates a pedestrian, traffic, or public-safety hazard.

When a vendor, cart, merchandise, or equipment blocks a sidewalk, wheelchair-accessible route, crosswalk, roadway, or other public right-of-way, deputies should:

- Assess the immediate safety concern. Determine whether the obstruction creates a hazard for pedestrians, persons with disabilities, emergency responders, or motorists.
- Notify and coordinate with city officials. When appropriate, assist authorized city personnel in addressing the obstruction through applicable municipal administrative enforcement procedures.
- Coordinate removal of obstructions in the public right-of-way. If a cart, merchandise, or equipment obstructing the public right-of-way must be removed, and the city has a General Services Agreement with Los Angeles County, deputies should contact the Los Angeles County Department of Public Works (DPW), which can confiscate and store the obstruction. Otherwise, the city has authority to confiscate and store the obstruction, and deputies should coordinate with city officials.
- Address immediate hazards. Take reasonable, lawful steps to protect the public and restore safe passage when an obstruction presents an immediate safety concern.
- Enforce applicable laws when independently authorized. If the vendor's conduct establishes the elements of a separate traffic or criminal offense, deputies may take appropriate enforcement action under the applicable law.
- Document the circumstances on Body Worn Camera. When enforcement action is taken, document the nature of the obstruction, the associated safety concerns, relevant directions or warnings, the vendor's response, and the legal basis for the action.

IMPORTANT: The fact that a vendor or vending operation obstructs a sidewalk or street does not automatically authorize an arrest, search, seizure, or impoundment. Deputies should identify the applicable legal authority before taking enforcement action involving the vendor or the vendor's property.

Q: What if the vendor refuses to move?

- A. If a vendor refuses a request or direction to move, deputies should determine who issued the direction,

whether that person had legal authority to issue it, whether the direction was lawful, and whether the vendor's conduct establishes an independent violation.

A vendor's refusal to comply does not automatically constitute resisting, delaying, or obstructing a peace officer. Any enforcement action must be supported by the elements of the applicable offense and the circumstances of the encounter.

Key Point: Deputies may address legitimate traffic, pedestrian, and public-safety hazards, but should not use an obstruction as an automatic basis to criminalize an administrative vending violation or seize vending property without independent legal authority.

Q: What if the vendor is trespassing?

- A. A vendor can commit a separate criminal trespass offense even though the vending violation itself is administrative.

Before taking enforcement action, deputies should determine:

- Where is the vendor operating?
- Who controls the property?
- Does the vendor have permission to be there?
- Has permission been withdrawn, or has the property owner or manager directed the vendor to leave, when required to fulfill a trespass violation?
- Are the elements of Penal Code 602 present?

If the elements of trespass have been established, deputies may enforce the trespass offense **independently** of any vending violation.

IMPORTANT: A trespass arrest does not justify an automatic seizure of property. A vendor's trespass arrest does not automatically make the cart, food, merchandise, cash, or equipment evidence.

Q: What happens to the vendor's property if they are only cited for trespassing?

- A. If the vendor receives a citation and is released, generally, the vendor maintains possession of the property.

Only the property owner, manager, or agent can require the vendor to remove the property from the premises. However, deputies need a separate legal basis to seize or impound a vendor's property.

Q: What happens if the vendor is arrested for trespassing?

- A. This is where safekeeping becomes important.

If the vendor is arrested and taken into custody, personal property in the vendor's possession may be handled under LASD's established prisoner and personal-property booking procedures.

IMPORTANT: The arrest does not automatically transform everything belonging to the vendor into prisoner personal property or evidence.

For example, a large vending cart obstructing the sidewalk, cases of merchandise, cooking equipment, or a food display should not be seized simply because the vendor was arrested.

Vendor property that is not booked as prisoner personal property or evidence (such as a vending cart, non-perishable merchandise, or cooking equipment) should be handled as follows:

- **Attempt to identify an authorized recipient.** Ask the vendor whether someone can lawfully take possession of the property. If the vendor identifies someone, deputies may facilitate the transfer when reasonably practical and should document the disposition.
- **Coordinate removal when no one is available.** If no one is available to take the property and it is left in the public right-of-way, contact DPW when the city has a General Services Agreement with Los Angeles County. Otherwise, coordinate with city officials, who have authority to confiscate and store the property. Notify a field supervisor.
- **Food is handled by Public Health.** The Los Angeles County Department of Public Health (DPH) is the County department responsible for food. If the vendor has food, follow the guidance below.

Q: What if the vendor is arrested and has perishable food?

A. Deputies should not automatically:

- Book the food as evidence.
- Place the food in an evidence locker.
- Place the food in ordinary station property-storage areas.
- Assume the station refrigerator is an authorized storage location.
- Throw the food away simply because the vendor was arrested.

If Practical:

- **Attempt to identify an authorized recipient for the vendor's personal property.**

Ask the vendor whether someone can lawfully take possession of the food. If the vendor identifies someone, deputies may facilitate the transfer when reasonably practical and should document the disposition.

- **Contact Public Health when no one is available.**

If no one is available to take possession of the food, deputies should immediately contact DPH to take possession of the food and notify a field supervisor. Do not place food items into evidence or property storage unless that location is specifically authorized and appropriate for perishable food.

- **Address spoiled or hazardous food appropriately.**

If the food is spoiled, leaking, contaminated, or presents a health or sanitation concern, the supervisor should coordinate with DPH to determine the appropriate disposition under applicable Department procedures.

- **Work closely with Public Health and Public Works.**

Deputies and supervisors should work closely with DPH and DPW (or the city, where it has authority) to ensure a smooth transfer of the vendor's property and to alleviate potential stress on Department resources.

Q: What if the vendor argues or refuses to cooperate with city officials conducting street-vending enforcement?

- A. A vendor's argument, complaint, disagreement, refusal to accept an administrative citation, or verbal objection does not automatically become a criminal offense.

Deputies should evaluate the vendor's actual conduct.

If the vendor commits an independent offense—such as:

- Assault
- Battery
- Threats
- Vandalism
- Qualifying resisting or obstructing conduct, then deputies may address that offense.

However, deputies should not initiate an obstruction or resistance charge simply because the vendor refuses to cooperate with city officials during an administrative vending enforcement action.

Q: What about searches conducted during an administrative street-vending enforcement operation?

- A. A vending violation, by itself, does not provide automatic authority for deputies to conduct a search of:
- The vendor
 - The cart
 - A vehicle
 - Containers
 - Merchandise

A search may be conducted when an independent legal basis exists, and the requirements for that search have been met.

Examples include:

- Consent
- Search warrant
- Search incident to a lawful arrest, limited to the areas and items the law permits
- Probable cause combined with a specific legal basis permitting the search, such as exigent circumstances or the automobile exception

KEY TAKEAWAYS

Municipal sidewalk and street-vending violations are primarily administrative matters handled by city officials, not criminal offenses.

Deputies may take enforcement action when:

- An independent criminal offense has occurred;
- A legitimate officer-safety concern exists;
- A valid warrant is being enforced;
- The elements of trespass or another criminal offense is established; or
- Another independent legal basis authorizes the deputy's action.

Department members are empowered to enforce the law during street vending operations by addressing independent violations of the law, such as trespassing, assault, or other criminal conduct. Their enforcement authority is not based on administrative action for vending violations, but on separate, valid legal grounds for criminal enforcement. Vending violations should be treated as administrative matters for city officials, except where independent criminal or officer-safety concerns exist.

THE BASIC RULE:

City officials enforce the administrative vending violation. Deputies enforce independent criminal offenses and address officer-safety concerns.
