

DOWNEY POLICE DEPARTMENT

TRAINING



BULLETIN

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Chief of Police

No. 20-06

Enforcement for Sidewalk / Street Vendors

This bulletin will address situations when officers may come in contact with the increasing number of Sidewalk and Street Vendors and what enforcement action may be taken.

Definitions:

Roaming Sidewalk Vendor: Any person who sells or offers for sale any food or merchandise from a non-motorized cart or from one's person at multiple locations upon City sidewalks or in a City-owned park. *Roaming sidewalk vendors are **not** allowed to conduct any business activities upon private property.*

Stationary Sidewalk Vendor: Any person who sells or offers for sale any food or merchandise from a non-motorized cart or from one's person from a fixed location upon a sidewalk or in a City-owned park. *Stationary sidewalk vendors are required to conduct activities only at an approved location, and **cannot** conduct any business activities upon private property.*

Street Vendor: Any person who sells or offers for sale any food or merchandise on the street or from a vehicle that is parked, stopped, or standing upon a street. *Street vendors are **not** allowed to conduct any business activities upon private property.*

Peddler: Any person, other than a sidewalk vendor, who goes from place to place within the City (private or public property) to sell or offer for sale any goods, wares, books, periodicals, magazines, or other merchandise for immediate delivery.

Solicitor: Any person, other than a sidewalk vendor, who goes from place to place within the City to sell or offer for sale any goods, wares, books, periodicals, magazines, or other merchandise that will be delivered at some point in the future.

Current law regarding Sidewalk Vendors:

The State of California has **de-criminalized** sidewalk vending, making it subject to only to **Administrative Citations**. Officers can no longer issue misdemeanor citations to sidewalk vendors. Due to it being de-criminalized, officers should be cognizant that the subject may refuse to provide identification or their personal information. Were this to happen, officers should complete the administrative citation with the information provided only. This only

applies when the vendor is on the sidewalk. If the vendor is on private property, or upon areas dedicated for vehicular travel (e.g., streets, alleys, parking lots, etc.), they do not qualify as a “Sidewalk Vendor” and may be issued a misdemeanor citation. Under the new State law, “sidewalk vendor” is defined to include “*a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path.*” This would also apply to any sidewalk vendor operating within a park owned or operated by the City.

Please note you are able to issue a single administrative citation for violations of multiple DMC provisions. For example, a person who is peddling food from a pushcart without permits and a business license could be issued a single administrative citation for all three of the aforementioned Code sections.

The appropriate sections regarding administrative citations for sidewalk vendors could include the following:

DMC 6203 – Unlicensed Business Activities (Applicable to all types of business activities)

DMC 6545.1(e) – Unpermitted Street Vending (Applies to the vending of all products – including food and beverages)

Under our current administrative fine schedule, **EACH** of these violations is subject to an administrative fine of \$100 for a first offense, \$200 for a second offense within 12 months, and \$500 for a third or greater offense within 12 months.

Food Trucks and Street Vendors:

Food trucks and Street Vendors do not qualify as sidewalk vendors and **CAN** be issued misdemeanor citations. Food Trucks are **ONLY** allowed on the street and are not permitted to be on private property. If a Food Truck is conducting business on private property they could be cited per **DMC 6545.1(b)**, which states “*Vending from a motor vehicle shall be limited to public streets only and shall not be permitted upon any alley, parkway, sidewalk, or other public property*”

DMC 3189(a) limits the amount of time Food Trucks and other street vendors can remain parked in one location to **10 minutes**. If a Food Truck does not have any customers, they must move after 10 minutes. However, if there are customers waiting the Food Truck may remain at that location to service the customers present. Once the customers have received service the truck must leave the location. Food Trucks are required to have a business license, and if the owner of the truck is present they must also have an Operator Permit.

The appropriate sections regarding misdemeanor citations for Food Trucks and Street Vendors could include the following:

DMC 6203 – Unlicensed Business Activities (Applicable to all types of business activities)

DMC 6545.1(e) – Unpermitted Street Vending (Applies to the vending of all products – including food and beverages)

DMC 3189(a) – Peddling within 1000’ of a school (Applicable if sale is being conducted from a standing or parked vehicle, trailer, wagon, or pushcart. However, between 0900 hours and one half hour before sunset, such vehicles and carts may be parked for up to 10 minutes so long as they are at least 300’ from a school)