

ORDINANCE NO. 99

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, REPEALING AND RESTATING CHAPTER 5 OF DIVISION 1, TITLE 4 RELATING TO PEDDLING AND SOLICITING AND HAWKING OF THE COUNTY OF SAN BERNARDINO CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO PEDDLING, HAWKING, AND SOLICITING

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

SECTION 1. MUNICIPAL CODE AMENDED.

Chapter 5 of Division 1 of Title 4 of the San Bernardino County Code as adopted by the Town of Yucca Valley is hereby amended in its entirety to read as follows:

**“CHAPTER 5
Peddling, Hawking, and Soliciting**

Sections

- 41.051 Definitions
- 41.052 License Required
- 41.053 Application For Permit
- 41.054 Regulations For Hawking
- 41.055 Permit- Expiration Date
- 41.056 Permits Not Transferable
- 41.057 Exemptions
- 41.058 Revocation Of Permit
- 41.059 Refusal To Leave Unlawful
- 41.060 Penalties

41.051 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively described to them by this section.

"Canvasser" or **"Solicitor"** means any person traveling either by foot, wagon, automobile, motor truck or other type of conveyance, from place to place, from house to house, from business to business, from street to street, taking or attempting to take orders for sale of goods, wares, and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he is collecting advance payments on such sales, or not. Asking for donations by any means (approaching people or setting a can/device for people to place donations in).

"Peddler" means any person traveling by foot, wagon, automotive vehicle or any other type of conveyance from place to place, from house to house, from business to business or from street to street carrying, conveying or transporting goods, wares, merchandise, meats, fish,

vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale or making sales and delivering articles to purchasers to offer the same for sale from a wagon, automotive vehicle or other vehicle or conveyance.

“Hawking” means any person offering merchandise for sale near a public street by outcry or by attracting the attention of persons by exposing goods in a public place.

"Transient Merchant", "Itinerant Merchant" or "Itinerant Vendor" means any person who establishes himself or herself in business with the intention and determination to remain in business for a short period of time only, and who, for such limited period, engages or occupies a building for the exhibition and sale of goods or wares.

“Tax Exempt Organization” means any organization qualifying for tax exempt status under Sections 23701 (a), 23701(b), 23701(d), 23701 (e), 23701(f), 23701(g) or 23701(l) of the California Revenue and Taxation Code.

41.052 License Required

No solicitor, canvasser, peddler, hawker, transient merchant, itinerant merchant or itinerant vendor shall engage in such business within the town without first obtaining a license therefor in compliance with the provisions of this chapter. An application for the resale of food items will not be considered without evidence of a current health permit as issued by San Bernardino County Dept. of Environmental Health.

41.053 Application for Permit

(a) Any person required by this chapter to have a permit shall submit a written application together with the appropriate fees to the Town of Yucca Valley Community Development Department. Said application shall be verified and shall contain the following:

1. The name, address and telephone number of the applicant.
2. The supplier of goods to be sold.
3. A copy of the State Sales Tax Permit (California Revenue and Taxation Code 6066) for the applicant's activities attached to the application.
4. A description of every type of merchandise or service that the applicant proposes to hawk, peddle, or solicit.
5. A designation of the location the applicant proposes to hawk, peddle or solicit and dates and times of the same.
6. The applicant shall file with his application two photographs taken within sixty days immediately prior to the date of the filing of the application; said pictures shall be two by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.

41.054 Regulations for Hawking

(a) To be considered “Hawking” and not a “Swap Meet” no more than two permits will be issued per parcel or shopping center.

(b) Hawking permits shall only be issued when there is a minimum distance of one-half mile between approved hawking sights.

(c) The hawking of merchandise shall be limited to the sale of flowers, fruits and vegetables, firewood.

41.055 Permit- Expiration date and Display of Permit

(a) Permits shall be issued for a one (1) year period. Upon expiration, the permittee may apply for a new permit in the same manner as a new application.

(b) Upon the issuance of a permit, each permittee will be given a badge that identifies the permittee's name, drivers license number, and permit number. The permittee is required to wear/display such badge during the time the activity for which the permit was issued is taking place.

41.056 Permits Not Transferable

No permit authorized by this chapter shall be transferable to, or used by, a person not named in the permit as the person to whom it was issued.

41.057 Exemption - Religious, Non-profit Organizations, Charitable Exemption

No permit shall be required by:

(a) Any person intending to peddle or solicit or hawk goods, wares, services or merchandise or solicit for the purpose of raising funds for a recognized religious, non-profit organization, or charitable organization, or solicit charitable donations.

(b) Any person having a fixed place of business within the Town of Yucca Valley shall not be required to obtain a permit otherwise required by this Chapter.

(c) Any home based business within the Town of Yucca Valley that has obtained a home base permit issued by the Town of Yucca Valley shall not be required to obtain a permit otherwise required by this Chapter.

(d) Persons invited to call upon private residences by the owner or occupant thereof.

(e) Persons licensed and regulated by the State pursuant to Sections 12000 et seq. Of the Business and Professions Code of the State.

(f) Persons selling or soliciting sales of a daily or weekly newspaper as defined in Section 6040.5 of the Government Code of the State.

(g) Persons soliciting or canvassing for or against any candidate for public office or any ballot measure.

41.058 Revocation of Permit.

Any permit issued under this Chapter shall be revocable for good cause after a hearing before the Town Council. If a permit is revoked, no fee paid shall be refunded to the applicant.

41.059 Refusal to leave unlawful.

It is unlawful for a peddler or solicitor or person distributing literature, or merchandise of any kind, to refuse to leave any residence, dwelling, apartment, business, or other private property or public place within the town when requested to leave by owner, occupant, resident, manager, or other person in control thereof.

41.060 Penalties.

Any person violating or causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor.”

SECTION 2. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

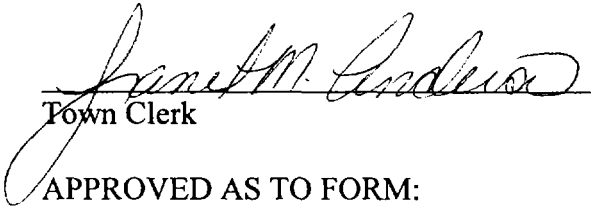
SECTION 3. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 19th day of Nov., 1998.

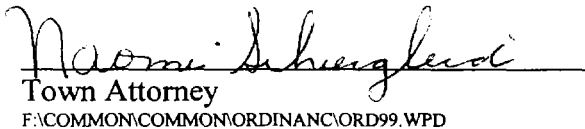

MAYOR

ATTEST:


Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:


Town Attorney


Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Janet M. Anderson, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the Town Council on the 5th day of November, 1998, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 19th day of November, 1998, by the following vote, to wit:

Ayes: Council Members Crouter, Hockett, Leone, Loveless and Mayor Hunt

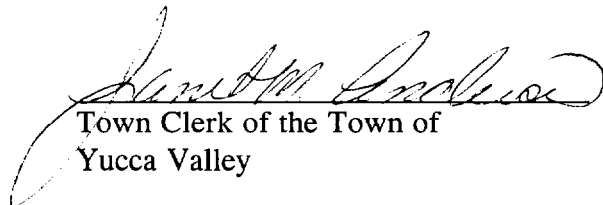
Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 23rd day of November, 1998.

(SEAL)


Town Clerk of the Town of
Yucca Valley