

## CHAPTER 36.

## SOLICITORS, PEDDLERS AND ITINERANT VENDORS.

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Article I. In General.Sec. 36-1. Findings, purpose and intent.

This ordinance is adopted to provide for the regulation of non-speech-related vending activities on public properties in the City of Paramount.

The City Council finds and determines that:

- (a) The use of public lands, which include streets, sidewalks, parks, parkways, medians and any land under the City of Paramount's control are for public purposes; and
- (b) The use of these areas are public and there is no vested right to conduct solely commercial activities upon those public lands or property; and
- (c) The City Council recognizes the constitutional rights of free speech as well as commercial free speech; and
- (d) When speech and activity is undertaken by a solely commercial expression, accompanied by a solely commercial performance in response, on public property, such public property is being used for private business; and

- (e) The practice of selling, vending, peddling, and soliciting for solely commercial purposes on City public property is occurring with increasing frequency; and
- (f) Such practice has resulted and continues to result in the interference with the lawful and normal flow of pedestrian and vehicle traffic; and
- (g) Such practice has resulted and continues to result in the annoyance of the public, creation of litter, overcrowding and congestion of sidewalks by pushcarts and vendors forcing pedestrians aside or off sidewalks, distractions to motorists when on the street, and the pushcarts and vendors made vulnerable to motorists; and
- (h) Vendors dispense refrigerated and unrefrigerated food products that are often unregulated by health, safety, and sanitation regulations, controls, or inspections; and
- (i) The active merchandising and food vending activities on sidewalks, parks, and parkways are essentially unregulated businesses using public property, and create a burden on businesses that are subject to zoning, building permits, and other governmental regulations and constitute the appropriation of public property for private commercial uses and such activities constitute unfair competition to the local merchants, restaurants, and businesses in the City; and
- (j) The continuance of such practice is contrary to, is a threat to, and adversely affects the health, safety, and welfare of residents of the City of Paramount and the lawful conduct and operation of places of public assemblage. (Ord. No. 865)

#### Sec. 36-2. Definitions.

- (a) "Vehicle" defined. The term "vehicle" as used in this Article shall be deemed to include every wagon, carriage, non-motorized pushcart, non-motorized vehicle, or other non-motorized conveyance or contrivance for moving person, animals, or things in whatever manner the same may be ridden, driven, propelled, drawn or moved, which is driven, propelled, drawn or moved on a public street, median, sidewalk, park, or parkway, including implements of husbandry temporarily drawn, propelled or moved on a public sidewalk, park, or parkway from which commercial products or services may be rendered, vended, peddled, sold, bartered, or exchanged.
- (b) "Solicit" defined. The term "solicit" as used in this Article shall mean and include any request, offer, enticement, or action which announces the sale of goods, or other request for funds; or any request, offer, enticement, or action which seeks to purchase or secure goods, or to make a contribution of money or other property. As defined herein, a solicitation shall be deemed complete when made whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money takes place on a public street, median, sidewalk, park, or parkway.
- (c) The term "soliciting" as used in this Article shall be deemed to include the offering, rendering, vending, peddling, selling, exchanging, or bartering of commercial services or products coupled with the act of bartering or exchanging of a service or product on a public street, median, sidewalk, park, or parkway.
- (d) Speech-related vending activity. As used in this Article, speech-related activity shall mean the soliciting for sale, as defined in Subsection (b) of merchandise that is message-bearing merchandise wherein the product bears a message that is inextricably intertwined with the purpose and activities of the vendor. All message-bearing merchandise must constitute or contain conspicuous political, religious, philosophical or ideological message having intellectual content that is information of the purpose of the permittee's organization and that is permanent, readable, or acknowledgeable from a reasonable distance.

Sec. 36-2.1

Sec. 36-2.2

Sec. 36-2.1. Vending, peddling, selling, and/or soliciting on public streets, sidewalks, parks, parkways, public lands, or public property.

- (a) Vending, peddling, selling, and/or soliciting on public lands, right-of-ways, property is prohibited. No person shall use a vehicle or by person, transact, vend, peddle, sell, and/or solicit any merchandise, goods, or services on a public street, median, sidewalk, park, or parkway under the control of the City of Paramount, except as provided in Sections 36-2.1 (b) and 36-2.2 of the Paramount Municipal Code.
- (b) Exceptions. No person, whether exempt or licensed under Chapter 11 or Chapter 26 of the Paramount Municipal Code, shall transact, vend, peddle, sell, and/or solicit, exchange, or barter any merchandise, goods, food stuffs, refreshments, or services on a public street, median, sidewalk, park, or parkway; except as follows:
- (1) The solicitation of sales and advertising in which the sole purpose is to propose a transaction and no transaction of rendering, vending, peddling, exchange, or barter merchandise, goods, or services is contemporaneously undertaken or completed on public property;
  - (2) The solicitation is for political, charitable, or religious purposes;
  - (3) Itinerant restaurants as provided in Section 36-2.2 and Section 11-5;
  - (4) Newspapers, periodicals, magazines, books, pamphlets, or handbills;
  - (5) Speech-related activities;
  - (6) Speech that does not do more than propose a transaction.

Sec. 36-2.2. Itinerant Restaurants-Clarification.

It is recognized that certain types of businesses possess characteristics that are of such special and unique form that it is impractical to include them automatically with other itinerant vendors. An "itinerant restaurant" is hereby found to be such a business.

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

An itinerant restaurant by its very nature, is transient in use and is not allowed as a permitted business in a permanent location on premises within the city. It is further found that because of their mobility and change from location to location, itinerant restaurants are not subject to, and thereby do avoid, normal zoning and building permit regulations and thereby render such regulations unenforceable. It is found and determined that, in the normal course of conducting business, in the City of Paramount, a two hour interruption, or break, in work for employees for meals, snacks, coffee breaks, and the like, is the maximum. (Ord. Nos. 428, 632)

Sec. 36-2.3. Same-Regulations.

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

- (a) The owner of operator shall not stop or cause to be stopped such restaurant for the purpose of selling food more than two times at the same location in one twelve-hour period. Itinerant restaurants may not remain at the same location for a period greater than two hours per twelve hour period; said periods shall commence at 12:00 midnight and 12:00 noon.
- (b) Itinerant restaurants shall not park within the required off-street parking areas, property setback, or driveway areas of properties on which they are temporarily located for the purpose of selling food in a manner so as to impede ingress, egress and parking on said properties. (Ord. Nos. 428, 566, 632, 865)

Article II. Solicitors. Licenses and Permits Generally.<sup>1</sup>Sec. 36-3. License--Required from city clerk.

All persons soliciting, as defined in section 26-1 and not coming within the definition of peddlers as set forth in section 26-55 shall, before so soliciting the sale of goods and services as defined therein, have a valid unexpired license to do so issued by the city clerk. (Mun. Code, Sec. 3410)

Sec. 36-4. Same--Application.

In addition to the requirements set forth in section 11-18, the applicant for a license under this article shall set forth the following:

- (a) Name and permanent home address of each solicitor.
- (b) Length of time for which right to do business is desired.
- (c) The name and address of the employer or the person for whom the solicitor is performing his services.
- (d) The name and address of the person where further development, consummation or completion of the services performed by the solicitor will be done, the proposed method of delivery to the purchaser or consumer and the length of time within which the delivery will be made.
- (e) The nature of the type of soliciting to be performed. In other words, whether the soliciting is for the sale of goods, and if so the general description of the type of goods to be sold, or whether the soliciting is for the sale of services to be performed in the future and if so the type of services sought to be sold, and the time and place for possible future performance.
- (f) Two photographs of the applicant, taken within sixty days immediately prior to the filing of the application, which pictures shall be two inches by two inches showing the head and shoulders in a clear and distinguishing manner. (Mun. Code, Sec. 3410)

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<sup>1</sup>As to licenses generally, see Ch. 26 of this Code.

Sec. 36-5. Same--Fee.

Every person filing an application for a solicitor's license shall file with the application a fee in the amount of ten dollars which shall not be refundable under any circumstances. This fee is in addition to the license fee required by section 26-55. The purpose of the application fee is to help defray the cost of the investigation of the applicant. The fee herein provided shall be in lieu of the fee set forth in section 11-9. (Mun. Code, Sec. 3410; Ord. No. 185)

Sec. 36-6. Investigation of applicant.

Upon receipt of an application for a license under this article, a copy thereof shall be transferred to the license investigation officer of the city for investigation and report concerning applicant's business and moral character, in the protection of the public. If as a result of such investigation the applicant's character or business responsibility is reported to be unsatisfactory and such is endorsed upon the application with the reason thereof being stated, the city clerk shall notify the applicant that his application is rejected and that no license will be issued.

If, on the other hand, as a result of such investigation the business responsibility and character of the applicant are found to be satisfactory, such fact shall be endorsed upon the application and returned to the city clerk, who shall, upon payment of the license fee, issue and deliver to the applicant his license. (Mun. Code, Sec. 3410)

Sec. 36-7. Contents of license.

The license shall be affixed to the outside clothing of the solicitor in plain view of the solicitee. The type of badge shall be prescribed by the city manager. (Mun. Code, Sec. 3410; Ord. No. 275)

Sec. 36-8. Repealed by Ordinance No. 588, Sec. 2.Article III. Soliciting or Vending on Private Premises.Sec. 36-9. Declared nuisance when done without owner's or occupant's permission.

Except as otherwise provided by this chapter, the practice of going in and upon private residences in the city by solicitors, peddlers, hawkers, itinerant merchants or transient vendors of merchandise not having been requested or invited so to do by the owner or occupant of the private residence, for the purpose of soliciting orders for the sale of goods, wares or merchandise, or disposing of the same, or peddling or hawking of the same, is declared to be a nuisance. (Mun. Code, Sec. 9000)

Sec. 36-9.1. Vending on private premises as part of special event.

No peddler, hawker, or itinerant vendor shall vend, peddle, sell and/or solicit any merchandise, goods, or services on private property without first obtaining the property owner's written permission to do so and only during a special event or grand opening sale for which a permit has been obtained by the property or business owner as required in section 44-104.7. (Ord. No. 615)

Sec. 36-10. Abatement of nuisance.

The sheriff is hereby required and directed to suppress and abate such public nuisance as is described in section 36-9. (Mun. Code, Sec. 9001)

Sec. 36-11. Violation of article prohibited.

Each act described in sections 36-9 and 36-9.1 is declared to be a separate violation of this article and any person who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor. (Mun. Code, Secs. 9010, 9012 as amended by Ord. No. 615)

Sec. 36-12. Permit--Required; term.

It shall be unlawful for any person to solicit in any manner or for any purpose in or on any private building, structure, residence or premises without the invitation of the owner or occupant of the private building, structure, residence or premises to do so unless such person shall first have obtained from the city clerk a permit to so solicit. No permit issued under this article shall be effective for a period of more than thirty continuous days.

Each act of soliciting as described in this section without a permit to do so issued by the city clerk, shall constitute a separate violation of this article. (Mun. Code, Secs. 9010, 9012)

Sec. 36-13. Same--Application.

Before any person may solicit as described in section 36-12, such person shall file with the city clerk an application for a permit to so solicit, which application shall contain the following information: The name of the person filing such application; the name of the person which will conduct or engage in such soliciting; the dates which such soliciting shall be conducted or engaged in; the purpose of such soliciting; and the use to which all money, funds or other things of value raised by or received from such soliciting will be put. (Mun. Code, Sec. 9011)

(Mun. Code, Secs. 3410, 9000, 9001, 9010, 9011, 9012; Ord. Nos. 185, 275, 428, 566, 588, 615, 632, 865)