

ORDINANCE 757 N.S.

AN ORDINANCE TO MODIFY CHAPTER 3, CHAPTER 13, AND CHAPTER 18 OF THE CITY CODE TO IMPLEMENT A COMPREHENSIVE SIDEWALK VENDING PROGRAM IN COMPLIANCE WITH SENATE BILL 649

The City Council of the City of Piedmont hereby ordains as follows:

SECTION 1 BACKGROUND AND INTENT

Existing Piedmont City Code provisions regulate peddling and other forms of mobile vending within the City. It is the intent of the City Council of the City of Piedmont to modify existing provisions of Chapter 3 and Chapter 18 the City Code which relate to vending activities and to adopt an updated and renumbered Chapter 13 of the Piedmont City Code, titled Solicitors and Sidewalk Vendors, that implements a comprehensive program that regulates sidewalk vendors in accordance with the requirements of Senate Bill 946, chaptered as Chapter 459, Statutes of 2018.

SECTION 2 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed amendment is categorically exempt from CEQA because it can be seen with certainty that there is no possibility that its adoption may have a significant effect on the environment. (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Sections 15061(b)(3), 15301 (licensing of existing facilities), and/or 15378 (action is not a project within the definition of CEQA).)

SECTION 3 AMENDMENT OF CHAPTER 13

Chapter 13, Peddlers and Solicitors of the Piedmont City Code is hereby renamed Chapter 13, Sidewalk Vendors and Solicitors, and is amended in its entirety to read as set forth in Exhibit A, attached.

SECTION 4 AMENDMENT OF SECTION 3.3.3

Section 3.3.3 of the Piedmont City Code is hereby amended to read in its entirety as follows:

“No person shall practice, carry on, or conduct any business or profession or other commercial enterprise nor sell or offer for sale any service, merchandise, article or anything whatever in any park, with the following exceptions: (1) commercial filming, permitted in accordance with Chapter 15 of the city code; (2) sidewalk vending, permitted and regulated solely in accordance with Chapter 13 of the city code; or (3) such activities are granted prior written permission of the Director.”

SECTION 5 AMENDMENT OF SECTION 3.3.13

Section 3.3.13 of the Piedmont City Code is hereby amended to read in its entirety as follows:

“Wheeled Vehicles Prohibited. With the exception of bicycles, which are restricted to paved pathways in the parks, motorized and non-motorized wheelchairs and other mobility devices, wheeled vehicles shall be prohibited in parks. Wheeled vehicles used for park maintenance by municipal employees shall be specifically exempted from this provision of the code, as are wheeled vehicles used for sidewalk vending regulated in accordance with Chapter 13 of the city code.”

SECTION 6 ENACTMENT OF SECTION 3.27

Section 3.27 of the Piedmont City Code is hereby enacted to read in its entirety as follows:

“Sidewalk Vending Violations. Notwithstanding any other provision of this chapter, including Section 3.26, violations of this chapter involving sidewalk vending activities for which a sidewalk vending permit must be issued pursuant to Chapter 13 of the city code, shall be enforced solely in the manner set forth in Chapter 13 of the city code.”

SECTION 7 AMENDMENT OF SECTION 18.23

Section 18.23 of the Piedmont City Code is hereby amended to read in its entirety as follows:

“The following uses are permitted exceptions from the provisions of Section 18.22:

- (a) Temporary placement of goods, wares, merchandise or containers may be allowed on the sidewalk while in the actual course of receipt, delivery or removal, provided that such placement does not interfere with the normal use of the sidewalk by pedestrians.
- (b) Materials used in the construction or repair of any building or structure may be placed, together with the necessary pedestrian walkways, barricades and warning signs, when applicable approval and permits have been obtained from the proper City departments.
- (c) Trees, shrubs and flowers with the necessary barricades, when planted or maintained either by the City or by private parties under rules and regulations of the park department or authority of the Council expressed by resolution or ordinance.
- (d) Poles, fire and police boxes, lampposts, parking, street directional or warning signs, drinking fountains, hydrants, flagpoles or standards, decorations for public events, sidewalk clocks, barber poles, refuse cans, book return receptacles, barriers and any other similar installation; provided, however, that any such installation belongs to the City or is authorized by this Code or other ordinance or resolution of the Council.
- (e) Benches at such locations and in accordance with such rules and regulations as may be prescribed by the chief of police.
- (f) Mailboxes and newspaper boxes that are placed in such locations that do not interfere with the normal use of the sidewalk by pedestrians.
- (g) Any object for a temporary noncommercial use at such locations and such times as may be permitted by the police department under the following rules and regulations:
 - 1. Any person desiring such permission shall make application therefor to the police department specifying the object or thing to be used, the proposed time and place

and the purpose for which it is intended to be used, and such other information as may be required by the police department.

- 2. If there are no prior applications for such time and place and the use of such object or thing at such time or place will not create a traffic or safety hazard, the permit may be issued.

(h) Sidewalk vending, which shall be permitted and regulated pursuant to chapter 13.”

SECTION 8 AMENDMENT OF SECTION 18.24

Section 18.24 of the Piedmont City Code is hereby amended to read in its entirety as follows:

“Vehicles used for vending shall not stop or stand on any public street for than five minutes at any one time without a vehicle vending permit issued by the Chief of Police. Fees imposed for issuance of a vehicle vending permit may be established by resolution of the City Council.”

SECTION 9 SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Ordinance or their applicability to other persons or circumstances.

SECTION 10 POSTING AND EFFECTIVE DATE

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading.



I certify that the foregoing ordinance was passed and adopted by Resolution 78-2020 at the regular meeting of the City Council of the City of Piedmont on October 8, 2020, by the following vote:

Ayes:	Andersen, Cavanaugh, King, McBain, Rood
Noes:	None

Attest: _____
John O. Tulloch, City Clerk

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Exhibit A: Chapter 13, Sidewalk Vendors and Solicitors

Chapter 13
SIDEWALK VENDORS AND SOLICITORS

Divisions:

13.01	Definitions
13.02	Purpose
13.03	Sidewalk Vendor Permit Requirements
13.04	Sidewalk Vendor Operational Requirements
13.05	Administration and Enforcement
13.06	Solicitors and Solicitation

DIVISION 13.01 DEFINITIONS

Sections:

13.01.010	Definitions
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13.01.010 Definitions.

In this chapter:

Business tax certificate means the business license and tax receipt issued by the city pursuant to chapter 10 of the city code, which is required to conduct business in the city.

Cart means any pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, and includes a stationary cart or a roaming cart.

California Retail Food Code means Part 7 of Division 104 of the California Health and Safety Code (commencing at Section 113700).

County Health Permit means any and all licenses, permits, certifications, and courses required and issued by the Department of Environmental Health of the County of Alameda to vend food within the city in accordance with this chapter.

Department means the city's police department.

Food means any type of edible substance or beverage.

Goods or merchandise means any item that is not food.

Health department means the Department of Environmental Health of the County of Alameda.

Person or *persons* means one or more natural persons, individuals, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnership, entities, associations, clubs or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer or employee of any of them), whether engaged in business, nonprofit or any other activity.

Police Chief means the city's chief of police.

Roaming vending cart means a pushcart, pedal-driven cart, wagon, or other non-motorized conveyance used by a roaming sidewalk vendor, to be moved from place to place, and with stops only to complete a transaction.

Roaming sidewalk vendor has the same meaning as set forth in Government Code section 51036(b), and includes a sidewalk vendor who moves from place to place and stops only to complete a transaction.

Rules and regulations means the rules and regulations established by the Police Chief and adopted by city council resolution, concerning the sidewalk vending program that are intended to clarify and aid in the administration and enforcement of this chapter.

Sidewalk means any paved surface in the public right-of-way provided for the use of pedestrians and includes pedestrian paths.

Sidewalk vending means the sale of food 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.

Sidewalk vending program means the program established by this chapter that is applicable to sidewalk vending-related activities.

Sidewalk vendor has the same meaning as set forth in Government Code section 51036(a), and includes a person who sells food 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.

Solicit means to enter onto private property, without invitation of the occupant thereof, to (1) request the occupant's attention for an uninvited message (2) to request a donation for a specified purpose or cause, or (3) offer for sale goods, services, or both, and includes the undertaking the above actions regardless of whether for profit or for charitable, educational, political, philosophical, religious, or other ideological purposes.

Solicitation permit means a permit issued by the police department to conduct solicitation in accordance with this chapter.

Solicitor means one who solicits. A solicitor does not include a sidewalk vendor.

Sponsor means the sponsoring person which employs, authorizes or sponsors a solicitor(s), whether as employees, agents or independent contractors.

State seller's permit means a permit issued by the California Department of Tax and Fee Administration.

Stationary vending cart means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, that is intended to be operated from a fixed location by a stationary sidewalk vendor.

Stationary sidewalk vendor has the same meaning as set forth in Government Code section 51036(c), and includes a sidewalk vendor who vends from a fixed location.

Vending permit means a permit issued by the police department to undertake sidewalk vending within the city in accordance with this chapter.

DIVISION 13.02 PURPOSE

Sections:

13.02.010 Purpose

13.02.010 Purpose.

The purpose of this chapter is to establish a sidewalk vending program within the city while maintaining objective regulations that are directly related to public health, safety, and welfare. This chapter shall also regulate solicitation within in the city in a manner to protect public health, safety, and welfare.

DIVISION 13.03 SIDEWALK VENDOR PERMIT REQUIREMENTS

Sections:

- 13.03.010 Vending permit required
- 13.03.020 Application requirements

13.03.010 Vending permit required.

No sidewalk vendor may undertake sidewalk vending within the city without first obtaining a vending permit issued by the department. Sidewalk vendors must comply with the terms and conditions set forth in the vending permit.

13.03.020 Application requirements.

A. To obtain or to renew a vending permit, a sidewalk vendor must provide the following as part of the application:

1. Valid identification, such as a State of California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number, or any other government-issued identification card.
2. The name, address and telephone number of the sidewalk vendor.
3. Proposed hours and days of operation.
4. Whether the sidewalk vendor intends to operate a stationary vending cart or a roaming vending cart.
5. Proposed location of operation.
 - a. An application for placement of a stationary vending cart in a commercial or industrial area of the city must contain the proposed location, marked by major cross streets, and a photo or sketch of such location.
 - b. An application for a roaming vending cart in a residential area of the city must contain a sketch or description of the route the sidewalk vendor will travel.
 - c. If a cart will be used, a description of the cart including dimensions.
6. The type of merchandise or food offered for sale or exchange.
7. Proof of a valid Piedmont business tax certificate.
8. The application or renewal fee.
9. A valid state seller's permit and any additional licenses from state or local agencies to the extent required by law.
10. A County Health Permit for food-related vending, if applicable.
12. Submission of an application for a LiveScan.
13. A declaration that the information provided to the city is true and correct.
14. Any other information as may be required by the Police Chief.

B. Vending permits will expire one year after the date of issuance.

C. Vending permits are not transferable.

D. In accordance with Government Code section 51038(c)(4), identification numbers, including social security numbers, will be confidential and will not be disclosed.

E. The Department may require inspection of the cart as a condition of permit issuance.

DIVISION 13.04 SIDEWALK VENDOR OPERATIONAL REQUIREMENTS

Sections:

- 13.04.010 General Operational requirements
- 13.04.020 Vending in residential areas
- 13.04.030 Prohibitions on placement of stationary or roaming carts
- 13.04.040 Sidewalk vending related to parks and special events

13.04.010 General Operational requirements.

- A. Every cart used to vend food must be approved by the Health Department. A cart may only vend the types of food that are listed and approved by the Health Department under the County Health Permit.

- B. A cart used for sidewalk vending must obtain, possess, and prominently display a valid vending permit and all other required permits that are issued by other public agencies, such as a County Health Permit.

- C. A cart used for sidewalk vending must be placed and used at all times in compliance with the terms and conditions of the vending permit and all other applicable laws and regulations, including the California Retail Food Code if food is sold.

- D. No cart that is used for sidewalk vending may exceed a length of 72 inches, a width of 54 inches, or a height, including roof or awning, of 78 inches, exclusive of a separate condiment table no larger than 48 inches long and 24 inches wide and a trash receptacle no larger than 20 gallons in capacity. The Police Chief may, as a condition of vending permit issuance, further restrict the size of a vending cart based on the proposed location of operation. Each cart shall have a braking mechanism which shall be affixed in such a manner that it is not readily removable in order to secure the cart when parked, and adequate to stop the cart on any grade on which it is operated, under all conditions of loading.

- E. A sidewalk vendor must operate according to the approved hours of operation included in the vending permit. The Police Chief may impose reasonable hours of operation for sidewalk vendors. For sidewalk vending in nonresidential areas, the Police Chief may limit the hours of operation in a manner consistent with other businesses or uses on the same street(s) in those nonresidential areas.

- F. No vending cart, condiment table or trash receptacle may be left on the sidewalk after the sidewalk vendor's stated closing time.

- G. A sidewalk vendor must maintain a clean and trash-free 10-foot radius from the sidewalk vendor's stationary cart during hours of operation and must leave the area clean by the approved closing time.

- H. Sidewalk vendors that vend food items must provide a trash receptacle for customers and must ensure proper disposal of customer trash. The trash receptacle must be large enough to

accommodate customer trash without resorting to existing trash receptacles located on any block for use by the general public. Sidewalk vendors shall not dispose of waste into City garbage cans and shall provide at least one separate container each for recyclable materials, organic materials and garbage for use by customers and visitors.

I. A stationary vending cart that vends food must be operated within 200 feet of an approved and readily available toilet and handwashing facility. If the facility is located on private property, the sidewalk vendor must possess a copy of an enforceable contract between the private property owner and the sidewalk vendor allowing the vendor to utilize such facilities, including the days and hours of operation.

J. Sidewalk vendors must comply with all applicable federal, state, and local laws, regulations, and ordinances.

K. No signs that are not attached to the vending cart may be used or displayed.

L. Vending carts must be self-contained, including any power, cooking, and heating equipment. Sidewalk vendors may not set up tables, chairs, or other structures, unless otherwise approved by the city. Sidewalk vendors may not access a city power source without authorization from the city, nor a private power source without authorization from such private property owner or agent.

M. No sidewalk vendor or vending cart may use any device that produces noise in excess of 50 dB measured from the source, nor may the vendor use or operate any loud speaker, public address system, radio, sound amplifier, or other similar device.

N. If any equipment providing heat is used, the vendor shall be required to have a fully charged and operational 2A 10:BC fire extinguisher on hand, and must be familiar with its use.

O. Vending of services is prohibited.

13.04.020 Vending in residential areas.

A. No stationary vending cart may be used to vend within a residential zoned area. Stationary vending carts shall be restricted to Zones B and D.

B. A roaming sidewalk vendor may use a roaming vending cart within a residential zone, and must move continuously except when necessary to complete a sale.

C. It shall be unlawful for any sidewalk vendor to ring the bell or knock at the door of any residence or dwelling.

13.04.030 Prohibitions on placement of stationary or roaming carts.

A. No sidewalk vendor may place or leave any vending cart:

1. Within 5 feet of a marked crosswalk.
2. Within 5 feet of the curb return of an unmarked crosswalk.

3. Within 5 feet of any fire hydrant.
4. Within 5 feet ahead and 45 feet to the rear of a sign designating a bus stop.
5. Within a marked bus zone.
6. Within 10 feet of a bench or shelter used for public transit.
7. Within 5 feet of a driveway or driveway apron.
8. Within 20 feet of an outdoor dining or patio dining area.
9. Within 18 inches from the edge of the curb.
10. Where placement impedes the flow of vehicular traffic such as on public streets or public highways.

B. No vending cart may be chained or fastened to any utility pole, sign, tree, or other object in the public right-of-way or left unattended.

C. No vending cart may impede the flow of pedestrian traffic by reducing the path of travel to less than 4 feet, or impede access to or restrict the use of abutting property, including, but not limited to, residences and places of business, in accordance with the Americans with Disabilities Act (ADA).

D. Notwithstanding any specific regulations in this chapter, no sidewalk vendor may install, use or maintain a vending cart where placement endangers the safety of persons or property.

13.04.040 Sidewalk vending related to parks and special events.

A. No sidewalk vending is allowed within 300 feet of a city-permitted event within the time period commencing one hour before until one hour after the event. Permitted events include certified farmers' markets, and any event that requires a street use permit or special event permit, or any other permit or authorization required by the city.

B. Sidewalk vending in City parks shall be prohibited except for on paved surfaces. The city council may by resolution adopt additional requirements consistent with Government Code section 51038(b)(2)(B) for city-owned or operated parks, effective after signs are posted giving notice of such additional requirements.

DIVISION 13.05. ADMINISTRATION AND ENFORCEMENT

Sections:

- 13.05.010 Administration
- 13.05.020 Enforcement
- 13.05.030 Removal of cart

13.05.010 Administration.

A. The police department is authorized to issue vending permits in accordance with this chapter.

B. The Police Chief is authorized to develop, and enforce, the rules and regulations regarding the licensing, permitting, and operation of sidewalk vending, in accordance with this chapter.

13.05.020 Enforcement.

A. Sidewalk vending in violation of this chapter will not be punishable as a criminal infraction or misdemeanor, but will be subject to an administrative citation as follows:

1. For vending without a valid vending permit:
 - a. An administrative fine of \$250 for a first violation.
 - b. An administrative fine of \$500 for a second violation within one year of the first violation.
 - c. An administrative fine of \$1,000 for a third violation and each subsequent violation, within one year of the first violation.

Upon proof of a valid permit issued by the city before such fines are due, the city will reduce the amount of the fines to \$100 for the first violation, \$200 for the second violation, and \$500 for each violation thereafter.

2. For all violations of this chapter other than vending without a valid vending permit as outlined in subsection A above:
 - a. An administrative fine of \$100 for a first violation.
 - b. An administrative fine of \$200 for a second violation within one year of the first violation.
 - c. An administrative fine of \$500 for a third violation within one year of the first violation.
 - d. An administrative fine of \$500 for a fourth and each subsequent violation, and revocation of the vending permit. Revocation proceedings will be conducted in accordance with the rules and regulations established by the city.

B. Administrative citations shall be in the format prescribed by the Police Chief. In conjunction with the issuance of an administrative citation, the issuing person will provide the person subject to administrative citation notice of his or her right to request an ability-to-pay determination and will make available instructions or other materials for requesting an ability-to-pay determination.

C. All citations issued for violations of this chapter and the rules and regulations are subject to the administrative hearing and appeal process under Section 1.14 through 1.18 of the city code, except that no appeal fee shall be required.

D. Fines assessed pursuant to this section shall be reduced to 20 percent of the original fine amount upon submission of proof of inability to pay at the administrative hearing if requested by the person pursuant to Government Code section 51038(f). Additionally, the hearing officer 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.

E. All administrative fines imposed shall be subject the city's authority to use any civil remedy available to collect any unpaid administrative fine, including but not limited to a collections program. No interest charges, late charges, or other fees shall be imposed under Section 1.19 for an administrative citation issued as a result of a violation of divisions 13.02 through 13.04.

13.05.030 Removal of cart.

The city may request a sidewalk vendor remove any cart that is in violation of this chapter. If the sidewalk vendor refuses to remove the cart, or if a cart has been abandoned, the city may cause the cart to be removed and may, after adequate notice, subsequently dispose of the cart (including any associated merchandise and food) if not claimed by the vendor in accordance with the rules and regulations.

Division 13.06 SOLICITORS AND SOLICITATION

Sections:

13.06.010	Permit required
13.06.020	Exemptions
13.06.030	Permit application requirements
13.06.040	Permit issuance
13.06.050	Assignment prohibited
13.06.060	Display of permit
13.06.070	Ringling bells or knocking on doors of posted private premises prohibited
13.06.080	Hours restricted
13.06.090	Violations
13.06.100	Permit revocation and suspension
13.06.110	Notice and hearing
13.06.120	Appeals

Section 13.06.010 Permit required.

A. It shall be unlawful for any person over the age of 18 to solicit or attempt to solicit within the City without first procuring a solicitation permit from the Department.

B. It shall be unlawful for any person under the age of eighteen (18) to engage in solicitation without a sponsor, it shall be unlawful for any sponsor to suffer, permit, or allow any person under the age of eighteen to engage in solicitation except under the following conditions:

1. Unless exempt under chapter 10, the sponsor shall obtain a business license for the conduct of any solicitation activities involving one or more persons under eighteen (18) years of age.
2. A sponsor shall be responsible for supervising and controlling the conduct of all persons conducting solicitation.
3. Each person under the age of eighteen (18) shall have obtained a solicitation permit issued by the Department.
4. The sponsor shall be responsible for ensuring that each individual in its force has obtained a permit that identifies the name of the sponsor and the name of the individual. The sponsor shall require all individuals in its sales force to carry such permit at all times when the individuals are peddling or soliciting.
5. The sponsor shall comply with all applicable laws of this state regarding employment of juveniles.

Section 13.06.020 Exemptions.

The following persons shall not be required to obtain a solicitation permit as provided in Section 13.06.010.

- A. Persons selling goods conveying a charitable, educational, political, philosophical, religious, or other ideological message or soliciting funds for charitable, educational, political, philosophical, religious, or other ideological purposes.
- B. Persons who are conveying charitable, educational, political, philosophical, religious or other ideological messages but not selling goods or services or soliciting funds.
- C. Salespersons or wholesale businesses who are soliciting orders from and selling to retail dealers in Piedmont.
- D. Persons making a solicitation on a premises that is owned or occupied by an organization upon whose behalf the solicitation is made.
- E. Persons soliciting contributions on behalf of an organization solely from persons who are members of the organization at the time of such solicitation.
- F. Persons involved in a solicitation in the form of a collection at a regular meeting, assembly or service of a charitable organization.
- G. Any solicitation for the sale of goods by a person under the age of eighteen (18) on behalf of a non profit organization for non commercial purposes.

Section 13.06.030 Permit application requirements.

- A. Every person subject to the provisions of this division shall file with the Department an application in writing on a form approved by the Police Chief, which shall provide the following information:
 - 1. Proof of age, address and identification of the applicant, to be provided through the applicant's driver license, or other legally recognized form of identification;
 - 2. A brief description of the solicitation to be conducted;
 - 3. The hours and location for which the right to solicit is desired;
 - 4. If employed, the name, address, telephone number and City business license number of the employer; or if acting as an agent, the name, address, telephone number and City business license number of the sponsor who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or sponsor, as the case may be;
 - 5. Articles of incorporation or other documents establishing the corporate existence of any sponsor on whose behalf solicitation will be conducted;
 - 6. A current live scan or similar criminal history check results together with a statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation

the penalty or punishment imposed, the date when and place where such offense occurred, and other pertinent details thereof;

7. Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this division; and

8. Two (2) photographs of the applicant which shall have been taken within sixty (60) days immediately prior to the date of filing of the application. The photographs shall measure 2 by 3 inches (2" X 3") and show the head and shoulders of the applicant in a clear and distinguishing manner. One 2 by 3-inch (2" X 3") photo will appear on the permit.

B. At the time the application is filed with the Department, the applicant shall pay a nonrefundable fee to cover the cost to the City of processing the application and investigating the facts stated therein. The application fee for each solicitor permit shall be adopted and amended from time to time by resolution of the City Council.

Section 13.06.040 Permit issuance.

A. The Chief of Police or designee shall issue the permit required by section 13.06.010 upon receiving information which clearly established (1) the identity of the individual; (2) the existence of the company or other organization for which solicitations are being made; and (3) the fact that the individual is authorized by the company or organization to solicit in Piedmont. The permit shall be valid for one year from the date issued.

B. Upon review of the application, the Chief of Police or designee may refuse to issue a permit to the applicant under this article for any of the following reasons:

1. The location and time of solicitation would endanger the safety and welfare of the solicitor or the solicitor's customers;
2. An investigation reveals that the applicant falsified information on the application;
3. The applicant has been convicted of a felony in this state or any other state within the five (5) years preceding the date of application;
4. The applicant has been convicted of a misdemeanor or ordinance violation in this state or any other state involving a sex offense or any violent acts against persons or property, within the five (5) years preceding the date of application;
5. The applicant is required to register as a serious or high-risk sex offender pursuant to Sections 290 and 290.4 of the California Penal Code;

6. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application;

7. There is no proof as to the authority of the applicant to serve as an agent to the sponsor or employer for whom solicitation shall be conducted; or

8. The applicant has been denied a permit under this article within the immediate past year, unless the applicant can and does show to the satisfaction of the Chief of Police that the reasons for such earlier denial no longer exist.

C. If the permit is disapproved, the reasons thereof shall be noted on the application, and the applicant and principal shall be notified that a permit will not be issued. Notice shall be mailed by the Department to the applicant at the address shown on the application form, or at the applicant's last known address and to the sponsor at the address shown on the sponsor's business license.

D. Nothing set forth in this chapter shall be construed as granting the Department any discretion to grant, deny, suspend, or revoke any solicitation permit by reason of approval or disapproval of the philosophy, opinion, or belief of the applicant or permit holder.

Section 13.06.050 Assignment prohibited.

A solicitation permit holder shall not assign or transfer any permit issued under this division and may not authorize any person not named in the permit to solicit.

Section 13.06.060 Display of permit.

Any person holding a permit under this division shall display it upon request.

Section 13.06.070 Ringing bells or knocking on doors of posted private premises prohibited.

It shall be unlawful for any solicitor or person pretending to be a solicitor to ring the bell or knock at the door of any residence or dwelling where a sign bearing the words "No Solicitors" or words of similar meaning is painted or affixed so as to be reasonably exposed to the public. This prohibition shall apply to all solicitors, including those exempt from the permit requirements of Section 13.05.020.

Section 13.06.080 Hours restricted.

No person, while conducting solicitation, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 9:00 p.m. and 9:00 a.m.

Section 13.06.090 Violations.

Any violation of any provision of this division constitutes an infraction. Each act in violation of this division constitutes a new and separate offense. The fines for offenses hereunder shall be set from time to time by city council resolution.

Section 13.06.100 Permit revocation and suspension.

A. Any permit issued under this division may be revoked by the Department, for any of the following reasons:

1. Fraud, misrepresentations or false statement contained in the application for a permit;
2. Fraud, misrepresentations, or false statement made by the permittee in the course of conducting solicitation or peddling activities;
3. Conducting peddling or solicitation activities contrary to the provisions contained in the permit;
4. Any conviction or matter arising under section 13.06.040.B, paragraphs 3 through 6, subsequent to the issuance of a permit; or
5. Conducting peddling or solicitation activities in such a manner as to create a public nuisance as provided in state and local law, constitute breach of the peace as provided in state and local law or endanger the health, safety or general welfare of the public.

B. Any permit issued under this chapter may be temporarily suspended pending a revocation hearing under section 13.06.110 for any of the reasons enumerated in subsection A above. Notice of the suspension may be personally delivered or mailed to the persons address as shown on the permit application form. The temporary suspension shall expire upon the mailing of the decision after the hearing on revocation unless the temporary suspension is sooner withdrawn by the City.

Section 13.06.110 Notice and hearing.

A. Notice of a hearing for revocation of a permit issued under this division shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing, which time of commencement shall not be sooner than five (5) nor more than fifteen (15) business days after the notice is personally delivered or mailed to the person's address as shown on the permit application form. Notice shall be deemed effective upon personal delivery or deposit in the United States mail, as applicable.

B. The City Administrator shall designate a hearing officer to consider the revocation. At the time of the hearing, the Chief of Police or hearing officer shall hear all relevant evidence and, after the close of the hearing, shall render a decision as to whether or not the permit shall be revoked. Said decision shall be in writing, shall state specific reasons thereof, and that the decision to revoke shall become effective upon mailing to the person's address as shown on the permit application form. A decision to revoke a permit shall state that the permit holder has ten (10) calendar days to appeal by filing a written notice of appeal with the City Clerk. Unless appealed, the decision of the hearing officer shall be final.

Section 13.06.120 Appeals.

A. Any person aggrieved by the action or decision of the Police Chief to deny, or of the hearing officer to revoke a permit applied for or held under the provisions of this article shall have the right to appeal such action or decision to the City Administrator or his/her designee.

B. An appeal shall be taken by filing with the City Clerk within ten (10) calendar days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, a written statement setting forth the grounds for the appeal. The filing of a timely appeal shall stay a revocation and reinstate the temporary suspension.

C. The appeal shall be heard de novo by the City Administrator or his/her designee held at least five (5) business days after the appeal is filed. At the time of the hearing, the City Administrator or his/her designee shall hear all relevant evidence and, after the close of the hearing, shall decide whether or not to revoke the permit. Said decision shall be in writing, state reasons thereof, and shall be mailed to the persons address as shown on the permit application form. Any temporary suspension in place shall remain in force until the City Administrator or his/her designee's decision is mailed.

D. The decision of the City Administrator or his/her designee on the appeal shall be final and binding on all parties concerned.

E. If the applicant or permit holder does not file a timely notice of appeal pursuant to subsection B of this section, the permit holder shall have waived all rights to administrative remedy.