

## ANALYSIS

This ordinance constitutes the Los Angeles County Sidewalk Vending Ordinance which amends Title 8 – Consumer Protection, Business and Wage Regulations by adding Chapter 8.42 – Sidewalk Vending to regulate Sidewalk Vendors in the Unincorporated Areas of Los Angeles County. The ordinance:

- Establishes Sidewalk Vendor as a regulated business activity on Sidewalks and Pedestrian Paths in Unincorporated Los Angeles County;
- Defines Sidewalk Vendor to mean a Person who may be roaming or stationary while Vending Food or Merchandise from a Food Cart, Merchandise Cart, or from one's person upon a Sidewalk or Pedestrian Path;
- Creates administrative procedures for a Sidewalk Vendor program;
- Requires that a Sidewalk Vendor register each year and pay an annual fee of (\$604);
- Regulates the operations of Sidewalk Vendors, including distancing and equipment requirements to ensure public health, safety, and welfare, and prohibiting tables and chairs for customer use on Sidewalks and Pedestrian Paths pursuant to State and federal accessibility standards;
- Establishes an enforcement and appeals process, including imposition of penalties and fees for noncompliance; and

- Authorizes the fines collected through this Chapter may be reinvested into the Sidewalk Vendor program.

EMM:lp

Requested: 11/17/2018  
Revised: 11/22/2023

DRAFT

## ORDINANCE NO.

An ordinance amending Title 8 – Consumer ~~Protection, Business~~ and Wage Regulations of the Los Angeles County Code by adding Chapter 8.42 – Sidewalk Vending to administer a Sidewalk Vendor program in the Unincorporated Areas of Los Angeles County. The ordinance limits Sidewalk Vendor activity and establishes the regulations, fee(s), and fines for implementing, administering, and enforcing the ordinance.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Chapter 8.42 is hereby added to read as follows:

**Chapter 8.42**      **SIDEWALK VENDING.**

**SECTION 2.** Chapter 8.42 is hereby added to read as follows:

**8.42.010**      **Purpose and Intent.**

**8.42.020**      **Short Title.**

**8.42.030**      **Applicability.**

**8.42.040**      **Definitions.**

**8.42.050**      **Registration Certificate Required.**

**8.42.060**      **Grounds for Denial, Suspension, Revocation, and**

### **Appeals.**

**8.42.070**      **Operating Requirements.**

**8.42.080**      **Investigations.**

**8.42.090**      **Enforcement.**

**8.42.100**      **Administrative Fines and Penalties.**

**Extortion of Sidewalk Vendors.**

**8.42.110**

**8.42.120            Retaliatory Action Prohibited.**

**8.42.130            Other Applicable Laws.**

**8.42.140            Severability.**

**8.42.150            Implementation.**

**8.42.160            Effective Date.**

**8.42.010            Purpose and Intent.**

The purpose of this Sidewalk Vending Ordinance is to regulate Sidewalk Vendors to enhance entrepreneurship, while securing the protection of public health, safety, and welfare, in accordance with State law. This ordinance regulates Sidewalk Vendors throughout the Unincorporated Areas of the County.

**8.42.020            Short Title.**

This ordinance codified in Title 8 of this County Code will be known as, and may be cited as, the "Sidewalk Vending Ordinance."

**8.42.030            Applicability.**

A.    This Chapter applies to Sidewalk Vendors operating on a Sidewalk or Pedestrian Path in the County Unincorporated Areas, as defined in Section 8.42.030.

B.    This Chapter does not apply to the following:

1.    Private property;
2.    Certified Farmers' Markets and Swap Meets;
3.    Airports;

4. Special events authorized by the County pursuant to Chapter 22.188 of the County Code, special event activities pursuant to Titles 17 and 19 of the County Code, or a community event as defined in California Health and Safety Code section 113755;

5. Any County Park, Beach, and Harbor, where there is a County agreement, including concessionaire agreement, pursuant to the County Code;

6. Peddlers Vending from commercial vehicles used for the transportation and/or preparation of Food, as defined in Chapter 7.62 of the County Code; and

7. Public eating places, as defined in Chapter 7.72 of the County Code.

**8.42.040 Definitions.**

For purposes of this Chapter, "may" is permissive and "must" is mandatory. The terms used in this ordinance have the following meanings:

A. "Beach" means a public shoreline area, as defined in Section 17.12.030 of the County Code.

B. "Certified Farmers' Market" means a location that is certified by the State of California as defined by California Health and Safety Code section 113742.

C. "Compact Mobile Food Operation" or "CMFO" means a mobile food facility as defined in California Health and Safety Code section 113831(a) that is required to comply with California Health and Safety Code Division 104, Part 7, Chapter 11.7.

D. "County" means the County of Los Angeles.

- E. "County Code" means the Los Angeles County Code.
- F. "Department" means the County Department of Economic Opportunity.
- G. "Director" means the Director of the County Department of Economic Opportunity or their designee.
- H. "Food" means all articles and substances used for food and drink, confectionery or condiment whether simple or compound, and all ingredients and components used in the preparation thereof, as defined in County Code Section 11.02.050 and California Health and Safety Code section 113781.
- I. "Food Cart" means an unenclosed non-motorized conveyance with compartments for preparing food, including but not limited to, a heated cooking surface and hot and cold holding equipment, or an unenclosed non-motorized conveyance used to sell prepackaged foods only, pursuant to Title 8 of the County Code as approved by the Department of Public Health.
- J. "Harbor" means any water area, as defined in Section 19.12.350 of the County Code.
- K. "Merchandise" means any item sold by a Sidewalk Vendor that is not Food.
- L. "Merchandise Cart" means a pedal-driven cart, pushcart, wagon, stand, display, showcase, or rack, propelled by human or other non-motorized force, used to vend Merchandise upon a Sidewalk or Pedestrian Path.
- M. "Park" means a park or public area, as defined in Section 17.04.130 of the County Code.

N. "Parkway" means the portion of a highway other than a Roadway or a Sidewalk, as defined in Section 15.08.110 of the County Code.

O. "Pedestrian Path" means a paved path or paved walkway, other than a Sidewalk, that is specifically designed for pedestrian travel. Pedestrian Path does not include any private property or areas not traditionally used or designated for pedestrian travel, such as the Beach, bike-paths, Roadways, driveways, medians, Parkways, dirt road shoulders, and public parking lots.

P. "Person" means any individual, partnership, limited liability company, corporation, trust, joint venture, association, estate, unincorporated organization, or any other legal entity.

Q. "Registrant" means a Person issued a Sidewalk Vending Registration Certificate.

R. "Roadway" means the portion of a highway between the regularly established curb lines or, when no curbs exist, the portion improved, designated, and ordinarily used for vehicular travel and parking, as defined in Section 15.08.150 of the County Code.

S. "Roaming Sidewalk Vendor" means a Sidewalk Vendor who moves from place to place on a Sidewalk or Pedestrian Path and stops only to complete a customer transaction.

T. "Sidewalk" means the portion of a highway, set apart from the Roadway by curbs, barriers, markings, or other delineation for pedestrian travel, as defined in

California Vehicle Code section 555. Sidewalk does not mean the shoulder adjacent to a Roadway.

U. "Sidewalk Vending Registration Certificate" means a County document authorizing a Registrant to engage in Sidewalk Vendor activity as either a Stationary Sidewalk Vendor at a fixed location, or as a Roaming Sidewalk Vendor moving within a path of travel, and includes a registration number, issuance date, and expiration date.

V. "Sidewalk Vendor" means a Person, including an employee or agent of another, who possesses a valid Sidewalk Vending Registration Certificate to vend Food or Merchandise from a Food Cart, Merchandise Cart, or from one's person, upon a Sidewalk or Pedestrian Path. A Sidewalk Vendor can be a Roaming Sidewalk Vendor or a Stationary Sidewalk Vendor, or a Compact Mobile Food Operator.

W. "Stationary Sidewalk Vendor" means a Sidewalk Vendor who vends from a fixed location.

X. "Swap Meet" means an event at which two or more persons offer merchandise for sale or exchange, as defined in California Health and Safety Code section 113917 and California Business and Professions Code section 21661.

Y. "Unincorporated Area" means any area in Los Angeles County outside the jurisdictional boundaries of incorporated cities.

Z. "Vending" means selling, offering for sale, displaying for sale, or soliciting offers to purchase Food or Merchandise on a Sidewalk or Pedestrian Path.



**8.42.050 Registration Certificate Required.**

A. No Person, either for themselves or any other Person, will conduct or engage in Sidewalk Vendor activity within the Unincorporated Area without possessing a Sidewalk Vending Registration Certificate issued to them pursuant to this Chapter, in addition to possessing any other required licenses, registrations, or permits pursuant to this Chapter, the County Code, State law, and other local laws and regulations.

B. A Sidewalk Vending Registration Certificate is valid for one (1) year from the date of issuance. Registrants must renew their registration on an annual basis prior to expiration.

C. An applicant must apply for a Sidewalk Vending Registration Certificate in the format prescribed by the Director and pay the annual Sidewalk Vendor registration fee amount of six hundred and four dollars (\$604), payable to the County.

D. A Sidewalk Vending Registration Certificate is non-transferable and must not be sold or assigned. A change in ownership or operation of a Sidewalk Vendor, Food Cart, or Merchandise Cart requires a new application for a Sidewalk Vending Registration Certificate.

E. Registrants must maintain an individual Sidewalk Vending Registration Certificate on each Food Cart or Merchandise Cart, or an individual Sidewalk Vending Registration Certificate for each location where a Registrant's employee or agent is vending without a Food Cart or Merchandise Cart.

F. Sidewalk Vending Registration Certificates must always be present and visible to customers while a Sidewalk Vendor is Vending Food or Merchandise.

G. The Sidewalk Vendor Registration Certificate application must contain, at a minimum, the following:

1. The applicant's legal name, birth date, current address, and telephone number;
2. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal for which the Sidewalk Vending Registration Certificate is sought, and the name of any company, partnership, corporation, or other entity that has any ownership in, or control over, the Sidewalk Vendor business;
3. The name, birth dates, addresses and telephone numbers of all Persons who will be employed by the applicant to vend Food or Merchandise on behalf of the applicant, including, but not limited to, the applicant's employees and agents;
4. A description of the Food, Merchandise, or both, offered for sale;
5. The dimensions of any Food Cart or Merchandise Cart planned for use by a Sidewalk Vendor, including a photograph of the conveyance;
6. A description of the location(s) or area(s) the applicant plans to operate;
7. Whether the applicant intends to operate as a Stationary Sidewalk Vendor or a Roaming Sidewalk Vendor, and if roaming, the intended path of travel;
8. The hours per day and the days per week during which the Sidewalk Vendor proposes to operate at the location(s) or area(s);

9. A copy of a valid California Department of Tax and Fee

Administration seller's permit issued to the applicant, identifying the County as a location or sub-location for selling;

10. If the applicant will be Vending Food, proof of all required approvals from the County Department of Public Health pursuant to Title 8 of the County Code and California Health and Safety Code section 114381 for Food Vending;

11. Copies of any additional required licenses, registrations, or permits issued by the County, State, or local agencies;

12. Information relating to every license, registration, or permit for Vending Food and Merchandise that has been sought by the applicant within the last two (2) years, including, but not limited to, the date of each application, the agency, and whether each application resulted in issuance, denial, revocation, or suspension, the date and circumstances;

13. The applicant's agreement to indemnify, defend, and hold harmless the County, its officers, elected officials, agents, and employees from and against all claims, losses, costs, damages, and liabilities of any kind arising from the operation of the Vending activities, in any manner, from the negligence or intentional or willful misconduct of: (a) the applicant; (b) the applicant's officers, employees, and agents; and (c) if the business is a corporation, partnership, or other entity, the officers, directors, or partners of such business entity;

14. Any other information required by the instructions on the application and/or the guidelines promulgated by the Department;

15. An acknowledgement that the Sidewalk Vendor will comply with all applicable County, State, or other local agencies license, registration, and permit laws; and

16. Certification by the applicant's signature under penalty of perjury that the information contained in the application is true to their knowledge and belief, and in compliance with all requirements of this Chapter, the County Code, and other applicable State or local laws and regulations, and Department procedures.

H. When requested by the Department or any other County department during the Sidewalk Vendor application process, an applicant must show their government-issued photo identification card.

I. Pursuant to this Chapter, the County Code, and State law, a Food Cart or Merchandise Cart must meet the requirements set forth by the Department prior to issuance of a Sidewalk Vending Registration Certificate. The Department or County may inspect a Food Cart or Merchandise Cart to ensure compliance with this Chapter, the County Code, and State law.

J. The Department will not process an application until the Sidewalk Vendor registration fee payment is remitted to the County.

**8.42.060 Grounds for Denial, Suspension, Revocation, and Appeals.**

A. The Director may deny, suspend, or revoke a Sidewalk Vending Registration Certificate if the Vending activities do not comply with this Chapter, the County Code, or any applicable State, federal, or local laws and regulations.

B. An application may be denied for failure to provide a complete application with fee payment thirty (30) days after the Department notifies the applicant of the requirement to provide additional information, documents, or payment.

C. If an applicant has made a false or misleading statement of a material fact, or omitted a material fact, in the application or in any other document submitted to the Department under this Chapter, an application may be denied on this ground and the applicant will be prohibited from reapplying for a Sidewalk Vending Registration Certificate for a period of up to five (5) years from the date of denial.

D. If an applicant or Registrant has had a license, registration, or permit for Sidewalk Vendor activities from any jurisdiction in the State revoked, suspended, or denied for good cause within the immediately preceding five (5) years, the Director may deny or revoke a Sidewalk Vending Registration Certificate on this ground.

E. If an applicant or Registrant has been convicted of an offense involving theft, fraud, dishonesty, deceit, or a felony offense within the last ten (10) years, the County Sidewalk Vending Registration Certificate may be denied or revoked on this ground.

F. If an applicant or Registrant has failed to demonstrate an ability to conform to the prohibitions, limitations, and operating requirements set for in this Chapter, the Director may deny, suspend, or revoke a Sidewalk Vending Registration Certificate on this ground.

G. The Director may revoke a Sidewalk Vending Registration Certificate

issued to a Sidewalk Vendor for a fourth or subsequent violation of this Chapter, pursuant to Section 8.42.100 A.

H. If an applicant or Registrant failed to pay any administrative fines or fees, or complete any other alternative remedies to address violations of this Chapter, the Director may deny, suspend, or revoke a Sidewalk Vending Registration Certificate on this ground.

I. The Department will provide a notice of denial, suspension, or revocation to the applicant or Registrant's address or business address.

J. Any Person aggrieved by the decision of the Director to deny, suspend, or revoke a Sidewalk Vending Registration Certificate may appeal the decision to the Director by filing a written notice of appeal with the Department within fifteen (15) calendar days after the date on the Department notice. A notice of appeal must adhere to the Department or County appeal guidelines as follows:

1. A notice of appeal must state all bases for an appeal, including a detailed statement of defense to all violations, any supporting evidence, a Person's signature and mailing address, and payment for the cost of an appeal as set forth in the County notice.

2. The Department may designate a person qualified to conduct a fair and impartial hearing as a hearing officer under this Chapter and the County Code.

3. If a timely and complete notice of appeal is received, an appeal hearing may be scheduled and noticed by the Department or hearing officer.

4. The decision rendered following an appeal is the final decision of the County.

5. At any time prior to a final decision by the County, or the close of an appeal hearing, the Director's notice may be amended or supplemented by the Department or any other County department to add new violations. Notice must be given of all amended violations pursuant to the notice requirements set forth in this Chapter, and the notice must disclose how to file an appeal or amend a notice of appeal filed previously.

K. Failure to file a notice of appeal within fifteen (15) calendar days after the date of the Department notice may result in the notice becoming the County's final decision. However, the Department in its discretion may accept a notice of appeal received later than fifteen (15) calendar days after the date of the Department notice.

#### **8.42.070 Operating Requirements.**

A. Sidewalk Vendors must not obstruct or hinder pedestrian or vehicle flow, or place any conveyance, equipment, or items on the Sidewalk or Pedestrian Path which may hinder pedestrian safety or vehicle visibility pursuant to this Chapter, Titles 15 and 16 of the County Code, and State and Federal accessibility standards.

B. Sidewalk Vendors are prohibited in areas with no Sidewalk, Pedestrian Path, or when a Sidewalk or Pedestrian Path is less than six (6) feet wide since such activity would unreasonably interfere with the safe flow of pedestrians and vehicles.

C. Stationary Sidewalk Vendors are prohibited in areas that are zoned exclusively residential to avoid nuisance or negative health and safety impacts from

noise, crowding, or smells from Food Vending activity. This prohibition does not extend to Roaming Sidewalk Vendors.

D. Roaming Sidewalk Vendors permitted to vend in residential areas must move continuously, except when conducting a sale, which must last no more than fifteen (15) minutes. In no event may a Roaming Sidewalk Vendor conduct their activity in a residential area in such a manner to constitute operating in a fixed location.

E. Stationary Sidewalk Vendors operating after daylight hours must ensure adequate lighting for safety. Lighting must be directed downwards away from adjacent properties.

F. Sidewalk Vendors must not display, place, or direct any lighted sign or device in a manner which causes the beams and illumination therefrom to reflect upon a Roadway or adjacent premises that would cause glare or reflection that may constitute a traffic hazard or nuisance, or which otherwise violates Section 22.114 of the County Code.

G. Sidewalk Vendors must not connect to an external source of power, water, or any other utilities.

H. Any minor under the age of eighteen (18) years who is Vending must be accompanied by a Sidewalk Vendor who is an adult over the age of eighteen (18) years.

I. Sidewalk Vendors must not sell counterfeit products, secondhand items, animals, insects, controlled substances, medicine, chemicals, lottery tickets, firearms, ammunition, alcohol, fireworks, cannabis or cannabis products, industrial hemp



products, tobacco, tobacco-related products, adult materials, or any other items that are illegal, or unsafe for Vending.

J. Sidewalk Vendors must not vend within any of the following locations:

1. Five (5) feet of:

a. A curb, including a curb designated by the County as white, yellow, blue, or red zone; or

b. If Vending is from a Food Cart or Merchandise Cart, such must be positioned a minimum of five (5) feet from a curb for an accessible path free from obstruction in furtherance of State and Federal accessibility standards.

2. Ten (10) feet of:

a. A street corner, controlled intersection, marked or unmarked crosswalk;

b. A driveway, driveway apron, or alley approach;

c. An accessibility ramp which provides access to a residential or commercial property;

d. A utility meter, manhole, service box, streetlight pole, power pole, telecommunications pole, or other utility; or

e. Another Sidewalk Vendor.

3. Twenty-five (25) feet of:

a. A fire hydrant or fire call box;

b. A bus stop, bus shelter, or bus bench;

c. The entrance, exit, or emergency exit to a building, structure, or facility;

d. A trash receptacle, bike rack, public restroom, or Park, Beach, or Harbor bench; or

e. An automated teller machine.

4. One hundred (100) feet of:

a. A police officer, firefighter, lifeguard, or emergency service personnel who are actively performing their duties or providing services to the public;

b. A fire, police station, hospital, or ambulance driveway;

c. A regional transit center; or

d. A freeway onramp or offramp.

5. Five hundred (500) feet of:

a. A child day care center, primary or secondary school, while children are going to or leaving during opening or closing hours or during the noon recess period;

b. A special event during the duration of a temporary special event permit issued by a County department, or an approved community event as defined in California Health and Safety Code section 113755; or

c. A Certified Farmers' Markets or Swap Meet during operating hours.

K. Sidewalk Vendors must not vend from a parked vehicle or to any individuals traveling in a motor vehicle along a Roadway.

L. Sidewalk Vendors must not vend on private property.

M. Sidewalk Vendors may be restricted in any County Park, Beach, or Harbor pursuant to County agreements, including concession agreements, or the rules and restrictions of the County Code.

N. Sidewalk Vendors of Food must adhere to County Health Department permit requirements pursuant to Title 11 of the County Code and applicable requirements of the California Health and Safety Code, Division 104, Part 7.

O. A Food Cart or Merchandise Cart must have affixed to it the name of the Registrant as it appears on the Sidewalk Vending Registration Certificate, in addition to the following:

1. The Fictitious Business Name recorded by the County Registrar Recorder's Office;

2. The Fictitious Business Name of record with the California Secretary of State; and

3. A Valid Seller's Permit issued by the California Department of Tax and Fee Administration.

P. A Food Cart, Merchandise Cart, and all Vending equipment and items must be properly maintained, not left unattended at any time, and must be removed when not in use. Sidewalk Vendors must not store any Food, Merchandise, or any other equipment or items related to Vending upon a Sidewalk or Pedestrian Path when the Sidewalk Vendor is not Vending. Any equipment or items left unattended will be

subject to removal as abandoned property, seized, and disposed of by the County in accordance with applicable law.

Q. A Food Cart, Merchandise Cart, or any Vending equipment must not be attached or connected to a building or structure, including, but not limited to, street light posts or signs, parking meters, benches, trash cans, trees, or landscaping adjacent to the Sidewalk or Pedestrian Path.

R. Sidewalk Vendors may use one (1) chair or stool per vendor or employee, one (1) table for displaying Food or Merchandise, and one (1) umbrella or canopy.

S. The following operating requirements are necessary for public health and safety:

1. A chair, stool, or table, may only be utilized by the Sidewalk Vendor if placed safely in a way that will comply with the required five (5) foot clearance for accessible Sidewalks and Pedestrian Paths;

2. Chairs, stools, and tables are prohibited on Sidewalks and Pedestrian Paths for customer seating or Food consumption; and

3. An umbrella or canopy used by a Sidewalk Vendor must have:

a. A minimum vertical clearance of eighty (80) inches from the Sidewalk or Pedestrian Path;

b. A minimum five (5) foot horizontal clearance from the curb face, street, or Roadway for accessible Sidewalks and Pedestrian Paths to avoid hazard or injury to pedestrians and interference or obstruction of traffic signals or traffic signs; and

c. A stable base to prevent injury or damage to public or private property.

T. Sidewalk Vendors must not display merchandise on the ground.

U. Sidewalk Vendors must not use sound amplification equipment and must comply with noise standards provided in Chapter 12.08.020 of the County Code.

V. Sidewalk Vendors must not place freestanding displays, signs, signals, lights, or devices which imitate or resemble an official traffic sign or signal, or which attempt to direct the movement of traffic, or which hide from view any official traffic sign or signal, or which in any other respect violate the provisions of the California Vehicle Code section 21465 or 21466.

W. Sidewalk Vendors must not dispose or cause to be disposed any food, oil, grease, trash, ice, wastewater or other fluid or item generated by Sidewalk Vendor activity onto the Sidewalk, Pedestrian Path, Roadway, storm drains, catch basins, sewer facilities, or which in any other respect violate the provisions of California Penal Code section 374.

X. Sidewalk Vendors must keep the Vending area litter free by collecting and disposing of all trash generated by the Sidewalk Vendor activity and its customers.

1. Sidewalk Vendors must contain any waste or trash, provide trash receptacles in the form of trash bags or containers for customers, and ensure the removal and proper disposal of all waste or trash generated by the Vending activity.

The receptacles must not be a city or County trash receptacle.

2. Sidewalk Vendors must not empty their trash receptacles into any city or County refuse container or any refuse container belonging to a business, transit operation, or private residence.

Y. Sidewalk Vending hours of operations must be as follows:

1. In residential areas, Roaming Sidewalk Vendors may only operate between 9:00 a.m. and 9:00 p.m.

2. In nonresidential areas, Sidewalk Vendors may operate between the hours of 6:00 a.m. and 12:00 a.m., or the hours of operation imposed on other businesses on the same street or block, whichever is least restrictive.

**8.42.080 Investigations.**

A. The Department or any other County department may investigate to enforce this Chapter, the County Code, and State and federal laws; and

B. If after an investigation the Department or any other County department has reasonable cause to believe that any Vending is in violation of the requirements of this Chapter, applicable provisions of the County Code, State, federal, or other local laws and regulations, the Department may issue a notice of noncompliance or notice of continuing violation in accordance with the authority found in the County Code and this Chapter.

**8.42.090 Enforcement.**

A. The Department is responsible for the enforcement of this Chapter.

B. The Department may promulgate administrative guidelines and regulations to enforce the provisions of this Chapter, including but not limited to, the

administration of applications, operating requirements, enforcement, and appeals procedures.

C. The Department may serve a notice of noncompliance or continuing violation by personal service or registered or certified mail when a Sidewalk Vendor is found to be in violation of this Chapter.

D. The Department or any other County department may take such steps as may be necessary to immediately halt Vending activity in violation of this Chapter, including but not limited to, after a notice of noncompliance or notice of continuing violation was served.

E. A Registrant must surrender to the Department a Sidewalk Vending Registration Certificate within ten (10) days of the date on a notice of a revocation. If a Sidewalk Vending Registration Certificate is surrendered to the Sheriff or any County department, the Department must be notified by the Registrant.

**8.42.100 Administrative Fines and Penalties.**

A. A violation of this Chapter by a Sidewalk Vendor in possession of a valid Sidewalk Vending Registration Certificate is punishable by the following administrative fines and penalty:

1. One hundred dollars (\$100) for a first violation.
2. Two hundred dollars (\$200) for a second violation within one year of the first violation.
3. Five hundred dollars (\$500) for a third violation and each subsequent violation within one year of the first violation.

4. Upon the fourth or subsequent violation, the County may rescind the Sidewalk Vending Registration Certificate for the remaining term of that registration.

B. A violation of this Chapter for Vending without a valid Sidewalk Vending Registration Certificate is punishable by the following administrative fines:

1. Two hundred fifty dollars (\$250) for a first violation.
2. Five hundred dollars (\$500) for a second violation within one year of the first violation.
3. One thousand dollars (\$1,000) for a third violation and each subsequent violation within one year of the first violation.
4. Upon proof of a valid Sidewalk Vending Registration Certificate, the administrative fines set forth in this paragraph may be reduced to amounts set forth in Subsection A.

C. Notwithstanding Subsection A, an administrative fine may not be assessed if a notice states the violation is capable of being cured and is cured by the Registrant within ten (10) calendar days of the date of the notice of violation or date of the notice of noncompliance.

D. Any Sidewalk Vendor that is an employee of another, or otherwise works for another, will be exempt from owing administrative fines under this Chapter if valid documentation is provided to confirm status as an employee. This exemption will not apply to the employer of the Sidewalk Vendor or to any entity for whom the Sidewalk Vendor works, who may be liable for the payment of any fines for violation of this Chapter.



E. Requests to waive or reduce fines will be considered by the Department on a case-by-case basis, provided the Registrant complies with waiver procedures.

F. A violation of this Chapter is not punishable as an infraction or misdemeanor, and a Person alleged to have violated any provision of this Chapter is not subject to arrest, except when otherwise allowed by the County Code or other applicable laws. Further, failure to pay an administrative citation issued pursuant to this Chapter is not punishable as an infraction or misdemeanor. Any additional penalty, fine, fee, assessment, infraction, misdemeanor, or other financial condition beyond those authorized by this Chapter may be assessed by the Department or any other County department.

G. Amounts owed under this Chapter which are not paid to the Department when due will constitute a debt to the County that may be collected in compliance with the County Code through a civil action, a lien against any property owned or operated by the debtor, or any other legal remedy. Successors will be liable for unpaid fees and penalties if the successors had notice of the assessed debt owed to the County.

**8.42.110 Extortion of Sidewalk Vendors.**

Any extortion of a Sidewalk Vendor is punishable under California Penal Code section 518, and any attempted extortion of a Sidewalk Vendor is punishable under California Penal Code section 524.

**8.42.120 Retaliatory Action Prohibited.**

A. An employer of a Sidewalk Vendor, or any entity for whom a Sidewalk Vendor works, is prohibited to discharge, reduce compensation, discriminate against any Sidewalk Vendor for participating in enforcement proceedings related to this Chapter, or for otherwise asserting rights or defenses under State law, the County Code, and this Chapter.

B. There is a rebuttable presumption that an employer of a Sidewalk Vendor, or any entity for whom a Sidewalk Vendor works, engaged in act of retaliation if a Sidewalk Vendor is discharged, has reduced compensation, is otherwise discriminated against within ninety (90) days of claiming an exemption from a payment of fine under this Chapter, for participating in proceedings related to this Chapter, or for otherwise asserting rights or defenses under State law, the County Code, and this Chapter.

**8.42.130 Other Applicable Laws.**

Sidewalk Vendors must comply with the County Code, State, federal, and other local laws and regulations.

**8.42.140 Severability.**

A. If any Section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision must not affect the validity of the remaining provisions.

B. The County Board of Supervisors hereby declares that it would have adopted this Chapter, Section, and every subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion would subsequently be declared invalid or unconstitutional.

**8.42.150 Implementation.**

The Department of Economic Opportunity is responsible for administration and enforcement of this Chapter and promulgating guidelines consistent with the provisions of this Chapter and the County Code. Violations of the regulations will constitute a violation of this Chapter.

**8.42.160 Effective Date.**

This ordinance will take effect on one-hundred eighty (180) days from the date of final passage by the Board of Supervisors.

[CH842EMCC]