

ORDINANCE NO. 2023-611

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS, CALIFORNIA, REPEALING AND REPLACING CHAPTER 5.30 TO TITLE 5 OF THE HAWAIIAN GARDENS MUNICIPAL CODE, IMPOSING REGULATIONS ON SIDEWALK VENDING IN COMPLIANCE WITH SENATE BILL 946 AND 972

WHEREAS, the City of Hawaiian Gardens, California ("City") is a municipal corporation, duly organized under the California Constitution and laws of the State of California; and

WHEREAS, pursuant to the police powers delegated to it by the California Constitution, the City has the authority to enact laws which promote the public health, safety, and general welfare of its citizens, including sidewalk vending, as long as they are consistent with SB 946; and

WHEREAS, in 2018, the California Legislature passed SB 946 which prohibits cities from regulating sidewalk vendors, except in accordance with the provisions of SB 946; and

WHEREAS, SB 946 authorizes the implementation of regulations that are directly related to objective health, safety, or welfare concerns, and that do not restrict sidewalk vendors to operate only in a designated neighborhood or area, except as specified; and

WHEREAS, the permit requirements proposed are consistent with SB 946, as they are reasonable, related to objective health, safety, and welfare concerns, and are based upon compliance with other generally applicable laws including the Americans with Disabilities Act and the City's general encroachment permit requirements for work and/or activities in the public right of way; and

WHEREAS, the standards imposed on stationary sidewalk vendors requiring a minimum path of accessible travel are necessary to comply with the Americans with Disabilities Act and maintain minimum safe access along public sidewalks; and

WHEREAS, standards for maintaining access to building entrances, and not blocking driveways, fire hydrants, parking areas and building storefront windows are necessary to guard the health and safety of patrons, drivers, vendors and existing business owners and promote fire suppression and law enforcement practices that allow the City's safety personnel to observe activities within buildings and maintain access; and

WHEREAS, the City Council finds and determines that the installation, repair, maintenance, and removal of encroachments in the public way must be regulated in order to protect the public health, safety, and welfare and to provide for the orderly administration and maintenance of the public access ways for the benefit of the community, while at the same time allowing reasonable accommodation and cooperative flexibility for providing necessary utility and other convenience services to the community; and

WHEREAS, the City Council finds that public and private persons who maintain and/or install encroachments in the public way bear a responsibility to help preserve the public way and to contribute to the administrative and liability costs incurred by the community and caused by such encroachments; and

WHEREAS, the City Council finds that, unless properly regulated, sidewalk vending poses a unique risk to the health, safety, and welfare of the public, including, but not limited to, impacts to traffic, pedestrian safety, mobility, unsanitary conditions involving food preparation, risks to children, and consumer protection; and

WHEREAS, vending within five hundred (500) feet of schools impacts pedestrian and vendor safety due to overcrowding on sidewalks, which results in school children and their caretakers walking in the street and along the sidewalk to keep moving forward; and

WHEREAS, vending in close proximity to building entrances and exits impede the ability for pedestrians to exit and enter buildings and may create overcrowding situations close to building entrances and exits. Therefore, vending close to building entrances and exits require reasonable regulation; and

WHEREAS, law enforcement and fire fighters and fire officials may also need to quickly exit and enter police and fire stations and substations to respond to emergency situations. As such, vending in close proximity to police and fire stations and substations require regulation to ensure that law enforcement and fire responders are not impeded; and

WHEREAS, the inherent nature of sidewalk vending and the ability of such vendors to be located on private property and public streets and move quickly from place to place in the community, including near parks, schools, and other places frequented by children, warrants imposing certain regulatory measures, including requiring background checks, to protect the health, safety, and welfare of the community; and

WHEREAS, SB 946 continues to authorize cities to prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market and a permitted swap meet, as specified, and to restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit issued by a city; and

WHEREAS, fraud or misrepresentation in the course of vending constitutes an objective harm to the health, safety, and welfare of the City's residents; and

WHEREAS, vending in a manner that creates a public nuisance or constitutes a danger to the public constitutes an objective harm to the health, safety, and welfare of the City's residents; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAWAIIAN GARDENS DOES ORDAIN AS FOLLOWS:

SECTION 1. The recitals set forth above are true and correct and are hereby adopted as findings in support of this Ordinance as if fully set forth herein.

SECTION 2. Chapter 5.30 of the Hawaiian Gardens Municipal Code is hereby repealed and replaced to read in its entirety as follows:

“Chapter 5.30 – SIDEWALK VENDING

Section 5.30.010 Purpose.

The City finds that the vending of prepared or pre-packaged foods, goods, and/or wares at semi-permanent locations on public sidewalks and rights-of-way may pose unsafe conditions and special dangers to the public health, safety, and welfare of residents and visitors. The purpose of this Chapter is to implement regulations on both roaming and stationary sidewalk vending that protect the public health, safety, and welfare of the community while complying with the requirements of general state law, as amended from time to time, to promote safe vending practices, prevent safety, traffic, and health hazards, and preserve the public peace, safety, and welfare of the community.

Section 5.30.020 Definitions.

For purposes of this Chapter, the following definitions apply:

A. “Certified Famers’ 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.

B. “City” means the City of Hawaiian Gardens.

C. “Director” means the Director of Community Development.

D. “Park” means a public park owned or operated by the City.

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

F. “Roaming sidewalk vendor or vending” means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

G. “Sidewalk” means a portion of a street between the curbline and the adjacent property line, or an easement or right-of-way held by the city across the front of private property, and intended for the use of pedestrians. For purposes of this Chapter, “sidewalk” shall also include a paved path or walkway owned by the City or other public entity that is specifically designed for pedestrian travel.

H. “Sidewalk vendor or vending” means a person who sells, intends to sell, or offers for sale any food, goods, wares or merchandise from a pushcart, stand, display,

pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.

I. "Special Event Permit" means a permit issued for the temporary use of, or encroachment on, a sidewalk or other public, include temporary use permits and special event permits issued pursuant to this Municipal Code.

J. "Stationary sidewalk vendor or vending" means a sidewalk vendor who vends from a fixed location.

K. "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.

Section 5.30.030 Compliance With All Laws And Permits Required.

A. It shall be unlawful for any person to conduct or attempt to conduct business as a sidewalk vendor within the City unless such activity is maintained, managed, and operated in strict compliance with all applicable local, state, and federal laws, rules, and regulations.

B. It shall be unlawful for any person to conduct or attempt to conduct a business as a sidewalk vendor within the City unless such person has been issued a valid health permit issued by the County of Los Angeles, if applicable. A separate health permit shall be obtained for each pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance as applicable.

C. It shall be unlawful for any person to conduct or attempt to conduct business as a sidewalk vendor within the City unless such person has been issued a valid business license from the City issued pursuant to Chapter 5.04.

D. It shall be unlawful for any person to conduct or attempt to conduct business as a sidewalk vendor within the City unless such person has been issued a Sidewalk Vending Permit from the City and complies with all other provisions of this Chapter. A separate Sidewalk Vending Permit shall be obtained for each pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance.

E. Exemptions. A Sidewalk Vending Permit shall not be required for the following activities:

1. The sale of agriculture products on the site where the product is grown.
2. Catering for private parties held exclusively on private property and not open to the general public.

3. Events permitted pursuant to a lawfully issued Special Event Permit or including but not limited to a Certified Farmers' Market, Swap Meet, street fairs, outdoor concerts, sport league opening day, business sidewalk sales, or city sponsored events.

Section 5.30.040 Application For Sidewalk Vending Permit.

- A. Any person wishing to obtain a Sidewalk Vending Permit shall submit a completed Sidewalk Vending Permit application to the Director and/or their designee. All of the following information shall be required for each application:
 1. Name, current mailing address, and phone number of the applicant.
 2. If the applicant is an agent of an individual, company, partnership, or corporation, the name and business address of the principal.
 3. If the applicant will have employees, the name(s), current mailing address(es), and phone numbers of the person(s) who will be employed as a stationary or roaming sidewalk vendor(s).
 4. The number of sidewalk vending operations the applicant intends to operate within the City. (Please note that each sidewalk vending operation will require a separate Sidewalk Vending Permit.)
 5. The days and hours of operation the applicant intends to operate.
 6. Whether the applicant intends to operate as a stationary or roaming sidewalk vendor.
 7. If applicable, a description of the type of food proposed to be offered for sale or exchange.
 8. If applicable, a description of the merchandise and goods to be offered for sale or exchange.
 9. A copy of the California seller's permit with the sales tax number issued by the California Department of Tax and Fee Administration to the applicant.
 10. One of the following forms of identification (which shall remain confidential and not available to the public, unless required by law): A copy of the applicant's social security card with the number; or a copy of the valid California Driver's license issued to the applicant; or a copy of the individual taxpayer identification number issued to the applicant; or a municipal identification number.

11. If preparing or selling food, a copy of all required approvals from the Los Angeles County Department of Public Health permit issued to the applicant.
12. A list of all other cities or other jurisdictions in which the applicant has operated a sidewalk vending operation in the past three (3) years; whether a permit was required to operate; and whether a permit for sidewalk vending has been revoked in the past three (3) years.
13. A description or site plan map of the proposed location(s) where sidewalk vending will take place, showing that the sidewalk location maintains a minimum of thirty-six inches (36") of accessible route area when considering the applicant's equipment and anticipated customer queue, in compliance with the Americans with Disabilities Act; and
14. Proof of comprehensive general liability insurance with minimum policy limits of one million dollars (\$1,000,000.00) per occurrence, combined single limit coverage, and two million dollars (\$2,000,000.00) 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.
15. An acknowledgement that the applicant will comply with all generally applicable local, state, and federal laws.
16. A certification by the applicant that to his or her knowledge and belief, the information contained in the application is true.
17. An agreement by the applicant to indemnify, defend (at the applicant's sole cost and expense), and hold the City of Hawaiian Gardens, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the City's issuance or failure to issue a sidewalk vending permit, the City's decision to approve or its refusal to approve the sidewalk vending permit, the operation of the sidewalk vending use and activity, and the process used by the City in making its decision. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, or proceeding whether incurred by the permittee, City, and/or the parties initiating or bringing such proceeding.

18. An acknowledgement that use of public property is at the applicant's own risk, and the City does not take any steps to ensure public property is safe or conducive to sidewalk vending operations.
19. Such other information as the Director deems necessary for the administration or enforcement of this Chapter as specified on the required application form.

F. Prior to the issuance of a Sidewalk Vending Permit, the applicant shall cause to be filed with the Sheriff's Department Chief of Police or his or her designee a LiveScan background check conducted by the California Department of Justice within the previous six (6) months of the application date. The Sheriff shall furnish each applicant with a LiveScan request form for use at any LiveScan vendor location.

G. At the time the application or renewal application is filed, the applicant shall pay the permit processing fee established by separate resolution of the City Council. Applications shall not be accepted unless accompanied by payment of an application fee. A separate fee will be required for each sidewalk vending operation.

Section 5.30.050 Review of Permit Application; Term; Renewal; Decision.

A. Upon acceptance of a properly completed and filed Sidewalk Vending Permit application, receipt of an acceptable LiveScan report issued by the Department of Justice, and payment of all applicable fees, the Director or their designee shall conduct a preliminary investigation to determine the application's compliance with this Chapter.

B. The Director or their designee shall deny an application for a Sidewalk Vending Permit if they make any of the following findings:

1. The applicant or its principal has failed to pay the application permit fee or is otherwise indebted to the city for any unpaid fee or fine.
2. The applicant has made one or more material misstatements in the application for a Sidewalk Vending Permit.
3. The applicant does not have a valid social security card or valid California Driver's license; or valid individual taxpayer identification number;
4. The applicant's sidewalk vending operation, as described in the application, is inconsistent with the standards, conditions, and requirements of this Chapter.
5. The applicant's proposed vending operation, 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, County of Los Angeles, or the City of Hawaiian Gardens.

6. The applicant is required to register under the provisions of California Penal Code section 290.
7. 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 offense involving the sale of a controlled substance specified in California Health and Safety Code sections 11054, 11055, 11056, 11057 or 11058, or at the time of application is on probation or parole for any offenses set forth in this section for an offense that was committed within three (3) years of the date of the application.
8. It is determined that the applicant does not possess all federal, state, or local permits and licenses necessary to engage in the activity in which he or she seeks to engage.
9. The applicant or its principal has had a Sidewalk Vending Permit or similar permit revoked by the City within the past year.
10. The applicant or its principal has been penalized by the City for violating this Chapter within the last year.

C. The Director or their designee shall make their determination to approve or deny the application for a Sidewalk Vending Permit within thirty (30) days after receiving a complete application.

D. The Director or their designee shall provide the applicant with written notice of their decision. The notice will be mailed to the applicant at the address indicated in the application.

1. If the application is denied, the Director or their designee shall identify the reasons for the denial.
2. If the application is approved, the Director or their designee shall endorse their approval and deliver the permit to the applicant.

E. Term of permit. A Sidewalk Vending Permit issued pursuant to this Chapter shall automatically expire one (1) year from the date issued, unless an earlier expiration date is noted on the permit.

F. Renewal. It shall be the permittee's sole responsibility to renew the Sidewalk Vending Permit. Unless timely renewed, any Sidewalk Vending Permit issued pursuant to this Chapter shall expire and become null and void at the end of its term. An application to renew a license issued pursuant to this Chapter may be denied by the Director upon the grounds set forth in this Section.

G. Transferability. A Sidewalk Vending Permit shall not be transferable to any other entity or person and is valid only as to the original applicant for the term stated.

Section 5.30.060 Generally Applicable Sidewalk Vending Standards.

Sidewalk vendors shall meet all of the following requirements:

- A. The sidewalk vendor is duly licensed and meets all requirements of this Chapter.
- B. The Sidewalk Vending Permit shall, during the time such permittee is engaged in sidewalk vending, be displayed continuously, conspicuously, and openly on the sidewalk vending pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance. Sidewalk vendors shall be required to exhibit their permits and/or licenses at the request of any person.
- C. The sidewalk vendor must set up their sidewalk vending operation while still leaving a minimum of thirty-six inches (36") of accessible path of travel, without obstruction from the vendor's equipment and the customer queue, along the public sidewalk or public pathway.
- D. The sidewalk vendor maintains the sidewalk vending area in a clean, orderly, and sanitary condition.
- E. Prior to leaving the vending area, the sidewalk vendor shall collect all litter and debris within a 20 foot radius of the vendor that was generated by or related to the sidewalk vending activities. Sidewalk vendor shall provide a trash receptacle at least one cubic foot in size to accommodate all trash and refuse generated by vending operations.
- F. There shall be no disposal of cooking material or waste, including but not limited to used oil, into the City's trash receptacles, storm drains, plant material, or foliage. Sidewalk vendors shall immediately clean up any food, grease, or other fluid or item related to the sidewalk vending operation that falls onto public property.
- G. The sidewalk vendor location does not block entrances to private or public buildings, private or public driveways, parking spaces or building windows.
- H. No vending shall occur within ten (10) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway.
- I. No tables, chairs, fences, shade structures, other site furniture, or any freestanding signs shall be permitted in conjunction with the vendors vending activities.
- J. The sidewalk vendor shall not attach or use any water lines, electrical lines,

or gas lines during vending operations.

- K. Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise associated with the vendor is prohibited.
- L. The sidewalk vendor shall not store, place, or keep any food or merchandise on public property.
- M. The sidewalk vendor shall not display any signage on public property. Signs used in connection with vending shall be affixed to or painted on the vendor's equipment.
- N. All signage and advertising related to the sidewalk vendor and/or the vending operations shall not be electrical, flashing, wind powered, or animated. All signage and advertising related to the sidewalk vending operation shall not constitute a prohibited form of signage, as defined in Section 18.90.050 of the Hawaiian Gardens Code.
- O. The sidewalk vendor shall not use a horn, siren, amplified music, or any other audible device to attract attention to the presence of the sidewalk vending activity.
- P. The sidewalk vendor shall not engage in aggressive sales, which shall include touching a person being offered food or merchandise without that person's consent, continuing to offer food or merchandise for sale to a person after he or she has declined to purchase food or merchandise, or deliberately blocking or impeding the path of the person(s) being offered food or merchandise.
- Q. The sidewalk vendor shall publicly display any and all required business and health licenses and permits.
- R. The sidewalk vendor shall remit all required and applicable taxes to the applicable taxing agencies.
- S. No vending shall occur within five hundred (500) feet of a Certified Farmers' Market, a Swap Meet, an event held pursuant to an Event Permit.
- T. The sidewalk vendor shall not leave his or her sidewalk vending operation unattended to solicit business for the vending operation.
- U. The sidewalk vendor shall not contain or use explosive or hazardous materials. The vendor shall not use an open flame for the sidewalk vending operation.
- V. No equipment or objects used for sidewalk vending purposes may be left or maintained in public spaces or in any portion of the public right-of-way beyond the allowed hours of operation. Any equipment or objects left

overnight in public spaces or in any portion of the public right-of-way will be considered discarded and may be seized or disposed of by the City.

- W. The sidewalk vendor shall not sell alcohol, marijuana, adult-oriented material, tobacco products, products that contain nicotine, or any product used to smoke/vape nicotine and/or marijuana.
- X. No vending shall occur within five hundred (500) feet of any public or private academic school for elementary, junior high, or high school students.
- Y. No vending shall occur within three (3) feet of any street lights, edges of tree wells, parking meters, or above-ground utility structures.
- Z. No vending shall occur within two (2) feet of any existing subsurface utility box, valve, or vault.
- AA. No vending shall occur within two (2) feet of another sidewalk vendor.
- BB. No vending shall occur at bus stop locations, red curbs, or at locations where there are existing above-ground amenities such as newsstands or street furniture, including, but not limited to benches and bike racks.
- CC. No vending shall occur in roadways, medians, pedestrian islands, or bikeways.
- DD. No vending shall occur within twenty (20) feet of the entrance way to any building, store, theater, movie house, house of worship, or place of public assembly.
- EE. No vending shall occur within two hundred (200) feet of City Hall, any police station, and any fire station.
- FF. No vending shall occur within two hundred (200) feet of the entrance of a temporary use permit location.
- GG. Sidewalk vending in non-residential zones shall only be conducted during the times set forth in the Sidewalk Vending Permit, which may not be more restrictive than any limitations on hours of operation imposed on other businesses or uses on the same street. If no businesses operate on the same street, sidewalk vendors operating in non-residential zones of the City shall only operate between the hours of 8:00 AM and 9:00 PM of every day.

Section 5.30.070 Stationary Sidewalk Vending Operating Standards.

- A. In addition to the standard and requirements set forth in Section 5.30.060, all stationary sidewalk vendors shall comply with the requirements of this Section.

B. Stationary sidewalk vendors shall be prohibited from operating in any exclusively residential zones of the City.

C. Stationary sidewalk vendors may operate in non-residential zones of the City, including mixed use zones.

Section 5.30.080 Roaming Sidewalk Vending Operating Standards.

A. In addition to the standard and requirements set forth in Section 5.30.060, all roaming sidewalk vendors shall comply with the requirements of this Section.

B. Roaming sidewalk vending hours for residential zones shall be conducted between the hours of 8:00 AM and 9:00 PM.

C. Roaming sidewalk vendors shall not operate on any city block for more than one hour in any four hour period.

Section 5.30.090 Sidewalk Vending in Parks.

A. Stationary sidewalk vending shall be prohibited in any City Park with a concession stand operated by a vendor under exclusive contract with the City selling food or merchandise.

B. Sidewalk vendors shall cease operations one (1) hour prior to the close of the park.

Section 5.30.100 Suspension and Revocation.

A. A Sidewalk Vending Permit issued under this Chapter may be suspended or revoked by the Director or their designee for the term of that permit after four or more violations of this Chapter.

B. Notice of the suspension or revocation of a sidewalk vendor permit issued under this Chapter shall be mailed, postage prepaid, to the holder of the Sidewalk Vending Permit as shown on the sidewalk vending permit application immediately following the decision by the Director. The notice of suspension or revocation shall include the process the permit holder must take in order to appeal the decision by the Director.

Section 5.30.110 Appeals.

A. Any applicant or permittee aggrieved by a determination of the Director or their designee may file a written appeal to the City Clerk within ten (10) days after the notice of the Director's decision has been mailed to the person's address as shown on the sidewalk vending permit application. The appeal must comply with the requirements of Chapter 1.14 of this Municipal Code.

B. The appeal and hearing process will be conducted in the manner set forth in Chapter 1.14 of the Municipal Code. A timely appeal will stay the enforcement of any

decision to revoke or suspend a sidewalk vending permit.

Section 5.30.120 Penalties.

A. It is unlawful for any person to violate any provision or fail to comply with any requirements of this Chapter.

B. A violation of this Chapter committed by a person with a valid sidewalk vending permit shall be punished by:

1. An administrative fine not exceeding \$100 for a first violation.
2. An administrative fine not exceeding \$200 for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding \$500 for each additional violation within one (1) year of the first violation.
4. Suspending or revoking the sidewalk vending permit issued for the remaining term of that permit upon the fourth violation or subsequent violations.

C. A violation of this Chapter by a person without a valid sidewalk vending permit, may, in lieu of the penalties set forth in subsection (B), be punished by:

1. An administrative fine not exceeding two hundred fifty (\$250) dollars for a first violation.
2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.

D. If an individual is subject to subsection (C), set forth above, for vending without a Sidewalk Vending Permit, upon the individual providing proof of a valid permit issued by the City, the administrative fines set forth in this Chapter shall be reduced to the administrative fines set forth in subsection (B), respectively.

E. Failure to pay an administrative fine assessed under this Chapter shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this Chapter shall not be assessed.

F. Any violation of this Chapter shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of this Chapter shall not be subject to arrest except when otherwise permitted under law.

G. When assessing an administrative fine pursuant to this Chapter, the City shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of their right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The 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.

1. If the person meets the criteria described in subdivision (a) or (b) of Government Code section 68632, the City shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this Chapter.
2. The City may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

H. Nothing contained herein shall be construed to impede the City's or County's ability to enforce County Health Department codes and regulations.

SECTION 3. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Hawaiian Gardens hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 4. This Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. 14 Cal. Code Regs. § 15378(a). Further, this Ordinance is exempt from CEQA as there is no possibility that this Ordinance or its implementation would have a significant negative effect on the environment. 14 Cal. Code Regs. § 15061(b)(3). The City Clerk shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

SECTION 5. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 6. Records. The documents and materials associated with this ordinance that constitute the record of proceedings on which the City Council's findings and determinations are based are located at City Hall, 21815 Pioneer Blvd, Hawaiian Gardens, CA 90716.

SECTION 7. Publication. The City Clerk shall certify the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Hawaiian Gardens, California, at a regular meeting of the City Council held on the 11th day of July 2023.

CITY OF HAWAIIAN GARDENS:

Maria Teresa Del Rio, Mayor

ATTEST:

Pablo Rubio
City Clerk

APPROVED AS TO FORM:

Megan K. Garibaldi
City Attorney