

*City of Los Angeles Department of Recreation and Parks*  
**VENICE BEACH RECREATION CENTER**  
**(Revised – 3/21/08)**

**VENICE BEACH BOARDWALK  
PUBLIC EXPRESSION  
PROGRAM RULES**

**A Tradition of Public Expression on the Venice Beach Boardwalk:**

The Boardwalk at Venice Beach (Boardwalk) is world-famous for its free performances and public expression activities. This tradition of performance and free speech is maintained under the Municipal Code of the City of Los Angeles (Section 42.15, copy attached), which prohibits unregulated vending on the Boardwalk, but protects free speech activities. Under the City's ordinance regulating vending on public beach lands and adjacent properties such as the Venice Boardwalk, vending of food, goods and merchandise is prohibited, except as specifically exempted. The City of Los Angeles, Department of Recreation and Parks, has adopted a permit program to organize this activity.

**Public Expression Program:**

The City Council has recently adopted a new ordinance revising Section 42.15. Recognizing that the Boardwalk is a unique public space, requiring rules and regulations different from other City parks, the Board of Recreation and Park Commissioners has established policies and procedures for participants who wish to conduct Public Expression activities on the west side of the Boardwalk in the City of Los Angeles. To preserve the Boardwalk's rich history of fostering new artists, performance, and other free speech activity, while balancing the interests of the multitude of visitors and users of the public facilities on and adjacent to the Boardwalk, the merchants whose businesses are located adjacent thereto, and the residents of the neighborhood adjacent to the Venice Boardwalk, the City's has divided the available space on the Boardwalk between performers, advocates, artists, and those vending expressive items inextricably intertwined with a political, philosophical, religious or ideological message. Therefore, the City has:

- (a) Created areas where persons or organizations can perform, engage in traditional expressive speech, and petitioning activities, and vend the following expressive items: newspapers, leaflets, pamphlets, bumper stickers, patches, or buttons, or books created by the vendor or recordings of the vendor's own performances (The P-Zones);
- (b) Created areas where persons or organizations may engage in activities permissible in the P-Zones, and also engage in vending of expressive items created by the vendor, or the vending of expressive items which are inextricably intertwined with the vendor's message (The I-Zones); and
- (c) Created reasonable time, place, and manner restrictions on activities outside those areas.

## **P-Zones**

There shall be at least 105 spaces designated in the P-Zones. Of those 105 spaces, 10 will be unassigned and available on a first-come, first-serve basis for persons or organizations engaged in activity that is not vending and does not use amplified sound. Two of those ten spaces shall be made available to persons or organizations giving away food. Five of the 105 remaining spaces will be allocated for large act/performance groups. The allocation of spaces will be conducted according to the following permit system:

1. Permits are required for assigned spaces in the P-Zones during Peak Season. Peak Season is defined as the Saturday before Memorial Day through November 1 of each year. Any person or organization desiring to occupy an assigned space in the P-Zones during Peak Season shall obtain a permit. Permits shall be obtained as described on page 4. Spaces shall be assigned by a lottery as described on page 4.
2. During Peak Season, after 12:00 p.m. (noon), any person or organization, whether or not a permit holder, may use any unoccupied space in the P-Zones, provided that if the permit holder to which the space was assigned arrives after noon and asks to use his/her/their assigned space, the person/organization not assigned the space shall immediately relinquish the space to the assigned permit holder. "Walk-on" use is subject to all provisions of Section 42.15 and other program rules applicable to use of spaces. Failure to immediately vacate the space to the assigned permit holder as requested is a violation of Section 42.15 subject to the criminal penalties set forth in Section 42.15.
3. Vending any item in the P-Zones not exempted is subject to the criminal penalties set forth in Section 42.15. Exempted expressive items are: newspapers, leaflets, pamphlets, bumper stickers, patches or buttons, books created by the vendor, and audio, video or other recordings of a performer's own performances.
4. Any person or organization occupying a designated P-Zone space may give away food, goods, merchandise, services, or performances, free of charge, and may ask for a donation subject to the condition that they shall display, visible to the public, a placard provided by the City stating "Donation appreciated. No contribution required." Anyone may take any item offered for donation in the P-Zone without making any payment for the item. A person giving away items may limit the items given away to no less than one item per person per day.
5. I-Zone permits are not valid to vend items only permitted to be vended in the I-Zones in the P-Zones, but may be used to obtain a P-Zone space in the lottery and for any permissible P-Zone purpose.

## **I-Zones**

There shall be 100 spaces designated in the I-Zones. Vending of any item in the I-Zones not exempted is subject to the administrative penalties set forth in Section 42.15 and these rules as described on pages 8-10. All activities permissible in the P-Zones are also permissible in the I-Zones. Additionally, exempted are expressive items which have been created written or composed by the vendor, or expressive items inextricably intertwined with the message of the person vending the items. These items may

include, but are not limited to, books cassettes, tapes, compact discs, digital video discs, paintings, photographs, and sculptures. The allocation of spaces will be conducted according to the following permit system:

1. I –Zone permits are required for the use of space in the I-Zones. Any person or organization desiring to occupy an assigned space in the I-Zones shall obtain a permit. Permits shall be obtained as described on page 5. Spaces shall be assigned by a lottery as described on page 5.
2. The I-Zone permits are not valid to vend items only permitted to be vended in the I-Zones in the P-Zone.
3. After 12:00 p.m. (noon), any I-Zones permit holder may use an unoccupied space in the I-Zones, subject to all other provisions of Section 42.15 and these rules, provided that if the permit holder to which the space was assigned arrives after noon and requests to use his/her/their assigned space, the person/organization not assigned the space shall immediately relinquish the space to the assigned permit holder. "Walk-on" use is subject to all provisions of Section 42.15 and other program rules applicable to use of spaces. Failure to immediately vacate the space to the assigned permit holder as requested is a violation of Section 42.15 subject to the criminal penalties set forth in Section 42.15.

#### **Recreation Area Between Horizon Avenue and 20<sup>th</sup> Avenue**

Activities in the Recreation Area (the area that includes the Police Substation, Muscle Beach, paddle tennis courts and other recreational facilities, but not including the Westside of the Boardwalk) between Horizon Avenue and 20<sup>th</sup> Avenue are subject to the following:

1. A facility use permit is required for any activity in the Recreation Area that is engaged in by and/or attracts a crowd of 15 or more people.
2. No permit is required for any activity in the Recreation Area that is engaged in by and/or attracts a crowd of less than 15 people.
3. Such activities shall not interfere with any other activity in the Recreation Area.
4. No vending, no amplified sound, and no display tables, easels, stands, equipment, pushcarts or other vehicles, or structures shall be allowed in the Recreation Area without a permit.
5. Permits for the use of the Recreation Area are available through the Venice Beach Recreation Center on a first-come, first-serve basis.

#### **Areas on the Boardwalk outside the P-Zones, I-Zones, Pagodas and Recreation Area:**

In areas on the Boardwalk outside the P-Zones, I-Zones, Recreation Area and Pagodas located at Clubhouse Avenue, Breeze Avenue, Park Avenue, Sunset Avenue and Dudley Avenue, any person or group may without a permit:

1. Vend newspapers, leaflets, pamphlets, bumper stickers, patches and books or recordings created by the vendor.
2. Vend any other expressive item that is inextricably intertwined with the message of the vendor.
3. Engage in any activity permissible in the P-Zones.

No person or group may set up a display table, easel, or other furniture, use a pushcart or other vehicle or place any item on the property in the area of the Boardwalk outside the P-Zones, I-Zones, Pagodas or Recreation Area, except as follows:

1. The activities listed in items 1-3 above are allowed with a table, easel or other furniture on the Westside (ocean-side) of the Boardwalk outside the P-Zones, I-Zones, Pagodas or Recreation Area.
2. Any activity permitted in the P-Zones is allowed, except vending. However, such activity shall not substantially impede or obstruct pedestrian or vehicular traffic.
3. Any table used in connection with the activity must be no larger than a standard card table 34" x 34" and 28" in height.
4. Any easel used in connection with the activity must be no larger than a standard easel with a height no greater than 68" and a display board no larger than 24" x 24" or an artist's easel with a height no greater than 68".
5. Any umbrella used in connection with the activity must be adequately secured with a diameter no greater than 8 feet.

#### **Noise Regulations:**

1. Amplified sound is permitted only in the designated spaces in the P-Zones in the locations specified in Section 42.15 between 9:00 a.m. and sunset, and is prohibited after sunset and before 9:00 a.m. Any speaker or sound reproduction system must be placed on the ground and can be no more than three feet in height. No person or business shall interfere with or resist the taking of any noise measurement authorized. All other Los Angeles Municipal Code Sections relating to noise shall also apply.
2. No noise, whether from amplified or non-amplified, sound may exceed the Lmax levels of:
  - a) 75 dBA, when measured at a minimum distance of 25 feet from the source of the noise; or,

- b) 96 dBA, when measured at a minimum distance of one foot from the source of the noise.

### **Applying for a Permit:**

To apply for a permit, please complete an application form. Application forms are available from the Venice Beach Recreation Center, 1800 Ocean Front Walk. You may come to the office to obtain a form or you may request and receive one by mail. After filling out the form, return it in person, to the Venice Beach Recreation Center office, along with a processing fee of \$25.00. The processing fee pays for a photo identification card, which is your permit. The permit fee is non-refundable. To replace a lost, stolen or revoked card, you must pay another \$25 fee. The permits are valid January 1 through December 31 and must be renewed annually with current contact information. The annual renewal fee is \$10. Permits are for individuals or organizations. Until December 31, 2008, permit holders under the previous Public Expression Permit Program may obtain a new permit at no charge by surrendering their obsolete permit and completing a new application form. Each year, a new permit will be issued in a color that distinguishes it from the year(s) prior.

I-Zone permit applications will include valid contact information at which the City may provide notice to the applicant, a description of the goods or merchandise for which the applicant seeks a permit, and a declaration that the goods or merchandise for which the applicant seeks a permit are expressive items of the applicant's own creation or are inextricably intertwined with the message of the applicant. P-Zone permit applications shall only require the applicant's name. Applicants will be required to provide identification validating the application information.

### **Public Expression Spaces on the Boardwalk:**

The Department has drawn a plan of spaces on the west side of the Venice Beach Boardwalk which can be assigned to public expression permit holders. The P-Zone spaces are located between 17th Avenue and Clubhouse Avenue; between Wavecrest Avenue and Park Avenue; and between Sunset Avenue and Paloma Avenue. The I-Zone spaces are located between Clubhouse Avenue and Wavecrest Avenue; between Park Avenue and Sunset Avenue; and between Paloma Avenue and Navy Street. Assignments of spaces are made through a lottery system to provide a fair opportunity for everyone to have a chance to obtain the space of their choice.

### **The Lottery:**

A Lottery will be held every Tuesday, for weekdays (Monday through Friday) and weekends (Saturday and Sunday) to determine specific space assignments on the Westside of the Boardwalk. Whenever a City holiday falls on Tuesday, the lottery will be held the following day, Wednesday at the same time and location.

The Lottery, under the supervision of the Venice Beach Recreation Center staff, will be held every Tuesday at 8:30 a.m. at Venice Beach Recreation Center, 1800 Ocean Front Walk, Venice, CA 90291 (in front of the Los Angeles Police Department Substation).

Persons needing special accommodation due to disability should bring their documentation for discussion with the Lottery staff no later than 8:00 a.m. the day of the Lottery.

The I-Zones Lottery will be conducted in two parts – beginning with a weekend drawing and followed by a weekday drawing. At 8:30 a.m., the Lottery Committee staff will announce “Last Call for Weekend Lottery”. At that time, the ID cards will be drawn, one at a time, by a staff member. As each card is drawn, the person or organization whose card is drawn will choose an identified numbered space which has not yet been selected for the time period covered by the Lottery. Permit cards will be handed back with a space assignment slip or sticker. Following the Weekend Lottery, the same procedure will be conducted for the Weekday Lottery. A roster of assigned spaces for the time period covered by the Lottery will be available at the Venice Beach Recreation Center Office and the Los Angeles Police Department Substation.

During Peak Season, the P-Zone lottery will be held at the same time as the I-Zone lottery in the same manner, with the exception of Large Act/Performance spaces. Only Large Act/Performance groups will be eligible to choose one of the five Large Act/Performance spaces. Large act/performance groups are those that draw an audience of more than an average of 25 persons.

Space assignments for the weekends (Saturday and Sunday) will be in effect the Saturday and Sunday following the Lottery. Space assignments for the weekdays (Monday through Friday) will be in effect the Monday through Friday the week after the Lottery. After the total number of spaces available for the P-Zones and I-Zones has been assigned, persons not selected in the Lottery will not be assigned a space for that time period but will have another chance in the next weekly Lottery.

After completion of the Lottery, if spaces remain unassigned for the time period covered by the Lottery, any permit holder may request assignment of an unassigned space within his/her/their permitted zone from the Venice Beach Recreation Center staff for the remainder of that time period on a first come, first serve basis. The rules applicable to post-Lottery assigned spaces shall in all other respects be the same as the rules applicable to spaces assigned by the Lottery.

In the five Large Act/Performance spaces, the space(s) may be rotated once every hour beginning at 11:00 a.m., if more than one performer or group wants the same space. Example: if two group/performers want space D, they would alternate performances on an hourly basis beginning at 11:00 a.m.

#### **Lottery Rules:**

1. You must be physically present at the time of the drawing.
2. You may not select a space and give it to or trade it with any other person, including members of your own family.
3. You may not sell or offer an exchange with any other person.
4. You may not buy a space from a permit holder for money or barter.

## **Public Expression Program Regulations:**

All persons/organizations must comply with applicable laws and ordinances in their use of spaces under this program. The Board of Commissioners has also adopted these regulations.

1. All vending not specifically exempted by Section 42.15 B2, C2 or D1 is prohibited.
2. Designated spaces cannot be occupied before 9:00 a.m. and must be vacated by sunset.
3. Designated spaces must be kept clean and litter, debris, or any marking must be removed from the assigned space by sunset.
4. Gasoline-fueled generators are not allowed. Electric cords may not be connected outside the assigned space or to any City power source.
5. Designated spaces cannot be enclosed on more than two sides.
6. Items, such as, structures, fixtures, furniture, tents, equipment or displays of any kind cannot extend higher than four (4) feet above the ground, except an umbrella or sun shade.
7. Persons must comply with regulation of noise levels as established by the applicable sections of the Los Angeles Municipal Code (L.A.M.C.). Amplified sound is permitted only in the designated permitted spaces of the P-Zone as specified in L.A.M.C. 42.15 between 9:00 a.m. and sunset and is prohibited before 9:00 a.m. and after sunset.
8. The free movement of pedestrian or emergency vehicles cannot be blocked or obstructed.
9. Parking or unloading in red zones is not permitted.
10. Permit holders must display the Recreation and Parks issued photo identification card at all times when in the assigned space.
11. No person/organization shall place or allow anything in any designated space that extends beyond the boundaries of the designated space.
12. Permit holders may not move public furniture, equipment, or fixtures (examples are benches and trash cans) and may not attach anything to public property.
13. Permit holders may not interfere with any City staff person, including Recreation and Parks Department, the Office of Public Safety or Los Angeles Police Department personnel doing his or her job, including inspecting your display or issuing a notice of violation of the permit rules.
14. Permit holders may not assault or threaten with intent to cause great bodily injury another permit holder, staff member, other departmental or City personnel, store merchant, or any member of the public.
15. No person/organization shall alter or reproduce any permit issued, nor shall any person/organization possess an altered, reproduced or falsified permit document.
16. No person/organization occupying a space shall leave such space for a period longer than 45 minutes without first removing all items therefrom.
17. After 12:00 p.m. daily, any permit holder may use any single unoccupied space for the remainder of that day; provided, that if the permit holder to whom the space was assigned by lottery arrives after 12:00 p.m. and asks to use his/her/their assigned space, the "walk-on" permit holder must immediately relinquish the space to the assigned permit holder. "Walk-on" use is subject to all other program rules applicable to use of spaces.

18. No person/organization shall occupy more than a single space at any given time nor shall any person, business, or group solicit another person to obtain or occupy a space on their behalf.
19. No person/organization shall purchase, sell, barter, or exchanged any space with another person/organization.
20. Permit holders are responsible for keeping their contact information on file current.
21. No person shall use or obstruct access to any City-owned or maintained street furniture or structure, including any pagoda, for vending, performance, or display of anything whatsoever, including but not limited to, use of any bench, planter or trash receptacle installed on public property.

Permit holders who do not comply with City laws or the public expression program rules are subject to the penalties described in Section 42.15 and these program rules.

#### **Permit Suspension/Revocation:**

If a permit holder violates the rules of the public expression program, he or she will receive notices and be subject to reimbursement of costs, suspension of the permit, or revocation of the permit.

1. The first violation of the rules will result in a written notice being issued to the permit holder. This notice will require compliance and payment of any costs for necessary repairs or cleanup, if that is the nature of the violation. The permit holder may also be asked to leave at the time of notice if the violation is not immediately ceased at the time the notice is issued and is not repeated. An assigned space cannot be occupied by a permit holder until any charges for clean up or damage repair are paid.
2. The second violation of the rules or of Section 42.15 or a combination thereof, will result in a written notice, which will require payment of any costs if that is the nature of the violation, and suspension of use of the assigned space for the remainder of the applicable Lottery time period and suspension of Lottery privileges for the next Lottery, and suspension of "walk on" privileges in the I-Zones and P-Zones until the expiration of the next Lottery period.
3. The third violation of the rules, or third violation of Section 42.15 or any combination thereof, will result in revocation of the permit.
4. If a single offense constitutes both a violation of a program rule and a violation of Section 42.15, it shall be considered one offense for purposes of permit revocation.

Department staff will notify the Los Angeles Police Department of permit holders who are suspended for any period, or who have had his or her permit card revoked. If LAPD issues a criminal citation to a permit holder while in a permitted space, it will be treated as an administrative violation under the three-step enforcement plan upon conviction or bail forfeiture.

At each step, an I-Zone permit holder may appeal an administrative violation. The Recreation and Parks District Supervisor will consider and reply to any appeals. That is the final appeal for first or second offenses. On a third offense, consisting of program rule violations, Municipal Code Section 42.15 violations, or a combination of both, the permit holder may appeal. A revocation appeal will be heard and considered by a three-

person panel, the Panel of Vending Permit Appeals, consisting of: a representative of the Park Advisory Board designated by the Board of Recreation and Park Commissioners; a community member designated by the City Councilperson; and, the General Manager of the Department of Recreation and Parks or the General Manager's designee. A majority of the three person board shall constitute a quorum and the board shall act only by a majority of all of its members. The conclusion of the applicable appeal process shall constitute exhaustion of administrative remedies pursuant to California Code of Civil Procedure 1094.5.

1. A written request for an appeal of a first or second violation shall be filed with the staff at the Venice Beach Recreation Center by 5:00 p.m. on the second day after the notice of violation was issued. If a written request is not filed by that time, the appeal shall be deemed waived. A copy of the notice of violation shall be attached to the written request for appeal and the name, address, telephone number, and, if available, the fax number and e-mail address of the appellant shall be included.
2. Within 48 hours of receiving a request for appeal, the District Supervisor shall set the date and time of hearing and notify the appellant. The hearing shall be set within 5 days from the issuance of the notice of violation. If the hearing is not set within 5 days from issuance of the notice of violation, the violation shall be dismissed. Requests by appellant for continuances of the hearing date shall be made in writing to the District Supervisor and shall only be granted on condition that appellant surrenders their permit to the District Supervisor pending the outcome of the hearing. The hearing shall be held at the Venice Beach Recreation Center 1800 Ocean Front Walk 90291.

At the hearing appellant shall have the opportunity to present evidence to the District Supervisor establishing that appellant did not commit a violation of Section 42.15 or a violation of a program rule, whichever the case may be. Appellant may be represented by counsel. The hearing shall be recorded, but a court stenographer shall not be required unless arranged and paid for by appellant. In addition to the information contained in the notice of violation, the District Supervisor shall consider any evidence submitted in rebuttal to appellant's evidence. At the conclusion of the hearing, and after considering all the evidence, the District Supervisor shall determine whether a preponderance of the evidence establishes that the violation occurred. The District Supervisor's determination shall constitute the conclusion of the appeal process for a first or second violation. The penalties imposed by the program rules for a first or second violation, as applicable, shall take effect upon the earlier of: a) the waiver of an appeal; or, b) a determination by the District Supervisor that the appealed violation was committed.

3. A permit revocation appeal shall be heard by the three person Panel of Vending Appeals described in Section 42.15 ("board"). A written request to appeal a third violation shall be filed with the staff at the Venice Beach Recreation Center by 5:00 p.m. on the fifth day after the notice of violation was issued. If the request is not filed by that time, the appeal shall be deemed waived. A copy of the notice of violation shall be attached to the written request for appeal and the name, address, telephone number, and, if available, the fax number and e-mail address of the appellant shall be included.

4. Within 48 hours of receiving a request for a permit revocation appeal, the District Supervisor shall confer with the board members, set the date and time of hearing and notify the appellant. The hearing shall be set within 10 days from the issuance of the notice of violation. If the hearing is not set within 10 days from issuance of the notice of violation, the violation shall be dismissed. Requests by appellant for continuances of the hearing date shall be made in writing to the District Supervisor and shall only be granted on condition that appellant surrenders their permit to the District Supervisor pending the outcome of the hearing. The hearing shall be held at the Westminster Senior Center, 1234 Pacific Avenue, Venice, CA, 90291.
5. At the hearing appellant shall have the opportunity to present evidence to the board establishing that appellant did not commit a violation of Section 42.15 or a violation of a program rule, whichever the case may be. Appellant may be represented by counsel. The hearing shall be recorded, but a court stenographer shall not be required unless arranged and paid for by appellant. In addition to the information contained in the notice of violation, the board shall consider any evidence submitted in rebuttal to appellant's evidence. At the conclusion of the hearing, and after considering all the evidence, the board shall determine whether a preponderance of the evidence establishes that the violation occurred. The board's determination shall constitute the conclusion of the appeal process for a third violation. The penalties imposed by the program rules for a third violation shall take effect upon the earlier of: a) the waiver of an appeal; or, b) a determination by the board after appeal that a third violation was committed.

A permit holder who has had his or her permit finally revoked for the Boardwalk can re-apply for a permit one calendar year from the revocation date.

**Please Sign a Copy for our Records**

Thank you for your compliance with the rules. For questions or concerns, please call us at (310) 396-6764.

I have read the above rules and Los Angeles Municipal Code Section 42.15 (a copy is attached hereto), and agree to abide by all rules and laws governing the public expression permit program at the Boardwalk. I understand that any violation of these rules or laws may cause my permit to be suspended or revoked.

(Signature of Applicant/Permittee)\_\_\_\_\_

Date\_\_\_\_\_

An ordinance amending Section 42.15 of the Los Angeles Municipal Code to prohibit vending and excessive noise on beaches or upon immediately adjacent boardwalks, sidewalks and public ways.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Section 42.15 of the Los Angeles Municipal code is amended to read:

**SEC. 42.15. VENDING AND EXCESSIVE NOISE ON BEACHES PROHIBITED.**

A. Except as specifically allowed in this section, no person shall engage in vending upon any public beach lands or beach properties adjoining the waterfront of the Pacific Ocean, or upon any immediately adjacent boardwalk, sidewalk or public way between the southerly boundary of the City of Santa Monica and the northerly boundary of the City of El Segundo and between the northwesterly boundary of the City of Santa Monica and the northwesterly boundary of the City of Los Angeles.

1. Findings and Purpose. The City Council of the City of Los Angeles finds and declares as follows:

(a) The Venice Beach Boardwalk (Boardwalk) is a major tourist attraction in the City of Los Angeles. The Boardwalk is historically significant as a traditional public forum for its performance and visual artists, as well as other free speech activity. Unregulated vending adversely affects the historic character of the Boardwalk resulting in an economic and cultural loss to the City. Therefore, the Boardwalk requires reasonable time, place, and manner restrictions to restore its unique historic character as a center of performance, art, and other free speech activity, preserve its status as a tourist attraction, protect the local merchant economy, and ensure the safety and enjoyment of residents, visitors, advocates, artists, performers, and vendors alike. Due to its unique historical, geographical, and physical characteristics, the Boardwalk requires its own set of rules and regulations different from other public parks in the City;

(b) Unregulated vending harms the Boardwalk, and therefore must be regulated because:

(i) Tourists are deterred from visiting or shopping at the Boardwalk as they are constantly approached, solicited, and sometimes harassed by unregulated vendors. It is therefore necessary to regulate the time, place, and manner of vending on the Boardwalk, in order to ensure that tourists are not deterred from visiting or shopping at the Boardwalk;

(ii) The amount of space on the Boardwalk that is available for performing and visual artists and for political advocacy is limited due to the size of the Boardwalk and the large crowds of visitors that the Boardwalk attracts. Due to the limited amount of space, unregulated vending along the Boardwalk prevents many persons from engaging in performance, art, advocacy or other expressive activities. Prior to the City's Board of Recreation and Parks Commission establishing a program for assignment of spaces, unregulated vending resulted in conflicting claims for the available space. There were numerous altercations over the locations and amounts of space that any one person or organization could use. Frequently, the altercations became violent requiring law enforcement response to preserve the public peace. Persons wishing to secure spaces often arrived prior to dawn and created loud noises in setting up their displays, thereby disturbing the public peace and requiring a law enforcement response. Unregulated, the Boardwalk became a place where only the strongest and earliest arrivals could secure space to exercise their rights of free expression without threat of intimidation. It is, therefore, necessary to regulate the use of the limited space on the Boardwalk to prevent conflicting claims for the space and to allocate the limited space available fairly to all who desire to use it for lawful purposes.

(iii) Tables, pushcarts, stands, or equipment of persons engaged in vending impedes the orderly movement of pedestrian traffic and may make the Boardwalk unsafe for pedestrians by limiting the City's ability to effect crowd management and control. It is therefore necessary to regulate the use of equipment by vendors to manage the orderly movement of pedestrian traffic and avoid injuries to pedestrians;

(iv) The vendors and their equipment may impede the ingress and egress of emergency and public safety vehicles by creating physical obstacles to emergency response and administration of aid to those in need of immediate medical attention and to victims of criminal activity. It is therefore necessary to regulate vendors and their use of equipment to avoid interference with emergency response vehicles that provide assistance to individuals with medical needs and victims of criminal activity;

(v) Unregulated vending undermines the Boardwalk's commercial life by reducing sales by local merchants operating on private property abutting and adjacent to the Boardwalk, thereby eroding the City's tax revenues due to unfair competition, and by offering additional opportunity for the sale of stolen, defective or counterfeit merchandise. It is therefore necessary to regulate vending to protect the local merchant economy and revitalize the Boardwalk, which requires a

vibrant and stable merchant, artist, performer and free speech advocacy community;

(vi) Unregulated vending causes visual clutter/blight along the Boardwalk, impedes views of the beach and the Pacific Ocean, and threatens the City's ability to attract tourists and preserve businesses along the Boardwalk. It is therefore necessary to regulate the number of vendors, the size of their equipment, and displays, and the location of vending activity;

(vii) Unregulated vending creates unnecessary, excessive and annoying noise on the Boardwalk, is detrimental to the public health, welfare and safety and contrary to the public interest, harms residents, businesses and the historic character of the Boardwalk, and diminishes the quality of life for those who visit, live or work on or near the Boardwalk. It is therefore necessary to establish restrictions on noise at the Boardwalk;

(viii) The Recreation Area between Horizon Avenue and 20th Avenue is a site that frequently holds special events. It is the location of a police substation where vehicles require the ability for unobstructed ingress and egress. It is also where many people engage in skateboarding, paddle tennis, and other sports and exercise. The Recreation Area between Horizon Avenue and 20th Avenue, therefore, requires a special permit system to regulate activity in that area, and prevent incompatible uses of space.

2. Action. To address these findings and purposes, the City has created reasonable time, place, and manner restrictions on vending. To preserve the Boardwalk's rich history of fostering new artists, performance, and other free speech activity, the City has divided the available space on the Boardwalk between performers, advocates, artists, and those vending expressive items inextricably intertwined with a political, philosophical, religious or ideological message. Therefore, the City has:

(a) Created areas where persons can perform, engage in traditional expressive speech, and petitioning activities, and vend the following expressive items: newspapers, leaflets, pamphlets, bumper stickers, patches, buttons, or books created by the vendor or recordings of the vendor's own performances (P-Zones);

(b) Created areas where persons may engage in activities permissible in the P-Zone, and also engage in vending of expressive items created by the vendor, or the vending of expressive items that are inextricably intertwined with the vendor's message (I-Zones); and

- (c) Created reasonable time, place, and manner restrictions on activities outside those areas.

B. P-Zones.

- 1. Vending any item in the P-Zones not exempted by Subdivision 2 of this subsection is a violation of this section and is subject to the penalties described in Subsection H.
- 2. P-Zone Exemptions. Subject to the permit requirements of Subdivision 4 of this subsection:
  - (a) Any person may:
    - (i) Vend newspapers, leaflets, pamphlets, bumper stickers, patches, or buttons; and
    - (ii) Vend books created by the vendor.
  - (b) Performers may vend audio, video, or other recordings of their performances; and
  - (c) Any person may give away food, goods, merchandise, services, or performances, free of charge, and may ask for a donation subject to the condition that they shall display, visible to the public, a placard provided by the City stating: "Donations appreciated. No contribution required." A person giving away items may limit the items given away to no less than one item per person per day.
- 3. P-Zone Spaces. The Board will designate spaces on the Boardwalk for allocation in the P-Zones according to rules promulgated by the Board consistent with this section. There shall be at least 105 spaces designated in the P-Zones.
- 4. P-Zone Permit System. The allocation of spaces shall be determined according to the following permit system:
  - (a) Permits required for assigned spaces in the P-Zones during Peak Season. During the "peak season," defined as the Saturday before Memorial Day through November 1 of each year, any person desiring to occupy an assigned space shall obtain a permit, and, spaces shall be assigned to persons possessing a permit according to the rules promulgated by the Board consistent with this section. P-Zone permits shall not be valid in the I-Zones.
  - (b) Exception: During peak season after 12:00 p.m. (noon), any person, whether or not a permit holder, may use any unoccupied space in the P-

Zones subject to all other provisions of this section; provided that if the permit holder to which the space was assigned arrives after noon and asks to use his/her assigned space, the person not assigned the space shall immediately relinquish the space to the assigned permit holder.

(c) Permit Applications for the P-Zones during Peak Season. An application requesting a non-transferable peak season permit for the P-Zones shall only require the applicant's name.

5. Unassigned Spaces in the P-Zones. Ten of the 105 designated P-Zone spaces shall be made available on a first-come, first-served basis for persons engaged in activity that is not vending and does not use amplified sound. Two of those spaces shall be made available for persons giving away food.

C. I-Zones.

1. Vending any item in the I-Zones not exempted by Subdivision 2 of this subsection is a violation of this section and is subject to the penalties described in Subsection G.

2. I-Zone exemptions. Subject to the permit requirements of Subdivision 4 of this subsection:

(a) All activities permissible in the P-Zones are also permissible in the I-Zones; and

(b) Any person may vend the following items: expressive items, which have been created, written or composed by the person, or are expressive items inextricably intertwined with the message of the person vending the items. These items may include, but are not limited to, books, cassettes tapes, compact discs, digital video discs, paintings, photographs and sculptures. For purposes of this paragraph, expressive items shall be deemed to have been created by the vendor only if they have been predominantly authored, performed, recorded, filmed, or otherwise made or assembled by the vendor.

3. I-Zone Spaces. The Board will designate spaces on the Boardwalk for allocation in the I-Zones according to rules promulgated by the Board consistent with this section. There shall be at least 100 spaces designated in the I-Zones.

4. I-Zone Permit System. The allocation of spaces shall be determined according to the following permit system:

(a) Permits required for use of space in the I-Zones. I-Zone permits shall not be valid in P-Zones to vend items only permitted to be vended in the I-Zones. However, I-Zone permits may be used in P-Zones for any

permissible P-Zone purpose. No person shall occupy space in the I-Zone unless that person possesses a valid permit issued by the Department of Recreation and Parks. After 12:00 p.m. (noon), any I-Zone permit holder may use an unoccupied space in the I-Zone subject to all other provisions of this section; provided that if the permit holder to which the space was assigned arrives after noon and requests to use his/her assigned space, the person not assigned the space shall immediately relinquish the space to the assigned permit holder.

(b) Permit Applications for the I-Zones. Any person desiring to occupy an assigned space to vend items in the I-Zones shall file an application for a non-transferable permit with the Department of Recreation and Parks. The application shall require:

- (i) The applicant's name and a mailing address at which the City may provide notice to the applicant;
- (ii) A description of the goods or merchandise for which the applicant seeks a permit;
- (iii) A declaration that the goods or merchandise for which the applicant seeks a permit are expressive items of the applicant's own creation or are inextricably intertwined with the message of the applicant.

#### D. Special Rules for Areas on the Boardwalk Outside the P-Zones and I-Zones.

##### 1. Areas Outside the P-Zones and I-Zones.

(a) Activities allowed without equipment on the Boardwalk outside the P-Zones, I-Zones and pagodas. The following activity may occur in all areas covered by this section outside the P-Zones, I-Zones and pagodas, provided that no person may set up a display table, easel, stand, equipment or other furniture, use a pushcart or other vehicle or place any item on the property defined in Subsection A except as provided in Paragraph b of this subdivision:

- (i) Any person may vend newspapers, leaflets, pamphlets, bumper stickers, patches, or buttons, and books or recordings created by vendor.
- (ii) Any person may vend any other expressive item that is inextricably intertwined with the vendor's message.
- (iii) Any person may engage in any activity permissible in the P-Zones.

(b) Activities allowed with limited equipment on the Westside of the Boardwalk outside the P-Zones, I-Zones or pagodas. Any activity permitted in the P-Zones may occur on the Westside of the Boardwalk outside of the P-Zones, I-Zones or pagodas so long as the activity is not vending and does not substantially impede or obstruct pedestrian or vehicular traffic, subject to reasonable size and height restrictions on any table, easel, or other furniture in connection with that activity, as set forth in the Program Rules.

2. Special Permit System for the Recreation Area between Horizon Avenue and 20th Avenue.

(a) A permit is required for any activity in the Recreation Area that is engaged in by and/or attracts a crowd of 15 or more people.

(b) No permit is required for an activity in the Recreation Area that is engaged in by and/or attracts a crowd of fewer than 15 people. The activity shall not interfere with any other activity in the Recreation Area.

(c) No vending, no amplified sound, and no display tables, easels, stands, equipment, pushcarts or other vehicles, or structures shall be allowed in the Recreation Area without a permit.

E. Use of City Property for Vending, Performance, or Display Prohibited. No person shall use or obstruct access to any City-owned or maintained street furniture or structure, including any pagoda, for vending, performance, or display of anything whatsoever, including but not limited to, use of any bench, planter or trash receptacle installed on public property.

F. Noise Regulation for all property on or immediately adjacent to the Boardwalk.

1. No person, group or business shall create any noise, or allow the creation of any noise, which causes the noise level to exceed the following Lmax levels between 9:00 a.m. and sunset:

(a) 75 dBA, when measured at a minimum distance of 25 feet from the source of the noise; or,

(b) 96 dBA, when measured at a minimum distance of one foot from the source of the noise.

When Lmax levels are measured from a building located on private property adjacent to the Boardwalk, the measurement shall be taken from the property line dividing the private property and the Boardwalk.

2. Nothing in this section shall be construed as prohibiting the City from enforcing other provisions of this Code relating to noise. At all times, the

provisions of Chapter 11 of the Los Angeles Municipal Code, Sections 111 through 115, inclusive, and Los Angeles Municipal Code Sections 41.42, 41.57, 53.63, 63.44 relating to noise shall apply.

3. No person or business shall interfere with or resist the taking of any noise measurement authorized by this section.

4. Amplified sound may be generated in the following designated P-Zone spaces subject to the other requirements of this section, and as long as any speaker or sound reproduction system is placed on the ground and is no more than three feet in height:

(a) Between 17<sup>th</sup> Avenue and Horizon Avenue;

(b) Between Breeze Avenue and Park Avenue.

5. Except as allowed by subdivision 4 of this subsection, amplified sound is prohibited on all property described in subsection A of this section.

6. Notwithstanding the regulations regarding amplified sound, the City may issue special event permits.

#### G. Enforcement.

1. Conduct subject to administrative enforcement. The Board may adopt rules consistent with this section for space allocation and reasonable time, place and manner regulation of the I-Zones and the P-Zones. Except as provided in Subsection H and Subdivision 2 of this subsection, violations of rules promulgated by the Board shall be subject to administrative enforcement by the City as follows:

(a) A permit may be revoked in accordance with the Program Rules adopted by the Board for violations of any provision of this section or the Program Rules. Revocation shall occur upon a third violation of a Program Rule, a third violation of the conditions set forth in this section, or a combination of any three violations of the Program Rules or conditions set forth in this section. A notice of violation of the Program Rules may be appealed to the Department of Recreation and Parks District Supervisor. Revocation of a permit may be appealed to the Panel of Vending Permit Appeals. No action of the Panel of Vending Permit Appeals may be taken by less than a majority of its members. The conclusion of the applicable appeal process shall constitute an exhaustion of administrative remedies pursuant to California Code of Civil Procedure Section 1094.5.

(b) Only those persons who obtain I-Zone permits may invoke the administrative appeals process described in Subparagraph (a) of this

subdivision. Persons vending without a permit in the I-Zones shall be subject to the penalties described in Subsection H.

2. Conduct subject to criminal penalties. Conduct in the P-Zones or the I-Zones that is prohibited by the following paragraphs shall be subject to the penalties described in Subsection H:

(a) No person shall place or allow anything in any designated space that extends beyond the boundaries of the designated space.

(b) No person shall place or allow any item (except an umbrella or other sun shade) exceeding four feet above ground in any designated space, nor shall any person cause or allow a designated space to be enclosed on more than two sides.

(c) No person occupying a space shall leave that space for a period longer than 45 minutes without first removing all items from the space.

(d) No person, business or group shall occupy more than a single space at any given time, nor shall any person, business or group solicit another person to obtain or occupy a space on their behalf.

(e) No person shall purchase, sell, barter or exchange any assigned space with any other person.

(f) No person shall set up or take down or use a designated space between sunset and 9:00 a.m.

3. No person shall alter or reproduce any permit issued pursuant to this section, nor shall any person possess an altered, reproduced or falsified permit document. A violation of this paragraph shall be subject to the penalties described in Subsection H.

H. Violations. Except for the administrative enforcement provided in Subdivision 1 of Subsection G, any person violating a provision of this section shall be subject to the following penalties:

1. First offense. Infraction.

2. Second offense. Infraction.

3. Subsequent offenses. Misdemeanor. The violation of any provision, which would otherwise be an infraction, shall be a misdemeanor if the person who has violated that provision has previously been convicted of two or more violations of this section within the 24-month period immediately preceding the

current offense. For purposes of this subsection, a bail forfeiture shall be deemed to be a conviction of the offense charged.

I. Opening and Closing Hours. No person shall engage in activities not otherwise prohibited by this section between the hours of 10:30 p.m. and 9:00 a.m.

J. Posted Notice. The City shall post signs in the P- Zones and the I-Zones providing notice of the rules of use of each Zone consistent with this section.

K. Severability. If any provision or application of a provision of this section is held invalid, the remainder of the section and application of its provisions will not be affected.

L. Definitions. For purposes of this section, the following words or phrases shall have the following meanings:

1. Performance/Free Speech Zones (P-Zones). Areas on the Boardwalk designated by the City, located south of Clubhouse Avenue and north of 17<sup>th</sup> Avenue, south of Park Avenue and north of Wavecrest Avenue, and south of Paloma Avenue and north of Sunset Avenue in which the City will allocate spaces for performers and speakers. Vending shall be prohibited in this area except as provided in Subdivision 2 of Subsection B of this section.

2. Inextricably Intertwined Speech Zones (I-Zones). Areas on the Boardwalk designated by the City, located south of Wavecrest Avenue and north of Clubhouse Avenue, south of Sunset Avenue and north of Park Avenue, and south of Navy Street and north of Paloma Avenue, in which the City will allocate spaces for the vending of expressive items that are created by the vendor or inextricably intertwined with speech. Vending shall be prohibited in this area except as provided in Subdivision 2 of Subsection C of this section.

3. Amplified Sound. Sound produced with sound amplifying equipment as defined in Los Angeles Municipal Code Section 111.01 (j), and shall not include sound produced solely by acoustical musical instruments.

4. Board. The City's Board of Recreation and Park Commissioners.

5. City. The City of Los Angeles, a municipal corporation, acting by or through any of its officers, employees or agencies, including, but not limited to, the City's Department of Recreation and Parks.

6. Donation. A gift; a voluntary act which is not required and does not require anything in return.

7. Food. Any type of edible substance or beverage.

8. Goods or Merchandise. Any items that are not food.

9. Pagodas. The structures, including the ten foot area fronting each structure, located on the Boardwalk at Clubhouse Avenue, Breeze Avenue, Park Avenue, Sunset Avenue and Dudley Avenue.

10. Panel of Vending Permit Appeals. A three-person board consisting of: a representative from the Park Advisory Board designated by the Board of Recreation and Park Commissioners; a Boardwalk community member designated by the City Councilmember of the district in which the Boardwalk is located; and the General Manager of the Department of Recreation and Parks or the General Manager's designee.

11. Person. An individual or an organization composed of two or more individuals.

12. Program Rules. Rules adopted by the Board consistent with this section.

13. Pushcart. Any non-motorized mobile device that holds food, goods or merchandise as defined in this subsection, and is used to vend.

14. Recreation Area between Horizon Avenue and 20th Avenue. This is the area that includes a police substation, Muscle Beach, paddle tennis courts, and other recreational facilities. This does not include the Westside of the Boardwalk immediately adjacent to this area.

15. Vend or Vending. To sell, offer for sale, expose for sale, solicit offers to purchase, or to barter food, goods, merchandise or services in any area from a stand, table, pushcart, motor vehicle, bicycle, or by a person with or without the use of any other device or other method of transportation, or to require someone to pay a fee or to set, negotiate, or establish a fee before providing goods or services, even if characterized by the vendor as a donation.

16. Vendor. A person who vends. This includes a vendor who is an employee or agent of another.

17. Westside of the Boardwalk. The area on the ocean-side of the Venice Beach Boardwalk.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of APR 09 2008

KAREN E. KALFAYAN, City Clerk

By Vivian Kalfayan  
Deputy

Approved APR 16 2008

E. G.  
ACTING Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By Mark L. Brown  
MARK L. BROWN  
Sr. Assistant City Attorney

Date 4-8-08

File No. CF # 07-2112

M:\General Counsel (GC)\MARK L. BROWN\ORDINANCES\March 27 draft of LAMC sec. 42.15.doc

17th AVE

P ZONE

WINDWARD AVE

P ZONE

MARKET ST

P ZONE

HORIZON AVE

P ZONE

WESTMINISTER AVE

I ZONE

WAVECREST AVE

P ZONE

BREEZE AVE

P ZONE

BROOKS AVE

P1
P2
P3
P4
P5
A
B
P6
P7
P8
P9
P10
P11
P12
P13
P14

EMERGENCY  
ACCESS  
BEACH  
ACCESS  
AMPLIFIED  
P1 - A

AMPLIFIED  
B-P14

AMPLIFIED  
P15-P24

NO AMPLIFIED  
P25  
P26  
P27  
P28  
P29

EMERGENCY  
ACCESS

NO AMPLIFIED  
P30  
P31  
P32  
P33  
P34  
P35  
P36  
P37  
P38  
P39  
P40  
P41  
P42  
P43  
P44  
P45  
P46  
P47  
P48

EMERGENCY  
ACCESS  
NO AMPLIFIED  
I1  
I2  
I3  
I4  
I5  
I6  
I7  
I8  
I9  
I10  
I11  
I12  
I13  
I14

P49
P50
P51
P52
P53
E54
P55
P56
P57
P58
P59
P60

NO AMPLIFIED

P61
P62
P63
P64
D
P65
P66
P67
P68
P69
P70
P71
P72

AMPLIFIED  
P61-P72

RESTROOMS

Recreation  
Center  
Police  
Substation

Amplified Sound  
Unassigned  
Food Giveaway  
PAGODA

The 5' Larger performance spaces, 20'x8'  
The 5' Zone spaces: 10'x8'  
The 1' Zone spaces: 10'x8'

# DRAFT

VENICE BEACH LEGEND

BROOKS AVE

P ZONE

P73
P74
P75
P76
P77
P78
P79
P80
P81
P82
P83
P84
P85
P86
P87
P88

AMPLIFIED  
P73-P88

PARK AVE

I ZONE

I15
I16
I17
I18

NO AMPLIFIED



THORNTON AVE

I ZONE

I19
I20
I21
I22
I23
I24
I25
I26
I27
I28
I29
I30
I31
I32

NO AMPLIFIED



SUNSET AVE

P ZONE

I34
I35
I36
I37
I38
I39
I40
I41
I42
I43
I44
I45
I46
I47
I48

NO AMPLIFIED



PALOMA AVE

I ZONE

I49
I50
I51
I52
I53
I54

NO AMPLIFIED



DUDLEY AVE

I ZONE

I55
I56
I57
I58
I59
I60
I61
I62
I63
I64

NO AMPLIFIED



ROSE AVE

I ZONE

I65
I66
I67
I68
I69
I70
I71
I72
I73
I74
I75
I76
I77
I78
I79
I80

NO AMPLIFIED



OZONE AVE

I ZONE

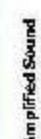
I95
I96
I97
I98
I99
I100

NO AMPLIFIED  
EMERGENCY  
ACCESS

NAVY ST

DRAFT

VENICE BEACH LEGEND

Amplified Sound  
Unamplified  
Food Giveaway  
PAGODAThe 5 larger performer spaces: 20'x8'  
P Zone spaces: 10'x8'  
T Zone spaces: 10'x8'