ANALYSIS

This ordinance amends Title 7 – Business Licenses, and Title 11 – Health and Safety, of the Los Angeles County Code relating to the licensing and enforcement of "Peddlers" and "Hawkers" by:

- Refining and amending language and definitions to clarify the intent of the ordinances;
- Deleting sections and references to "hawkers" where such language has been preempted by state code; and
- Other technical or non-substantive changes to make the language consistent.

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BMM

2/12/07 (requested)

3/21/08 (revised)

ORDINANCE NO. _____

An ordinance amending Title 7 - Business Licenses and Title 11 - Health and Safety of the Los Angeles County Code, relating to the operation of Peddlers and Hawkers in order to refine and amend language to clarify the intent of the ordinances; delete sections and references to "hawkers" where such language has been preempted by state code; and make other technical or non-substantive changes to make the language consistent.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 7.62.001 is hereby amended to read as follows:

7.62.001 Peddler defined.

For the purposes of this chapter, "~~P~~peddler" means any ~~individual~~person, whether as an employee or otherwise, engaged in the business of itinerant peddling, selling, hawking, vending, delivery or soliciting for sale, either retail or wholesale, any merchandise, including but not limited to liquids or edibles for human consumption, from packs, baskets, temporary stands or facilities, handcarts, ~~commercial vehicles, wagons~~ or ~~other~~ vehicles as defined in Section 8.36.010 of this code, at any place other than a fixed place of business in the unincorporated territory of the county. The term "peddler" shall not include a person engaged in the delivery or sale of pre-ordered goods to a private residence or business with the prior consent of the owner, occupant, lessee, or the designee of said persons, including but not limited to employees.

SECTION 2. Section 7.62.002 is hereby added to read as follows:

7.62.002 Commercial Vehicle defined.

For the purposes of this chapter, "commercial vehicle" means any vehicle as defined in California Vehicle Code section 260.

SECTION 3. Section 7.62.030 is hereby amended to read as follows:

7.62.030 Peddling--Authorized when.

A person may engage in the business of peddling only under the following circumstances:

A. ~~Vending, p~~Peddling~~, selling, or delivering~~ liquids or edibles for human consumption from a vehicle, which meets the definition of ~~motor~~ commercial vehicle~~s~~, used for the transportation and/or preparation of food when conducted on public highways, but not including public sidewalks; and

B. ~~Vending~~Peddling at special events, which is conducted on the premises of such special event, as approved by the business license commission, including but not limited to sports events, concerts and exhibitions. (Ord. 92-0132 § 42, 1992.)

SECTION 4. Section 7.62.050 is hereby amended to read as follows:

7.62.050 Exceptions to chapter applicability.

This chapter does not apply to the following:

A. The sale or other disposition of patriotic emblems or any other items as part of a charitable solicitation, providing that such person conducting the sale or disposition has complied with the provisions of Chapter 7.24 of this title;

~~B. Merchants having a fixed place of business in the unincorporated territory of the county, or the employees of such merchants;~~

~~C~~B. Farmers selling farm products produced by them;

~~D~~C. Interstate peddlers who solicit orders for merchandise to be shipped into this State at some later time.

SECTION 5. Section 7.62.070 is hereby amended to read as follows:

7.62.070 Peddlers of edible products from ~~motor~~commercial vehicles--Moving location required when.

A person engaged in the business of peddling~~, selling or delivering~~ liquids or edibles for human consumption from ~~motor~~commercial vehicles used for the transportation and/or the preparation of food, either retail or wholesale, pursuant to a license obtained pursuant to this chapter, shall not remain or permit such vehicle to remain in any one location for the purpose of sale or display of such liquids or edibles~~, or other location less than one-half mile from the same location,~~ for more than 30 minutes in a residential zone, or 60 minutes in a non-residential zone, during any three-hour period~~.~~ and shall not return to any location within one-half mile of each prior location where the person sold or displayed liquids or edibles within said three-hour period. Said three-hour period shall commence upon the Peddler's departure from the last location where peddling occurred. Any ~~individual~~person described in this section, during all of the time which he or she is at any such location, shall maintain the location in a neat and orderly condition, pick up and dispose in a sanitary manner all debris, garbage, papers, litter and other things which detract from the sanitation, safety and appearance of such premises, and otherwise comply with the California Health and Safety Code. ~~either:~~

~~A. Sell all food products except liquids only in sealed packages or from sanitary dispensers; or~~

~~B. Operate only in those locations where toilet and handwashing facilities are available to the said licensee within a distance of 200 feet from the location, which facilities meet with the approval of the health officer.~~

SECTION 6. Section 7.62.072 is hereby amended to read as follows:

7.62.072 Peddlers of edible products from ~~motor~~commercial vehicles -- Restrictions on use of sound system speakers.

Any ~~individual~~person described in section 7.62.070 of this code shall not emit music or other sounds from an external speaker affixed to a ~~motor~~commercial vehicle between the hours of 8:00 p.m. and 6:00 a.m.

SECTION 7. Section 7.62.090 is hereby amended to read as follows:

7.62.090 Retail goods -- Solicitors -- License required.

Every ~~individual~~person engaged in the business of soliciting the retail sale of any goods, wares, merchandise or services for future delivery shall first procure a license and pay a license fee in the amount set forth in Section 7.14.010 of this title under the appropriate heading.

SECTION 8. Section 7.62.095 is hereby amended to read as follows:

7.62.095 Retail goods -- Solicitors -- Hours of solicitation.

~~Individuals~~Persons engaged in the business of soliciting the retail sale of any goods, wares, merchandise or services shall not, and an agent or employee of any such person shall not, without a prearranged appointment, solicit at any premises within the unincorporated area of the county as follows:

A. With the exception specified in Section 7.62.095(B), such soliciting shall be prohibited between the hours of 8:00 p.m. and 8:00 a.m.

B. During the period when Daylight Saving Time, as authorized by the Federal Uniform Time Act, as amended, is in effect, such soliciting shall be prohibited during the hours of 8:30 p.m. and 8:00 a.m.

SECTION 9. Section 7.62.100 is hereby amended to read as follows:

7.62.100 Soliciting sales incidental to other business.

~~An individual~~ person who does not solicit the retail sale of goods, wares or merchandise for future delivery except as an incident to the engaging in a business otherwise licensed under this chapter, for which he or his employer has a current, valid license, shall not be deemed to be engaged in the business of such solicitation.

SECTION 10. Section 7.62.140 is hereby amended to read as follows:

7.62.140 Violation of provisions--Penalties.

Notwithstanding the penalty provisions of Section 7.04.320 et seq., a violation of any section in this Chapter 7.62 is a misdemeanor, except that violation of Section 7.62.070 may be charged as a misdemeanor or infraction at the discretion of the prosecutor and subject to the provisions of California Penal Code section 17(d). If charged as ~~is~~ an infraction, the violation is punishable by:

A. A fine not exceeding $100.00 for a first violation;

B. A fine not exceeding $200.00 for a second violation within one year;

C. A fine not exceeding $500.00 for a third or subsequent violation within one year.

SECTION 11. Section 11.02.260 is hereby amended to read as follows:

11.02.260 Food establishment.

"Food establishment" means any public or private market, shop, store, storehouse, bakery, food processing establishment or any other plant or place, not a restaurant, itinerant restaurant, ~~hawker,~~ caterer, wayside stand, temporary refreshment stand or vending machine, in or about which food is stored, prepared or offered for sale or gift for human consumption.

SECTION 12. Section 11.02.270 is hereby deleted in its entirety:

~~**11.02.270 Hawker.**~~

~~A. "Hawker" means any person who vends edible food or food products which are carried by such person on a vehicle, or on his person, except:~~

~~1. Distributors of milk and bottled water, delivering their products to regular customers;~~

~~2. Distributors of food and food products delivering such products to retail or wholesale establishments for resale;~~

~~3. Operators of restaurants, itinerant restaurants, food establishments, wayside stands, caterers and temporary refreshment stands.~~

~~B. The term "hawker" shall include, but shall not be limited to, lunch service vehicles and bakery product vehicles.~~

SECTION 13. Section 11.10.010 is hereby amended to read as follows:

11.10.010 Food demonstrator defined.

"Food demonstrator" means any person who offers or serves to the public, with or without charge, unpackaged bulk food or packaged food, for the purpose of

publicizing, advertising, or promoting the sale of food, food products or food equipment. "Food demonstrator" does not mean a person ~~operating as a hawker,~~ operating a pool establishment, restaurant or itinerant restaurant.

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