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AND PARKS**

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November 8, 2018

Honorable City Council
City of Los Angeles
c/o: Office of the City Clerk
City Hall, Room 395

Honorable Members of the City Council:

Subject:

Establishing the rules and regulations for vending of food and merchandise in all City parks.

Recommendation for Council Action:

The Board of Recreation and Park Commissioners (Board) respectfully requests City Council consideration and approval for the Department of Recreation and Parks (RAP) to impose rules and regulations for vending of food and merchandise in all City parks, as further detailed in attached Report No. 18-236.

Background:

Currently, Los Angeles Municipal Code (LAMC) Sections 63.44 and 42.15 restrict and prohibit unpermitted vending in city parks, with the exception of identified, first amendment expressive speech and related mediums such as: flyers, bulletins, pamphlets, buttons etc. On September 18, 2018, Governor Jerry Brown signed Senate Bill No. 946 (SB 946), passed by the state legislature, to both legalize and decriminalize stationary and mobile vending of food and merchandise on sidewalks and in parks, in all California cities. SB 946, in essence, overrides the City's existing vending ordinances. This new state law does allow municipalities to establish either a permit-based vending system or regulatory vending system to control vending in their respective jurisdictions. Under a permit based system, the City could issue permits based on location (i.e., sidewalks and parks) and may issue permits for roaming vendors anywhere in the City based on health, safety, and welfare concerns.

SB 946 states that regulatory programs in substantial compliance with the provisions of the bill in place prior to January 1, 2019, are allowable under the law. In addition, the bill allows park authorities, such as RAP, to create regulations to limit the vending of food and merchandise in parks where narrowly tailored to meet safety, health and welfare concerns; necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities; or necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park. In addition, under the state bill, RAP may prohibit outright



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all stationary vendors from selling food or merchandise in any City park where RAP has a signed agreement that exclusively permits the sale of food or merchandise by a specific concessionaire. However, SB 946 states that any violations of the proposed rules and regulations are punishable only by an administrative fine, as specified, and even further limited by an ability-to-pay determination.

Fiscal Impact Statement:

None.

If you have any questions with regard to this matter, please contact Mr. Anthony-Paul Diaz, Executive Officer and Chief of Staff, at (213) 202-2633.

Very truly yours,

BOARD OF RECREATION AND
PARK COMMISSIONERS

A handwritten signature in blue ink, appearing to read "H. Davis for".

IRIS L. DAVIS
Commission Executive Assistant II

Attachments: Board Report No. 18-236
Proposed Rules and Regulations

cc: Anthony-Paul Diaz, RAP Executive Officer and Chief of Staff (w/out enclosure)