

ARLETA NEIGHBORHOOD COUNCIL

Community Impact Statement

Regarding Council File: 13-1493-S5

Sidewalk Vending Program

On September 17, 2018, State Senate Bill 946 was signed into law and decriminalized sidewalk vending throughout the state of California. While the City of Los Angeles established rules to regulate sidewalk vending, to become effective January 1, 2020, there are additional rules that should be considered, incorporated, and/or revised. The unchecked proliferation of street vending in Arleta has negatively impacted both public and private properties alike and fostered an environment of disregard for health concerns, public safety, promoted unsanitary conditions, increased fire hazards, allowed for Americans with Disabilities Act violations, empowered noise pollution, and generated environmental contamination among other things.

Currently the approved (November 30, 2018, Ordinance No. 185900) rules on sidewalk vending do not include any of the following, or require more consideration of both business and property owners' concerns, hence, a revision must be in order to protect the public's: health, safety, security, and the protection of both public and private property. The list below are rules that must be considered for the protection of the public and private property:

1. The public right-of-way shall mean any sidewalk, roadway, public alley, parkway, public transportation path, or street that is owned, granted by easement, operated, or controlled by the City.
2. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal must be corroborated with supplemental documents such as a California Driver's license or identification card, passport, filed Federal and State tax returns, homeowner's insurance policy;
3. A description of the food and/or merchandise for vending shall be provided to the City;
4. A description, map, or drawing of the areas in which the sidewalk vendor proposes to operate shall be provided to the City and the vendor cannot deviate from the indicated location of vending;
5. The dimensions of the vending cart are required prior to the issuance of a sidewalk vending permit;
6. Proof of a policy or policies of comprehensive general liability insurance with minimum limits of one million dollars (\$1,000,000) per occurrence, combined single limit coverage and two million dollars (\$2,000,000) in the aggregate against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the permittee, with an endorsement naming the city as an additional insured. In addition, the permittee is required to carry workers' compensation and automobile coverage sufficient to meet requirements of the State of California.
7. An agreement by the applicant to indemnify and hold harmless the City, its officers and employees, for damages or injury caused to the City as a result of the sidewalk vending conduct or activity.

8. The City (or responsible departments) will approve the issuance of a sidewalk vending permit unless it is determined that the applicant has been convicted of a felony or misdemeanor involving moral turpitude, and has not subsequently demonstrated rehabilitative characteristics;
9. The sidewalk permit will be revoked if the sidewalk vendor has made a material misrepresentation in the application;
10. The sidewalk vending permit will be revoked if the sidewalk vendor has committed violations of the rules and regulations on three or more separate days;
11. Vendors are prohibited from dumping any liquid or solid waste in any public trash can, dumpster, public rights-of-way, City streets, parks, storm drains, manholes, public or private railroad property, or onto private property.
12. Vendors are prohibited from distributing non-marine degradable disposable food service ware (i.e. plastic, bio-plastic, and aluminum). Disposable food service ware includes plates, bowls, trays, containers, utensils, straws, stirrers, and lid plugs.
13. Sidewalk vending permit may be rescinded if the conduct of the sidewalk vendor unduly interferes with traffic or pedestrian movement, or tends to interfere with or endangers the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property;
14. Prohibition on use of plastic bags due to environmental contamination effects they pose but otherwise they may be distributed to customers by vendors for the purpose of safeguarding public health and safety during the transportation of prepared take-out foods and liquids intended for consumption away from the vendor's premises.
15. No sidewalk vending cart or equipment shall occupy parking stalls or parking spaces.
16. All sidewalk vending equipment must be approved for use by the City and the sidewalk vendor shall provide photographs of such equipment upon application for the sidewalk vending program and be granted a decal of City approval with an identification number. Replaced equipment must also be registered with the City and identification decals are not transferable from previous equipment onto the newer equipment or replacements.
17. Open-flame grills, propane tanks, bar-b-q grills, flat iron grills, anything requiring the use of a combustible agent/liquid, or fossil fuel are strictly prohibited from use in the public right-of-way as they pose safety hazards and have the potential of causing great bodily harm or death in the event of an explosion or fire and such actions if found are grounds for permit revocation, prosecution, and fines of both food sidewalk vending personnel and owners.
18. Stationary food sidewalk vendors (or other parties) are prohibited from installing or having tables and chairs/stools/crates/cans/and other objects be made available to be used for clientele seating on sidewalks as this impedes the use of the public right-of-way on and creates a security hazard for the safe passage of people with disabilities that require the use of wheelchairs, walkers, power wheelchairs, mobility scooters, or other mobility equipment.
19. Sidewalk food vendors shall protect condiments, if applicable, with sneeze guards and maintain at appropriate temperatures at all times.
20. Washing stations are the responsibility of sidewalk food vendors and disposal of unclean water or residues are not to be dumped onto the public right-of-way nor onto private property and such actions if found are grounds for permit revocation, prosecution, and fines of both food sidewalk vending personnel and owners.

21. No vendor shall use any noise-making device, use of speakers or other devices to amplify music/talk, ringing of bells, chimes, or the intentional production of other forms of electronic or mechanical sounds to attract the public is hereby strictly prohibited.
22. No vendor shall shout nor willfully make any loud noise (except in an emergency).
23. No sidewalk vendor shall solicit or conduct business with persons in motor vehicles located on traffic lanes of public streets, highways, or private ingress/egress/driveways of abutting property owners or tenant.
24. Sidewalk vendors must disclose location of disposal of their street vending related residuals, customer trash, and distinguish whether the refuse is being disposed at place of residence of sidewalk vendor/owner or at a commercial, or industrial site as well as mitigation factors should refuse cause an overflow in refuse collection containers or endanger the welfare of the public including wildlife.
25. In areas zoned exclusively for residential use or within one hundred fifty feet of any areas zoned exclusively for residential use, sidewalk vending is permitted only between the hours of 8:00 a.m. and 6:00 p.m.
26. In areas not zoned exclusively for residential use, sidewalk vending is permitted only between the hours of 8:00 a.m. and 9:00 p.m.
27. A roaming sidewalk vendor shall maintain a litter receptacle attached to the vending cart large enough to accommodate customer litter without resorting to existing litter receptacles located on any block for use by the general public.
28. Sidewalk vending activities are prohibited in the following areas with recommended distances from the following:
  - 25 feet in any direction - Limousine staging zone, tour bus, trolley stop, taxi stand, bus bench, bus shelter, or valet parking
  - 15 feet in any direction - Automated teller machine or parking pay station
  - 15 feet in any direction - Call box, traffic signal controller, or streetlight controller
  - 100 feet in any direction - Police officer, firefighter, or emergency medical personnel actively performing public safety duties
  - 25 feet - Any alley
  - 200 feet in any direction - Permitted filming, camps, classes, community events, or other City approved temporarily-permitted activities, unless otherwise specified on the permit for certain vendors directly associated with the permitted activity
  - 25 feet - Entrance or exit to a public building, parking lot or structure, structure, or facility (including pedestrian entrance/exit or "elevator lobby" to a building, parking lot, structure, or facility)
  - 5 feet in any direction - Handicapped parking space or access ramp
  - 10 feet in any direction - Marked or unmarked curb return of a crosswalk or
  - 100 feet - Freeway entrance, freeway
  - 200 feet in any direction - All fire stations- the grounds, buildings, structures, and open areas
  - 300 feet - Public or private school
  - 200 feet in any direction - City operated or non-City operated Farmer's Market or swap meet
  - 25 feet in any direction - City owned parking lots and structures
  - 250 feet - LA Marathon marked routes
  - 200 feet - School or park

29. Sidewalk vendors shall immediately clean up any food, grease, or other fluid or item related to sidewalk vending activities that falls on public or private property.