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**ORDINANCE NO. 2018-969**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK, CALIFORNIA, AMENDING TITLE 4 “PUBLIC SAFETY,” CHAPTER 7 “TRAFFIC,” ARTICLE 16 “PARKING PROHIBITED OR LIMITED,” SECTIONS 4-7.1622 OF THE CITY OF HUNTINGTON PARK’S MUNICIPAL CODE RELATING TO RECREATIONAL VEHICLES AND TRAILERS**

**WHEREAS**, the City of Huntington Park is a general law city, incorporated under the laws of the State of California;

**WHEREAS**, the City is interested in promoting public health and public safety within the City;

**WHEREAS**, the California Vehicle Code expressly authorizes cities by ordinance or resolution to prohibit or restrict the stopping, parking, or standing of vehicles on certain streets and highways, or portions thereof, during all or certain hours of the day;

**WHEREAS**, signs or markings giving adequate notice of parking restrictions are required under California law;

**WHEREAS**, the City’s regulations pertaining to motor homes and trailers are found within Title 4, Chapter 7, Article 16 of the Huntington Park Municipal Code;

**WHEREAS**, existing regulations prohibit the parking of motor homes and trailers on all municipal parking lots, City parks, and certain City streets;

**WHEREAS**, prohibiting the parking of recreational vehicles and trailers on all City streets, alleys, municipal parking lots, and City parks prevents recreational vehicles from occupying limited street parking citywide;

**WHEREAS**, prohibiting the parking of recreational vehicles and trailers on all City streets, alleys, municipal parking lots, and City parks deters criminal and nuisance activity within the City, such as loitering, drinking in public, loud music emanating from recreational vehicles, vandalism and graffiti;

**WHEREAS**, the City Council of the City of Huntington Park wishes to amend its regulation.

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

3                   **SECTION 1:** The recitals set forth above are incorporated herein and by this reference  
4 made an operative part hereof.

5                   **SECTION 2:** Section 4-7.1622 of Title 4, Chapter 7, Article 16, of the Huntington Park  
6 Municipal Code is hereby repealed in its entirety and amended to read as follows:

7                   **4-7.1622 Parking regulations for recreational vehicles and recreational trailers.**

8                   (a) Definitions.

9                   (1) "Recreational trailer" means a trailer designed to transport recreational sport  
10 vehicles or vessels, to include, but not limited to, dirt bikes and all-terrain vehicles,  
11 boats, personal water craft, race vehicles or other similar type vehicles and vessels.

12                   (2) "Recreational vehicle" includes a "recreational vehicle" as defined in Health and  
13 Safety Code Section 18010, a "trailer coach" as defined in California Vehicle Code  
14 Section 635, and a "park trailer" as defined in Health and Safety Code Section 18009.3.

15                   (b) No converted bus, recreational vehicle or recreational trailer, as defined in this  
16 section, shall be parked on an alley, public street or public right-of-way, on any City-  
17 owned off-street parking facility, or any City park at any time.

18                   (c) This section shall not apply to any converted bus, recreational vehicle or  
19 recreational trailer parked while the owner or operator of the vehicle or trailer is in the  
20 process of making emergency repairs to such vehicle or arranging for emergency  
21 repairs to be made, provided all repairs are completed within twenty-four (24) hours.  
22 Emergency repairs shall be limited to repairs necessitated by sudden, unforeseen  
23 events, such as a flat tire. Emergency repairs shall not include routine or normal  
24 maintenance.

25                   (d) Recreational trailers and recreational vehicles, as defined in this section, stopped,  
26 left standing or parked on any alley, public street or public right-of-way, on any City-  
27 owned off-street parking facility or any City park in violation of this section are hereby  
28 authorized to be cited, towed, or cited and towed when signs giving notice thereof have  
been posted.

(e) This section shall not apply until signs giving adequate notice thereof have been  
placed at all entrances of the City.

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

**SECTION 4:** This Ordinance is exempt from the California Environmental Quality  
Act ("CEQA"), in that this Ordinance does not constitute a "project" under CEQA and is

1 exempt pursuant to CEQA Guidelines section 15378(b)(4), and further there is no  
2 likelihood of this Ordinance resulting in a significant negative impact on the environment,  
3 and is therefore also exempt from CEQA pursuant to CEQA Guidelines section  
4 15060(c)(2).

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

8 **SECTION 6:** If any section, subsection, sentence, clause, phrase, or portion of  
9 this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any  
10 court of competent jurisdiction, such decision shall not affect the validity of the remaining  
11 portions of this Ordinance. The City Council of the City of Huntington Park hereby declares  
12 that it would have adopted this Ordinance and each section, subsection, sentence, clause,  
13 phrase or portion thereof, irrespective of the fact that any one or more sections, subsections,  
14 sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

15 **SECTION 7:** This Ordinance shall take effect thirty 30 days after final passage  
16 by the City Council.

17 **SECTION 8:** The City Clerk shall certify to the passage of this Ordinance and  
18 shall cause the same to be published in the manner prescribed by law.

19 **PASSED, APPROVED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2018.

20 **CITY OF HUNTINGTON PARK**

21 \_\_\_\_\_  
22 Johnny Pineda, Mayor

23 **ATTEST:**

24 \_\_\_\_\_  
25 Donna G. Schwartz, CMC  
26 City Clerk

27 **APPROVED AS TO FORM:**

28 \_\_\_\_\_  
Arnold M. Alvarez-Glasman  
City Attorney

**ORDINANCE NO. 2018-971**

**AN ORDINANCE OF THE CITY COUNCIL OF HUNTINGTON PARK, CALIFORNIA, REPEALING IN PART AND AMENDING IN PART TITLE 3 "FINANCE," CHAPTER 1 "BUSINESS LICENSING," TITLE 4 "PUBLIC SAFETY," CHAPTERS 7 "TRAFFIC," AND 11 "PERMITS OR LICENSES FOR PUSHCARTS VENDING ICE CREAM OR OTHER FOOD PRODUCTS" OF THE CITY OF HUNTINGTON PARK'S MUNICIPAL CODE RELATING TO SIDEWALK VENDORS**

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

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

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

**WHEREAS**, 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;

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

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

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

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

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, or  
7 by both such fine and imprisonment;

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

16 **WHEREAS**, persons violating provisions of Article 18, in addition to revocation of his  
17 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 and  
20 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 simple  
25 way to ensure vendors sell food and beverages according to the Los Angeles County  
26 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 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  
26 (h) Sidewalk vending by a sidewalk vendor as defined in Chapter 11, Title 4 of this  
27 Code are exempted from Section 4-7.1612 herein.  
28

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

1 **SECTION 11:** The City Clerk shall certify to the passage of this Ordinance and shall  
2 cause the same to be published in the manner prescribed by law.

3  
4 **PASSED, APPROVED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2018.

5  
6 **CITY OF HUNTINGTON PARK**

7  
8  
9 **ATTEST:**

\_\_\_\_\_  
Johnny Pineda, Mayor

10  
11 \_\_\_\_\_  
12 Donna G. Schwartz, CMC  
13 City Clerk

14  
15 **APPROVED AS TO FORM:**

16  
17 \_\_\_\_\_  
18 Arnold M. Alvarez-Glasman  
19 City Attorney