

ORDINANCE NO. 2019-973

**AN ORDINANCE OF THE CITY COUNCIL OF HUNTINGTON
PARK, CALIFORNIA, AMENDING IN PART TITLE 3
“FINANCE,” CHAPTER 1 “BUSINESS LICENSING,”
ARTICLE 18 “PEDDLERS AND SIDEWALK VENDORS” AND
TITLE 4 “PUBLIC SAFETY,” CHAPTER 11 “SIDEWALK
VENDING” 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 has the power to make and enforce within its jurisdictional limits all local, police, sanitary, and other ordinances, resolutions, and regulations not in conflict with general laws of the state;

WHEREAS, on December 4, 2018, the City Council adopted Urgency Ordinance No. 2018-970, repealing in part and amending in part Title 3 “Finance,” Chapter 1 “Business Licensing,” and Title 4 “Public Safety,” Chapters 7 “Traffic,” and 11 “Permits or licenses for pushcarts vending ice cream or other food products” of the Huntington Park Municipal Code relating to sidewalk vendors (“Urgency Ordinance”), which became effective immediately upon its adoption;

WHEREAS, also on December 4, 2018, the City Council introduced Ordinance No. 2018-971, a back-up ordinance with identical Municipal Code amendments as the Urgency Ordinance, which was subsequently adopted by way of regular procedures on December 18, 2018, and effective thirty (30) days after adoption on January 17, 2019 (“Ordinance No. 2018-971”) (hereinafter the Urgency Ordinance and Ordinance No. 2018-971 will be collectively referred to as the “Sidewalk Vendor Ordinance”);

WHEREAS, the Sidewalk Vendor Ordinance was enacted in response to Senate Bill (“SB”) 946, signed by Governor Brown on September 17, 2018, and effective January 1, 2019, which establishes statewide regulations for vending from non-motorized conveyances and one’s person on sidewalks and in parks, and prohibits the City from citing, fining, or prosecuting a sidewalk vendor for violation of any rule or regulation that is inconsistent with SB 946;

WHEREAS, the City adopted the Sidewalk Vendor Ordinance to establish a

1 regulatory and permitting program that is consistent with SB 946, but also seeks to
2 control its sidewalks and public rights of way to the fullest extent;

3 **WHEREAS**, it is necessary to further amend sections of the City Municipal Code
4 to clarify staff duties in administration of the regulatory and permitting program
5 implemented by the Sidewalk Vendor Ordinance;

6 **WHEREAS**, City staff determined it is efficient for peddler and sidewalk vendor
7 permits to be obtained from the Director of Finance upon completion of investigations
8 by the Directors of Finance and Community Development, and the Chief of Police;

9 **WHEREAS**, to protect the safety and welfare of City residents, as part of the
10 Chief of Police investigation, applicants for peddler or sidewalk vendor permits shall be
11 fingerprinted to investigate whether the applicant has any criminal contacts with the
12 Huntington Park Police Department or other law enforcement agency or has any
13 outstanding warrants;

14 **WHEREAS**, City staff determined it is necessary for the Director of Finance to
15 issue decals to be affixed to pushcarts, stands, displays, pedal-driven carts, wagons,
16 showcases, racks or other nonmotorized conveyances operated approved by the
17 Director of Community Development;

18 **WHEREAS**, City staff recommends authorizing the Director of Finance to deny or
19 revoke peddler and/or sidewalk vendor permits under certain circumstances to remain
20 consistent with existing business licensing appeal procedures, whereby applicants
21 aggrieved by the action of the Director of Finance shall upon the payment of a fee have
22 the right to appeal to an Appeal Board consisting of the City Manager, Director of
23 Community Development, and the Chief of Police;

24 **WHEREAS**, the foregoing amendments to the Sidewalk Vendor Ordinance are
25 consistent with SB 946.

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

28 **SECTION 1:** The City Council hereby finds and determines that the recitals above are

1 true and correct and hereby incorporate into this ordinance as though fully set forth herein.

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

4 **4-11.02 General Prohibitions.**

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

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

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

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

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

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

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

18 or

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

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

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

27 (g) No person shall vend as a stationary sidewalk vendor in public parks in which the
28 City has entered into an exclusive agreement for concessions that ~~exclusively~~ permits the

1 sale of food or merchandise by the concessionaire(s). Notwithstanding, vending machines
2 installed and operated pursuant to an executed contract between the City and a contractor
3 ~~are exempted from subsection (g) herein~~ shall be authorized in public parks and on public
4 property. The City Council in its discretion may enter into agreement(s) or franchise(s) for
5 the exclusive selling or offering for sale of food or merchandise within any public parks and
6 on public property.

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

10 (i) No person shall engage in the act of sidewalk vending within the immediate
11 vicinity (i.e., 1000 feet) of an area designated for a special event permit pursuant to Chapter
12 13, Title 5 of this Code provided that any notice, business interruption mitigation, or other
13 rights provided to affected business or property owner are also provided to sidewalk vendors
14 specifically permitted to operate in the area, if applicable.

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

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

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

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

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

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

27 **4-11.04 Business License and Sidewalk Vendor Permit Requirements.**

28 It shall be unlawful for any person to engage in sidewalk vending without first applying

1 for and obtaining a permit from the ~~Police Chief~~ Director and, in addition paying the required
2 license tax to the Director in the manner provided for in Article 18, of Chapter 1, to Title 3 of
3 this Code.

4 **4-11.05 Penalty.**

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

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

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

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

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

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

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

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

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

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

28 (d) Upon proof of a valid sidewalk vendors permit issued by the City, the

1 administrative fines set forth in subsection (a) shall be reduced to the administrative fines
2 set forth in subsection (b) herein.

3 (e) Failure to pay an administrative fine pursuant to subsections (a) and (b) of Section
4 4-11.05 shall not be punishable as an infraction or misdemeanor.

5 (f) When assessing administrative fines pursuant to subsections (a) and (b) of
6 Section 4-11.05, the Director or his designee shall provide the person with notice of his or
7 her right to request an ability-to-pay determination and shall make available instructions for
8 requesting an ability-to-pay determination. If the person meets the criteria described in
9 subdivision (a) or (b) of Government Code section 68632, as determined by the Director or
10 his designee, the City shall accept, in full satisfaction, twenty percent (20%) of the
11 administrative fine imposed pursuant to subsection (a) of Section 4-11.05 herein. The
12 person may request said ability-to-pay determination at adjudication or while the judgment
13 remains unpaid, including when a case is delinquent or has been referred to a collection
14 program.

15 (g) The Director or his designee may allow a person to complete community service
16 in lieu of paying the total administrative fine, may waive the administrative fine, or may offer
17 an alternative disposition for violations of subsection (a) of Section 4-11.05 herein.

18 **SECTION 3:** Article 18 of Chapter 1 to Title 3 of this Code is hereby amended as
19 follows:
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21 **3-1.1802 Permits: Required.**

22 It shall be unlawful for any person to engage in the business of a peddler and/or
23 sidewalk vendor within the City without first applying for and obtaining a permit from the
24 ~~Police Chief~~ Director of Finance and, in addition, paying the required license tax to the
25 Director of Finance. The procurement of such permit in the manner provided in this article
26 shall be a condition precedent to the issuance of a license by the Director of Finance.
27 Sidewalk vendors shall obtain permits from the Director of Finance upon completion of an
28

1 investigation by the Police Chief and Director of Community Development or their
2 designees.

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

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

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

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

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

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

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

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

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

22 (h) In the event the proposed activity involves the sale of any food products or
23 substances for human consumption which can be contaminated by handling, a statement by
24 a reputable physician in the County, dated not more than ten (10) days prior to the
25 submission of the application, certifying the applicant to be free of contagious infections and
26 communicable diseases;
27
28

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

4 (j) A receipt from the Director of Finance showing a payment in the amount of Ten
5 and no/100ths (\$10.00) Dollars for the application form to cover the costs of the
6 investigation of the facts to be stated in such application form. Except, Ssidewalk vendor
7 applicants shall require a receipt from the Director showing a permit payment in accordance
8 with Section 3-1.1804 herein;

9 (k) Such other information as the ~~Police Chief~~ Director of Finance may deem
10 reasonably necessary for the protection of the public safety, morals, and general welfare of
11 the community;

12 (l) Fingerprinting, to be performed by the City for the City's standard processing
13 fee. However, fingerprinting shall not be required in connection with an application filed for
14 the purpose of obtaining a permit to distribute handbills and similar papers. Applicants for a
15 permit to distribute handbills and similar papers shall provide the Police Chief with such
16 information he or she deems necessary to conduct an investigation into, among other
17 things, whether the applicant has had any criminal contacts with the Huntington Police
18 Department or other law enforcement agencies or has any outstanding warrants or
19 violations with the California Department of Motor Vehicles. ~~Applicants for a sidewalk~~
20 ~~vendor permit are exempted from the requirements of subsection (l) herein;~~

21 (m) The name and address of all businesses for which the applicant intends to act as
22 a peddler, together with written consent from all such businesses that the applicant is
23 authorized to act as a peddler for such businesses. Applicants for a sidewalk vendor permit
24 ~~are exempted from the requirement of subsection (m) herein~~ shall not be required to first
25 obtain the consent or approval of any nongovernmental entity or individual before he or she
26 can sell food or merchandise;

27 (n) In addition to the requirements of this section, Applicants for a sidewalk vendor
28 permit shall provide the ~~Police Chief~~ Director of Finance with the following:

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

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

5 **3-1.1805 Permits: Applications: Investigation.**

6 ~~Such application in duplicate shall be filed with t~~ The Police Chief who shall cause the
7 investigation provided for in this section to be made within a reasonable time. The general
8 standards set forth in this section relative to the qualifications of every applicant for such
9 permit shall be considered and applied by the Police Chief before he or she shall ~~grant or~~
10 ~~deny~~ make a determination on the application. The ~~application~~ applicant shall be of good
11 moral character, and in this connection, the Police Chief shall ascertain and consider the
12 following;

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

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

26 (c) Whether the applicant has made a full disclosure of all the matters required to be
27 set forth in the application;
28

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

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

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

7 The Director of Community Development shall cause the inspection of pushcarts, stands,
8 displays, pedal-driven carts, wagons, showcases, racks or other nonmotorized conveyances
9 operated by sidewalk vendors. The Director of Community Development shall make a
10 determination in compliance with Chapter 11 of Title 4 of this Code.

11 **3-1.1806 Permits: Applications: Granting or denial.**

12 The findings of the Police Chief and Director of Community Development, after such
13 investigation, shall be endorsed on ~~each of the applications~~ and indicated by the words
14 “granted” or “denied”; ~~and one of the applications shall be filed with~~. Said endorsed
15 application shall be provided to the Director of Finance or his or her designee for review and
16 final determination. If the application is denied, ~~he or she~~ the Director of Finance shall give
17 notice of such action to the applicant and the reasons for the denial.

18 The granting of a permit to a peddler who uses a device, object, or animal, such as a
19 pony used in posing children for photographs, in connection with door-to-door solicitations
20 may be conditioned upon the requirement by the ~~Police Chief~~ Director of Finance that such
21 peddler furnish to the City a certificate showing comprehensive liability insurance in effect
22 for such sales activities in an amount not less than Five Thousand and no/100ths
23 (\$5,000.00) Dollars, issued by a company and in a form approved by the City Attorney, with
24 the City and its officers and employees named as additional insured.

25 **3-1.1807 Permits: Identification cards: Issuance.**

26 If the application is granted and filed with the Director of Finance and the license tax
27 paid, the Director of Finance shall issue to the applicant a permit or identification card which
28

1 shall contain the name, address, photograph, and description of the applicant, the kind of
2 business licensed, the date of issuance and terms of such license, and other pertinent
3 identifying description. If the application is granted, the Director of Finance will issue
4 applicable sidewalk vendors a decal to affix to City approved pushcarts, stands, displays,
5 pedal-driven carts, wagons, show cases, racks or other nonmotorized conveyances.

6 **3-1.1808 Permits: Identification cards: Term.**

7 Such ~~p~~Permit or identification cards issued to Peddlers shall be issued for a period of
8 one year or the remaining effective period of the license held or to be held by such person or
9 his or her employer or principal, whichever is the shorter period.

10 Permit, identification cards and/or decals shall be issued to Sidewalk Vendors for a
11 period of one (1) year.

12 **3-1.1809 Permits: Identification cards: Display.**

13 Such permit or identification card shall be worn constantly by the permittee on the
14 front of his or her coat or hat in such a way as to be conspicuous during the time the
15 permittee is engaged in the actual activity of vending as a sidewalk vendor, peddling or
16 soliciting. Sidewalk Vendors shall also affix a City issued decal to City approved pushcarts,
17 stands, displays, pedal-driven carts, wagons, showcases, racks or other nonmotorized
18 conveyances.

19 **3-1.1810 Permits: Licenses: Revocation.**

20 Every permit or license issued pursuant to the provisions of this article shall be
21 subject to the right, which is hereby expressly reserved and consented to by the applicant,
22 to revoke such permit or license for any of the causes set forth in this section. Any such
23 permit or license may be summarily revoked by the ~~Police Chief or the Council,~~ sidewalk
24 ~~vendor permits may also be revoked by the~~ Director of Finance, for any of the following
25 causes:
26

- 27 (a) Any fraud, misrepresentation, or false statement contained in the application;
28

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

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

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

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

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

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

13 Sidewalk vendor permittees are exempted from Section 3-1.1810 herein. Revocation of a
14 sidewalk vendor permit shall be in accordance with Section 4-11.05 of Chapter 11, Title 4 of
15 this Code.

16
17 **3-1.1812 Appeals: Reviews: Hearings.**

18 (a) Appeals: Filing Fees. Any applicant aggrieved by the action of the ~~Police Chief~~
19 Director of Finance in refusing to issue any permit or in summarily revoking any permit or
20 license already issued shall have the right of appeal to the ~~Council~~ Appeal Board as defined
21 in Section 3-1.134 (Appeal Board) of Article 1 (General Provisions) of this Chapter. Such
22 appeal shall be taken by filing with the City Clerk, within ten (10) days after the notice of
23 such action, a verified written statement in triplicate, setting forth fully the grounds of appeal.
24 ~~Such statement shall be accompanied by a filing fee in the amount of Five and no/100ths~~
25 ~~(\$5.00) Dollars, payable to the City.~~ The appeal filing fee shall be established by resolution
26 of the Council. If no such appeal is filed, the action of the ~~Police Chief~~ Director of Finance
27 shall be final.
28

1 ~~(b) Reviews: Filing fees. Any applicant or licensee aggrieved by the action of the~~
2 ~~Council in summarily revoking any permit or license already issued shall have the right to~~
3 ~~request a review and consideration of such action upon filing with the City Clerk, within ten~~
4 ~~(10) days after the notice of such action, a verified written statement in triplicate, setting forth~~
5 ~~fully the reasons why the decision of the Council should be reconsidered and reversed.~~
6 ~~Such statement shall be accompanied by a filing fee in the amount of Five and no/100ths~~
7 ~~(\$5.00) Dollars, payable to the City. If no such request for a review is filed, the action of the~~
8 ~~Council shall be final.~~

9 ~~(c) (b) Hearings. Notices. The Council~~ Appeal Board shall set a time and place for
10 the hearing, and a notice of such hearing on an appeal or review shall be given at least five
11 (5) days prior to the date of the hearing. The applicant or licensee and his or her attorney
12 may present and submit evidence at such hearing. The decision and order of the ~~Council~~
13 Appeal Board at or after such hearing shall be final and conclusive.

14
15 **3-1.1816 Application of provisions: Exemptions.**

16 The provisions of this article shall not apply to the following person and activities:

17 (a) Any person distributing milk, food products, or other commodities from house to
18 house where a license has been issued for an established route;

19 (b) The delivery of goods, wares, merchandise, products, provisions, or anything of
20 value, the rendering of services, or the taking of orders of the solicitation therefor by a
21 person engaged in such business at a fixed place of business in the City; provided,
22 however, this exemption shall not relieve any person from complying with the provisions of
23 this article if they are a sidewalk vendor, as defined in Section 4-11.01 of this Code or
24 merely by reason of associating temporarily with any local dealer, trader, or merchant or by
25 conducting such transient business in connection with, as a part of, or in the name of any
26 local dealer, trader, or merchant;
27
28

1 (c) Any person entering in or upon any property for the purpose of obtaining
2 satisfaction of a lawful obligation theretofore incurred by the occupant thereof;

3 (d) Commercial agents or salesmen for wholesale houses or firms selling good,
4 wares, or merchandise or any commodity or service to, or soliciting orders therefor from,
5 retail or wholesale dealers, from manufacturers, or to contractors, this exemption shall not
6 relieve any person from complying with the provisions of this article if they are a sidewalk
7 vendor, as defined in Section 4-11.01 of this Code;

8 (e) Peddling newspapers or religious publications or soliciting subscriptions therefor;

9 (f) Any person, if a natural person, soliciting for personal services to be performed by
10 the person so soliciting;

11 (g) Any person selling tickets of admission to entertainments, lectures, or events to
12 be held for religious, charitable, or educational purposes;

13 (h) Blind person whose blindness has been certified by the Bureau of Vocational
14 Rehabilitation for the Department of Education of the State and who have filed a certificate
15 as to such blindness with the ~~Police Chief~~ Director of Finance; and

16 (i) Any other person who files with the ~~Police Chief~~ Director of Finance an affidavit
17 which clearly establishes his or her exemption from the provision of this article.
18

19 **3-1.1817 Violations of provisions.**

20 Any person violating any of the provisions of this article, in addition to the revocation
21 of his or her permit or license, shall be guilty of a misdemeanor and, upon conviction
22 thereof, shall be punishable as set forth in Chapter 2 of Title 1 of this Code. Violations of
23 provisions of this article by a sidewalk vendor, as defined in Section 4-11.01 of this Code,
24 shall not be punishable as an infraction or misdemeanor, and the sidewalk vendor alleged to
25 violate provisions of this article shall not be subject to arrest except when permitted under
26 law.

27 **SECTION 4:** Violations of this Ordinance shall constitute violations of the Huntington
28 Park Municipal Code, and all penalties and remedies authorized under the Huntington Park

1 Municipal Code shall apply to violations of the provisions of this Ordinance.

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

8
9 **SECTION 6:** Any provisions of the Huntington Park Municipal Code or appendices
10 thereto, which are inconsistent with the provisions of this Ordinance are hereby repealed or
11 modified to the extent necessary to affect the provisions of the Ordinance.

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

20
21 **SECTION 8:** This Ordinance: (a) is necessary for the immediate preservation of the
22 public health, safety, a welfare; (b) contains findings constituting urgency; (c) is effective
23 immediately upon adoption as provided for in Government Code Section 36937.

24 **SECTION 9:** The City Clerk shall certify to the passage of this Ordinance and shall
25 cause the same to be published in the manner prescribed by law.

1 **PASSED, APPROVED AND ADOPTED** this 5th day of February , 2019.

2
3 **CITY OF HUNTINGTON PARK**

4
5
6 **ATTEST:**

Johnny Pineda, Mayor

7
8
9 _____
Donna G. Schwartz, CMC
City Clerk

10
11 **APPROVED AS TO FORM:**

12
13 _____
14 Arnold M. Alvarez-Glasman
15 City Attorney