

ANALYSIS

This ordinance amends Title 8 – Consumer Protection, Business and Wage Regulations by adding Chapter 8.42 – Sidewalk Vending to regulate sidewalk vendors in the unincorporated area of Los Angeles County. The ordinance:

- Defines "Sidewalk Vendor" and establishes Sidewalk Vendor as a regulated business activity on sidewalks and pedestrian paths in the unincorporated area of Los Angeles County;
 - 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;
 - Prohibits tables and chairs for customer use on sidewalks and pedestrian paths pursuant to State and federal accessibility standards; and
 - Establishes an enforcement and appeals process, including imposition of fines and penalties for noncompliance.

DAWYN R. HARRISON
County Counsel

By 
ELENA M. MILLER
Deputy County Counsel
Government Services Division

EMM:lp
Requested: 11/17/18
Revised: 01/24/24

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 area of Los Angeles County. The ordinance limits sidewalk vendor activities and establishes regulations, a registration fee, and fines and penalties 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

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.

8.42.110 Extortion of Sidewalk Vendors.

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 Area 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 Unincorporated Area of the County.

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.

In 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" means a mobile food facility as defined in California Health and Safety Code section 113831(c) that must comply with required permit approvals from the County Department of Public Health prior to registering as a Sidewalk Vendor.

- 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 pursuant to the County Code and California Health and Safety Code.
- I. "Food Cart" means a pushcart, peddle-driven cart, wagon, or other unenclosed, non-motorized conveyance, as approved by the County Department of Public Health.
- J. "Harbor" means any water area, as defined in Section 19.12.350 of the County Code.
- K. "Hearing Officer" means the person designated by the Department who will conduct a fair and impartial hearing under this Chapter, including, but not limited to, the Office of the County Hearing Officer if one has been created.
- L. "Merchandise" means any tangible goods sold by a Sidewalk Vendor that are not Food.
- M. "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.

N. "Park" means a park or public area, as defined in Section 17.04.130 of the County Code.

O. "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.

P. "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.

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

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

S. "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.

T. "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.

U. "Sidewalk" means the portion of a highway, other than the Roadway, set apart 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.

V. "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.

W. "Sidewalk Vendor" means a Person who possesses a valid Sidewalk Vending Registration Certificate to vend Food or Merchandise from a pushcart, stand, display, table, pop-up, canopy, pedal-driven cart, wagon, showcase, rack, or any nonmotorized conveyance, or from one's person, upon a public Sidewalk or Pedestrian Path. A Sidewalk Vendor may be a Roaming Sidewalk Vendor or a Stationary Sidewalk Vendor.

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

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

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

AA. "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. Every Food Cart or Merchandise Cart must maintain an individual Sidewalk Vending Registration Certificate with either the name of the Registrant, or the name of a Registrant's employee or agent. Every Sidewalk Vendor vending from one's

person must maintain an individual Sidewalk Vending Registration Certificate with either the name of the Registrant, or the name of a Registrant's employee or agent.

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 a Person, the name and business address of the Person for which the Sidewalk Vending Registration Certificate is sought, and the name of any other Person(s) 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 Food Cart or Merchandise Cart;
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;
11. Copies of any additional required licenses, registrations, or permits issued by the County, State, or local agencies;
12. 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 applicant is a corporation, partnership, or other entity, the officers, directors, or partners of such business entity;
13. Any other information required by the instructions on the application and/or the guidelines promulgated by the Department;

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

15. 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 or the applicant's representative 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 revoked, suspended, or denied for good cause within the immediately preceding five (5) years, the Director may suspend or deny a Sidewalk Vending Registration Certificate on this ground.

E. If an applicant or Registrant fails to conform to the prohibitions, limitations, and operating requirements set forth in this Chapter, the Director may deny, suspend, or revoke a Sidewalk Vending Registration Certificate on this ground.

F. If an applicant or Registrant failed to pay any administrative fees or fines, pursuant to Section 8.42.100.A, or complete any other alternative remedies to address violations of this Chapter, the Director may deny or suspend 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.

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

I. 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 the bases for an appeal, including a detailed statement of defense to all violations, any supporting evidence, the signature and mailing address of the Person appealing, and payment for fines or other costs established as set forth in the County notice.

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

3. If a timely 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.

J. 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 equipment, Food, or Merchandise 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 or 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 and 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 Chapter 22.114 of the County Code.

G. Sidewalk Vendors must not connect to any public utilities, including any source for water or power.

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, 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;

b. A streetlight pole; or

c. 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.

d. Another Sidewalk Vendor.

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, power pole, telecommunications pole, or other utility;

e. A fire hydrant or fire call box; or

3. Twenty (20) feet of:

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

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

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

d. 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 a 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 on a Roadway.

L. Sidewalk Vendors must not vend on private property.

M. Sidewalk Vendors may be registered in any County Park, Beach, or Harbor, subject to contractual restrictions pursuant to County agreements, including concessionaire agreements, or the County Code.

N. Sidewalk Vendors of Food must adhere to County Public Health Department permit requirements pursuant to Title 11 of the County Code and applicable requirements of the California Health and Safety Code.

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 or Merchandise must not be attached or connected to a building or structure, including, but

not limited to, street light posts or signs, utilities, 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 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 litter in violation of California Penal Code section 374, including not disposing or causing to be disposed any food, oil, grease, trash, ice, wastewater or other fluid or item generated by Vending activity onto the Sidewalk, Pedestrian Path, Roadway, storm drains, catch basins, or sewer facilities.

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 their own 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.

2. Sidewalk Vendors must not empty their trash receptacles into any County or public refuse container or any refuse container not owned, operated and controlled by the Sidewalk Vendor 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 this Chapter and the County Code.

8.42.090 Enforcement.

A. The Department is responsible for the enforcement of this Chapter. Any other County department enforcing the County Code, and State and federal laws, may assist the Department in 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 and the County Code.

E. A Registrant must surrender to the Department a Sidewalk Vending Registration Certificate within ten (10) days of the date on a notice of 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 revoke 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 their status as an employee. This exemption will not apply to the employer of the Sidewalk Vendor or to any Person for whom the Sidewalk Vendor works, who may be liable for the payment of any fines for violation of this Chapter.

E. When assessing fines and penalties pursuant to this Section, the Department will consider the Person's ability to pay pursuant to California Government

Code section 51039(f). The Department will provide the Person with notice of their right to request an ability-to-pay determination. If the Person requests such a determination, and they meet the criteria set forth in California Government Code sections 68632(a) or (b), the Department will accept twenty (20) percent of the fine imposed pursuant to this Section. The Department may allow the Person to complete community service in lieu of paying the total fine imposed pursuant to this Section. Other requests to waive or reduce fines for good cause will be considered by the Department pursuant to administrative guidelines or regulations developed by the Department.

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 authorized 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 County 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 Person for whom a Sidewalk Vendor works, is prohibited from discharging, reducing compensation, or discriminating 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 Person for whom a Sidewalk Vendor works, engaged in an act of retaliation if a Sidewalk Vendor is discharged, has had their compensation reduced, or is otherwise discriminated against, within ninety (90) days of claiming an exemption from a payment of fine under this Chapter pursuant to Section 8.42.100.D, 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, and every section, 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 one-hundred eighty (180) days from the date of final passage by the Board of Supervisors.

[CH842EMCC]