



CITY OF HUNTINGTON PARK

Administration
City Council Agenda Report

December 4, 2018

Honorable Mayor and Members of the City Council
City of Huntington Park
6550 Miles Avenue
Huntington Park, CA 90255

Dear Mayor and Members of the City Council:

CONSIDERATION AND APPROVAL OF AN URGENCY ORDINANCE OF THE CITY COUNCIL OF HUNTINGTON PARK, CALIFORNIA, REPEALING IN PART AND AMENDING IN PART CHAPTERS 11 AND 7 OF TITLE 4 AND CHAPTER 1 OF TITLE 3 OF THE HUNTINGTON PARK MUNICIPAL CODE RELATING TO SIDEWALK VENDORS

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. By at least 4/5 vote: waive reading in full and introduce Urgency Ordinance No. 2018-970, repealing in part and amending in part Chapters 11 and 7 of Title 4 and Chapter 1 of Title 3 of the Huntington Park Municipal Code related to sidewalk vendors; and
2. Adopt a “back-up” Ordinance by way of usual procedures. Schedule the second reading and adoption of Ordinance No. 2018-970 and back-up Ordinance No. 2018-971 at the next regularly scheduled meeting of the City Council.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

BACKGROUND

Senate Bill No. 946 (Lara) (“SB 946”) was approved by the legislature and signed by Governor Brown on September 17, 2018. SB 946 prohibits a city from regulating “sidewalk vendors” except in accordance with the provisions of SB 946 (codified as Government Code Sections 51036-51039). SB 946 goes into effect on January 1, 2019. A city may not cite, fine, or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with SB 946 beginning January 1, 2019.

A city is required to adopt a new program to regulate sidewalk vendors, if the city’s existing regulatory scheme does not substantially comply with the requirements of SB 946. The City’s existing prohibition of persons selling food or merchandise from pushcarts and the criminal penalties imposed for violation of said restrictions are

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inconsistent with SB 946. Prior to SB 946, a local authority was authorized to adopt requirements for any type of vending in order to regulate public safety.

SENATE BILL 946

SB 946 goes into effect January 1, 2019, and a city may not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with SB 946.

In pertinent part, SB 946 requires the following:

- City regulations must be consistent with Government Code Sections 51038 and 51039.¹ A sidewalk vendor is defined as a “person who sells food or merchandise from a pushcart, stand, display, pedal driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path.”²
- The City may not:
 - Require a sidewalk vendor to operate within specific parts of the public right-of-way, except when that restriction is directly related to objective health, safety, or welfare concerns.³
 - Restrict the overall number of sidewalk vendors permitted to operate within the jurisdiction of the City, unless the restriction is directly related to objective health, safety, or welfare concerns.⁴
 - Restrict sidewalk vendors to operate only in a designated neighborhood or area, except when that restriction is directly related to objective health, safety, or welfare concerns.⁵
- The City may, adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns.⁶
- SB 946 prohibits criminal penalties for violations of sidewalk vending ordinances and regulations. SB 946 imposes administrative fines for violations of sidewalk vending regulations.⁷

1 Government Code Section 51037 (a).

2 Government Code Section 51036 (a).

3 Government Code Section 51038 (b)(1).

4 Government Code Section 51038 (b)(5).

5 Government Code Section 51038 (b)(4)(A).

6 Government Code Section 51038 (c).

7 Government Code Section 51039.

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PROPOSED CITY CODE AMENDMENT RELATED TO SIDEWALK VENDORS

It is foreseeable that commencing January 1, 2019, the City could see an increase in sidewalk vendors, the scope and extent of which is limitless at this time. If unregulated, sidewalk vending poses a likelihood of creating negative impacts on the health, safety and welfare of the residents and traffic patterns. Establishing a regulatory and permitting scheme through this proposed Code amendment will enable the City to control its sidewalks and public rights of way. Additionally, the proposed Code amendment addresses, but is not limited to, the following objective health, safety, and welfare concerns:

- Reducing the potential danger to the public from exposure to food-borne disease as a result of contamination from improperly packaged and/or stored food products, which may be offered for sale by unregulated sidewalk vendors;
- Providing residents a mechanism to ensure sidewalk vendors sell food and beverages according to Los Angeles County Department of Public Health requirements;
- Preventing unsanitary conditions on City sidewalks;
- Ensuring the removal of trash and debris resulting from sidewalk vending;
- Avoiding the obstruction of visual lines of site from City streets;
- Avoiding the overcrowding of sidewalks and other pedestrian paths;
- Safeguarding pedestrian movement on sidewalks and other pedestrian paths;
- Ensuring sidewalks don't become overcrowded, forcing pedestrians onto the streets;
- Ensuring compliance with federal Americans with Disabilities Act of 1990 on sidewalks and other pedestrian paths;
- Protecting the public safety by requiring identification and proper licensure by state and county agencies prior to authorizing sidewalk vending activities; and
- Protecting residents' quality of life in late evening and early morning hours.

General Prohibitions

See Attachment "C" for a discussion regarding how the below-referenced prohibitions address specific health, safety, and welfare concerns. The proposed Code amendment **prohibits** the following:

- Selling food that is not packaged at a pre-approved facility (designated by the county health department);
- Two (2) or more sidewalk vendors to assemble, gather, collect or otherwise join for any purpose within twenty (20) feet of each other per city block;

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- Engaging in vending within three hundred (300) feet of any school property or church;
- Creating unreasonable obstruction to the normal flow of vehicular or pedestrian access, within ten (10) feet of any intersection, driveway, or building entrance, in any space designated for vehicular travel, manholes, utility access and vents;
- Vending before 9:00 a.m., or later than 6:00 p.m. during periods of standard time, or later than 8:00 p.m. during periods of day light savings time in areas zoned exclusively for residential;
- Vending as a stationary sidewalk vendor in city areas zoned exclusively for residential;
- Vending as a stationary sidewalk vendor in public parks in which the City has entered into an exclusive agreement for concessions;
- Vending within the immediate vicinity of a permitted certified farmers' market, swap meet, or area designated for a special event permit;
- Engaging in the act of sidewalk vending with a motorized conveyance;
- Engaging in the act of sidewalk vending with a nonmotorized conveyance (i.e., "cart/stand") with dimensions larger than 48 inches in width and 96 inches in height;
- Vending under shaded structures, awnings, gazebos, and bandshell in city parks, except as authorized by a franchise;
- Taking a nonmotorized conveyance off non-concrete surfaces in city parks.

Standards

In addition to the above referenced prohibitions, the proposed Code amendment imposes the following sidewalk vending operational standards, which: (1) ensure residents of the City have a simple way to confirm the sale of food and beverages according to Los Angeles County Department of Public Health requirements, (2) prevent unsanitary conditions, (3) protect residents' quality of life in late evening and early morning hours, and (4) safeguard pedestrian movement on city sidewalks:

- Food displayed, sold, or offered for sale by sidewalk vendors must be in a manner approved for sale in accordance with California Health and Safety Code, Division, 104, Part 7 (California Retail Food Code);
- Sidewalk vendor shall display in plain view, the City sidewalk vendor permit, and any permit required by State and County laws.
- Only signs affixed to or painted on the cart/stand or its canopy, or one one's person is permissible;
- Trash receptacle must be provided in or on the cart/stand;

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- No noise making device shall be used in conjunction with sidewalk vending, except one bell with maximum diameter of 2 inches;
- No cart/stand may be left on the sidewalk, on public property, or in the public right of way unattended outside of the sidewalk vendor's operating hours; and
- No sidewalk vendor shall place a cart/stand where placement endangers the safety of person or property.

Licensing and Permitting

Furthermore, the proposed Code amendment requires sidewalk vendors to obtain a City business license and a sidewalk vendor permit.⁸ Said requirements are intended to protect the public safety by requiring identification and proper licensure by state and county agencies prior to sidewalk vending in the City. The application fees for permits to engage in the business of a sidewalk vendor shall be established by resolution of the City Council, until such time such fee resolution is approved the peddler permit fee shall be applied.

Penalties

Additionally, the proposed Code amendment imposes administrative fines required by SB 946 for violations of sidewalk vending regulations. In accordance with SB 946, no criminal penalties will be imposed for violation of sidewalk vending regulations. Further, in compliance with SB 946, City staff will be required to notify persons of their ability to request an ability to pay determination, which if the person meets the criteria of Government Code Section 6862, the City shall accept, in full satisfaction, 20% of the administrative fine imposed, or allow completion of community service in lieu of paying the total administrative fine.

URGENCY

SB 946 goes into effect January 1, 2019, and a city may not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with SB 946. The City's existing prohibition of persons selling food or merchandise from pushcarts and the criminal penalties imposed for violation of said restrictions are inconsistent with SB 946 and unenforceable as of January 1, 2019. It is possible that commencing January 1, 2019, with the effectiveness of SB 946, the City will see an immediate increase in sidewalk vendors. If unregulated, sidewalk vending poses a likelihood of creating negative impacts on the health, safety and welfare of the resident, including illegal sales, potential danger to the public from exposure to food-borne disease from

⁸ Government Code Section 51038(c)(4).

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unlicensed vendors, unsanitary conditions, public hazards from trash and debris, overcrowded sidewalks deterring safe pedestrian movement and other safety and welfare issues associated with unregulated sidewalk vending. Based on the foregoing, the City Council can find there is a current and immediate threat to the public health, safety, and welfare, and an urgency ordinance is warranted and necessary to protect the public against potential negative health, safety, and welfare impacts.

To protect the public safety, health, and welfare, the City Council may adopt an Urgency Ordinance with four-fifths vote to take effect immediately. Per customary practice, the City Council should adopt a "back-up" Ordinance by way of usual first and second reading procedures.

FISCAL IMPACT/FINANCING

Staff costs in preparing this report and ordinance, costs of enforcing amended regulations, and revenue generated from business licenses and proposed permitting requirements for sidewalk vendors.

CONCLUSION

Upon City Council approval, staff will proceed with recommended actions.

Respectfully submitted,



RICARDO REYES
City Manager



ARNOLD ALVAREZ-GLASMAN
City Attorney

ATTACHMENTS

- A. Urgency Ordinance
- B. Back-up Ordinance
- B. Chart

1 vending ice cream or food products for special events having a limited duration and in a
2 controlled and specific area. Such permits shall be granted only after an application in
3 writing made to the Council in connection with such special events;

4 **WHEREAS**, persons violating provision of Chapter 11 shall be deemed guilty of a
5 misdemeanor and shall be punished by a fine of not more than five hundred (\$500.00)
6 dollars, or by imprisonment in the County Jail for a period not exceeding six (6) months,
7 or by both such fine and imprisonment;

8 **WHEREAS**, similarly under existing City regulations of peddlers found in sections
9 of 3-1.1802 and 3-1.1818 of Article 18, Chapter 1, Title 3 of this Code, it is unlawful to
10 operate without obtaining a permit and no permit or license shall be granted for the
11 operation of pushcarts which vend ice cream or food products; provided, however, the
12 Council may grant permits for the operation of pushcart vending ice cream or food
13 products for special events having a limited duration and in a controlled and specific area.
14 Such permits shall be granted only after an application in writing made to the Council in
15 connection with such special events;

16 **WHEREAS**, persons violating provisions of Article 18, in addition to revocation of
17 his or her permit or license, shall be guilty of a misdemeanor;

18 **WHEREAS**, the City Council has an interest in establishing a regulatory and
19 permitting scheme that is consistent with SB 946, but also seeks to control its sidewalks
20 and public rights of way to the fullest extent;

21 **WHEREAS**, the City Council has an interest in reducing the potential danger to the
22 public from exposure to food-borne disease as a result of contamination from improperly
23 packaged and/or stored food products which may be offered for sale by sidewalk vendors;

24 **WHEREAS**, regulations are needed to ensure the residents of the City have a
25 simple way to ensure vendors sell food and beverages according to the Los Angeles
26 County Department of Public Health's requirements;

27 **WHEREAS**, regulations are needed to prevent unsanitary conditions and ensure
28 trash and debris are removed by sidewalk vendors;

1 **WHEREAS**, the City Council has an interest in avoiding obstructions of visual lines
2 of sites from city streets and overcrowding of sidewalks and other pedestrian paths;

3 **WHEREAS**, regulations are needed to safe-guard pedestrian movement on
4 sidewalks and other pedestrian paths;

5 **WHEREAS**, regulations are needed to ensure sidewalks don't become
6 overcrowded, forcing pedestrians onto the street and to ensure compliance with the
7 federal Americans with Disabilities Act of 1990;

8 **WHEREAS**, the process of licensing sidewalk vendors protects the public safety by
9 requiring identification and proper licensure by state and county agencies prior to
10 authorizing sidewalk vending activities; and

11 **WHEREAS**, the City council seeks to further regulate sidewalk vending in the City.

12 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON**
13 **PARK DOES HEREBY ORDAIN AS FOLLOWS:**

14 **SECTION 1:** This Ordinance is adopted as an urgency measure pursuant to
15 Government Code Section 36937 for the immediate preservation of the public health,
16 safety, and welfare, and is adopted and justified based on the following findings of the
17 City Council, in addition to the recitals referenced above which are true and correct and
18 incorporated fully herein:

19 (a) On September 17, 2018, Governor Brown signed Senate Bill ("SB") 946 (Lara),
20 codified at Government Code sections 51036 through 50139, which establishes statewide
21 regulations of vending in the public right-of-way and parks.

22 (b) SB 946 requires local jurisdictions that wish to enforce violations against
23 sidewalk vendors to first adopt rules and regulations consistent with SB 946.

24 (c) SB 946 goes into effect January 1, 2019, and a city may not cite, fine or
25 prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent
26 with SB 946.

27 (d) Under existing City regulations found in Sections 4-11.01 through 4-11.03 of
28 Chapter 11, Title 4 of this Code, no permit or license shall be issued by the City for any

1 pushcart used, or intended to be used, for the vending of ice cream or other food
2 products; provided, however, the Council may grant permits for the operation of pushcart
3 vending ice cream or food products for special events having a limited duration and in a
4 controlled and specific area. Persons violating provision of Chapter 11 shall be deemed
5 guilty of a misdemeanor and shall be punished by a fine of not more than five hundred
6 (\$500.00) dollars, or by imprisonment in the County Jail for a period not exceeding six (6)
7 months, or by both such fine and imprisonment, which is inconsistent with SB 946.

8 (e) Similarly, under existing City regulations of peddlers found in Sections of 3-
9 1.1802 and 3-1.1818 of Article 18, Chapter 1 of Title 3, it is unlawful to operate without
10 obtaining a permit and no permit or license shall be granted for the operation of pushcarts
11 which vend ice cream or food products; provided, however, the Council may grant permits
12 for the operation of pushcart vending ice cream or food products for special events having
13 a limited duration and in a controlled and specific area. Such permits shall be granted
14 only after an application in writing made to the Council in connection with such special
15 events; persons violating provisions of Article 18, violations of said regulations are
16 punishable by revocation of his or her permit or license and shall be guilty of a
17 misdemeanor, which is inconsistent with SB 946.

18 (e) It is foreseeable that commencing January 1, 2019, with the effectiveness of SB
19 946, the City will see an immediate influx of sidewalk vendors, the scope and extent of
20 which is limitless at this time.

21 (f) If unregulated, sidewalk vending poses a likelihood of creating negative impacts
22 on the health, safety and welfare of the resident, including illegal sales, potential danger
23 to the public from exposure to food-borne disease from unlicensed vendors, unsanitary
24 conditions, public hazards from trash and debris, overcrowded sidewalks deterring safe
25 pedestrian movement and other safety and welfare issues associated with unregulated
26 sidewalk vending.

27 (g) Based on the foregoing, there is a current and immediate threat to the public
28 health, safety, and welfare, and an urgency ordinance is warranted and necessary to

1 protect the public against potential negative health, safety, and welfare impacts.

2 (h) The above recitals are true and correct, based upon all information presented
3 to the City Council during its consideration of this matter, and hereby incorporated herein.

4 **SECTION 2:** That Chapter 11, Title 4 of this Code is hereby amended in its
5 entirety to read as follows:

6 **Chapter 11 Sidewalk Vending**

7 **4-7.2001 Definitions.**

8 For the purpose of this article, unless otherwise apparent from the context, certain
9 words and phrases used in this chapter are defined as follows:

10 (a) *Certified farmers' market* means a location operated in accordance with Chapter
11 10.5 (commencing with Section 47000) of Division 17 of the Food and Agriculture Code
12 and any regulations adopted pursuant to that chapter.

13 (b) *Director* means the director of Finance or his or her designated representative.

14 (c) *Motorized conveyance* shall mean a pushcart, stand, display, pedal driven cart,
15 wagon, showcase, rack, or other conveyance with any form of non-human assisted
16 propulsion.

17 (d) *Nonmotorized conveyance* shall mean a pushcart, stand, display, pedal driven
18 cart, wagon, showcase, rack, or other nonmotorized conveyance which solely uses
19 human power for movement.

20 (e) *Owner* means any person who owns, operates, controls, manages, or leases
21 one or more nonmotorized conveyance for the purpose of vending food or merchandise,
22 including the vending of food or merchandise from one's person and:

23
24 (1) Conducts, permits or causes the vending of food or merchandise from a
25 nonmotorized conveyance, or from one's person; or,

26 (2) Contracts with persons to vend food or merchandise from a nonmotorized
27 conveyance, including the vending of food or merchandise from one's person.

28 (f) *Roaming Sidewalk Vendor* shall mean a sidewalk vendor who moves from place

1 to place and stops only to complete a transaction.

2 (g) *Sidewalk Vendor* shall be defined in accordance with subsection (a) of
3 Government Code section 51036 and shall mean a person who vends food or
4 merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack,
5 or other nonmotorized conveyance or from one's person, upon a public sidewalk or other
6 pedestrian path.

7 (h) *Sidewalk Vendor Permit* shall mean the permit issued by the Police Chief to any
8 person operating as a sidewalk vendor for the purpose of vending food or merchandise.
9 Such permit shall also include the inspection of the nonmotorized conveyance. Such
10 permit shall be issued in accordance with Article 18, Chapter 1, Title 3 of this Code.

11 (i) *Stationary Sidewalk Vendor* shall mean a sidewalk vendor who vends from a
12 fixed location.

13 (j) *Swap meet* means a location operated in accordance with Article 6 (commencing
14 with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and
15 any regulations adopted pursuant to that article.

16 (k) *Vend or vending* means offering food, beverage, or product of any kind for sale
17 from one's person or nonmotorized conveyance, whether moving or standing.

18
19 **4-7.2002 General Prohibitions.**

20 (a) No person shall offer for the sale any food product which is not packaged at a
21 pre-approved facility, as designated by the county health department.

22
23 (b) No owner or sidewalk vendor shall cause or allow more than two (2) sidewalk
24 vendors to assemble, gather, collect, or otherwise join for any purpose on any sidewalk or
25 other pedestrian path within twenty (20) feet from each other per city block.

26 (c) No person shall engage in vending within three hundred (300) feet of any school
27 property or church.

28 (d) Sidewalk Vendors shall not be located for purposes of offering products for sale

1 in any location:

- 2 (1) Which creates an unreasonable obstruction to the normal flow of vehicular or
3 pedestrian access;
- 4 (2) Within ten (10) feet of any intersection, driveway, or building entrance;
- 5 (3) In any space designed for vehicular travel, parking, stopping, or loading; or
- 6 (4) Which blocks manholes, utility access, and vents.

7 (e) No person shall vend before 9:00 a.m., or later than 6:00 p.m. during periods of
8 standard time, or later than 8:00 p.m. during periods of day light savings time in areas
9 zoned exclusively for residential. (i.e. low density residential ("RL"), medium density
10 residential ("RM"), and high density residential ("RH")).

11 (f) No person shall vend as a stationary sidewalk vendor in city areas zoned
12 exclusively for residential (i.e., low density residential ("RL"), medium density residential
13 ("RM"), and high density residential ("RH")).

14 (g) No person shall vend as a stationary sidewalk vendor in public parks in which the
15 City has entered into an exclusive agreement for concessions that exclusively permits the
16 sale of food or merchandise by the concessionaire(s). Vending machines installed and
17 operated at public parks pursuant to a City contract are exempted from subsection (g)
18 herein. The city council may enter into agreement(s) or franchise(s) for the exclusive
19 selling or offering for sale of food or merchandise within any public parks.

20 (h) No person shall engage in the act of sidewalk vending within the immediate
21 vicinity (i.e., 1000 feet) of a permitted certified farmers' market or permitted swap meet
22 during the limited operating hours of that certified farmers' market or swap meet.

23 (i) No person shall engage in the act of sidewalk vending within the immediate
24 vicinity (i.e., 1000 feet) of an area designated for a special event permit pursuant to
25 Chapter 13, Title 5 of this Code provided that any notice, business interruption mitigation,
26 or other rights provided to affected business or property owner are also provided to
27 sidewalk vendors specifically permitted to operate in the area, if applicable.

28 (j) No person shall engage in the act of sidewalk vending with a motorized

1 conveyance.

2 (k) No person shall engage in the act of sidewalk vending while using a portable
3 generator.

4 (l) No person shall engage in the act of sidewalk vending with a nonmotorized
5 conveyance with dimensions larger than 48 inches in width, 96 inches in height, and 96
6 inches in height.

7 (m) No person shall engage in the act of sidewalk vending other than on the
8 sidewalk portion of the right of way where a sidewalk exists.

9 (n) No person shall vend under shaded structures, awnings, gazebos, and
10 bandshell in city parks, except as authorized by a franchise.

11 (o) No person shall take a nonmotorized conveyance off non-concrete surfaces in
12 city parks.

13 **4-7.2003 Sidewalk Vending Standards.**

14 (a) All food displayed, sold, or offered for sale by sidewalk vendors must be in a
15 manner approved for sale in accordance with California Health and Safety Code, Division
16 104 (Environmental Health), Part 7 (California Retail Food Code).

17 (b) Each sidewalk vendor shall display in plain view, the Sidewalk Vendor permit,
18 and any permit required by State and County laws (i.e., county Health Department sticker
19 issued in accordance with California Health and Safety Code, Division 104
20 (Environmental Health), Part 7 (California Retail Food Code)).

21 (c) The only signs used in conjunction with street vending shall be signs affixed to or
22 painted on the nonmotorized conveyance or its canopy, or on one's person.

23 (d) A trash receptacle shall be provided in or on the nonmotorized conveyance. The
24 trash receptacle must be large enough to accommodate customer trash without resort to
25 existing trash receptacles located on any block for use by the general public. A sidewalk
26 vendor may not dispose of customer trash in existing trash receptacles on city sidewalks.

27 (e) No noise making devices shall be used in conjunction with sidewalk vending
28 except one bell with maximum diameter of two (2) inches.

1 (f) Sidewalk vendors must remain in compliance with all state, county and local
2 laws.

3 (g) No nonmotorized conveyance may be left on the sidewalk, on public property, or
4 in the public right of way unattended or outside of the sidewalk vendor's operating hours.
5 Nonmotorized conveyances may not be chained or fastened to any pole, sign, tree or
6 other object in the public right-of-way or left unattended. Unattended nonmotorized
7 conveyances will be impounded for safekeeping. A fine shall not be imposed for said
8 impoundment. A nonmotorized conveyance shall be retrieved by contacting the Public
9 Works Division.

10 (h) Notwithstanding any specific prohibitions in this subsection, no sidewalk vendor
11 shall place a nonmotorized conveyance where placement endangers the safety of
12 persons or property.

13 **4-7.2004 Business License and Sidewalk Vendor Permit Requirements.**

14 It shall be unlawful for any person to engage in sidewalk vending without first
15 applying for and obtaining a permit from the Police Chief and, in addition paying the
16 required license tax to the Director in the manner provided for in Article 18, Chapter 1,
17 Title 3 of this Code.

18 **4-7.2005 Penalty.**

19 The penalties set forth in Chapter 2 of Title 1 and Section 3-1.1818 of Article 18,
20 Chapter 1, Title 3 of this Code shall not apply for violations of this chapter. Any person
21 violating any provision of this chapter shall be punished as follows:

22 (a) Vending without a sidewalk vendor permit as required by this chapter shall be
23 punishable by the following:

24 (1) An administrative fine not exceeding two hundred fifty dollars (\$250) for a first
25 violation;

26 (2) An administrative fine not exceeding five hundred dollars (\$500) for a second
27 violation within one year of the first violation;

28 (3) An administrative fine not exceeding one thousand dollars (\$1,000) for each

1 additional violation within one year of the first violation;

2 (b) Except as otherwise provided in subsection (a) herein, any violation of this
3 chapter shall be punishable by the following:

4 (1) An administrative fine not exceeding one hundred dollars (\$100) for a first
5 violation;

6 (2) An administrative fine not exceeding two hundred dollars (\$200) for a second
7 violation within one year of the first violation;

8 (3) An administrative fine not exceeding five hundred dollars (\$500) for each
9 additional violation within one year of the first violation.

10 (c) The Director, Chief of Police, or Council or their designee may revoke a permit
11 issued to a sidewalk vendor for the term of that permit upon the fourth violation or
12 subsequent violations. The revocation, notice, hearing and appeal procedures set forth in
13 Article 18, Chapter 1, Title 3 shall apply to revoke a permit under this subsection.

14 (d) Upon proof of a valid sidewalk vendors permit issued by the City, the
15 administrative fines set forth in subsection (a) shall be reduced to the administrative fines
16 set forth in subsection (b) herein.

17 (e) Failure to pay an administrative fine pursuant to subsections (a) and (b) of
18 Section 4-7.2005 shall not be punishable as an infraction or misdemeanor.

19 (f) When assessing administrative fines pursuant to subsections (a) and (b) of
20 Section 4-7.2005, the Director or his designee shall provide the person with notice of his
21 or her right to request an ability-to-pay determination and shall make available
22 instructions for requesting an ability-to-pay determination. If the person meets the criteria
23 described in subdivision (a) or (b) of Government Code section 68632, as determined by
24 the Director or his designee, the City shall accept, in full satisfaction, twenty percent
25 (20%) of the administrative fine imposed pursuant to subsection (a) of Section 4-7.2005
26 herein. The person may request said ability-to-pay determination at adjudication or while
27 the judgment remains unpaid, including when a case is delinquent or has been referred to
28 a collection program.

1 (g) The Director or his designee may allow a person to complete community service
2 in lieu of paying the total administrative fine, may waive the administrative fine, or may
3 offer an alternative disposition for violations of subsection (a) of Section 4-7.2005 herein.
4

5
6 **SECTION 3:** Article 18, Chapter 1, Title 3 of this Code is hereby amended as
7 follows:
8

9 **Article 18. Peddlers and Sidewalk Vendors.**

10 **3-1.1801 Definitions.**

11
12 For the purposes of this article, unless otherwise apparent from the context, certain
13 words and phrases used in this article are defined as follows:

14 (a) "Peddler" shall include any person, whether or not a resident of the City, who
15 goes from house to house, place to place, or street to street for the purpose of, and who
16 engages in the business of, selling, contracting, soliciting to sell, taking orders for, or
17 offering to sell or take orders for goods, wares, merchandise, products, commodities, or
18 articles of value or for services to be performed or furnished, or who makes
19 demonstrations for such purpose.

20 "Peddling" shall also mean and include any person who passes out commercial
21 handbills or similar papers, or who engages in any taking of surveys for commercial
22 purposes, on City sidewalks or streets.

23 "Peddler" shall exclude "sidewalk vendor" as defined in this section.

24 (b) "Person" shall include any person, firm, domestic or foreign corporation,
25 association, syndicate, joint stock corporation, joint adventure, partnership of every kind,
26 club, Massachusetts business or common law trust, society, and individual transacting,
27 carrying on, or engaged in any business, as defined in subsection (a) of this section, in
28 the City, whether acting as principal, agent, clerk, factor, employee, servant, or personal

1 representative, either for or on behalf of himself or herself or for any other person, firm,
2 association, partnership, joint adventure, corporation, or otherwise.

3 (c) "Sidewalk Vendor" shall be defined in accordance with subsection (a) of
4 Government Code section 51036 and shall mean a person who vends food or
5 merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack,
6 or other nonmotorized conveyance or from one's person, upon a public sidewalk or other
7 pedestrian path.

8 **3-1.1802 Permits: Required.**

9 It shall be unlawful for any person to engage in the business of a peddler and/or sidewalk
10 vendor within the City without first applying for and obtaining a permit from the Police
11 Chief and, in addition, paying the required license tax to the Director of Finance. The
12 procurement of such permit in the manner provided in this article shall be a condition
13 precedent to the issuance of a license by the Director of Finance.

14 **3-1.1803 Permits: Applications: Form: Accompanying data and identification.**

15 Applicants for a permit to engage in the business of a peddler and/or sidewalk vendor
16 shall file with the Police Chief a sworn application in duplicate on a form to be furnished
17 by the Director of Finance which shall contain or be accompanied by the following:
18

19 (a) A full identification of the applicant and all persons to be directly or indirectly
20 interested in the permit, if granted;

21 (b) The residence and business addresses and telephone numbers of the
22 applicant;

23 (c) The exact nature of the proposed business;

24 (d) If an employee or agent, a full identification of the employer or principal;

25 (e) The location or places of transacting business and place of residence for the
26 past two (2) years;

27 (f) Prior convictions of a crime, misdemeanor, or violation of any law, the nature,
28 place, and date of such offense, and the disposition of the same;

1 (g) A photograph of the applicant who will make the actual contacts incidental to
2 the activity of peddling or soliciting, which photograph shall have been taken within sixty
3 (60) days immediately prior to the date of the filing of the application, shall be two (2")
4 inches by two (2") inches in size, and shall show the head and shoulders of the applicant
5 in a clear and distinguishing manner;

6 (h) In the event the proposed activity involves the sale of any food products or
7 substances for human consumption which can be contaminated by handling, a statement
8 by a reputable physician in the County, dated not more than ten (10) days prior to the
9 submission of the application, certifying the applicant to be free of contagious infections
10 and communicable diseases;

11 (i) A statement as to whether any city or licensing authority has ever refused to
12 issue or to renew or has revoked a license for the conduct of the business for which the
13 permit and license are sought, together with an accurate statement of the reasons
14 therefor;

15 (j) A receipt from the Director of Finance showing a payment in the amount of
16 Ten and no/100ths (\$10.00) Dollars for the application form to cover the costs of the
17 investigation of the facts to be stated in such application form; Sidewalk vendor applicants
18 shall require a receipt from the Director showing a permit payment in accordance with
19 Section 3-1.1804 herein.
20

21 (k) Such other information as the Police Chief may deem reasonably necessary
22 for the protection of the public safety, morals, and general welfare of the community;

23 (l) Fingerprinting, to be performed by the City for the City's standard processing
24 fee. However, fingerprinting shall not be required in connection with an application filed
25 for the purpose of obtaining a permit to distribute handbills and similar papers. Applicants
26 for a permit to distribute handbills and similar papers shall provide the Police Chief with
27 such information he or she deems necessary to conduct an investigation into, among
28 other things, whether the applicant has had any criminal contacts with the Huntington
Police Department or other law enforcement agencies or has any outstanding warrants or

1 violations with the California Department of Motor Vehicles. Applicants for a sidewalk
2 vendor permit are exempted from the requirements of subsection (l) herein;

3 (m) The name and address of all businesses for which the applicant intends to act
4 as a peddler, together with written consent from all such businesses that the applicant is
5 authorized to act as a peddler for such businesses. Applicants for a sidewalk vendor
6 permit are exempted from the requirement of subsection (m) herein.

7 (n) In addition to the requirements of this section, Applicants for a sidewalk vendor
8 permit shall provide the Police Chief with the following:

9 (1) A valid California Department of Tax and Fee Administration seller's permit to the
10 extent required by law.

11 (2) Additional state licensing from state and local agencies to the extent required by
12 law.

13 **3-1.1804 Permits: Application: Fees.**

14 The application fees for permits to engage in the business of a peddler shall be as set
15 forth in subsection (j) of Section 3-1.1803 of this article. The application fees for permits
16 to engage in the business of a sidewalk vendor shall be established by resolution of the
17 Council; until such time such fee resolution is approved the peddler permit fee shall be
18 applied.

19 **3-1.1805 Permits: Applications: Investigation.**

20 Such application in duplicate shall be filed with the Police Chief who shall cause the
21 investigation provided for in this section to be made within a reasonable time. The general
22 standards set forth in this section relative to the qualifications of every applicant for such
23 permit shall be considered and applied by the Police Chief before he or she shall grant or
24 deny the application. The application shall be of good moral character, and in this
25 connection, the Police Chief shall ascertain and consider the following;

26 (a) Through the use of fingerprints or other methods of investigation, all penal
27 convictions, the reasons therefor, and the demeanor of the applicant subsequent thereto.
28

1 However, fingerprinting shall not be used in connection with an application filed for the
2 purpose of vending as a sidewalk vendor, and obtaining a permit to distribute handbills
3 and similar papers. The Police Chief shall conduct an investigation into any criminal
4 contacts with the Huntington Police Department or other law enforcement agencies by the
5 use of the data bases and information available to the Police Department and by verifying
6 with the California Department of Motor Vehicles whether the applicant has any
7 outstanding warrants or violations;

8 (b) The license history of the applicant and whether such person, in previously
9 operating in the County or another county in the State under a license, has had such
10 license revoked or suspended, the reasons therefor, and the demeanor of the applicant
11 subsequent thereto;

12 (c) Whether the applicant has made a full disclosure of all the matters required to be
13 set forth in the application;

14 (d) Whether the applicant has been in default in the payment of license taxes or any
15 governmental agency;

16 (e) Such other facts relevant to the general personal history of the applicant as the
17 Police Chief shall find necessary to a fair determination of the eligibility of the applicant;
18 and

19 (f) Whether the granting of the permit will or will not be detrimental to the safety,
20 public morals, or general welfare of the City.

21 **3-1.1809 Permits: Identification cards: Display.**

22 Such permit or identification card shall be worn constantly by the permittee on the front of
23 his or her coat or hat in such a way as to be conspicuous during the time the permittee is
24 engaged in the actual activity of vending as a sidewalk vendor, peddling or soliciting.

25 **3-1.1810 Permits: Licenses: Revocation.**

26 Every permit or license issued pursuant to the provisions of this article shall be subject to
27 the right, which is hereby expressly reserved and consented to by the applicant, to revoke
28

1 such permit or license for any of the causes set forth in this section. Any such permit or
2 license may be summarily revoked by the Police Chief or the Council for any of the
3 following causes:

4 (a) Any fraud, misrepresentation, or false statement contained in the application;

5 (b) Any violation of the provisions of this article or any laws of the City or any other
6 laws relating to the permitted business;

7 (c) The conviction of the permittee or licensee of any felony or of a misdemeanor
8 involving moral turpitude;

9 (d) The refusal or failure to make available to the Police Chief or Director of Finance,
10 upon demand, any records relating to the licensed or permitted business, which records
11 are deemed necessary for the enforcement of this article;

12 (e) The conducting of the permitted or licensed business in an unlawful manner or in
13 such manner as is inimical to the health, safety, or general welfare of the public;

14 (f) Upon ascertaining that the applicant is not an individual of good moral character;
15 and

16 (g) Any other good and sufficient reason for such revocation.

17
18 Sidewalk vendor permittees are exempted from Section 3-1.1810 herein. Revocation of a
19 sidewalk vendor permit shall be in accordance with Section 4-7.2005 of Chapter 11, Title
20 4 of this Code.

21 **3-1.1811 Continuance of prior permits and licenses.**

22 All permits or licenses granted prior to June 18, 1958, shall remain in effect until they are
23 revoked or expired by operation of the time for which they were originally issued.

24 Sidewalk vendor are exempted from Section 3-1.1811 herein.

25 **3-1.1814 Compliance with signs on premises.**

26 It shall be unlawful for any peddler or any person pretending to be a peddler, for the
27 purpose of peddling or soliciting or pretending to peddle or solicit, to ring the bell or knock
28

1 at, on, or in any building, or entrance thereto, whereon there is painted, affixed, or
2 otherwise displayed to the public view any visible sign containing any or all of the words
3 “No Peddlers Permitted”, “No Solicitors Permitted”, “No Agents Permitted”, or words
4 which otherwise purport to prohibit or indicate the objection of the occupant to peddling or
5 soliciting on the premises, and it is unlawful for any such peddler to attempt to gain
6 admittance to such premises. Said prohibition shall apply to sidewalk vendors.

7
8 **3-1.1815 Compliance with provision.**

9 It shall be unlawful for any person to engage in the business of a peddler and/or sidewalk
10 vendor within the City without first obtaining a permit so to do as provided in this article
11 and without first obtaining a license, if any is required, and thereafter exhibiting such
12 permit or identification card, or without complying with the requirements and provisions of
13 this article.

14
15 **3-1.1817 Violations of provisions.**

16 Any person violating any of the provisions of this article, in addition to the revocation of
17 his or her permit or license, shall be guilty of a misdemeanor and, upon conviction
18 thereof, shall be punishable as set forth in Chapter 2 of Title 1 of this Code. Sidewalk
19 vendor as defined in Chapter 11, Title 4 of this Code are exempted from Section 3-1.1817
20 herein.

21 ~~**3-1.1818 Pushcarts vending ice cream and food products.**~~

22 ~~Regardless of the provisions of this article, no permit or license shall be granted for the~~
23 ~~operation of pushcarts which vend ice cream or food products; provided, however, the~~
24 ~~Council may grant permits for the operation of pushcarts vending ice cream or food~~
25 ~~products for special events having a limited duration and in a controlled and specific area.~~
26 ~~Such permits shall be granted only after an application in writing made to the Council in~~
27 ~~connection with such special events.~~

28 **SECTION 4:** Article 10, Chapter 7, Title 4 of this Code is hereby amended as

1 follows:

2 **4-7.1005 Pushcarts prohibited on public sidewalks and streets.**

3
4 (a) No person shall operate, maintain, or possess a pushcart while upon any
5 public sidewalk or public street. Pedestrians shall have the right-of-way on sidewalks. The
6 prohibition in this section shall not apply to ~~pushcart operators that have been granted~~
7 ~~permits or licenses pursuant to Sections 3-1.1818 or 4-11.02 of the City's code.~~ sidewalk
8 vendors operating pushcarts in accordance with Chapter 11, Title 4 this Code. Any
9 person violating this section shall be guilty of a misdemeanor, with the exception of
10 sidewalk vendors operating a pushcart in accordance with Chapter 11, Title 4 of this
11 Code.

12 (b) For purposes of this chapter pushcart shall mean a wheeled device,
13 measuring greater than two (2') by two (2') feet but less than ten (10') feet in length, which
14 is propelled by hand including, but not limited to, shopping carts and laundry carts (as
15 defined in Business and Professions Code Section 22435) and other devices by which
16 goods of any kind are transported, moved or drawn, except for devices designed for the
17 transportation of persons irrespective of the actual use.

18 (c) Sidewalk shall mean that portion of a highway, other than the roadway, set
19 apart for pedestrian travel and shall mean any portion of the sidewalk between the
20 property line and the curb.

21 (d) For purposes of this chapter "street" shall mean any public street, avenue,
22 boulevard, alley, highway, or other public place located in the City and established for the
23 use of vehicles.

24
25 **SECTION 5:** Article 16, Chapter 7, Title 4 of this Code is hereby amended as
26 follows:

27
28 **4-7.1612 Peddling, vending, and services.**

1 (a) Peddlers and Vendors—Parking Limited to Ten Minutes. Except as otherwise
2 provided in this section, no person shall stand or park any vehicle, wagon, or pushcart
3 from which goods, wares, merchandise, fruits, vegetables, or foodstuffs are sold,
4 displayed, solicited, offered for sale, bartered, or exchanged, or any lunch wagon or
5 eating car or vehicle, on any portion of any street within the City, except that such
6 vehicles, wagons, or pushcarts may stand or park only at the request of a bona fide
7 purchaser for a period of time not to exceed ten (10) minutes at any one place. The
8 provisions of this subsection shall not apply to persons delivering such articles upon the
9 order of, or by an agreement with, a customer from a store or other fixed place of
10 business or distribution.

11 (b) Peddlers and vendors prohibited adjacent to schools. It shall be unlawful for
12 any person to sell, vend, peddle, or hawk liquids, edibles, goods, wares, or merchandise
13 on any portion of a public street, including ~~sidewalks~~, lanes, or alleys, in the City, whether
14 such selling, vending, peddling, or hawking is from a vehicle or not, or for any traveling
15 merchant, huckster, or peddler of goods, wares, or merchandise, who uses a vehicle and
16 is licensed to engage in any such business in the City, to carry on or conduct any such
17 business upon any portion of a public street, alley, or sidewalk within 500 feet of the
18 nearest property line of any school.

19 (c) Solicitation or selling on public streets, public parking lots, or City-owned
20 property. Except as provided in subsection (a) of this section, it is unlawful for any person
21 to solicit, sell, or offer for sale any goods, wares, or merchandise on any portion of the
22 public streets, including ~~sidewalks~~, public parking lots, or City-owned property, whether or
23 not such person so soliciting, selling, or offering to sell has a business license for an
24 established business within the City.

25 (d) Solicitation or selling on Bissell Street within the Municipal Park. It is unlawful
26 for any person to sell, vend, or peddle goods, wares, or merchandise on that portion of
27 Bissell Street between Florence Avenue and Saturn Avenue which is within the Municipal
28 Park, whether such selling, vending, or peddling is from a vehicle or not.

1 (e) Peddlers and vendors prohibited adjacent to the Municipal Park. It shall be
2 unlawful for any person to sell, vend, or peddle foods and beverages on Florence Avenue
3 between Salt Lake Avenue and Newell Street; on Newell Street between Florence
4 Avenue and a point 674.76 feet north of the north property line of Florence Avenue; on
5 Saturn Avenue between Newell Street and Bissell Street; and on Salt Lake Avenue
6 between the north City limits and Florence Avenue, ~~or on any of the public sidewalks~~
7 ~~adjacent to any of said public street areas~~, whether such selling, vending, or peddling is
8 from a vehicle or not, or whether such seller, vendor, or peddler has a business license
9 for a vehicle or for an established business within the City.

10 (f) Peddler and vendors restricted to certain hours. It shall be unlawful for any
11 person to sell, vend or peddle or hawk liquids, edibles, goods, wares or merchandise on
12 any portion of the public streets, including ~~sidewalks~~, public parking lots or City-owned
13 property, later than sunset, or earlier than 9:00 a.m.

14 (g) Enforcement. Any violation of the rules established by this section shall be
15 deemed a misdemeanor, punishable as set forth in Section 1-2.01 of this Code. Any such
16 violation also will subject the licensee to possible revocation of his or her business
17 license, pursuant to Section 3-1.138 of this Code.

18 (h) Sidewalk vending by a sidewalk vendor as defined in Chapter 11, Title 4 of this
19 Code are exempted from Section 4-7.1612 herein.
20

21 **SECTION 4:** Violations of this Ordinance shall constitute violations of the
22 Huntington Park Municipal Code, and all penalties and remedies authorized under the
23 Huntington Park Municipal Code shall apply to violations of the provisions of this
24 Ordinance.

25 **SECTION 5:** This Ordinance is exempt from the California Environmental
26 Quality Act ("CEQA"), in that this Ordinance does not constitute a "project" under CEQA
27 and is exempt pursuant to CEQA Guidelines section 15378(b)(4), and further there is no
28 likelihood of this Ordinance resulting in a significant negative impact on the environment,

1 and is therefore also exempt from CEQA pursuant to CEQA Guidelines section
2 15060(c)(2).

3
4 **SECTION 6:** Any provisions of the Huntington Park Municipal Code or appendices
5 thereto, which are inconsistent with the provisions of this Ordinance are hereby repealed
6 or modified to the extent necessary to affect the provisions of the Ordinance.

7 **SECTION 7:** If any section, subsection, sentence, clause, phrase, or portion
8 of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of
9 any court of competent jurisdiction, such decision shall not affect the validity of the
10 remaining portions of this Ordinance. The City Council of the City of Huntington Park
11 hereby declares that it would have adopted this Ordinance and each section, subsection,
12 sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more
13 sections, subsections, sentences, clauses, phrases or portions may be declared invalid or
14 unconstitutional.

15 **SECTION 8:** This Ordinance: (a) is necessary for the immediate preservation of the
16 public health, safety, and welfare; (b) contains findings constituting urgency; (c) is
17 effective immediately upon adoption as provided for in Government Code Section 36937.

18 **SECTION 7:** The City Clerk shall certify to the passage of this Ordinance and shall
19 cause the same to be published in the manner prescribed by law.

20
21 **PASSED, APPROVED AND ADOPTED** this ____ day of _____, 2018.

22 **CITY OF HUNTINGTON PARK**

23
24 _____
Johnny Pineda, Mayor

25 **ATTEST:**

25 **APPROVED AS TO FORM:**

26
27
28 _____
Donna G. Schwartz, CMC
City Clerk

28 _____
Arnold M. Alvarez-Glasman
City Attorney

1 **Attachment B**

2 **ORDINANCE NO. 2018-971**

3 **AN ORDINANCE OF THE CITY COUNCIL OF HUNTINGTON PARK, CALIFORNIA,**
4 **REPEALING IN PART AND AMENDING IN PART CHAPTERS 11 AND 7 OF TITLE 4 AND**
5 **CHAPTER 1 OF TITLE 3 OF THE HUNTINGTON MUNICIPAL CODE RELATING**
6 **SIDEWALK VENDORS**

7 **WHEREAS**, the City of Huntington Park (“City”) is a general law city, incorporated
8 under the laws of the State of California; and

9 **WHEREAS**, the City is interested in promoting public health, safety and welfare of City
10 residents on its sidewalks, streets, residential areas and in parks;

11 **WHEREAS**, on September 17, 2018, Governor Brown signed Senate Bill (“SB”) 946
12 (Lara), codified at Government Code sections 51036 through 50139, which establishes
13 statewide regulations of vending in the public right-of-way and parks;

14 **WHEREAS**, SB 946 goes into effect January 1, 2019, and a city may not cite, fine or
15 prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with
16 SB 946;

17 **WHEREAS**, it is foreseeable that commencing January 1, 2019, with the
18 effectiveness of SB 946, the City will see an immediate influx of sidewalk vendors, the scope
19 and extent of which is limitless at this time;

20 **WHEREAS**, without an established City regulatory scheme that governs sidewalk
21 vendors by January 1, 2019, there is a current and immediate threat to the public health,
22 safety, and welfare of residents of the City caused from unregulated sidewalk vending;

23 **WHEREAS**, SB 946 requires local jurisdictions that wish to enforce violations against
24 sidewalk vendors to first adopt rules and regulations consistent with SB 946;

25 **WHEREAS**, under existing City regulations found in Sections 4-11.01 through 4-
26 11.03 of Chapter 11, Title 4 of this Code, no permit or license shall be issued by the City for
27 any pushcart used, or intended to be used, for the vending of ice cream or other food
28 products; provided, however, the Council may grant permits for the operation of pushcart
vending ice cream or food products for special events having a limited duration and in a

1 controlled and specific area. Such permits shall be granted only after an application in
2 writing made to the Council in connection with such special events;

3 **WHEREAS**, persons violating provision of Chapter 11 shall be deemed guilty of a
4 misdemeanor and shall be punished by a fine of not more than five hundred (\$500.00)
5 dollars, or by imprisonment in the County Jail for a period not exceeding six (6) months, or
6 by both such fine and imprisonment;

7 **WHEREAS**, similarly under existing City regulations of peddlers found in sections of
8 3-1.1802 and 3-1.1818 of Article 18, Chapter 1, Title 3 of this Code, it is unlawful to operate
9 without obtaining a permit and no permit or license shall be granted for the operation of
10 pushcarts which vend ice cream or food products; provided, however, the Council may grant
11 permits for the operation of pushcart vending ice cream or food products for special events
12 having a limited duration and in a controlled and specific area. Such permits shall be
13 granted only after an application in writing made to the Council in connection with such
14 special events;

15 **WHEREAS**, persons violating provisions of Article 18, in addition to revocation of his
16 or her permit or license, shall be guilty of a misdemeanor;

17 **WHEREAS**, the City Council has an interest in establishing a regulatory and
18 permitting scheme that is consistent with SB 946, but also seeks to control its sidewalks and
19 public rights of way to the fullest extent;

20 **WHEREAS**, the City Council has an interest in reducing the potential danger to the
21 public from exposure to food-borne disease as a result of contamination from improperly
22 packaged and/or stored food products which may be offered for sale by sidewalk vendors;

23 **WHEREAS**, regulations are needed to ensure the residents of the City have a simple
24 way to ensure vendors sell food and beverages according to the Los Angeles County
25 Department of Public Health's requirements;

26 **WHEREAS**, regulations are needed to prevent unsanitary conditions and ensure
27 trash and debris are removed by sidewalk vendors;

28

1 **WHEREAS**, the City Council has an interest in avoiding obstructions of visual lines of
2 sites from city streets and overcrowding of sidewalks and other pedestrian paths;

3 **WHEREAS**, regulations are needed to safe-guard pedestrian movement on
4 sidewalks and other pedestrian paths;

5 **WHEREAS**, regulations are needed to ensure sidewalks don't become overcrowded,
6 forcing pedestrians onto the street and to ensure compliance with the federal Americans with
7 Disabilities Act of 1990;

8 **WHEREAS**, the process of licensing sidewalk vendors protects the public safety by
9 requiring identification and proper licensure by state and county agencies prior to authorizing
10 sidewalk vending activities; and

11 **WHEREAS**, the City Council seeks to further regulate sidewalk vending in the City.

12 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON**
13 **PARK DOES HEREBY ORDAIN AS FOLLOWS:**

14 **SECTION 1:** The City Council hereby finds and determines that the recitals above are
15 true and correct and hereby incorporate into this ordinance as though fully set forth herein.

16 **SECTION 2:** That Chapter 11, Title 4 of this Code is hereby amended in its entirety to
17 read as follows:

18 **Chapter 11 Sidewalk Vending**

19 **4-7.2001 Definitions.**

20 For the purpose of this article, unless otherwise apparent from the context, certain
21 words and phrases used in this chapter are defined as follows:

22 (a) *Certified farmers' market* means a location operated in accordance with Chapter
23 10.5 (commencing with Section 47000) of Division 17 of the Food and Agriculture Code and
24 any regulations adopted pursuant to that chapter.

25 (b) *Director* means the director of Finance or his or her designated representative.

26 (c) *Motorized conveyance* shall mean a pushcart, stand, display, pedal driven cart,
27 wagon, showcase, rack, or other conveyance with any form of non-human assisted
28 propulsion.

1 (d) *Nonmotorized conveyance* shall mean a pushcart, stand, display, pedal driven
2 cart, wagon, showcase, rack, or other nonmotorized conveyance which solely uses human
3 power for movement.

4 (e) *Owner* means any person who owns, operates, controls, manages, or leases one
5 or more nonmotorized conveyance for the purpose of vending food or merchandise,
6 including the vending of food or merchandise from one's person and:

7 (1) Conducts, permits or causes the vending of food or merchandise from a
8 nonmotorized conveyance, or from one's person; or,

9 (2) Contracts with persons to vend food or merchandise from a nonmotorized
10 conveyance, including the vending of food or merchandise from one's person.

11 (f) *Roaming Sidewalk Vendor* shall mean a sidewalk vendor who moves from place
12 to place and stops only to complete a transaction.

13 (g) *Sidewalk Vendor* shall be defined in accordance with subsection (a) of
14 Government Code section 51036 and shall mean a person who vends food or merchandise
15 from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other
16 nonmotorized conveyance or from one's person, upon a public sidewalk or other pedestrian
17 path.

18 (h) *Sidewalk Vendor Permit* shall mean the permit issued by the Police Chief to any
19 person operating as a sidewalk vendor for the purpose of vending food or merchandise.
20 Such permit shall also include the inspection of the nonmotorized conveyance. Such permit
21 shall be issued in accordance with Article 18, Chapter 1, Title 3 of this Code.

22 (i) *Stationary Sidewalk Vendor* shall mean a sidewalk vendor who vends from a fixed
23 location.

24 (j) *Swap meet* means a location operated in accordance with Article 6 (commencing
25 with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and
26 any regulations adopted pursuant to that article.

27 (k) *Vend or vending* means offering food, beverage, or product of any kind for sale
28 from one's person or nonmotorized conveyance, whether moving or standing.

1 **4-7.2002 General Prohibitions.**

2 (a) No person shall offer for the sale any food product which is not packaged at a
3 pre-approved facility, as designated by the county health department.

4 (b) No owner or sidewalk vendor shall cause or allow more than two (2) sidewalk
5 vendors to assemble, gather, collect, or otherwise join for any purpose on any sidewalk or
6 other pedestrian path within twenty (20) feet from each other per city block.

7 (c) No person shall engage in vending within three hundred (300) feet of any school
8 property or church.

9 (d) Sidewalk Vendors shall not be located for purposes of offering products for sale
10 in any location:

11 (1) Which creates an unreasonable obstruction to the normal flow of
12 vehicular or pedestrian access;

13 (2) Within ten (10) feet of any intersection, driveway, or building entrance;

14 (3) In any space designed for vehicular travel, parking, stopping, or loading;

15 or

16 (4) Which blocks manholes, utility access, and vents.

17 (e) No person shall vend before 9:00 a.m., or later than 6:00 p.m. during periods of
18 standard time, or later than 8:00 p.m. during periods of day light savings time in areas zoned
19 exclusively for residential. (i.e. low density residential (“RL”), medium density residential
20 (“RM”), and high density residential (“RH”).

21 (f) No person shall vend as a stationary sidewalk vendor in city areas zoned
22 exclusively for residential (i.e., low density residential (“RL”), medium density residential
23 (“RM”), and high density residential (“RH”).

24 (g) No person shall vend as a stationary sidewalk vendor in public parks in which the
25 City has entered into an exclusive agreement for concessions that exclusively permits the
26 sale of food or merchandise by the concessionaire(s). Vending machines installed and
27 operated at public parks pursuant to a City contract are exempted from subsection (g)
28 herein. The City Council may enter into agreement(s) or franchise(s) for the exclusive

1 selling or offering for sale of food or merchandise within any public parks.

2 (h) No person shall engage in the act of sidewalk vending within the immediate
3 vicinity (i.e., 1000 feet) of a permitted certified farmers' market or permitted swap meet
4 during the limited operating hours of that certified farmers' market or swap meet.

5 (i) No person shall engage in the act of sidewalk vending within the immediate
6 vicinity (i.e., 1000 feet) of an area designated for a special event permit pursuant to Chapter
7 13, Title 5 of this Code provided that any notice, business interruption mitigation, or other
8 rights provided to affected business or property owner are also provided to sidewalk vendors
9 specifically permitted to operate in the area, if applicable.

10 (j) No person shall engage in the act of sidewalk vending with a motorized
11 conveyance.

12 (k) No person shall engage in the act of sidewalk vending while using a portable
13 generator.

14 (l) No person shall engage in the act of sidewalk vending with a nonmotorized
15 conveyance with dimensions larger than 48 inches in width, and 96 inches in height.

16 (m) No person shall engage in the act of sidewalk vending other than on the
17 sidewalk portion of the right of way where a sidewalk exists.

18 (n) No person shall vend under shaded structures, awnings, gazebos, and bandshell
19 in city parks, except as authorized by a franchise.

20 (o) No person shall take a nonmotorized conveyance off non-concrete surfaces in
21 city parks.

22 **4-7.2003 Sidewalk Vending Standards.**

23 (a) All food displayed, sold, or offered for sale by sidewalk vendors must be in a
24 manner approved for sale in accordance with California Health and Safety Code, Division
25 104 (Environmental Health), Part 7 (California Retail Food Code).

26 (b) Each sidewalk vendor shall display in plain view, the Sidewalk Vendor permit,
27 and any permit required by State and County laws (i.e., county Health Department sticker
28 issued in accordance with California Health and Safety Code, Division 104 (Environmental

1 Health), Part 7 (California Retail Food Code)).

2 (c) The only signs used in conjunction with street vending shall be signs affixed to or
3 painted on the nonmotorized conveyance or its canopy, or on one's person.

4 (d) A trash receptacle shall be provided in or on the nonmotorized conveyance. The
5 trash receptacle must be large enough to accommodate customer trash without resort to
6 existing trash receptacles located on any block for use by the general public. A sidewalk
7 vendor may not dispose of customer trash in existing trash receptacles on city sidewalks.

8 (e) No noise making devices shall be used in conjunction with sidewalk vending
9 except one bell with maximum diameter of two (2) inches.

10 (f) Sidewalk vendors must remain in compliance with all state, county and local laws.

11 (g) No nonmotorized conveyance may be left on the sidewalk, on public property, or
12 in the public right of way unattended outside of the sidewalk vendor's operating hours.
13 Nonmotorized conveyances may not be chained or fastened to any pole, sign, tree or other
14 object in the public right-of-way or left unattended. Unattended nonmotorized conveyances
15 will be impounded for safekeeping. A fine shall not be imposed for said impoundment. A
16 nonmotorized conveyance shall be retrieved by contacting the Public Works Division.

17 (h) Notwithstanding any specific prohibitions in this subsection, no sidewalk vendor
18 shall place a nonmotorized conveyance where placement endangers the safety of persons
19 or property.

20 **4-7.2004 Business License and Sidewalk Vendor Permit Requirements.**

21 It shall be unlawful for any person to engage in sidewalk vending without first applying
22 for and obtaining a permit from the Police Chief and, in addition paying the required license
23 tax to the Director in the manner provided for in Article 18, Chapter 1, Title 3 of this Code.

24 **4-7.2005 Penalty.**

25 The penalties set forth in Chapter 2 of Title 1 and Section 3-1.1818 of Article 18,
26 Chapter 1, Title 3 of this Code shall not apply for violations of this chapter. Any person
27 violating any provision of this chapter shall be punished as follows:

28 (a) Vending without a sidewalk vendor permit as required by this chapter shall be

1 punishable by the following:

2 (1) An administrative fine not exceeding two hundred fifty dollars (\$250) for a first
3 violation;

4 (2) An administrative fine not exceeding five hundred dollars (\$500) for a second
5 violation within one year of the first violation;

6 (3) An administrative fine not exceeding one thousand dollars (\$1,000) for each
7 additional violation within one year of the first violation;

8 (b) Except as otherwise provided in subsection (a) herein, any violation of this
9 chapter shall be punishable by the following:

10 (1) An administrative fine not exceeding one hundred dollars (\$100) for a first
11 violation;

12 (2) An administrative fine not exceeding two hundred dollars (\$200) for a second
13 violation within one year of the first violation;

14 (3) An administrative fine not exceeding five hundred dollars (\$500) for each
15 additional violation within one year of the first violation.

16 (c) The Director, Chief of Police, or Council or their designee may revoke a permit
17 issued to a sidewalk vendor for the term of that permit upon the fourth violation or
18 subsequent violations. The revocation, notice, hearing and appeal procedures set forth in
19 Article 18, Chapter 1, Title 3 shall apply to revoke a permit under this subsection.

20 (d) Upon proof of a valid sidewalk vendors permit issued by the City, the
21 administrative fines set forth in subsection (a) shall be reduced to the administrative fines
22 set forth in subsection (b) herein.

23 (e) Failure to pay an administrative fine pursuant to subsections (a) and (b) of Section
24 4-7.2005 shall not be punishable as an infraction or misdemeanor.

25 (f) When assessing administrative fines pursuant to subsections (a) and (b) of
26 Section 4-7.2005, the Director or his designee shall provide the person with notice of his or
27 her right to request an ability-to-pay determination and shall make available instructions for
28 requesting an ability-to-pay determination. If the person meets the criteria described in

1 subdivision (a) or (b) of Government Code section 68632, as determined by the Director or
2 his designee, the City shall accept, in full satisfaction, twenty percent (20%) of the
3 administrative fine imposed pursuant to subsection (a) of Section 4-7.2005 herein. The
4 person may request said ability-to-pay determination at adjudication or while the judgment
5 remains unpaid, including when a case is delinquent or has been referred to a collection
6 program.

7 (g) The Director or his designee may allow a person to complete community service
8 in lieu of paying the total administrative fine, may waive the administrative fine, or may offer
9 an alternative disposition for violations of subsection (a) of Section 4-7.2005 herein.

10 **SECTION 3:** Article 18, Chapter 1, Title 3 of this Code is hereby amended as follows:
11

12 **Article 18. Peddlers and Sidewalk Vendors.**

13 **3-1.1801 Definitions.**

14
15 For the purposes of this article, unless otherwise apparent from the context, certain
16 words and phrases used in this article are defined as follows:

17 (a) "Peddler" shall include any person, whether or not a resident of the City, who
18 goes from house to house, place to place, or street to street for the purpose of, and who
19 engages in the business of, selling, contracting, soliciting to sell, taking orders for, or offering
20 to sell or take orders for goods, wares, merchandise, products, commodities, or articles of
21 value or for services to be performed or furnished, or who makes demonstrations for such
22 purpose.

23 "Peddling" shall also mean and include any person who passes out commercial
24 handbills or similar papers, or who engages in any taking of surveys for commercial
25 purposes, on City sidewalks or streets.

26 "Peddler" shall exclude "sidewalk vendor" as defined in this section.
27
28

1 (b) "Person" shall include any person, firm, domestic or foreign corporation,
2 association, syndicate, joint stock corporation, joint adventure, partnership of every kind,
3 club, Massachusetts business or common law trust, society, and individual transacting,
4 carrying on, or engaged in any business, as defined in subsection (a) of this section, in the
5 City, whether acting as principal, agent, clerk, factor, employee, servant, or personal
6 representative, either for or on behalf of himself or herself or for any other person, firm,
7 association, partnership, joint adventure, corporation, or otherwise.

8 (c) "Sidewalk Vendor" shall be defined in accordance with subsection (a) of
9 Government Code section 51036 and shall mean a person who vends food or merchandise
10 from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other
11 nonmotorized conveyance or from one's person, upon a public sidewalk or other pedestrian
12 path.

13 **3-1.1802 Permits: Required.**

14 It shall be unlawful for any person to engage in the business of a peddler and/or
15 sidewalk vendor within the City without first applying for and obtaining a permit from the
16 Police Chief and, in addition, paying the required license tax to the Director of Finance. The
17 procurement of such permit in the manner provided in this article shall be a condition
18 precedent to the issuance of a license by the Director of Finance.

19 **3-1.1803 Permits: Applications: Form: Accompanying data and identification.**

20 Applicants for a permit to engage in the business of a peddler and/or sidewalk vendor
21 shall file with the Police Chief a sworn application in duplicate on a form to be furnished by
22 the Director of Finance which shall contain or be accompanied by the following:
23

- 24 (a) A full identification of the applicant and all persons to be directly or indirectly
25 interested in the permit, if granted;
- 26 (b) The residence and business addresses and telephone numbers of the applicant;
- 27 (c) The exact nature of the proposed business;
- 28 (d) If an employee or agent, a full identification of the employer or principal;

1 (e) The location or places of transacting business and place of residence for the
2 past two (2) years;

3 (f) Prior convictions of a crime, misdemeanor, or violation of any law, the nature,
4 place, and date of such offense, and the disposition of the same;

5 (g) A photograph of the applicant who will make the actual contacts incidental to the
6 activity of peddling or soliciting, which photograph shall have been taken within sixty (60)
7 days immediately prior to the date of the filing of the application, shall be two (2") inches by
8 two (2") inches in size, and shall show the head and shoulders of the applicant in a clear
9 and distinguishing manner;

10 (h) In the event the proposed activity involves the sale of any food products or
11 substances for human consumption which can be contaminated by handling, a statement by
12 a reputable physician in the County, dated not more than ten (10) days prior to the
13 submission of the application, certifying the applicant to be free of contagious infections and
14 communicable diseases;

15 (i) A statement as to whether any city or licensing authority has ever refused to
16 issue or to renew or has revoked a license for the conduct of the business for which the
17 permit and license are sought, together with an accurate statement of the reasons therefor;

18 (j) A receipt from the Director of Finance showing a payment in the amount of Ten
19 and no/100ths (\$10.00) Dollars for the application form to cover the costs of the
20 investigation of the facts to be stated in such application form; Sidewalk vendor applicants
21 shall require a receipt from the Director showing a permit payment in accordance with
22 Section 3-1.1804 herein;
23

24 (k) Such other information as the Police Chief may deem reasonably necessary for
25 the protection of the public safety, morals, and general welfare of the community;

26 (l) Fingerprinting, to be performed by the City for the City's standard processing
27 fee. However, fingerprinting shall not be required in connection with an application filed for
28 the purpose of obtaining a permit to distribute handbills and similar papers. Applicants for a

1 permit to distribute handbills and similar papers shall provide the Police Chief with such
2 information he or she deems necessary to conduct an investigation into, among other
3 things, whether the applicant has had any criminal contacts with the Huntington Police
4 Department or other law enforcement agencies or has any outstanding warrants or
5 violations with the California Department of Motor Vehicles. Applicants for a sidewalk
6 vendor permit are exempted from the requirements of subsection (l) herein;

7 (m) The name and address of all businesses for which the applicant intends to act as
8 a peddler, together with written consent from all such businesses that the applicant is
9 authorized to act as a peddler for such businesses. Applicants for a sidewalk vendor permit
10 are exempted from the requirement of subsection (m) herein;

11 (n) In addition to the requirements of this section, Applicants for a sidewalk vendor
12 permit shall provide the Police Chief with the following:

13 (1) A valid California Department of Tax and Fee Administration seller's permit to the
14 extent required by law.

15 (2) Additional state licensing from state and local agencies to the extent required by
16 law.

17
18 **3-1.1804 Permits: Application: Fees.**

19 The application fees for permits to engage in the business of a peddler shall be as set
20 forth in subsection (j) of Section 3-1.1803 of this article. The application fees for permits to
21 engage in the business of a sidewalk vendor shall be established by resolution of the
22 Council; until such time such fee resolution is approved the peddler permit fee shall be
23 applied.

24 **3-1.1805 Permits: Applications: Investigation.**

25 Such application in duplicate shall be filed with the Police Chief who shall cause the
26 investigation provided for in this section to be made within a reasonable time. The general
27 standards set forth in this section relative to the qualifications of every applicant for such
28 permit shall be considered and applied by the Police Chief before he or she shall grant or

1 deny the application. The application shall be of good moral character, and in this
2 connection, the Police Chief shall ascertain and consider the following;

3 (a) Through the use of fingerprints or other methods of investigation, all penal
4 convictions, the reasons therefor, and the demeanor of the applicant subsequent thereto.
5 However, fingerprinting shall not be used in connection with an application filed for the
6 purpose of vending as a sidewalk vendor, and obtaining a permit to distribute handbills and
7 similar papers. The Police Chief shall conduct an investigation into any criminal contacts
8 with the Huntington Police Department or other law enforcement agencies by the use of the
9 data bases and information available to the Police Department and by verifying with the
10 California Department of Motor Vehicles whether the applicant has any outstanding warrants
11 or violations;

12 (b) The license history of the applicant and whether such person, in previously
13 operating in the County or another county in the State under a license, has had such license
14 revoked or suspended, the reasons therefor, and the demeanor of the applicant subsequent
15 thereto;

16 (c) Whether the applicant has made a full disclosure of all the matters required to be
17 set forth in the application;

18 (d) Whether the applicant has been in default in the payment of license taxes or any
19 governmental agency;

20 (e) Such other facts relevant to the general personal history of the applicant as the
21 Police Chief shall find necessary to a fair determination of the eligibility of the applicant; and

22 (f) Whether the granting of the permit will or will not be detrimental to the safety, public
23 morals, or general welfare of the City.
24

25 **3-1.1809 Permits: Identification cards: Display.**

26 Such permit or identification card shall be worn constantly by the permittee on the
27 front of his or her coat or hat in such a way as to be conspicuous during the time the
28

1 permittee is engaged in the actual activity of vending as a sidewalk vendor, peddling or
2 soliciting.

3 **3-1.1810 Permits: Licenses: Revocation.**

4 Every permit or license issued pursuant to the provisions of this article shall be
5 subject to the right, which is hereby expressly reserved and consented to by the applicant,
6 to revoke such permit or license for any of the causes set forth in this section. Any such
7 permit or license may be summarily revoked by the Police Chief or the Council for any of the
8 following causes:

9 (a) Any fraud, misrepresentation, or false statement contained in the application;

10 (b) Any violation of the provisions of this article or any laws of the City or any other laws
11 relating to the permitted business;

12 (c) The conviction of the permittee or licensee of any felony or of a misdemeanor
13 involving moral turpitude;

14 (d) The refusal or failure to make available to the Police Chief or Director of Finance,
15 upon demand, any records relating to the licensed or permitted business, which records are
16 deemed necessary for the enforcement of this article;

17 (e) The conducting of the permitted or licensed business in an unlawful manner or in
18 such manner as is inimical to the health, safety, or general welfare of the public;

19 (f) Upon ascertaining that the applicant is not an individual of good moral character;
20 and

21 (g) Any other good and sufficient reason for such revocation.
22

23 Sidewalk vendor permittees are exempted from Section 3-1.1810 herein. Revocation of a
24 sidewalk vendor permit shall be in accordance with Section 4-7.2005 of Chapter 11, Title 4
25 of this Code.
26
27
28

1 **3-1.1811 Continuance of prior permits and licenses.**

2 All permits or licenses granted prior to June 18, 1958, shall remain in effect until they
3 are revoked or expired by operation of the time for which they were originally issued.
4 Sidewalk vendor are exempted from Section 3-1.1811 herein.

5 **3-1.1814 Compliance with signs on premises.**

6 It shall be unlawful for any peddler or any person pretending to be a peddler, for the
7 purpose of peddling or soliciting or pretending to peddle or solicit, to ring the bell or knock at,
8 on, or in any building, or entrance thereto, whereon there is painted, affixed, or otherwise
9 displayed to the public view any visible sign containing any or all of the words “No Peddlers
10 Permitted”, “No Solicitors Permitted”, “No Agents Permitted”, or words which otherwise
11 purport to prohibit or indicate the objection of the occupant to peddling or soliciting on the
12 premises, and it is unlawful for any such peddler to attempt to gain admittance to such
13 premises. Said prohibition shall apply to sidewalk vendors.

14 **3-1.1815 Compliance with provision.**

15 It shall be unlawful for any person to engage in the business of a peddler and/or
16 sidewalk vendor within the City without first obtaining a permit so to do as provided in this
17 article and without first obtaining a license, if any is required, and thereafter exhibiting such
18 permit or identification card, or without complying with the requirements and provisions of
19 this article.

20 **3-1.1817 Violations of provisions.**

21 Any person violating any of the provisions of this article, in addition to the revocation
22 of his or her permit or license, shall be guilty of a misdemeanor and, upon conviction
23 thereof, shall be punishable as set forth in Chapter 2 of Title 1 of this Code. Sidewalk
24 vendor as defined in Chapter 11, Title 4 of this Code are exempted from Section 3-1.1817
25 herein.

1 **~~3-1.1818 Pushcarts vending ice cream and food products.~~**

2 ~~Regardless of the provisions of this article, no permit or license shall be granted for~~
3 ~~the operation of pushcarts which vend ice cream or food products; provided, however, the~~
4 ~~Council may grant permits for the operation of pushcarts vending ice cream or food products~~
5 ~~for special events having a limited duration and in a controlled and specific area. Such~~
6 ~~permits shall be granted only after an application in writing made to the Council in~~
7 ~~connection with such special events.~~

8
9 **SECTION 4:** Article 10, Chapter 7, Title 4 of this Code is hereby amended as follows:

10 **4-7.1005 Pushcarts prohibited on public sidewalks and streets.**

11
12 (a) No person shall operate, maintain, or possess a pushcart while upon any public
13 sidewalk or public street. Pedestrians shall have the right-of-way on sidewalks. The
14 prohibition in this section shall not apply to ~~pushcart operators that have been granted~~
15 ~~permits or licenses pursuant to Sections 3-1.1818 or 4-11.02 of the City's code.~~ sidewalk
16 vendors operating pushcarts in accordance with Chapter 11, Title 4 this Code. Any person
17 violating this section shall be guilty of a misdemeanor, with the exception of sidewalk
18 vendors operating a pushcart in accordance with Chapter 11, Title 4 of this Code.

19 (b) For purposes of this chapter pushcart shall mean a wheeled device, measuring
20 greater than two (2') by two (2') feet but less than ten (10') feet in length, which is propelled
21 by hand including, but not limited to, shopping carts and laundry carts (as defined in
22 Business and Professions Code Section 22435) and other devices by which goods of any
23 kind are transported, moved or drawn, except for devices designed for the transportation of
24 persons irrespective of the actual use.

25 (c) Sidewalk shall mean that portion of a highway, other than the roadway, set apart
26 for pedestrian travel and shall mean any portion of the sidewalk between the property line
27 and the curb.

1 (d) For purposes of this chapter “street” shall mean any public street, avenue, mad
2 boulevard, alley, highway, or other public place located in the City and established for the
3 use of vehicles.

4
5 **SECTION 5:** Article 16, Chapter 7, Title 4 of this Code is hereby amended as
6 follows:

7 **4-7.1612 Peddling, vending, and services.**

8
9 (a) Peddlers and Vendors—Parking Limited to Ten Minutes. Except as otherwise
10 provided in this section, no person shall stand or park any vehicle, wagon, or pushcart from
11 which goods, wares, merchandise, fruits, vegetables, or foodstuffs are sold, displayed,
12 solicited, offered for sale, bartered, or exchanged, or any lunch wagon or eating car or
13 vehicle, on any portion of any street within the City, except that such vehicles, wagons, or
14 pushcarts may stand or park only at the request of a bona fide purchaser for a period of time
15 not to exceed ten (10) minutes at any one place. The provisions of this subsection shall not
16 apply to persons delivering such articles upon the order of, or by an agreement with, a
17 customer from a store or other fixed place of business or distribution.

18 (b) Peddlers and vendors prohibited adjacent to schools. It shall be unlawful for any
19 person to sell, vend, peddle, or hawk liquids, edibles, goods, wares, or merchandise on any
20 portion of a public street, including ~~sidewalks~~, lanes, or alleys, in the City, whether such
21 selling, vending, peddling, or hawking is from a vehicle or not, or for any traveling merchant,
22 huckster, or peddler of goods, wares, or merchandise, who uses a vehicle and is licensed to
23 engage in any such business in the City, to carry on or conduct any such business upon any
24 portion of a public street, alley, or sidewalk within 500 feet of the nearest property line of any
25 school.

26 (c) Solicitation or selling on public streets, public parking lots, or City-owned
27 property. Except as provided in subsection (a) of this section, it is unlawful for any person to
28 solicit, sell, or offer for sale any goods, wares, or merchandise on any portion of the public

1 streets, including ~~sidewalks~~, public parking lots, or City-owned property, whether or not such
2 person so soliciting, selling, or offering to sell has a business license for an established
3 business within the City.

4 (d) Solicitation or selling on Bissell Street within the Municipal Park. It is unlawful for
5 any person to sell, vend, or peddle goods, wares, or merchandise on that portion of Bissell
6 Street between Florence Avenue and Saturn Avenue which is within the Municipal Park,
7 whether such selling, vending, or peddling is from a vehicle or not.

8 (e) Peddlers and vendors prohibited adjacent to the Municipal Park. It shall be
9 unlawful for any person to sell, vend, or peddle foods and beverages on Florence Avenue
10 between Salt Lake Avenue and Newell Street; on Newell Street between Florence Avenue
11 and a point 674.76 feet north of the north property line of Florence Avenue; on Saturn
12 Avenue between Newell Street and Bissell Street; and on Salt Lake Avenue between the
13 north City limits and Florence Avenue, ~~or on any of the public sidewalks adjacent to any of~~
14 ~~said public street areas~~, whether such selling, vending, or peddling is from a vehicle or not,
15 or whether such seller, vendor, or peddler has a business license for a vehicle or for an
16 established business within the City.

17 (f) Peddler and vendors restricted to certain hours. It shall be unlawful for any
18 person to sell, vend or peddle or hawk liquids, edibles, goods, wares or merchandise on any
19 portion of the public streets, including ~~sidewalks~~, public parking lots or City-owned property,
20 later than sunset, or earlier than 9:00 a.m.

21 (g) Enforcement. Any violation of the rules established by this section shall be
22 deemed a misdemeanor, punishable as set forth in Section 1-2.01 of this Code. Any such
23 violation also will subject the licensee to possible revocation of his or her business license,
24 pursuant to Section 3-1.138 of this Code.

25 (h) Sidewalk vending by a sidewalk vendor as defined in Chapter 11, Title 4 of this
26 Code are exempted from Section 4-7.1612 herein.
27

1 **SECTION 6:** Violations of this Ordinance shall constitute violations of the Huntington
2 Park Municipal Code, and all penalties and remedies authorized under the Huntington Park
3 Municipal Code shall apply to violations of the provisions of this Ordinance.
4

5 **SECTION 7:** This Ordinance is exempt from the California Environmental Quality Act
6 (“CEQA”), in that this Ordinance does not constitute a “project” under CEQA and is exempt
7 pursuant to CEQA Guidelines section 15378(b)(4), and further there is no likelihood of this
8 Ordinance resulting in a significant negative impact on the environment, and is therefore
9 also exempt from CEQA pursuant to CEQA Guidelines section 15060(c)(2).
10

11 **SECTION 8:** Any provisions of the Huntington Park Municipal Code or appendices
12 thereto, which are inconsistent with the provisions of this Ordinance are hereby repealed or
13 modified to the extent necessary to affect the provisions of the Ordinance.
14

15 **SECTION 9:** If any section, subsection, sentence, clause, phrase, or portion of this
16 Ordinance is for any reason held to be invalid or unconstitutional by the decision of any
17 court of competent jurisdiction, such decision shall not affect the validity of the remaining
18 portions of this Ordinance. The City Council of the City of Huntington Park hereby declares
19 that it would have adopted this Ordinance and each section, subsection, sentence, clause,
20 phrase or portion thereof, irrespective of the fact that any one or more sections, subsections,
21 sentences, clauses, phrases or portions may be declared invalid or unconstitutional.
22

23 **SECTION 10:** This Ordinance: (a) is necessary for the immediate preservation of the
24 public health, safety, and welfare; (b) contains findings constituting urgency; (c) is effective
25 immediately upon adoption as provided for in Government Code Section 36937.
26
27
28

Attachment “C”

Discussion regarding proposed Code Amendment to address objective health, safety, and welfare concerns resulting from unregulated sidewalk vending

PROPOSED REGULATION	OBJECTIVE HEALTH, SAFETY AND WELFARE CONCERNS
Prohibit selling food that is not packaged at a pre-approved facility (designated by the county health department).	The City is interested in reducing the potential danger to the public from exposure to food-borne disease as a result of contamination from improperly packaged and/or stored food products, which may be offered for sale by unregulated sidewalk vendors. The public health of residents is protected when sidewalk vendors sell food that meets health and safety requirements under the California Retail Food Code of the California Health and Safety Code. The City will prohibit the sale of food packaged not packaged at pre-approved facilities by the County of Los Angeles Department of Public Health.
Prohibit two (2) or more sidewalk vendors to assemble, gather, collect or otherwise join for any purpose within twenty (20) feet of each other per city block.	The City is interested in protecting the safety of motorists, bicyclists, and pedestrians on City streets. Limiting two (2) or more sidewalk vendors from joining within twenty (20) feet of each other per City block avoids the overcrowding of sidewalks and other pedestrian paths. Said restriction deters the overcrowding of sidewalks by multiple vendors and clients, which force pedestrians onto the streets causing a public safety hazard. Furthermore, the dangerous obstruction of visual lines of site from City streets caused by more than two (2) sidewalk vendors collecting on the same city block is prevented by said regulation.
Prohibit sidewalk vendors from vending within three hundred (300) feet of any school property or church.	The City is interested in preventing the further congestion of streets and sidewalks with an existing high concentration of vehicular and pedestrian activity (i.e., schools and churches), which makes the sidewalk and streets unsafe for motorists, cyclists, pedestrian and sidewalk vendors. Said restriction is intended to deter the blocking of traffic or parking that would cause vehicles to stop in traffic lanes of congested streets and sidewalks. Said regulation safeguards pedestrian movement on sidewalks near schools and churches.
Prohibit sidewalk vendors from creating unreasonable obstruction to the normal flow of vehicular or pedestrian access, within ten (10) feet of any intersection, driveway, or	The City is interested in in preventing the further congestion of streets and sidewalks. Further, the blocking of intersections, driveways, building entrances, spaces designated for vehicular travel, manholes, utility access and vents creates a public safety hazard citywide. Said restriction is intended to deter the blocking of traffic or parking by sidewalk vendors and their clients that would cause vehicles to stop in traffic lanes of congested streets and sidewalks. Said regulation protects public safety during emergencies when immediate access to manholes, utility access and vents is

<p>building entrance, in any space designated for vehicular travel, manholes, utility access and vents.</p>	<p>necessary to safeguard the public.</p>
<p>Prohibit sidewalk vending from vending before 9:00 a.m., or later than 6:00 p.m. during periods of standard time, or later than 8:00 p.m. during periods of day light savings time in areas zoned exclusively for residential.</p>	<p>The City is interested in protecting residents' quality of life in their homes during late evening and early morning hours. Noise making devices used by sidewalk vendors to attract customers can be loud and disturbing to nearby households, especially during late evening and/or early morning hours. Most residents are departing home or arriving home during late evening and early morning hours and the presence of sidewalk vendors in residential areas during said hours causes further congestion to sidewalk and streets in residential areas.</p>
<p>Prohibit sidewalk vending as a stationary sidewalk vendor in city areas zoned exclusively for residential.</p>	<p>The City is interested in protecting residents' quality of life in residential areas. The presence of stationary sidewalk vendors in residential areas will cause further congestion of residential sidewalks and streets. If allowed, stationary sidewalk vendors may create a regular clientele base that may cause overcrowding of sidewalks in residential areas. Allowing stationary sidewalk vendors in residential areas risks an undue concentration of commercial activity in residential areas, changing the nature of residential neighborhoods into commercial like zone. Said regulation is intended to safeguard the nature of residential areas, protect pedestrian movement on sidewalks, avoid overcrowding, and protect quality of life of residents citywide.</p>
<p>Prohibit sidewalk vending as a stationary sidewalk vendor in public parks in which the City has entered into an exclusive agreement for concessions.</p>	<p>The City is interested in ensuring the continuous operation of concessions at city parks. Residents visit city parks for recreational purposes and community events. Ensuring regular concession operators guarantees the availability of food and beverages during said events at city parks and also accommodates consistent hours of operation. The presence of stationary sidewalk vendors at city parks may deter operation by regular concessionaries. Said regulation is intended to ensure the consistent availability of concession at City parks.</p>
<p>Prohibits vending within the immediate vicinity of a permitted certified farmers' market, swap meet, or area designated for a special event permit.</p>	<p>The City is interested in ensuring the continuous operation of certified farmers' market, swap meet, and areas designated for a special event permit. Said events are City attractions offering opportunities for residents to engage with community members. Visitors are enticed to attend said events and shop local. The presence of sidewalk vendors at said events may deter business operators of vending at said events. Additionally, said restriction is intended to deter the blocking of traffic or parking that would cause vehicles to stop in traffic lanes of already congested streets and sidewalks at said events. Said regulation is intended to protect public safety and ensure the</p>

	continued presence of such events.
Prohibits engaging in the act of sidewalk vending with a nonmotorized conveyance with dimensions larger than 48 inches in width, 96 inches in height, and 96 inches in height.	The City is interested in avoiding the overcrowding of sidewalks and other pedestrian paths and complying with the American with Disabilities Act and other disability access standards. Said restriction is intended to limit the size of a nonmotorized conveyance to deter the overcrowding of sidewalks, which prevent access and force pedestrians onto the streets causing a public safety hazard. Limiting the size of nonmotorized conveyances used by sidewalk vendors also avoid the obstruction of visual lines of site from City streets.
Prohibits vending under shaded structures, awnings, gazebos, and bandshell in city parks, except as authorized by a franchise.	The City is interested in preventing the interference with scenic and natural character parks and park structures. Sidewalk vendors operating under shaded structures, awnings, gazebos, and bandshells at city parks prevent the use of said areas for their intended use. Unnecessary wear and tear of said structures can be avoided by prohibiting unintended use by sidewalk vendors and customers. Said regulation is intended to protect access to said structures, protect against unnecessary wear and tear and extend the existence of said structures.
Prohibits taking a nonmotorized conveyance off non-concrete surfaces in city parks.	Nonmotorized conveyances on unimproved surfaces cause damage to grassy park areas and can also cause break sprinkler heads, which create tripping hazards for sidewalk vendors and park visitors. The City is interested in protecting sidewalk vendors and pedestrians from injury. The City is further interested in protecting green spaces and the scenic and natural character of parks. As a result of limited resources, said regulation is intended to deter costly repairs of park grounds.