

Chapter 4.52

PEDDLERS AND SOLICITORS*

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*Licensing of peddlers and solicitors — See Section 3.32.060.

4.52.010 SOLICITOR'S PERMIT REQUIRED.

Every person, whether or not a resident of the City of Anaheim, traveling by foot, vehicle, or other type of conveyance, from place to place or from door to door or at any temporary, stationary location on public property, and carrying, displaying, conveying, transporting or offering for sale any goods, wares, merchandise, fresh or frozen food products, fruit, farm produce or any services, or making sales and delivering articles thus sold to a purchaser thereof, is a "solicitor." No person not otherwise excepted by law shall engage in the business of being a solicitor without first obtaining a permit therefor. (Ord. 5810 § 34 (part); April 23, 2002: Ord. 5949 § 2; November 16, 2004.)

4.52.020 SOLICITOR'S PERMIT APPLICATION.

.010 No permit to engage in the business of being a solicitor shall be issued except upon the satisfactory completion of an application therefor on forms supplied by the Revenue Manager. Said application shall include the name and address of the applicant, a passport size photograph of the applicant, a description of the goods, wares or services to be offered for sale, the applicant's social security number or federal or state employer's identification number or tax identification number, the applicant's former residence or places of business for a period of five years preceding the date of the application, and a list of any convictions of applicant for a felony or misdemeanor involving moral turpitude for the previous five years. The application shall be signed by the applicant under penalty of perjury and shall be accompanied by a fee in an amount established by the Revenue Manager. The Revenue Manager shall utilize the service of the Anaheim Police Department to investigate and verify the facts set forth in the application.

.020 Following the investigation of the application by the Police Department, the Revenue Manager shall issue said permit if the Revenue Manager finds that the information contained in the application is true and correct and that the applicant has not been convicted of a crime of moral turpitude or any violation of this chapter for a period of three years prior to the date of application. A solicitor's permit shall be issued if the application therefor has remained pending or under investigation for more than fifteen (15) days after a fully completed application has been filed. A solicitor's permit shall be valid for a period of one year from the date of its issuance unless sooner revoked under the terms of this Chapter.

.030 The requirement of a solicitor's permit under this chapter shall be in addition to the requirement for a business license from the City of Anaheim. (Ord. 5810 § 34 (part); April 23, 2002.)

4.52.030 REVOCATION OF SOLICITOR'S PERMIT.

.010 The Revenue Manager may revoke the solicitor's permit granted to any person upon a finding that such person has violated any provision of this chapter, made material misrepresentation upon such solicitor's permit application or has been convicted of a crime of moral turpitude or a violation of this chapter within a period of three years prior to the date of the permit application.

.020 No permit shall be revoked until after a hearing shall have been held before the City Manager or designee to determine good cause for such revocation. Notice of such hearing shall be given in writing and served at least ten days prior to the date of the hearing thereon. The notice shall state the ground for the proposed revocation and shall state the time and place where such hearing will be held.

.030 Said notice shall be served upon the permit holder by delivering the same to such person or by leaving such notice at the place of business of the permit holder during usual business hours, with the person who is apparently in charge thereof, or the residence of the permit holder, in the custody of a person of suitable age and discretion. In the event the permit holder cannot be found and the service of such notice cannot be made in the manner herein provided, a copy of such notice shall be mailed, postage fully prepaid, addressed to the permit holder at his place of business or residence at least ten days prior to the date of such hearing.

.040 After said hearing, the City Manager or his or her designee shall render a written decision within ten working days from the date the matter is submitted for decision. The action of the City Manager or his or her designee shall be final and conclusive. (Ord. 5810 § 34 (part); April 23, 2002.)

4.52.040 UNLAWFUL CONDUCT BY SOLICITORS.

.010 It shall be unlawful for any person to engage in soliciting as defined in this chapter in or upon the grounds of any stadium, convention center, government office building, police station, fire station library or other public facility owned or operated by the City of Anaheim except with the prior written consent of the City of Anaheim.

.020 It shall be unlawful for anyone to engage in soliciting as defined in this chapter without having in such solicitor's possession a valid permit issued under the provisions of this chapter and a valid business license issued by the City of Anaheim pursuant to this Code.

.030 It shall be unlawful for any solicitor to make any false statement to any person being solicited by such person for a commercial transaction that relates to the goods, wares, merchandise or services offered for sale by such solicitor.

.040 Any person who shall be convicted of any act defined as unlawful conduct under the provisions of this chapter is guilty of an infraction. (Ord. 5810 § 34 (part); April 23, 2002.)

4.52.050 SIDEWALK VENDOR PERMIT REQUIRED.

.010 DEFINITIONS. The definitions contained in this section shall govern the construction, meaning and application of words and phrases used in this section.

.0101 "Roaming Sidewalk Vendor" means a Sidewalk Vendor who moves from place to place and stops only to complete a transaction.

.0102 "Sidewalk Vendor" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path. The term "Sidewalk Vendor" includes both roaming and stationary vendors.

.0103 "Sidewalk Vendor Permit" means a permit issued by the City of Anaheim authorizing a person to engage in the business of being a Sidewalk Vendor.

.0104 "Stationary Sidewalk Vendor" means a sidewalk vendor who vends from a fixed location.

.020 SIDEWALK VENDOR'S PERMIT REQUIRED. No person not otherwise excepted by law shall engage in the business of being a Sidewalk Vendor without first obtaining a permit therefor.

.030 SIDEWALK VENDOR'S PERMIT APPLICATION. No permit to engage in the business of being a solicitor shall be issued except upon the satisfactory completion of an application therefor on forms supplied by the Revenue Manager. Said application shall include the name of the applicant; the address of the applicant; the address designated and agreed to by the applicant for receipt of notices from the City; a passport size photograph of the applicant; a description of the goods, wares or services to be offered for sale; proof of a valid California Department of Tax and Fee Administration seller's permit; the applicant's social security number or federal or state employer's identification number or tax identification number or California driver's license or California identification number; the applicant's former residence or places of business for a period of five years preceding the date of the application, and a list of any convictions of the applicant for a felony or misdemeanor involving moral turpitude for the previous five years. The application shall be signed by the applicant under penalty of perjury and shall be accompanied by a fee in an amount established by the Revenue Manager. The Revenue Manager may utilize the service of the Anaheim Police Department to investigate and verify the facts set forth in the application. Any social security number, California driver's license number or identification number submitted with the permit application shall not be disclosed except as required for administrative purposes or to comply with a state law or state or federal court order.

The requirement of a Sidewalk Vendor permit under this section shall be in addition to the requirement for a business license from the City of Anaheim and any additional licenses required by other state or local agencies, including but not limited to any permit required by the Orange County Health Care Agency.

.040 Revocation of Sidewalk Vendor Permit.

.0401 Upon the fourth violation of any provision of this Code regulating sidewalk vending within the term of the Sidewalk Vendor Permit, the Revenue Manager may revoke the Sidewalk Vendor Permit granted to any person upon a finding that such person has violated any provision of this chapter. The Revenue Manager may also revoke the Sidewalk

Vendor Permit granted to any person upon a finding that such person has made a material misrepresentation on his or her Sidewalk Vendor Permit application.

.0402 No permit shall be revoked until after a hearing has been held before the City Manager or designee to determine good cause for such revocation. Notice of such hearing shall be given in writing and served at least ten days prior to the date of the hearing thereon. The notice shall state the ground for the proposed revocation and shall state the time and place where such hearing will be held.

.0403 Said notice shall be served upon the permit holder by delivering the same to such person or by leaving such notice at the place of business of the permit holder during usual business hours, with the person who is apparently in charge thereof, or at the residence of the permit holder, in the custody of a person of suitable age and discretion. In the event the permit holder cannot be found and the service of such notice cannot be made in the manner herein provided, a copy of such notice shall be mailed, postage fully prepaid, addressed to the permit holder at the address designated by the permit holder on the Sidewalk Vendor Permit application as the address for receipt of notices from the City at least ten (10) working days prior to the date of such hearing.

.0404 After said hearing, the City Manager or his or her designee shall render a written decision within thirty (30) working days from the date the matter is submitted for decision. The action of the City Manager or his or her designee shall be final and conclusive. (Ord. 6449 § 2; November 20, 2018.)

4.52.060 UNLAWFUL CONDUCT BY SIDEWALK VENDORS.

.010 It shall be unlawful for any person to engage in the business of being a Sidewalk Vendor as defined in this chapter in or upon the grounds of any stadium, convention center, government office building, police station, fire station library or other public facility owned or operated by the City of Anaheim except with the prior written consent of the City of Anaheim.

.020 It shall be unlawful for any person to engage in the business of being a Sidewalk Vendor on any of the following public streets and sidewalks within the City of Anaheim two (2) hours before, during and two (2) hours after events at Angel Stadium of Anaheim, the Honda Center and The City National Grove of Anaheim:

.0201 Orangewood Avenue, from west side of State Route 57 to 300 feet west of State College Boulevard.

.0202 State College Boulevard, from 300 feet south of Orangewood Avenue to the north side of Katella Avenue.

.0203 Katella Avenue, from the west side of State College Boulevard to the Santa Ana River Trail.

.0204 Douglass Road, from the entrance to the Angel Stadium of Anaheim to Cerritos Avenue.

.0205 Dupont Drive.

.0206 Rampart Street from Orangewood Avenue to Dumaine Street.

.0207 Gene Autry Way from South Chris Lane to the entrance of the Angel Stadium of Anaheim.

.030 Stationary Sidewalk Vending is prohibited in any location zoned exclusively residential.

.040 Sidewalk vending is prohibited in areas located within the immediate vicinity of a permitted certified farmers' market or a permitted swap meet during the limited hours of that certified farmers' market or swap meet. A "certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that Chapter. A "swap meet" means a location operated in accordance with Article 6 (commencing with Section 21600) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulation adopted pursuant to that article.

.050 Sidewalk vending is prohibited within the immediate vicinity of an area designated for a temporary special permit, provided that any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the local authority's temporary special permit are also provided to any sidewalk vendors specifically permitted to operate in the area, if applicable. For purposes of this paragraph, a temporary special permit is a permit issued by the local authority for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerts. A prohibition of sidewalk vendors pursuant to this paragraph shall only be effective for the limited duration of the temporary special permit.

.060 Sidewalk Vendors shall maintain sanitary conditions and contain all refuse until properly disposed of by the Sidewalk Vendor.

.070 Sidewalk Vendors shall comply with the federal American with Disabilities Act of 1999 and other disability access standards, including but not limited to allowing for a minimum width of at least thirty-six (36) inches of accessibility on any sidewalk.

.080 Sidewalk Vendors shall comply with all other generally applicable laws.

.090 It shall be unlawful for any person to engage in the business of being a Sidewalk Vendor as defined in this chapter without having in his or her possession a valid permit issued under the provisions of this section and a valid business license issued by the City of Anaheim pursuant to this Code.

.100 Any violation of subsections 4.52.060.010 - .080 shall be enforced in accordance with the procedures set forth in Chapter 1.20 (Civil Citations) of this code, relating to the issuance of citations, imposing of administrative fines, right to appeal, and the right to an administrative hearing, and shall be subject to the imposition and payment of administrative fine(s) as provided below:

Number of Offenses in a One-Year Period	Amount of Administrative Penalty
First	\$100.00
Second	\$200.00
Third	\$500.00

.101 A violation of subsection 4.52.060.090 as well as engaging in the business of being a Sidewalk Vendor without a valid Sidewalk Vendor Permit in violation of Chapters 4.10, 12.12, 13.08 or 14.32 of this Code, shall be enforced in accordance with the procedures set forth in Chapter 1.20 (Civil Citations) of this code, relating to the issuance of citations, imposing of administrative fines, right to appeal, and the right to an administrative hearing, and subject to the imposition and payment of administrative fine(s) as provided below:

Number of Offenses in a One-Year Period	Amount of Administrative Penalty
First	\$250.00
Second	\$500.00
Third	\$1,000.00

.102 If a person issued an administrative citation meets the criteria described in (a) or (b) of Government Code Section 68632, the Revenue Manager shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this section.

.103 A notice of a violation of this section 4.52.060 shall include notification to the person cited that he or she may request an ability-to-pay determination and a corresponding reduction in a fine assessed under this section, including instructions for making such a request. Upon receipt of such an ability to pay request, the Revenue Manager or his or her designee shall hold a hearing in accordance with this section.

.104 To request an ability-to-pay determination, a person issued an administrative citation shall file with the City a signed application in a form prescribed by the Revenue Manager, specifying the citee's ability to pay the assessed fines. The Revenue Manager shall provide notice to the citee of the time, date and place that his/her ability to pay request shall be heard, which hearing date shall not be sooner than ten (10) days following the date notice of such hearing is given to the citee. The citee shall personally appear at the hearing and provide evidence sufficient to establish his or her inability to pay the assessed fine. Failure of the citee to personally appear at the hearing shall constitute an abandonment of the application for an ability-to-pay determination.

.105 Following conclusion of the hearing on the ability to pay request, the Revenue Manager or his or her designee shall issue a written decision and specifying the amount of the fine imposed and the reasons therefore, including the citee's ability to pay. The Revenue Manager may allow the citee to complete community service in lieu of paying the administrative fine, may waive the administrative fine or may offer an alternative disposition.

(Ord. 6449 § 3; November 20, 2018.)