

CITY OF HAWAIIAN GARDENS

ORDINANCES NO. 313

AN ORDINANCE OF THE CITY OF HAWAIIAN GARDENS
AMENDING THE HAWAIIAN GARDENS MUNICIPAL CODE
TITLE 5 BY ADDING CHAPTER 5.80
SECTION 5.80.010 THROUGH 5.80.120

THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN
THE FOLLOWING:

SECTION 1 . CHAPTER 5.80, ENTITLED "SOLICITORS,
PEDDLERS AND VENDORS SECTIONS 5.80.010 THROUGH 5.80.120 IS
HEREBY ADDED TO THE HAWAIIAN GARDENS MUNICIPAL CODE TO READ
IN ITS ENTIRETY AS FOLLOWS:

SECTION 5.80.010 - DEFINITIONS - IN GENERAL .

"Vehicle" defined.

The term "vehicle" as used in this article shall be
deemed to include every wagon, pushcart, coach, carriage,
omnibus, automobile, cycle car, motorcycle, truck, trailer,
tractor engine, tractor or other conveyance or contrivance
for moving person, animals or things in whatever manner and
whatever force or power the same may be ridden, driven,
propelled, drawn or moved, which is driven, propelled, drawn
or moved on a public highway, including implements of
husbandry temporarily drawn, propelled or moved on a public
highway.

Vending, peddling, selling, and/or soliciting on public
streets, sidewalks, parks, parkways, medians, lands,
properties, or other lands or properties under the
control of the City of Hawaiian Gardens.

(a) Use of public streets, sidewalks, parks, parkways,
medians, lands, and properties. The city council finds and
determines that the use of its public lands, which includes
streets, sidewalks, parks, parkways, medians, and any land or
properties under its control are for public purposes. The
use of these areas are public and there is no vested right to
do commercial business upon those public lands or property.

(b) Vending, peddling, selling, and/or soliciting on
public lands, right-of-ways, or property is prohibited. No
person shall vend, peddle, sell, and/or solicit any merchan-
dise, goods, or services on a public street, sidewalk, park,

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parkway, median, land, property, or any other land or property under the control of the City of Hawaiian Gardens, except as provided in Section 5.34 (Religious Solicitation) of the Hawaiian Gardens Municipal Code.

(c) Vending, peddling, selling, and/or soliciting on public lands, right-of-ways or property - Exceptions. No person shall vend, peddle, sell, and/or solicit any merchandise, goods, or services on any publicly controlled lands, right-of-ways, or property, or at any location within 1000 feet of a public or private school, church or public park, except for: (1) special events as determined by the city council of the City of Hawaiian Gardens; or (2) newspapers, periodicals, magazines, and other constitutionally protected forms of free speech.

(d) Violations - Public nuisance. Violation of this ordinance shall be deemed a public nuisance and each day such condition continues shall be regarded as a new and separate offense.

SECTION 5.80.020 ITINERANT RESTAURANTS--CLARIFICATION .

The purpose and intent of this section is to further clarify and designate the regulation of itinerant restaurants in addition to the existing provisions of this Code. It is the further intent and purpose of this section to clearly state that the regulations shall apply to all operations of itinerant restaurants wherever and however situated in the City when such operation is on private property for the sale of food, and whether or not the property so used has or has not been or is being rented or otherwise leased from the owner of such property.

An itinerant restaurant, by its very nature, is transient in use and is not allowed as a permitted business in a permanent location on premises within the city. It is further found that because of their mobility and change from location to location, itinerant restaurants are not subject to, and thereby do avoid, normal zoning and building permit regulations and thereby render such regulations unenforceable. It is found and determined that, in the normal course of conducting business, in the City of Hawaiian Gardens, a two hour interruption, or break, in work for employees for meals, snacks, coffee breaks, and the like, is the maximum.

SECTION 5.80.030 ITINERANT RESTAURANT - TIME PERIOD REGULATIONS .

Itinerant restaurants, as defined by the Los Angeles County Health Code are subject to the following requirements:

(a) The owner or operator shall not stop or cause to be stopped such restaurant for the purpose of selling food more than two times at the same location in one twelve hour period said period commencing at 12 noon and 12 midnight or remain in a single location for more than 60 minutes.

(b) Itinerant restaurants shall not park within the required off-street parking areas, property setbacks, or driveway areas of properties on which they are temporarily located for the purpose of selling food in a manner so as to impede ingress, egress and parking on said properties.

SECTION 5.80.040 REGULATIONS .

Lunch service vehicles and itinerant restaurants as defined by the Los Angeles County Health Code and the Health and Safety Code of California, are subject to the following requirements:

a. All vendors shall keep and maintain their equipment in a neat, clean and safe condition and shall conduct all vending operations in a neat, orderly, safe and sanitary manner.

b. All vending activities shall be conducted at a distance of more than five (5) feet from any public or private building or the property line of any business premises and at a distance of at least ten (10) feet from any entrance to any public or private building or business premises.

c. No vending activity shall be conducted in a manner in which disturbs, accosts, confronts, harrasses, badgers or annoys any person.

d. No person shall sell any product from a vehicle parked on any public street, alley or highway when:

(1) The posted speed limit on the public street, alley or highway where the vehicle is parked exceeds twenty-five (25) miles per hour; or

(2) The vehicle from which the products are sold is not lawfully parked; or

(3) Any part of the vehicle from which the products are sold is open to prospective customers other than the side of the vehicle facing away from the street; or

(4) The products are sold to persons within a vehicle or standing in the portion of the roadway open to motor vehicles; or

(5) There is not a clear view of the vehicle from the street at a distance of two hundred (200) feet in front of any two hundred (200) feet behind the vehicle.

^{up e. (6)} All applicants shall have a valid Los Angeles County Health Department Certificate.

SECTION 5.80.050 LICENSED REQUIRED .

Prior to engaging in the operation of the business described in paragraph 3., all such owners shall have a valid business license issued by the City. Such businesses now lawfully licensed shall be required, as a condition of renewal of said license, to obtain a permit as hereinafter required.

SECTION 5.80.060 PERMIT REQUIRED; APPLICATION .

In addition to the requirements of this Code or other applicable rules or regulations, the applicant for a business license under this chapter must first obtain a permit from the City Council. The application for said permits shall set forth the following:

(a) Name and permanent home address of each owner and operator of said vehicles.

(b) The name and address of the employer or the person for whom the operator is performing his services.

(c) The nature of the type of service to be performed. In other words, type of vehicle catering the sale of foods to the general public and the general description of the type of foods to be sold.

(d) Two (2) photographs of the applicant, taken within sixty (60) days immediately prior to the filing of the application, which pictures shall be two inches by two inches (2X2) showing the head and shoulders in a clear and distinguishing manner.

SECTION 5.80.070 INVESTIGATION .

Upon receipt of an application for a license and permit under this chapter, a copy thereof shall be transferred to the license investigation officer of the City for investigation and report concerning applicant's moral character, in the protection of the public. If as a result of such investigation the applicant's character or business responsibility is reported to be unsatisfactory, such shall be endorsed upon the application with the reason thereof being stated.

If on the other hand, as a result of such investigation, the business responsibility and character of the applicant are found to be satisfactory, such fact shall be endorsed upon the application and returned to the City Administrator, who shall, upon payment of the license and permit fee, set the matter for hearing before the City Council and shall notify the applicant of the date of such hearing at least ten (10) days prior to said hearing date.

SECTION 5.80.080 ISSUANCE; CONDITIONS .

Except as provided in this chapter, the City Council, after investigation and hearing of the application and of the business proposed to be conducted, may grant or refuse to grant a permit. The Council shall have the right to refuse any such permit if it shall determine that the granting of the same or the conduct of the business will be contrary to the preservation of the public peace, health, safety, morals or welfare of the City or its inhabitants. If such permit is granted the Council may impose such terms, conditions and restrictions upon the operation and conduct of such business, not in conflict with any law, as it may deem necessary or expedient to protect the public peace, safety, morals or welfare of the City or its inhabitants. If a permit is denied the license fee paid shall be refunded; the permit fee shall not be refunded.

SECTION 5.80.090 NONTRANSFERABLE .

No permit issued under this chapter shall be transferable except by the consent of the Council.

SECTION 5.80.100 FEES

The fee for a permit to operate an itinerant restaurant or lunch service vehicle business shall be fifty (50.00) dollars, in addition to any license fee as may be required. The permit fee for vendors or peddlers shall be fifty (50.00) dollars per day, per employee.

SECTION 5.80.110 PERMIT--REQUIRED; FOR SOLICITING AND VENDING .

It shall be unlawful for any person to solicit in any manner or for any purpose in or on any private building, structure, residence or premises without the invitation of the owner or occupant of the private building, structure, residence or premises to do so unless such person shall first have obtained from the City Administrator a permit to so solicit.

Each act of soliciting as described in this section without a permit to do so issued by the City Administrator,

shall constitute a separate violation of this article.

SECTION 5.80.120 VIOLATION OF CHAPTER PROHIBITED .

Any person who shall violate any of the provisions of this Chapter shall be deemed guilty of a misdemeanor offense.

SECTION 2. The City Council finds and determines that the Municipal Code Amendment 87-1 will have no adverse environmental impact, and hereby adopts a finding of Negative Declaration.

SECTION 3. The City Clerk shall certify to the adoption of this ordinance and cause it to be posted or published as required by law.

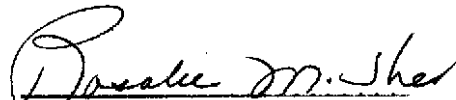
PASSED, APPROVED AND ADOPTED THIS 14th DAY OF July 1987,
BY THE FOLLOWING VOTE:

AYES: Vineyard, Schultze, Furgeson

NOES: Navejas

ABSTAIN: None

ABSENT: Sher


MAYOR

ATTEST:


CITY CLERK

WL

I, Carol J. Dorfmeier, City Clerk of the City of Hawaiian Gardens do hereby certify that Ordinance No. 313, was duly and regularly passed, and adopted by the City Council of the City of Hawaiian Gardens on the 14th day of July, 1987, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.
AYES: Vineyard, Schultze, Furgeson
NOES: Navejas
ABSTAIN: None
ABSENT: Sher


City Clerk

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA,
County of Los Angeles,

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Long Beach Press-Telegram, a newspaper of general circulation, printed and published 5 times each week in the City of Long Beach, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under the date of March 21, 1934.

Case Number 370512; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

July 20,

all in the year 19 87.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Long Beach, California, this _____

20th day of

July, 19 87

E. M. Brown
Signature

PRESS-TELEGRAM

Legal Advertising Department

604 Pine Avenue, Long Beach, CA 90844

435-1161 Extension 208

This space is for the County Clerk's Filing Stamp

Proof of Publication of

CITY OF HAWAIIAN GARDENS

ORDINANCE No. 313

**CITY OF HAWAIIAN GARDENS
ORDINANCES NO. 313**

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SECTION 1. CHAPTER 5.80, ENTITLED "SOLICITORS, PEDDLERS AND VENDORS SECTIONS 5.80.010 THROUGH 5.80.120 IS HEREBY ADDED TO THE HAWAIIAN GARDENS MUNICIPAL CODE TO READ IN ITS ENTIRETY AS FOLLOWS:

SECTION 5.80.010 — DEFINITIONS — IN GENERAL

"Vehicle" defined.
The term "vehicle" as used in this article shall be deemed to include wagon, pushcart, coach, carriage, omnibus, automobile, cycle car, motorcycle, truck, trailer, tractor engine, tractor or other conveyance or contrivance for moving person, animals or things in whatever manner and whatever force or power the same may be ridden, driven, propelled, drawn or moved on a public highway, including implements of husbandry temporarily drawn, propelled or moved on a public highway.

Vending, peddling, selling, and/or soliciting on public streets, sidewalks, parks, parkways, medians, lands, properties under the control of the City of Hawaiian Gardens.

(a) Use of public streets, sidewalks, parks, parkways, medians, lands, and properties. The city council finds and determines that the use of its public lands, which includes streets, sidewalks, parks, parkways, medians, and any land or properties under its control are for public purposes. The use of these areas are public and there is no vested rights to do commercial business upon those public lands or property.

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c. No vending activity shall be conducted in a manner in which disturbs, accosts, confronts, harrasses, badgers or annoys any person.

d. No person shall sell any product from a vehicle parked on any public street, alley or highway when:

(1) The posted speed limit on the public street, alley or highway where the vehicle is parked exceeds twenty-five (25) miles per hour; or

(2) The vehicle from which the products are sold is not lawfully parked; or

(3) Any part of the vehicle from which the products are sold is open to prospective customers other than the side of the vehicle facing away from the street; or

(4) The products are sold to persons within a vehicle or standing in the portion of the roadway open to motor vehicles; or

(5) There is not a clear view of the vehicle from the street at a distance of two hundred (200) feet in front of any two hundred (200) feet behind the vehicle.

(6) All applicants shall have a valid Los Angeles County Health Department Certificate.

SECTION 5.80.050 LICENSED REQUIRED.

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(b) The name and address of the employer or the person from whom the operator is performing his services.

(c) The nature of the type of service to be performed. In other words, type of vehicle catering the sale of foods to the general public and general description of the type of foods to be sold.

(d) Two (2) photographs of the applicant, taken within sixty (60) days immediately prior to the filing of the application, which pictures shall be two inches by two inches (2x2) showing the head and shoulders in a clear and distinguishing manner

SECTION 5.80.070 INVESTIGATION.

Upon receipt of an application for a license and permit under this chapter, a copy thereof shall be transferred to the license investigation officer of the City for investigation and report concerning applicant's moral character, in the protection of the public. If as a result of such investigation the applicant's character or business responsibility is reported to be unsatisfactory, such shall be endorsed upon the application with the reason thereof being stated.

If on the other hand, as a result of such investigation, the business responsibility and character of the applicant are found to be satisfactory, such fact shall be endorsed upon the application and returned to the City Administrator, who shall, upon payment of the license and permit fee, set the matter for hearing before the City Council and shall notify the applicant of the date of such hearing at least ten (10) days prior to said hearing date.

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SECTION 5.80.090 NONTRANSFERABLE.

No permit issued under this chapter shall be transferable except by the consent of the Council.

SECTION 5.80.100 FEES.

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SECTION 5.80.110 PERMIT -- REQUIRED; FOR SOLICITING AND VENDING.

It shall be unlawful for any person to solicit in any manner or for any purpose in or on any private building, structure, residence or premises without the invitation of the owner or occupant of the private building, structure, residence or premises to do so unless such person shall first have obtained from the City Administrator a permit to so solicit.

Each act of soliciting as described in this section without a permit to do so issued by the City Administrator, shall constitute a separate violation of this title.

SECTION 5.80.120 VIOLATION OF CHAPTER PROHIBITED.

Any person who shall violate any of the provisions of this Chapter shall be deemed guilty of a misdemeanor offense.

SECTION 2. The City Council finds and determines that the Municipal Code Amendment 87-1 will have no adverse environment impact, and hereby adopts a finding of Negative Declaration.

SECTION 3. The City Clerk shall certify to the adoption of this ordinance and cause it to be posted or published as required by law.

PASSED, APPROVED AND ADOPTED THIS 14th DAY OF JULY, 1987, BY THE FOLLOWING VOTE:

AYES: VINEYARD, SCHULTZE, FERGUSON

NOES: NAVEJAS

ABSTAIN: NONE

ABSENT: SHER

ROSALIE M. SHER, Mayor

ATTEST:

CAROL J. DORFMEYER, City Clerk

I, Carol J. Dorfmeier, City Clerk of the City of Hawaiian Gardens, do hereby certify that Ordinance No. 313, was duly and regularly passed, and adopted by the City Council of the City of Hawaiian Gardens on the 14th day of July, 1987, by the following roll call vote, as the same appears on file and of record in the office of the City Clerk.

AYES: VINEYARD, SCHULTZE, FERGUSON

NOES: NAVEJAS

ABSTAIN: NONE

ABSENT: SHER

CAROL J. DORFMEYER, City Clerk

Pub. July 20, 1987 (11) PT (933868-Govt.)