

# spirit of venice



L.A. CITY COUNCIL UNANIMOUSLY APPROVES VENICE BOARDWALK ORDINANCE LAMC 42.15

By Ashley Beasley

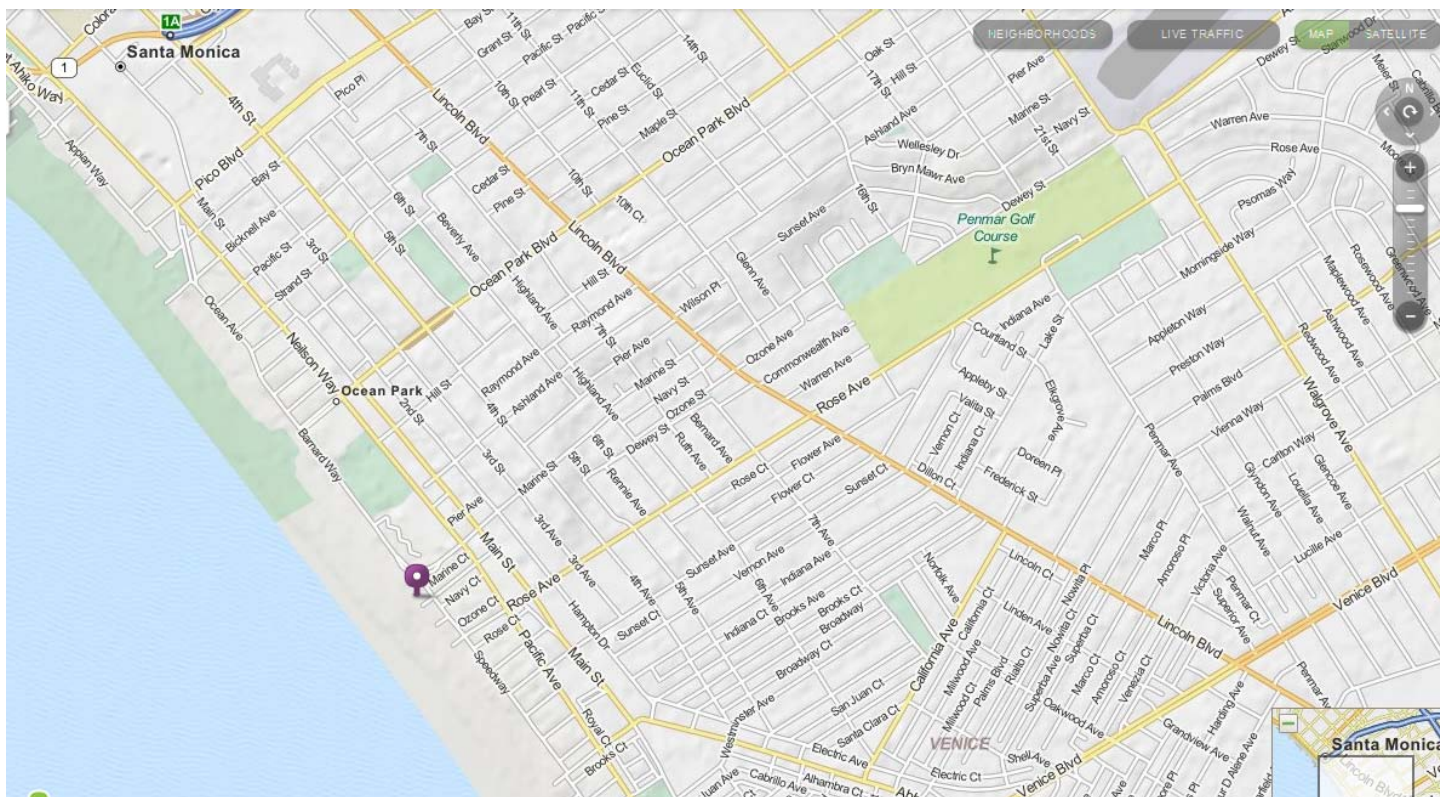
[SpiritOfVenice.net](http://SpiritOfVenice.net)

The Los Angeles City Council unanimously approves a Venice Beach boardwalk ordinance that will regulate commercial vending along Ocean Front Walk.

[http://losangeles.citysearch.com/profile/11418340/los\\_angeles\\_ca/ocean\\_front\\_walk.html](http://losangeles.citysearch.com/profile/11418340/los_angeles_ca/ocean_front_walk.html)

Ocean Front Walk  
Los Angeles, CA 90291

Great place for FREE speech bannering.



The henna tattoo artists, incense sellers and T-shirt hawkers on the western side of the popular Venice Beach boardwalk will have to find new places to set up shop after the Los Angeles City Council on Tuesday unanimously approved an ordinance prohibiting commercial vending along Ocean Front Walk.

"We finally have in place an ordinance we all feel we can defend," said Los Angeles City Councilman Bill Rosendahl after the 12-0 vote. "It supports the local community's interest in wanting to go forward. Over the years the commercial vendors had taken over the west side [of Ocean Front Walk] and it's not fair to vendors on the east side, where people pay taxes."

The first version of Ocean Front Walk legislation, known as Los Angeles Municipal Code 42.15, was introduced in 2004 and has since gone through a series of revisions. The ordinance seeks to indicate time, place and manner restrictions for vendors on Ocean Front Walk. The boardwalk has long been a place where free speech and 1st Amendment rights have been encouraged and has contributed to Venice Beach becoming the top tourist attraction in Los Angeles with some 16 million visitors annually.

In 2008, a version of the ordinance was passed to allow regulation and permitting through a lottery system. In 2010, however, a federal judge ruled the lottery system unconstitutional. Other pitfalls from past draft ordinances included the ambiguity of permissible goods and the constitutionality of noise restrictions.

The new ordinance revises and defines the exact items that will be prohibited and allowed to be sold on 205 spaces on the western side of the boardwalk. The ordinance would ban the sale of common items with a so-called "non-expressive purpose," such as clothes, sunglasses, incense, candy, crystals, oils, jewelry and toys. It also would prohibit massages and skin ink.

Vendors will still be able to sell books, paintings, recordings, sculptures or other works they have created.

Spaces also will be reserved for traditional speech activities and petitioning, including the distribution of newspapers, fliers, pamphlets, bumper stickers and patches. The ordinance also would set aside two spaces on the Venice Beach boardwalk for food distribution.

Some at the meeting said the restriction on jewelry vending is a violation of free speech.

"I don't want to see the commercial jewelry out there anymore," said Tony B. Conscious, a Venice Beach artist, writer and performer of 10 years.

Yet, he also said he wanted indigenous cultures to have the ability to express themselves culturally on the boardwalk, with crafts such as jewelry making and basket weaving.

Conscious said that he would support an ordinance allowing hand-crafted indigenous jewelry, as long as a local group of artists was designated to distinguish commercial jewelry from artistic.

Other opponents of the ordinance considered the punishments for violations too harsh.

"Six months in jail and a \$1,000 fine is far too extreme for, say, an Indian making a piece of jewelry that has his tribe symbol on it," said Mark Herd, a boardwalk vendor and member of the Venice Ocean Front Walk Committee.

Herd said the regulations favor the merchants on the east side.

"It's all about money," he said.

The first violation specified in the ordinance is actually a \$100 fine. The second violation and all subsequent violations can be punishable with a fine of \$250 or prosecution as a misdemeanor punishable with a fine of up to \$1,000 or up to six months in the county jail or by both fine and imprisonment.

Supporters of the ordinance cited safety concerns for endorsing it.

An ordinance supporter told the City Council the Venice boardwalk had become "intolerable" and "not safe." She said she and her 12-year-old daughter get harassed on the boardwalk when simply walking their dog.

The lack of regulation on the boardwalk has led to violence over vending spaces and a "flea market" atmosphere, according to the ordinance.

Regulation of the boardwalk has relaxed since the federal court ruling in 2010 and aggravated assault has risen by 16 percent since, said Capt. Jon Peters, the commanding officer for the Los Angeles Police Department's Pacific Division.

There's also been a recent rise in youth transients due to their ability to make money on the boardwalk and hold vending space overnight, Peters said.

Assistant City Attorney Valerie Flores said she is confident changes made in the new ordinance will help to "wade off" any law suits. The ordinance largely reverts back to the 2006 version with upgrades. It also changes definition of performances and performers to mimic City of Santa Monica definitions held up in federal court. The City Attorney's

office also included additional legislative findings to support the ordinance and incorporated comments received from the Venice community.

Parsi Kehanpour, 44, of Venice, had tables set up Tuesday as he sold jewelry, necklaces, bracelets and Buddha statues on the boardwalk near the basketball courts.

"It's devastating," Kehanpour said. "I feed my family being here. Now I don't know what to do. I'll be homeless with my wife on the streets."

Kehanpour, who said he suffers post-traumatic stress disorder after serving in the military, estimated that he earns about \$1,800 to \$2,000 a month selling goods on the boardwalk.

"I need this money, I'm not good at any other business," Kehanpour said.

Steven Gutin, manager of Ocean Blue Company on the eastern side of the boardwalk, said store operators have been trying to curb commercial vending on the western side of the boardwalk for 15 to 20 years.

"When those guys are not set up our incense and oils business is 20 to 30 percent higher," Gutin said.

Jewelry business has dropped 60 percent since vendors have been allowed to sell jewelry on the western side of the boardwalk, Gutin said.

Gutin had a wait-and-see attitude since past ordinances have been challenged in court and tossed out.

The new ordinance also would restrict vending equipment size and nature, so that tourists and locals can still view the Pacific Ocean. It also has requirements to ensure the ingress and egress of emergency vehicles between the beach and the boardwalk.

The ordinance will uphold the current first-come, first-serve system of allocating spaces, but no person will be allowed to camp out or unofficially reserve a space between sunset and 9 a.m.

The ordinance was sent immediately to Mayor Antonio Villaraigosa, who has 10 days to sign it. The City Clerk will then publish the ordinance and the city can start enforcing it 31 days after publication, Flores said in an email. Signs will be posted on the day the city can begin enforcing the ordinance, Flores said.

---

History & Info LINKs:

<http://www.westland.net/VENICE/history.htm>

[https://en.wikipedia.org/wiki/Venice,\\_Los\\_Angeles](https://en.wikipedia.org/wiki/Venice,_Los_Angeles)