

**CITY OF HAWAIIAN GARDENS
ORDINANCE NUMBER 496**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS AMENDING CHAPTER 5.30 (SOLICITORS, PEDDLERS, AND VENDORS) BY ADDING REGULATIONS RELATED TO THE APPROVING AUTHORITY, LOCATION OF SALES, HOURS OF OPERATION, IMPOUNDING OF EQUIPMENT AND FOOD PRODUCTS, AND DELETING SECTION 12.08.070 (VENDING ON PUBLIC PROPERTY) OF THE HAWAIIAN GARDENS MUNICIPAL CODE.

WHEREAS, the California Constitution, under Article XI, Section 5 (A), allows municipalities to enforce within its limits all police, sanitary, and other ordinances and regulations, not in conflict with general laws; and

WHEREAS, the use of public lands, which include streets, sidewalks, parks, parkways, medians, schools, libraries, and any land under the City of Hawaiian Gardens control are for public purposes. The uses of these areas are public and there is no vested right to conduct solely commercial activities upon those public lands or property; and

WHEREAS, the practice of selling, vending, peddling, and soliciting for commercial purposes on public property is occurring with increasing frequency. Such practice has resulted and continues to result in the interference with the lawful and normal flow of pedestrian and vehicle traffic. Additionally, such practice has resulted in the annoyance of the public, creation of litter, overcrowding and congestion of sidewalks with pushcarts and vendors forcing pedestrians aside or off sidewalks; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hawaiian Gardens as follows:

Section 1. Title 5, Chapter 5.30, Section 5.30.030 (Permit Required) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.030 Permit Required. No person shall operate as a vendor, peddler, or solicitor without a valid permit issued by the Community Development Director or designee pursuant to the provisions of this Title for each and every vehicle said person is operating or causing to operate in the City. Any changes in persons or operations shall require a new permit to be issued by the Community Development Director or designee.

Section 2. Title 5, Chapter 5.30, Section 5.30.040 (Permit Non-Transferrable) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.040 Permit Non-Transferrable. No permit issued under this chapter shall be transferrable except by the consent of the Community Development Director.

Section 3. Title 5, Chapter 5.30, Section 5.30.060 (Exemption) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.03.060 Exemption.

B. Insurance Agents or Brokers. Notwithstanding any other provision of the business license law to the contrary, an insurance agent or broker licensed by the State shall be entitled to the issuance of a permit by the Community Development Director or designee without further action or payment of fee upon showing of a duly existing California State Insurance Agent or Broker's License.

Section 4. Title 5, Chapter 5.30, Section 5.30.070 (Regulations) of the Hawaiian Gardens Municipal Code is hereby amended by adding the following Sub-Sections:

- Q. No person shall peddle, vend, solicit or sell, barter, exchange, or deliver, or offer to do any of the forgoing, or stand, park, place or maintain any vehicle, wagon, push cart, stand, container, or basket from which are displayed, peddled, sold, or offered for sale, bartered, or exchanged, or delivered, any goods, wares, merchandise, foodstuffs, edibles, liquids, ice cream, confectionary or other products upon any public street, highway, road, or alley, or upon the curb, parkway, or adjacent sidewalk thereto, within two hundred and fifty (250') feet of any house of worship, public or private schools, day care facility, public park, hospitals, libraries, or governmental offices or facilities
- R. No person shall solicit, peddle, or vend from a vending vehicle which is stopped, parked or standing on any public street, alley or highway within fifty feet (50') of any other vending vehicle of a similar business which is engaged in the operation of vending;
- S. Hours of Operation
 - 1. No person shall peddle, vend, solicit or sell, barter, exchange, or deliver, or offer to do any of the forgoing, from before 9:00 a.m. or after sunset, but no later than 6:00 p.m. during periods of standard time.
 - 2. No person shall peddle, vend, solicit or sell, barter, exchange, or deliver, or offer to do any of the forgoing, from before 9:00 a.m. or after sunset, but no later than 8:00 p.m. during periods of daylight-saving time.

Section 5. Title 5, Chapter 5.30, Section 5.30.090 (Application Contents) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.090 (Application Contents)

- A. 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 Community Development Director. All applications for said permits shall include the following:

- B. When any change occurs regarding the written information required by this section prior to or after issuance of a permit, the applicant shall give written notification of such change to the Community Development Director within two (2) weeks after such change.

Section 6. Title 5, Chapter 5.30, Section 5.30.100 (Permit Issuance) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.100 (Permit Issuance)

- A. Findings. Except as provided in this chapter, the Community Development Director or designee, after investigation of the application and of the business proposed to be conducted, may approve, conditionally approve or deny the permit based on the following findings:
- B. Conditions. If such permit is granted, the Community Development Director or designee may impose such terms, conditions, and restrictions upon the operation and conduct of such business, not in conflict with any law, as it he may deem necessary or expedient to protect the public health, safety, morals, or welfare of the City or its inhabitants.

Section 7. Title 5, Chapter 5.30, Section 5.30.110 (Investigation) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

- B. A fee, set by City Council resolution to cover the processing cost shall be paid in full at the time application for permit is made. The Community Development Director or designee shall, within thirty (30) days after the application is determined to be complete, approve, conditionally approve, or deny the permit.

Section 8. Title 5, Chapter 5.30, Section 5.30.110.C (Schedule for hearing) of the Hawaiian Gardens Municipal Code is hereby) is deleted in its entirety. Sub-paragraph D is reordered to Sub-paragraph C.

Section 9. Title 5, Chapter 5.30, Section 5.30.120.B (Prohibition - - Generally) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

- B. No person shall vend, peddle, or solicit within two hundred and fifty (250') feet of any house of worship, public or private school, day care facility, public park, hospitals, libraries, or governmental offices or facilities except for:
 - 1. Special events as determined by the City Administrator.
 - 2. Newspapers, periodicals, magazines, and other constitutionally protected forms of free speech.

Section 10. Title 5, Chapter 5.30 (Solicitors, Peddlers, and Vendors) of the Hawaiian Gardens Municipal Code is hereby amended by adding Section 5.30.122:

Section 5.30.122 Impoundment of vehicle, goods, and merchandise. If at any time a solicitor, peddler, or vendor cannot provide a proper license or permit on request from a code enforcement officer or peace officer, or if at any time the solicitor, peddler, or vendor violates any of the Conditions of Approval for the operation of the business, or if any time it is found the information provided as part of the application process is found to be false, any vehicle used by the solicitor, peddler, vendor, and all goods and/or merchandise may be impounded. Any vehicle impounded will be stored at a location to be determined by the City of Hawaiian Gardens and will not be returned to the proper owner until proof of ownership can be provided and a daily impound fee is collected. If the vehicle seized is impounded for a period exceeding seven (7) days, the vehicle will be disposed of and not returned to the proper owner. All applicable impound and disposal fees still outstanding and owed to the City of Hawaiian Gardens by the vehicle owner will be collected as provided for by all legal means. Any goods and/or merchandise that are impounded shall be disposed of in a proper manner, or returned to the solicitor, peddler, or vendor at the discretion of the Community Development Director or designee.

Section 11. Title 5, Chapter 5.30 (Solicitors, Peddlers, and Vendors) of the Hawaiian Gardens Municipal Code is hereby amended by adding Section 5.30.124:

Section 5.30.124 City Sponsored Events- Nothing in this Chapter shall be interpreted to require solicitors, peddlers and vendors to obtain a permit under the provisions of this Chapter to operate at a City Sponsored Event. However, anyone wishing to solicit, peddle, or vend at a City Sponsored Event must obtain a Special Event Permit, issued by the Sponsoring City Department, and comply with all applicable requirements of the Sponsoring City Department, including the payment of fees and being in compliance with City, County and State Codes.

Section 12. Title 5, Chapter 5.30, Section 5.30.130 (Violation - Penalty) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.130 Violation - - Penalty. Anyone convicted of a violation of any provision of this Chapter shall be punishable by penalties as found in Section 1.12.070 of this Code. Each day such condition continues shall be regarded as a new and separate offense.

Section 13. Title 5, Chapter 5.30, Section 5.30.140 (Revocation) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.140 Revocation. Any license, permit, or certificate issued by the City to any person to carry on any business under the provision of this chapter may be revoked or suspended by the Community Development Director or designee. Any license, permit, or certificate revoked by the Community Development Director or designee may be appealed to the City Council in a manner provided for in Chapter 1.14

Section 14. Title 5, Chapter 5.30, Section 5.30.150 (Violation) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.150 Violation. Any person who shall violate any of the provisions of this Chapter shall be deemed guilty of a an offense pursuant to Chapter 1.12 and may be prosecuted as a misdemeanor, infraction, or through other action to ensure compliance with this Chapter.

Section 15. Title 12, Chapter 12.08, Section 12.08.070 (Vending on public streets, roads, highways, and alleys adjacent to public buildings and grounds prohibited) of the Hawaiian Gardens Municipal Code is hereby) is deleted in its entirety.

Section 16. Severability If any section, subsection, sentence, clause, phase, or portion of this Ordinance is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Hawaiian Gardens hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more section, subsection, sentence, clause, phrase, or portion may be declared invalid or unconstitutional.


Section 17. This Ordinance shall become effective thirty (30) days after the final passage thereof.

Section 18. The City Clerk shall certify to the passage of this Ordinance and prior to the expiration of fifteen (15) days from the adoption hereof the City Clerk shall cause this ordinance to be published in the manner described by law.

PASSED, APPROVED, AND ADOPTED by the Hawaiian Gardens City Council on this 20th day of April 2004.

ATTEST:


SUZANNE UNDERWOOD
CITY CLERK


BETTY J. SCHULTZE
MAYOR

CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, Lucie Colombo, Assistant City Clerk of the City of Hawaiian Gardens, do hereby certify that **Ordinance No. 496**, was duly and regularly introduced and placed upon its first reading at a Regular meeting of the City Council on the 13th day of April 2004, and that thereafter, said Ordinance was duly adopted and passed at an Adjourned Regular meeting of the City Council on this 20th day of April 2004, by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES: HECKERMAN, OYAMA-CANADA, PRIDA, CHAIDEZ, SCHULTZE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



LUCIE COLOMBO
ASSISTANT CITY CLERK



City of Hawaiian Gardens City Council Staff Report

Agenda Item No.: A-1

Meeting Date: 4/20/04

City Administrator: 

CITY OF HAWAIIAN GARDENS
ACTION:

☒ Approved
☐ Denied
☐ Amended
☐ Receive & File
☐ Other

VOTE: 5-0

DATE: 4/20/2004

TO: Honorable Mayor and City Council Members
THRU.: Ernesto Marquez, Acting City Administrator
FROM: Joseph Colombo, Director of Community Development

SUBJECT: SECOND READING - - ORDINANCE 496, CASE NUMBER 04-11MCA - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS AMENDING CHAPTER 5.30 (SOLICITORS, PEDDLERS, AND VENDORS) BY ADDING REGULATIONS RELATED TO THE APPROVING AUTHORITY, LOCATION OF SALES, HOURS OF OPERATION, IMPOUNDING OF EQUIPMENT AND FOOD PRODUCTS, AND DELETING SECTION 12.08.070 (VENDING ON PUBLIC PROPERTY) OF THE HAWAIIAN GARDENS MUNICIPAL CODE.

DATE: April 14, 2003

I. SUMMARY

The City of Hawaiian Gardens City Council heard and approved this Ordinance on April 13, 2004. This ordinance is being brought back for its second reading. Upon its approval by the City Council, Ordinance 496 will become effective thirty (30) days after its approval. The expected effective date of the ordinance will be May 21, 2004.

II. RECOMMENDATION

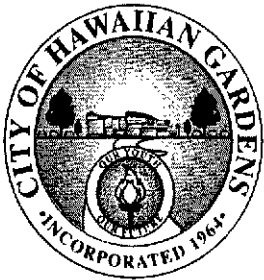
1. The Community Development Department recommends the City Council approve Ordinance Number 496.

Attachments:

1. Ordinance Number 496

JC/JRT:

c:\ajim\planning\casefile\04-11MCA\stfrptCC2ndReading.wpd



**CITY OF HAWAIIAN GARDENS
CITY COUNCIL
STAFF REPORT**

CITY OF HAWAIIAN GARDENS
Agenda Item B-1
Meeting Date 4/13/04
Approved
City Administrator
Amended
Receive & File
Other
2nd Reading
4/13/2004

TO: Honorable Mayor and Members of the City Council
THRU: Ernesto Marquez, Acting City Administrator

FROM: Joseph Colombo, Director of Community Development

SUBJECT: ORDINANCE 496, CASE NUMBER 04-11MCA - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS AMENDING CHAPTER 5.30 (SOLICITORS, PEDDLERS, AND VENDORS) BY ADDING REGULATIONS RELATED TO THE APPROVING AUTHORITY, LOCATION OF SALES, HOURS OF OPERATION, IMPOUNDING OF EQUIPMENT AND FOOD PRODUCTS, AND DELETING SECTION 12.08.070 (VENDING ON PUBLIC PROPERTY) OF THE HAWAIIAN GARDENS MUNICIPAL CODE.

DATE: April 6, 2004

I. SUMMARY

The City of Hawaiian Gardens Community Development Department is requesting approval of an Ordinance amending Chapter 5.30, relating to Solicitors, Peddlers, and Vendors and deleting Section 12.08.70 relating to vending on streets and areas adjacent to public buildings and grounds. The proposed amendment will make the Community Development Director the approving authority for permits, add distances that must be complied with by peddlers and vendors; hours of operation of peddlers and vendors; and impounding of food products and equipment of un-permitted food peddlers and vendors. The text of Section 12.08.070 has been incorporated into Chapter 5.30, as this duplication is not necessary.

II. DISCUSSION

The City of Hawaiian Gardens, through Chapter 5.30, requires that all Solicitors, Peddlers and Vendors who sell products and merchandise obtain a Special Use Permit and a Business License. As part of the review process the applicant is required to obtain the necessary permits and approvals from the Los Angeles County Department of Health Services (DHS) if they are selling food products. The DHS is responsible for the licensing and certification pertaining to food service carts, mobile food facilities, catering vehicles, produce vehicles, and ice cream trucks. Regulation of these types of food vendors is essential to protect the communities health, safety and welfare.

Section 12.08.070 sets standards related to where a person can vend or peddle products. This Section of HGMC currently states that no vending or peddling can occur within eight hundred feet (800'0") of any lot or parcel that contains a school, library, park or recreational facility.

There has been an increase in the number of un-permitted vendors and peddlers throughout the City, most being food related sales. This increase in vendors has resulted and continues to result in the interference with the lawful and normal flow of pedestrian and vehicle traffic, especially around government owned facilities (i.e., schools, day care facilities, libraries, Fedde Park, Lee Ware Park, etc.) and quasi-public facilities (i.e., houses of worship, hospitals, etc.). Many of these vendors and peddlers do not have approvals from the County and/or City for the types of products being sold (i.e., food, etc.), and have conducted sales within 800' of a school, library, park, or recreational facility.

This increase has resulted and continues to result in the annoyance of the public, creation of litter; overcrowding and congestion of sidewalks and by pushcarts and vendors forcing pedestrians aside or off of sidewalks, distractions to motorists when on the street and the pushcarts and vendors made vulnerable to motorists. The vehicles used by these types of vendors are usually some type of homemade cart, utilizing items such as ice chests, buckets, thermoses to keep foods at hot and cold temperatures. Many vendors also choose to utilize illegally obtained shopping carts to transport food products and other products that are sold.

The food vendors dispense refrigerated and unrefrigerated food products which are often unregulated by health, safety, and sanitation regulations, controls, or inspections causing a health and safety hazard to all consumers. The health risks associated with unsanitary food preparation, the sale of foods not prepackaged, and foods prepared in an open environment can result in serious illness and/or death due to disease transmission. The Los Angeles County Department of Health Services conducts sweeps throughout Los Angeles County to confiscate goods and vehicles used by these types of illegal vendors. During these sweeps the Los Angeles County Department of Health Services has discovered conditions such as insects floating in food containers, foods stored at unsafe temperatures, and unclean and unsanitary food vendors. These conditions are a threat to the public safety and general welfare of all consumers.

To address these issues the proposed Ordinance Amendment will:

Make the Community Development Director or designee the approving body for vendor, peddler, or solicitor permits. (Sections 5.30.030, 5.030.040, 5.30.060, 5.30.090, 5.30.100, 5.30.110).

Restrict vendors, peddlers and solicitors from operating within two hundred and fifty feet (250') of any house of worship, public or private schools, day care facility, public park, hospitals, libraries, or governmental offices or facilities. Special events sponsored by the City or other authorized group, as determined by the City Administrator and the location and sale of newspapers, periodicals, magazines, and other constitutionally protected forms of free speech would be allowed within this distance.

Vendors, peddlers, and solicitors must be at least fifty feet (50') away from any other similar businesses, while engaged in sales activities.

Restrict vendors, peddlers and solicitors hours of operation to 9:00 a.m. to sunset, but no later than 6:00 p.m. during periods of standard time. And to 9:00 a.m. to sunset, but no later than 8:00 p.m. during periods of daylight-saving time.

Deleting the requirement of a public hearing as it relates to approval or denial of the permit. The permit will be approved, conditionally approved, or denied by the Community Development Director or designee.

Allows for the impoundment of un-permitted and unauthorized vehicles, push carts, and their products. A storage fee of \$50.00 per day will be charged to the owner for the storage of the vehicles, push carts and/or products. Allows for disposal of items such as food products, at the discretion of the Community Development Director or designee..

Permits issued under Chapter 5.30 are not required for solicitors, peddlers, or vendors at City Sponsored Events, such as the Annual Carnival and Parade. Anyone wishing to solicit, peddle, or vend must pay the appropriate fees and obtain approval and permits and comply with operating requirements of the Sponsoring City Department.

Anyone convicted of a violation of Chapter 5.30 may be cited and punished in accordance with the Municipal Code. The citation could be issued as a misdemeanor or infraction or some other method. (Sections 5.30.130, 5.30.150.)

Allows the Community Development Director to revoke or suspend a vendor, peddler, or solicitor's permit. Such action is appealable to the City Council.

Section 12.08.070 (Vending on public streets, roads, highways, and alleys adjacent to public buildings and grounds prohibited) is deleted in its entirety. Section 12.08.070 requires a sales distance of eight hundred feet (800') school, library, park or recreational facility. Section 5.30.120.B requires a sales distance of two hundred feet (200') from school properties. The conflict has been addressed by changing the sales distance to two hundred and fifty feet (250') and including this distance within Chapter 5.30.

III. RECOMMENDATION

The Community Development Department recommends that the City Council introduce Ordinance Number 496.

Attachments:

1. Ordinance 496

JC:JRT

c:\ajim\planning\casefile\04-11MCA\stfrptCC-Ord.wpd

**CITY OF HAWAIIAN GARDENS
ORDINANCE NUMBER 496**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS AMENDING CHAPTER 5.30 (SOLICITORS, PEDDLERS, AND VENDORS) BY ADDING REGULATIONS RELATED TO THE APPROVING AUTHORITY, LOCATION OF SALES, HOURS OF OPERATION, IMPOUNDING OF EQUIPMENT AND FOOD PRODUCTS, AND DELETING SECTION 12.08.070 (VENDING ON PUBLIC PROPERTY) OF THE HAWAIIAN GARDENS MUNICIPAL CODE.

WHEREAS, the California Constitution, under Article XI, Section 5 (A), allows municipalities to enforce within its limits all police, sanitary, and other ordinances and regulations, not in conflict with general laws; and

WHEREAS, the use of public lands, which include streets, sidewalks, parks, parkways, medians, schools, libraries, and any land under the City of Hawaiian Gardens control are for public purposes. The uses of these areas are public and there is no vested right to conduct solely commercial activities upon those public lands or property; and

WHEREAS, the practice of selling, vending, peddling, and soliciting for commercial purposes on public property is occurring with increasing frequency. Such practice has resulted and continues to result in the interference with the lawful and normal flow of pedestrian and vehicle traffic. Additionally, such practice has resulted in the annoyance of the public, creation of litter, overcrowding and congestion of sidewalks with pushcarts and vendors forcing pedestrians aside or off sidewalks; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hawaiian Gardens as follows:

Section 1. Title 5, Chapter 5.30, Section 5.30.030 (Permit Required) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.030 Permit Required. No person shall operate as a vendor, peddler, or solicitor without a valid permit issued by the Community Development Director or designee pursuant to the provisions of this Title for each and every vehicle said person is operating or causing to operate in the City. Any changes in persons or operations shall require a new permit to be issued by the Community Development Director or designee.

Section 2. Title 5, Chapter 5.30, Section 5.30.040 (Permit Non-Transferrable) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.040 Permit Non-Transferrable. No permit issued under this chapter shall be transferrable except by the consent of the Community Development Director.

Section 3. Title 5, Chapter 5.30, Section 5.30.060 (Exemption) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.060 Exemption.

B. Insurance Agents or Brokers. Notwithstanding any other provision of the business license law to the contrary, an insurance agent or broker licensed by the State shall be entitled to the issuance of a permit by the Community Development Director or designee without further action or payment of fee upon showing of a duly existing California State Insurance Agent or Broker's License.

Section 4. Title 5, Chapter 5.30, Section 5.30.070 (Regulations) of the Hawaiian Gardens Municipal Code is hereby amended by adding the following Sub-Sections:

Q. No person shall peddle, vend, solicit or sell, barter, exchange, or deliver, or offer to do any of the foregoing, or stand, park, place or maintain any vehicle, wagon, push cart, stand, container, or basket from which are displayed, peddled, sold, or offered for sale, bartered, or exchanged, or delivered, any goods, wares, merchandise, foodstuffs, edibles, liquids, ice cream, confectionary or other products upon any public street, highway, road, or alley, or upon the curb, parkway, or adjacent sidewalk thereto, within two hundred and fifty (250') feet of any house of worship, public or private schools, day care facility, public park, hospitals, libraries, or governmental offices or facilities

R. No person shall solicit, peddle, or vend from a vending vehicle which is stopped, parked or standing on any public street, alley or highway within fifty feet (50') of any other vending vehicle of a similar business which is engaged in the operation of vending;

S. Hours of Operation

1. No person shall peddle, vend, solicit or sell, barter, exchange, or deliver, or offer to do any of the foregoing, from before 9:00 a.m. or after sunset, but no later than 6:00 p.m. during periods of standard time.

2. No person shall peddle, vend, solicit or sell, barter, exchange, or deliver, or offer to do any of the foregoing, from before 9:00 a.m. or after sunset, but no later than 8:00 p.m. during periods of daylight-saving time.

Section 5. Title 5, Chapter 5.30, Section 5.30.090 (Application Contents) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.090 (Application Contents)

A. 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 Community Development Director. All applications for said permits shall include the following:

B. When any change occurs regarding the written information required by this section prior to or after issuance of a permit, the applicant shall give written notification of such change to the Community Development Director within two (2) weeks after such change.

Section 6. Title 5, Chapter 5.30, Section 5.30.100 (Permit Issuance) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.100 (Permit Issuance)

A. Findings. Except as provided in this chapter, the Community Development Director or designee, after investigation of the application and of the business proposed to be conducted, may approve, conditionally approve or deny the permit based on the following findings:

B. Conditions. If such permit is granted, the Community Development Director or designee 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 health, safety, morals, or welfare of the City or its inhabitants.

Section 7. Title 5, Chapter 5.30, Section 5.30.110 (Investigation) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

B. A fee, set by City Council resolution to cover the processing cost shall be paid in full at the time application for permit is made. The Community Development Director or designee shall, within thirty (30) days after the application is determined to be complete, approve, conditionally approve, or deny the permit.

Section 8. Title 5, Chapter 5.30, Section 5.30.110.C (Schedule for hearing) of the Hawaiian Gardens Municipal Code is hereby) is deleted in its entirety. Sub-paragraph D is reordered to Sub-paragraph C.

Section 9. Title 5, Chapter 5.30, Section 5.30.120.B (Prohibition - - Generally) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

B. No person shall vend, peddle, or solicit within two hundred and fifty (250') feet of any house of worship, public or private school, day care facility, public park, hospitals, libraries, or governmental offices or facilities except for:

1. Special events as determined by the City Administrator.

2. Newspapers, periodicals, magazines, and other constitutionally protected forms of free speech.

Section 10. Title 5, Chapter 5.30 (Solicitors, Peddlers, and Vendors) of the Hawaiian Gardens Municipal Code is hereby amended by adding Section 5.30.122:

Section 5.30.122 Impoundment of vehicle, goods, and merchandise. If at any time a solicitor, peddler, or vendor cannot provide a proper license or permit on request from a code enforcement officer or peace officer, or if at any time the solicitor, peddler, or vendor violates any of the Conditions of Approval for the operation of the business, or if any time it is found the information provided as part of the application process is found to be false, any vehicle used by the solicitor, peddler, vendor, and all goods and/or merchandise may be impounded. Any vehicle impounded will be stored at a location to be determined by the City of Hawaiian Gardens and will not be returned to the proper owner until proof of ownership can be provided and a daily impound fee is collected. If the vehicle seized is impounded for a period exceeding seven (7) days, the vehicle will be disposed of and not returned to the proper owner. All applicable impound and disposal fees still outstanding and owed to the City of Hawaiian Gardens by the vehicle owner will be collected as provided for by all legal means. Any goods and/or merchandise that are impounded shall be disposed of in a proper manner, or returned to the solicitor, peddler, or vendor at the discretion of the Community Development Director or designee.

Section 11. Title 5, Chapter 5.30 (Solicitors, Peddlers, and Vendors) of the Hawaiian Gardens Municipal Code is hereby amended by adding Section 5.30.124:

Section 5.30.124 City Sponsored Events- Nothing in this Chapter shall be interpreted to require solicitors, peddlers and vendors to obtain a permit under the provisions of this Chapter to operate at a City Sponsored Event. However, anyone wishing to solicit, peddle, or vend at a City Sponsored Event must obtain a Special Event Permit, issued by the Sponsoring City Department, and comply with all applicable requirements of the Sponsoring City Department, including the payment of fees and being in compliance with City, County and State Codes.

Section 12. Title 5, Chapter 5.30, Section 5.30.130 (Violation - Penalty) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.130 Violation - - Penalty. Anyone convicted of a violation of any provision of this Chapter shall be punishable by penalties as found in Section 1.12.070 of this Code. Each day such condition continues shall be regarded as a new and separate offense.

Section 13. Title 5, Chapter 5.30, Section 5.30.140 (Revocation) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.140 Revocation. Any license, permit, or certificate issued by the City to any person to carry on any business under the provision of this chapter may be revoked or suspended by the Community Development Director or designee. Any license, permit, or certificate revoked by the Community Development Director or designee may be appealed to the City Council in a manner provided for in Chapter 1.14

Section 14. Title 5, Chapter 5.30, Section 5.30.150 (Violation) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.150 Violation. Any person who shall violate any of the provisions of this Chapter shall be deemed guilty of an offense pursuant to Chapter 1.12 and may be prosecuted as a misdemeanor, infraction, or through other action to ensure compliance with this Chapter.

Section 15. Title 12, Chapter 12.08, Section 12.08.070 (Vending on public streets, roads, highways, and alleys adjacent to public buildings and grounds prohibited) of the Hawaiian Gardens Municipal Code is hereby) is deleted in its entirety.

Section 16. Severability If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Hawaiian Gardens hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more section, subsection, sentence, clause, phrase, or portion may be declared invalid or unconstitutional.

Section 17. This Ordinance shall become effective thirty (30) days after the final passage thereof.

Section 18. The City Clerk shall certify to the passage of this Ordinance and prior to the expiration of fifteen (15) days from the adoption hereof the City Clerk shall cause this ordinance to be published in the manner described by law.

PASSED, APPROVED, AND ADOPTED by the Hawaiian Gardens City Council on this 20th day of April 2004.

Betty Schultze-Mayor.

ATTEST:
Sue Underwood - City Clerk

CITY OF HAWAIIAN GARDENS
CITY CLERK'S OFFICE
CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF HAWAIIAN GARDENS)

I, Lucie Colombo, Assistant City Clerk of the City of Hawaiian Gardens, do hereby certify that Ordinance No. 497, was duly introduced and placed upon its first reading at a regular meeting of the City Council on this 13th day of April 2004, and that thereafter, said Ordinance was duly adopted and passed at an Adjourned Regular meeting of the City Council on this 20th day of April, by the following votes as the same appears on file and of record in the Office of the City Clerk.

AYES: HECKERMAN, OYAMA-CANADA, PRIDA,
CHAIDEZ, SCHULTZE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

LUCIE COLOMBO
ASSISTANT CITY CLERK

PROOF OF PUBLICATION

(2015.5 C.C.P.)

Los Cerritos Community Newspaper Group
13017 Artesia Blvd., Cerritos CA 90703, Suite D-136
(562) 407-3873

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 Los Cerritos Community News, a newspaper of general circulation, printed and published Thursdays each week in the 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 September

1996, in Case Number V5005861 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:

04/22/04

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

DATED AT CERRITOS, CALIFORNIA,

THIS 22 DAY OF APRIL, 2004

Signature Elizabeth Vital
Elizabeth Vital

Los Cerritos Community News
13017 Artesia Blvd. Suite D-136, Cerritos, CA 90703
562-407-3873

LCCN FORM 82180 PROOF

County Clerk's Filing Stamp

MAY 28 2004

Proof of Publication of

Campaign Urges Families to T

AN ORDINANCE OF THE CIT. AMENDING CHAPTER 5.30 ADDING REGULATIONS RELATION OF SALES, HOURS OF FOOD PRODUCTS, AND DEL PROPERTY OF THE

For the first time, Lowe's, Kidde, American Cross, Home Safety Council and Nick Jr Magazine have teamed up with a call to action Americans to pledge to improve home safe new public service campaign, called "Prepare," will help educate families about actions they can take to be ready for fires and home emergencies.

In 2004, campaign efforts will focus on educating the importance of fire safety. Beginning 1, people of all ages can take the Pledge to P visiting any of Lowe's 950 stores across the or by going online to www.pledgetopreparesigning the pledge, people agree to have a dialogue about safety and take several steps to make their homes safer, including:

Make a home fire escape plan and practice it several times a year.

Install smoke alarms and test batteries monthly.

Build a disaster supplies kit that includes items, food, water, flashlights, batteries, maps and personal items.

Learn about preventing injuries and attend clinics or first aid classes.

Share home safety knowledge with others. Lowe's stores and pledgetopreparesigning.com both adult and children's versions of the pledge.

NOTICE OF WITHDRAWAL OR DISSOLUTION OF PARTNERSHIP CASE NO. VD054876

In regard to the marriage of: Barbara Cervantes and Roberto Cervantes.

IT IS ORDERED that the service of the summons in this action be made upon respondent Roberto Cervantes by publication thereof in Los Cerritos Community News, Cerritos, California, hereby designated as the newspaper most likely to give notice to said respondent that said publication be made at least once a week for four successive weeks.

IT IS FURTHER ORDERED that a copy of said summons and of said petition in this action and if the petition be for dissolution or legal separation, a blank copy of the confi-

NO
CITY
CITY

Notice is hereby
Gardens will cond

HEARING BODY:
DATE OF HEARIN
TIME OF HEARIN
LOCATION OF H

PUBLIC
HEARING: CA

PROOF OF PUBLICATION

(2015.5 C.C.P.)

Los Cerritos Community Newspaper Group
13017 Artesia Blvd., Cerritos CA 90703, Suite D-136
(562) 407-3873

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 Los Cerritos Community News, a newspaper of general circulation, printed and published Thursdays each week in the 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 September 1996, in Case Number V5005861 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:

04/22/04

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

DATED AT CERRITOS, CALIFORNIA,

THIS 22 DAY OF APRIL, 2004

Signature Elizabeth Vital
Elizabeth Vital

Los Cerritos Community News
13017 Artesia Blvd. Suite D-136, Cerritos, CA 90703
562-407-3873

LCCN FORM 82180 PROOF

County Clerk's Filing Stamp

RECEIVED
MAY 28 2004
\$B

Proof of Publication of

CITY OF HAWAIIAN GARDENS ORDINANCE NUMBER 496

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS AMENDING CHAPTER 5.30 (SOLICITORS, PEDDLERS, AND VENDORS) BY ADDING REGULATIONS RELATED TO THE APPROVING AUTHORITY, LOCATION OF SALES, HOURS OF OPERATION, IMPOUNDING OF EQUIPMENT AND FOOD PRODUCTS, AND DELETING SECTION 12.08.070 (VENDING ON PUBLIC PROPERTY) OF THE HAWAIIAN GARDENS MUNICIPAL CODE.

WHEREAS, the California Constitution, under Article XI, Section 5 (A), allows municipalities to enforce within its limits all police, sanitary, and other ordinances and regulations, not in conflict with general laws; and

WHEREAS, the use of public lands, which include streets, sidewalks, parks, parkways, medians, schools, libraries, and any land under the City of Hawaiian Gardens control are for public purposes. The uses of these areas are public and there is no vested right to conduct solely commercial activities upon those public lands or property; and

WHEREAS, the practice of selling, vending, peddling, and soliciting for commercial purposes on public property is occurring with increasing frequency. Such practice has resulted and continues to result in the interference with the lawful and normal flow of pedestrian and vehicle traffic. Additionally, such practice has resulted in the annoyance of the public, creation of litter, overcrowding and congestion of sidewalks with pushcarts and vendors forcing pedestrians aside or off sidewalks; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hawaiian Gardens as follows:

Section 1. Title 5, Chapter 5.30, Section 5.30.030 (Permit Required) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.030 Permit Required. No person shall operate as a vendor, peddler, or solicitor without a valid permit issued by the Community Development Director or designee pursuant to the provisions of this Title for each and every vehicle said person is operating or causing to operate in the City. Any changes in persons or operations shall require a new permit to be issued by the Community Development Director or designee.

Section 2. Title 5, Chapter 5.30, Section 5.30.040 (Permit Non-Transferrable) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.040 Permit Non-Transferrable. No permit issued under this chapter shall be transferrable except by the consent of the Community Development Director.

Section 3. Title 5, Chapter 5.30, Section 5.30.060 (Exemption) of the Hawaiian Gardens Municipal Code is hereby amended to read as follows:

5.30.060 Exemption.

B. Insurance Agents or Brokers. Notwithstanding any other provision of the business license law to the contrary, an insurance agent or broker licensed by the State shall be entitled to the issuance of a permit by the Community Development Director or designee without further action or payment of fee upon showing of a duly existing California State Insurance Agent or Broker's License.

Section 4. Title 5, Chapter 5.30, Section 5.30.070 (Regulations) of the Hawaiian Gardens Municipal Code is hereby amended by adding the following Sub-Sections:

Q. No person shall peddle, vend, solicit or sell, barter, exchange, or deliver, or offer to do any of the foregoing, or stand, park, place or maintain any vehicle, wagon, push cart, stand, container, or basket from which are displayed, peddled, sold, or offered for sale, bartered, or exchanged, or delivered, any goods, wares, merchandise, foodstuffs, edibles, liquids, ice cream, confectionary or other products upon any public street, highway, road, or alley; or upon the curb, parkway, or adjacent sidewalk thereto, within two hundred and fifty (250') feet of any house of worship, public or private schools, day care facility, public park, hospitals, libraries, or governmental offices or facilities

Section 8. Generally of the H follows:

B. No person feet of any house park, hospitals, lib

1. Special eve

2. Newspaper forms of tree spee

Section 10. T Hawaiian Garden 5.30.122:

Section 5.30.1 time a solicitor, pe request from a co solicitor, peddler, operation of the b part of the applica itor, peddler, vend vehicle impounde Hawaiian Gardens ership can be prov is impounded for a of and not returne still outstanding a will be collected a dise that are impo the solicitor, pedd Director or designe

Section 11. T Hawaiian Garden 5.30.124:

Section 5.30. interpreted to requ provisions of this wishing to solicit, p Event Permit, issa applicable require ment of fees and t

Section 12. T Hawaiian Gardens

5.30.130 Violation this Chapter shall Code. Each day s rate offense.

Section 13. Hawaiian Gardens

5.30.140 Revocati person to carry r revoked or suspen license, permit, or designee may be Chapter 1.14

Section 14. T Gardens Municipa

5.30.150 Viol