

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF HERMOSA BEACH
ADDING CHAPTER 12.38 TO THE HERMOSA BEACH
MUNICIPAL CODE (SIDEWALK VENDING) TO ADOPT
SIDEWALK VENDING REGULATIONS IN COMPLIANCE
WITH SENATE BILL NO. 946; AMENDING SECTIONS
1.10.040, 5.64.030, 10.12.170, 10.32.170, 10.32.180,
12.20.300, 12.24.020, AND 12.28.010; AND REPEALING
SECTION 12.12.070**

The City Council of the City of Hermosa Beach does hereby ordain as follows:

Section 1. Findings. The City Council makes the following findings in support of this ordinance:

- A. Senate Bill 946, which took effect on January 1, 2019, provides that cities and counties may not regulate sidewalk vending except in accordance with sections 51038 and 51039 of the California Government Code.
- B. California Government Code section 51038 generally requires local regulation of sidewalk vending to be “directly related to objective health, safety, or welfare concerns.”
- C. The City seeks to adopt a sidewalk vending program and to amend its Municipal Code to ensure compliance with the requirements of state law.
- D. Regulating sidewalk vending will benefit the entire Hermosa Beach community as it will encourage entrepreneurship and provide for equal economic opportunities while ensuring orderly commerce and protection of the public safety and welfare.
- E. The City of Hermosa Beach is a steward of magnificent coastal resources, which the City manages alongside dense land uses and a right-of-way network designed to promote the mobility of pedestrians, bicyclists, motorists, children, persons with disabilities, users of public transportation, seniors, as well as commercial vendors.
- F. Unless properly regulated, vending in the public right-of-way and in public parks creates the potential for increased safety hazards including, but not limited to, interfering with the ability of persons with disabilities and other pedestrians to follow a safe path of travel, interfering with the performance of police, firefighter, and emergency medical personnel services; contributing to traffic congestion; and encouraging pedestrians to step into roadways to maintain the flow of traffic.
- G. Regulations of sidewalk vendors are also necessary to prevent hazardous or unsanitary conditions and to ensure that trash and debris generated by vending operations are properly discarded and do not become a pollutant.

- H. The permit requirements of this Chapter are necessary to collect adequate information about vending operations within city limits, to facilitate contact between the City and its vendors, and to ensure that vending does not adversely affect the public welfare.
- I. Sidewalk vendors are reasonably required to maintain at least five (5) feet of clearance for pedestrian passage at their vending locations consistent with the City's requirement for permitted commercial encroachments in the public right-of-way. A five-foot clearance complies with disability access standards and further ensures the safe flow of pedestrian traffic.
- J. Restricting sidewalk vending near school grounds and near the Community Center, a public recreational facility offering a variety of community programming for all ages, is necessary to avoid disrupting the day-to-day operations of these land uses and to guard against increased traffic and safety concerns when these facilities are in use. Unrestricted sidewalk vending at such locations would result in overcrowded sidewalks and compromised public safety as minors walk into the street to avoid pedestrian traffic.
- K. Restricting sidewalk vending on the Strand and on Hermosa Avenue, between 10th and 14th Street is necessary because the high volume of pedestrians, cyclists, and tourists at these locations often results in overcrowded sidewalks. Allowing vendors on crowded sidewalks would compromise disability access, emergency access, and the flow of traffic and traffic safety at these destinations.
- L. Restricting sidewalk vending in public parks, including restricting vending to the paved pedestrian paths therein, is necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities, and to prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of these parks.
- M. Restricting sidewalk vending in the Hermosa Valley Greenbelt and in Noble Park is necessary to ensure the public's use and enjoyment of its open space resources consistent with the legislative mandate of the Open Space Lands Act.
- N. Restricting sidewalk vending on the beach and at the Municipal Pier is necessary to ensure the public's access to the City's coastal resources and to protect public recreational use on oceanfront lands as mandated by the California Coastal Act.
- O. Restricting vending in residential areas and vendors' use of sound amplifying equipment is necessary to protect residents from excessive noise and traffic impacts and to protect the welfare of the City's densely developed community.
- P. The City Council hereby adopts this ordinance pursuant to its authority under Government Code section 51038 and finds that the regulation of sidewalk vendors set forth herein is directly related to the City's protection of the health, safety, and welfare of its residents, businesses, and visitors.

Section 2. Chapter 12.38 is hereby added to Title 12 of the Hermosa Beach Municipal Code to read as follows:

Chapter 12.38

SIDEWALK VENDING

Sections:

- 12.38.010 Definitions.**
- 12.38.020 Permit Required.**
- 12.38.030 Restricted Vending Locations.**
- 12.38.040 Application Procedure.**
- 12.38.050 Grounds for Denial.**
- 12.38.060 Term and Renewal.**
- 12.38.070 Permit Nontransferable.**
- 12.38.080 Exemptions.**
- 12.38.090 Operating Requirements.**
- 12.38.100 Sidewalk Vending in Parks.**
- 12.38.110 Permit Revocation.**
- 12.38.120 Appeal Procedures.**
- 12.38.130 Penalties and Ability-to-pay Determinations.**

12.38.010 Definitions.

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“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.

“City” means the City of Hermosa Beach.

“Park” means any public park or playground owned or operated by the City.

“Person” means any natural person, firm, association, organization, partnership, joint venture, business trust, corporation, or company.

“Roaming Sidewalk Vendor” means a Sidewalk Vendor who operates by traveling from place to place and stopping in a location only to complete a transaction.

“Sidewalk” means a public sidewalk or paved pedestrian path or walkway specifically designed for pedestrian travel.

“Sidewalk Vendor” or “vendor” means a Person who sells or offers for sale 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 within the City.

"Sidewalk Vending" refers to commercial activity conducted by a Sidewalk Vendor.

"Special Event Permit" means a permit issued pursuant to Chapter 12.30 of the Hermosa Beach Municipal Code for the temporary use of, or encroachment on, a sidewalk or other public area.

"Stationary Sidewalk Vendor" means a Sidewalk Vendor who operates from a fixed location.

"Swap Meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

12.38.020 Permit required.

No person shall engage in Sidewalk Vending without first obtaining a sidewalk vending permit issued pursuant to this Chapter and a business license issued pursuant to Chapter 5.04.

12.38.030 Restricted vending locations.

Except as otherwise permitted, no Sidewalk Vendor shall operate in the following locations:

A. Any public property other than a sidewalk, including, without limitation, streets, alleys, plazas, streets without sidewalks, and City-owned parking structures;

B. The Strand;

C. Hermosa Avenue, between 10th and 14th Street;

D. The beach;

E. The Municipal Pier;

F. The Hermosa Valley Greenbelt;

G. Noble Park;

H. Within one block of a Certified Farmers' Market or a Swap Meet during the limited operating hours of these events;

I. Within one block of an area designated for a Special Event Permit, provided that

any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the City's Special Event Permit are also provided to a Sidewalk Vendor permitted to operate in the area, if applicable. A prohibition on vending pursuant to this paragraph shall only be effective for the limited duration of the Special Event Permit;

- J. Within 300 feet of any public or private school grounds between 7:00 a.m. and 6:00 p.m. on school days, and while the same is in use, including for afterschool child care, enrichment classes and sports;
- K. Within 300 feet of the Hermosa Beach Community Center between 7:00 a.m. and 6:00 p.m. on school days, and on days when the Community Theater and Second Story Theater are in use for theater programming, during the limited hours of these scheduled events;
- L. Within 15 feet of any street intersection;
- M. Within 10 feet of any fire hydrant, fire call box, or other emergency facility;
- N. Within 10 feet of any curb which has been designated as white, yellow, green, blue, or red zone, or a bus zone;
- O. Within 10 feet of an entrance to or emergency exit of any building or business during the hours that the building or business is open to the public;
- P. Within 10 feet of any driveway or driveway apron;
- Q. Upon or within any roadway, median strip, or dividing section;
- R. On private property without the consent of the property owner; or
- S. Within 200 feet of another vendor.

12.38.040 Application procedure.

- A. Any and each Person seeking a permit pursuant to this Chapter shall submit a completed application, on a City-approved form, to the Public Works Department. Said application shall contain the following information:
 - 1. The applicant's legal name, current mailing address, and telephone number;
 - 2. If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal;
 - 3. A copy of a California's driver's license or identification number, or an individual taxpayer identification number. The number collected shall not

be available to the public for inspection, is confidential, and shall not be disclosed except as required to administer the permit or comply with a state law or state or federal court order;

4. A description of the food and/or merchandise to be offered for sale;
 5. A copy of the applicant's California seller's permit issued by the California Department of Tax and Fee Administration, if applicable;
 6. If a vendor of food, proof of all required approvals from the Los Angeles County Department of Public Health, including a current Mobile Food Facility permit;
 7. A description, map, or drawing of the location(s) in which the applicant proposes to operate;
 8. The dimensions of the vending cart;
 9. A statement of the days and hours of proposed vending operations, and whether the sidewalk vendor intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor;
 10. Proof of comprehensive general liability insurance with minimum policy limits of one million dollars (\$1,000,000) per occurrence, combined single limit coverage, and two million dollars (\$2,000,000) in the aggregate against any injury, death, loss or damage as a result of wrongful or negligent acts or omissions by the permittee, with an endorsement naming the City as an additional insured;
 11. An agreement by the applicant to indemnify and hold harmless the City, its officers and employees, for any damage or injury caused to the City as a result of the sidewalk vending conduct or activity;
 12. Certification by the applicant, under penalty of perjury, that the information contained in the application is true to his or her knowledge and belief; and
 13. Such other information as the Director of Public Works deems necessary for the administration or enforcement of this Chapter as specified on the required application form.
- B. Applications shall not be accepted unless accompanied by payment of an application fee that the City Council may establish by separate resolution in an amount not to exceed the City's reasonable cost of providing the services required by this Chapter.

12.38.050 Grounds for denial.

A. Within thirty (30) days of receiving a completed application for a Sidewalk Vendor permit the public works director shall notify the applicant in writing of its determination to approve or deny the application. If an application is denied, the reasons for denial shall be set forth in the written notice to the applicant.

B. The Public Works Department shall approve a permit application unless substantial evidence supports a finding of one or more of the following grounds for denial:

1. The application seeks authorization for vending at a restricted location under Section 12.38.030.
2. The proposed vending location encroaches on a public sidewalk without maintaining a minimum five-foot clearance.
3. The applicant's vending operation, as described in the application, including the equipment to be used by the vendor, fails to comply with all applicable health, zoning, fire, building and safety laws of the State of California or of the City.
4. The applicant does not possess all state and local permits necessary for the proposed vending operation.
5. The applicant has knowingly made a false, misleading or fraudulent statement of material fact in the application.
6. The applicant has had a permit issued pursuant to this Chapter revoked within the preceding twelve (12) months.
7. The applicant is required to register as a sex offender pursuant to California Penal Code section 290.
8. Within three (3) years of the date of the application, the applicant has been convicted in a court of competent jurisdiction or pled nolo contendere to any felony offenses involving the sale of a controlled substance as specified in California Health and Safety Code sections 11054, 11055, 11056, 11057, or 11058.
9. The applicant is indebted to the City for any unpaid fee or fine.

12.38.060 Term and renewal.

A. A sidewalk vending permit issued pursuant to this Chapter shall be valid for one (1) year from the date of issuance, unless it is revoked prior to that date in accordance with the provisions of this Chapter.

B. Each Sidewalk Vendor who seeks to renew a permit issued pursuant to this Chapter shall submit a renewal application on a City-approved form and tender any applicable fees to the Public Works Department no later than thirty (30) calendar days prior to the expiration of the vendor's current permit. Unless timely renewed, any permit issued pursuant to this Chapter shall expire and become null and void at the end of its term.

C. An application to renew a permit issued pursuant to this Chapter may be denied by the Public Works Department upon the grounds set forth in Section 12.38.070.

12.38.070 Permit nontransferable.

A sidewalk vending permit shall not be transferable to any Person or be valid for vending operations in any location(s) other than that location designated on the permit for the term stated.

12.38.080 Exemptions.

A sidewalk vending permit shall not be required for the following activities:

1. Catering services for an event exclusively on private property, which is not open to the public;
2. Events permitted pursuant to a Special Event Permit, including but not limited to a Certified Farmers' Market, Swap Meet, street fairs, outdoor concerts, sport league opening day, and business sidewalk sales.

12.38.090 Operating requirements.

A. All Sidewalk Vendors are subject to the following requirements:

1. Maintain and ensure compliance with all state and local permits necessary for the proposed vending operation;
2. Keep current the information furnished to the City under Section 12.38.060(A);
3. Display any permit issued pursuant to this Chapter at all times while vending;
4. Do NOT sell or offer for sale lottery tickets, alcohol, cannabis, adult oriented material, or tobacco or electronic cigarette products;
5. Maintain an unobstructed pedestrian access route of at least five (5) feet in width at the sidewalk vending location;

6. Ensure that no equipment or objects used in connection with sidewalk vending operations are stored or left unattended in public spaces or in any portion of the public right-of-way. (Any equipment or objects left in public spaces or in the public rightof-way overnight, or outside the hours of permitted sidewalk vending, will be considered discarded and may be seized or disposed of by the city.);
7. Ensure that no signs, tables, chairs, shade structure, fences, or other furnishings not previously approved for use in a sidewalk vending permit are used in connection with vending operations, including any unapproved exterior storage of merchandise or equipment used by the vendor;
8. Ensure that no entertainment, music, visual media, or any sound amplifying device is used in connection with the vending activity unless previously approved in the vending permit;
9. Ensure that water lines, electrical lines, or gas lines are not used or attached in connection with vending operations;
10. Maintain reasonable financial responsibility to conduct sidewalk vending operations in accordance with Section 12.38.040(A)(10);
11. Maintain vending operations and conveyances in clean, sanitary condition; and
12. Ensure proper clean-up of vending sites, including removal of any trash or litter generated by the permitted sale of food or merchandise. (Vendors must operate with their own trash receptacles and are prohibited from placing waste or litter generated by their operations in street trashcans.)

B. Stationary sidewalk vendors are prohibited from operating in any exclusively residential zone and may only operate at the location(s) designated in the permit issued pursuant to this Chapter during the periods of operation designated in the permit.

C. Roaming sidewalk vendors may not operate within exclusively residential zones between the hours of 8:00 p.m. and 8:00 a.m.

12.38.100 Sidewalk Vending in Parks.

A stationary sidewalk vendor is prohibited from operating in a Park if the City has entered into an exclusive agreement for the sale of food or merchandise by a concessionaire in that Park. In all other circumstances, Sidewalk Vendors may operate in Parks subject to the requirements of this Chapter, which include and are in addition to the following requirements:

1. Cease vending operations one (1) hour prior to Park closure;

2. Operate only on a sidewalk or surfaced pedestrian path, and not on grass turf, dirt paths, or other unpaved trails or paths;
3. Maintain an unobstructed pedestrian access route of at least five (5) feet in width at the vending location;
4. Ensure that vending operations are not blocking the entrances to any buildings, driveways, or vehicle parking spaces;
5. Refrain from operating within one block of a Certified Farmers' Market, a Swap Meet, or an event held pursuant to a Special Event Permit; and
6. Ensure proper clean-up of vending sites, including removal of any trash or litter generated by the permitted sale of food or merchandise. (Vendors must operate with their own trash receptacles and are prohibited from placing waste or litter generated by their operations in park trashcans.)

12.38.110 Permit revocation.

A Sidewalk Vendor permit issued pursuant to this Chapter may be revoked after the permittee is afforded written notice and an opportunity to be heard respecting a citation for the permittee's fourth or subsequent violation of the requirements set forth in this Chapter.

12.38.120 Appeal procedures.

A. Any person aggrieved by a decision denying or revoking a permit pursuant to this Chapter may appeal the decision to the City Council within ten (10) days after notice of the decision has been mailed to the applicant's address. Appeals shall be taken by filing a written appeal statement with the Public Works Department setting forth the grounds for the appeal. A timely appeal shall stay the enforcement of any decision to revoke a permit. Absent a timely appeal, the decision of the public works director shall be final ten (10) days after notice of the decision has been mailed to the applicant.

B. Upon receipt of a timely, written request for an appeal, Council shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed unless requested by the applicant. Written notice of hearing shall be given to the appellant at least ten (10) days prior to the hearing date. At the hearing, the appellant and the City may be represented by legal counsel, and each party may present relevant evidence, provide sworn testimony, and call witnesses. The City Council shall not be bound by the traditional rules of evidence, and hearsay evidence may be presented at the hearing, although such evidence may not be the sole basis for the Council's decision. Within forty (40) calendar days of the conclusion of the hearing, the Council shall announce its determination to sustain or overrule the director's decision based on written findings of the applicant's or permittee's compliance with the requirements of this chapter. The Council's decision shall be final.

12.38.130 Penalties and Ability-to-pay Determinations.

A. A violation of this Chapter is not punishable as an infraction or misdemeanor, and no person shall be subject to arrest for sidewalk vending in violation of this Chapter unless said person has violated a law for which a person may be arrested.

B. A violation of this Chapter shall be punishable only by an administrative fine according to a fee schedule adopted by resolution of the City Council and according to the procedures for administrative citations set forth in Sections 1.10.060 through 1.10.090 of this code consistent with this Section.

C. Notwithstanding any other provision of this code, failure to pay an administrative fine assessed under this Section is not punishable as an infraction or misdemeanor, and additional fines, fees, assessments, or any other financial conditions beyond those authorized will not be assessed.

D. When assessing an administrative fine under this Section, the City will take into consideration a person's ability to pay the fine. Any fine issued under this Section will be accompanied by notice of and instruction regarding the right to request an ability-to-pay determination.

1. A person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
2. If a person is receiving public benefits under Government Code section 68632, subdivision (a), or has a monthly income which is 125 percent or less than the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services, the Public Works Director will limit the total amount of the person's administrative fine to 20 percent of the total amount and may:
 - i. Allow the person to complete community service in lieu of paying the total administrative fine; or
 - ii. Waive the administrative fine; or
 - iii. Offer an alternative disposition.

Section 2. Section 1.10.040 of Chapter 1.10 of Title 1 of the Hermosa Beach Municipal Code—entitled “Administrative Citations”—is hereby amended to add subsection (A)(20) to read as follows:

“20. Chapter 12.40: Sidewalk Vending”

Subsection (B) of Section 1.10.040 is hereby amended to read as follows:

“Exclusive of subsection (A)(20), any person who violates the same provision, or fails to comply with the same requirement, of the sections of this Code set forth in subsection (A) of this section more than three (3) times within a twelve (12) month period shall be guilty of a misdemeanor for each violation committed thereafter within that same twelve (12) month period. Any person who violates or fails to comply with the sections of this Code set forth in subsection (A) of this section and who possesses no photo identification or refuses to identify himself/herself to an enforcement officer, making it impossible to issue an administrative citation, shall be guilty of a misdemeanor.”

Section 3. Section 5.64.030 of Chapter 5.64 of Title 5 of the Hermosa Beach Municipal Code—entitled “Limitations on manner of solicitations”—is hereby amended to read as follows:

“A. No person to whom a registration statement is issued pursuant to this section or any of its employees, agents or solicitors shall:

1. Solicit between the hours of seven p.m. and nine a.m.;
2. Solicit at any house, apartment or other dwelling or any business premises to which is affixed a sign indicating "No Solicitors" or similar indication that no solicitation contact is desired by the occupant thereof;
3. Persistently and importunately request any business from any member of the public after such member of the public expresses the desire not to contribute;
4. Intentionally and deliberately obstruct the free movement of any person on any street, sidewalk or other public place or any place open to the public generally.

B. Any person who engages in sidewalk vending as defined in Chapter 12.38 shall be subject to the permit requirements of that chapter in addition to the requirements for a business license under Chapter 5.04.”

Section 4. Section 10.12.170(A) of Chapter 10.12 of Title 10 of the Hermosa Beach Municipal Code—entitled “Operation of bicycles, skateboards and other wheeled devices in certain areas”—is hereby amended to read as follows:

“A. Prohibited on Sidewalks in Commercial Zone - Exceptions. It is unlawful for any person to ride or operate any wheeled vehicle or device, propelled by human or motorized power, including bicycles, skateboards, roller skates and electric personal assistive mobility devices ("EPAMD")(as defined in Vehicle Code Section 313), on or over any sidewalk or part of a sidewalk within a commercial zone in the city, except:

1. Conveyances, including EPAMDs, by any person, who by reason of physical disability, is unable to move about as a pedestrian and is in possession of a distinguishing disabled parking placard issued pursuant to the California Vehicle Code;

2. The Strand walkway, subject to the requirements of Sections 12.20.220 and 12.20.230;

3. EPAMDs operated by federal, state, or local government personnel in the performance of official duties; and

4. Conveyances operated by permitted sidewalk vendors.”

Section 10.32.170 of Chapter 10.32 of Title 10 of the Hermosa Beach Municipal Code—entitled “Vendors’ wagons and pushcarts--parking and standing”—is hereby amended to read as follows:

“Vendors’ vehicles--parking and standing

Except as otherwise provided in Sections 10.32.180 to 10.32.200, no person shall stand or park any motor vehicle from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, on any portion of any street within this city except that such vehicles may stand or park within a legal parking space only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this section shall not apply to persons delivering such articles upon order of or by agreement with a customer from a store or other fixed place of business or distribution.”

Section 10.32.180 of Chapter 10.32 of Title 10 of the Hermosa Beach Municipal Code—entitled “Vendors’ wagons and pushcarts--designation of standing location”—is hereby amended to read as follows:

“Vendors’ vehicles--designation of standing location

No person shall park or stand on any street any motor vehicle from which tamales, peanuts, popcorn, candy or other articles of food are sold or offered for sale without first obtaining a permit to do so from the city council. The city traffic engineer shall designate the specific location in which such vehicle shall stand.”

Section 5. Section 12.12.070 of Chapter 12.12 of Title 12 of the Hermosa Beach Municipal Code—entitled “Placing wagons, stands in streets for purposes of sale or display or goods”—is hereby repealed.

Section 12.20.300 of Chapter 12.20 of Title 12 of the Hermosa Beach Municipal Code—entitled “Solicitation”—is hereby amended to read as follows:

“A. Except as provided in subsection (D) of this section, no person shall solicit, peddle, offer for sale or conduct or consummate the sale of any service on the beach or the Strand.

B. Except as provided in subsection (D) of this section, no person shall sell or offer for sale any commodity, merchandise, wares, product, foods, refreshments or

beverages on the beach or the Strand absent a sidewalk vending permit issued pursuant to Chapter 12.38.”

Section 12.24.020 of Chapter 12.24 of Title 12 of the Hermosa Beach Municipal Code—entitled “Permit to sell goods”—is hereby amended in its entirety to read as follows:

“12.24.020 Solicitations.

The sale or offering for sale of any food or merchandise is not permitted on the municipal pier in accordance with the restrictions on sidewalk vending governed by Chapter 12.38. All other solicitations are subject to the requirements for a business license governed by Chapter 5.64.”

Subsections (J) and (N) of Section 12.28.010 of Chapter 12.28 of Title 12 of the Hermosa Beach Municipal Code—entitled “Park regulations generally”—is hereby amended to read as follows:

“Within the limits of any public park or playground, no person shall:

J. Sell or offer for sale any merchandise, article or thing, whatsoever, without a sidewalk vending permit issued pursuant to Chapter 12.38;

. . .

N. Practice, carry on, conduct or solicit for any trade, occupation, business or profession or circulate any petition of whatsoever kind or character without the permission of the city manager or, if applicable, a sidewalk vending permit issued pursuant to Chapter 12.38;”

Section 6. Severability.

If any provision of this ordinance is declared to be invalid by a court of competent jurisdiction, it shall not affect any remaining provision hereof. The City Council of the City of Hermosa Beach hereby declares that it would have adopted this ordinance despite any partial invalidity of its provisions.

Section 7. Effective Date.

This ordinance shall take effect thirty (30) days after its passage and adoption pursuant to California Government Code section 36937.

Section 8. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED and ADOPTED this ____ day of _____ 2019.

VOTE: AYES:
 NOES:
 ABSTAIN:
 ABSENT:

MAYOR of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney