

## Communication from Public

**Name:** Los Angeles Street Vending Campaign  
**Date Submitted:** 08/08/2022 04:43 PM  
**Council File No:** 21-1115  
**Comments for Public Posting:** Please see the attached letter from the LA Street Vending Campaign regarding Council File 21-1115. Thank you, Katie McKeon Staff Attorney Public Counsel On behalf of LA Street Vending Campaign

August 8, 2022

Los Angeles City Council  
200 N. Spring Street  
Los Angeles, CA 90012

**Re: Bicycle Criminalization Ordinance and the Impacts on Sidewalk Vendors- CF 21-1115**

Dear Honorable Members:

We stand with the numerous community groups, including Street Watch LA, LA CAN, Unhoused Neighbors, and the LA County Bicycle Coalition, who oppose the recent amendments to Los Angeles Municipal Code 56.13.2 (the “Bicycle Ordinance”) as an overly broad and unjust criminalization of individuals living on our streets and using public sidewalks. We oppose the amendments in their entirety, but we write to uplift the provisions that will unfairly target and - in violation of state law - criminalize sidewalk vendors who sell bicycle parts. We ask that the City Council repeal the Bicycle Ordinance and ensure that any replacement is consistent with state law and allows the use of our public sidewalks without discrimination.

**Background on the LA Street Vendor Campaign**

The LA Street Vendor Campaign (LASVC) is a citywide campaign consisting of various nonprofit organizations, community-based groups, labor unions, and thousands of street vendors who have been working for years to create a thoughtful permit system for street vendors. For many years, the LASVC has been working in communities all across Los Angeles to engage stakeholders to develop pragmatic, community-centered policy solutions to address the injustices facing low-income entrepreneurs in LA. As a result of this organizing work, thousands of street vendors and supporters are engaged every month through workgroups in various neighborhoods of Los Angeles.

**Background on the Bicycle Ordinance**

The enacted Bicycle Ordinance amends Los Angeles Municipal Code (“LAMC”) section 56.15.3 in an attempt to prohibit various activities involving bicycles and bicycle parts on public property. Specifically, LAMC 56.15.3(b) states:

Except as otherwise stated in this section, no Person shall assemble, disassemble, sell, offer to sell, distribute, offer to distribute, or store the following items on Public Property within the City:

- (1) Five or more Bicycle Parts;
- (2) A Bicycle frame with the gear cables or brake cables cut;
- (3) Two or more Bicycles with missing Bicycle Parts; or
- (4) Three or more Bicycles.

Thus, individuals who “sell” or “offer to sell” “Five or more Bicycle Parts” on “Public Property within the City” can be charged with a misdemeanor. This is clearly in violation of both state law and other provisions of LAMC as it applies to sidewalk vendors who sell bicycle parts on the sidewalk.

### **Senate Bill 946**

Senate Bill (SB) 946 went into effect on January 1, 2019. The bill prohibited the issuance of misdemeanors or infractions to any sidewalk vendor for the simple act of selling merchandise or food. Specifically, Government Code section 51039(d)(1) states:

A violation of a local authority’s sidewalk vending program that complies with Section 51038, or a violation of any rules or regulations adopted prior to January 1, 2019, that regulate or prohibit sidewalk vendors in the jurisdiction of a local authority, shall not be punishable as an infraction or misdemeanor,....

### **City of Los Angeles Sidewalk Vending Ordinance**

In November 2018, the Los Angeles City Council passed a local sidewalk vending ordinance (“Sidewalk Vending Program”) in response to the impending enactment of SB 946. This Sidewalk Vending Program requires sidewalk vendors to obtain a local vending permit and comply with various regulations that limit where an individual vendor may set up on the sidewalk. In compliance with SB 946, sidewalk vendors who do not have a permit or who are violating the local regulations may only receive an administrative citation (a non-criminal fine). However, the Bicycle Ordinance directly conflicts with both the Sidewalk Vending Ordinance and SB 946 by criminalizing sidewalk vendors who sell bicycle parts as part of their business.<sup>1</sup> The Bicycle Ordinance should be amended immediately to come into compliance with state law.

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<sup>1</sup> LAMC Section 56.15.3(c)(1) exempts “A Person operating under a valid City business license or permit” from enforcement under the Bicycle Ordinance, but sidewalk vendors operating even without a local vending permit cannot be punished with a criminal citation under SB 946 and the Sidewalk Vending Program.

Again, we reiterate our opposition to the Bicycle Ordinance in its entirety and stand with local community groups that opposes this unfair criminalization of the use of our public sidewalks. We ask, at minimum, that the City return to the Bicycle Ordinance and amend it to avoid direct conflict with state law.

Sincerely,

Los Angeles Street Vendor Campaign