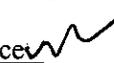




Meeting Date: 11 / 28 /06

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input checked="" type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: James F. Rupp, Jr.  Agenda Item No. I-2

Reviewed By: City Manager  City Attorney  Finance  Other (Specify) _____

DATE: November 14, 2006

TO: City Council

FROM: James F. Rupp, Jr., Assistant City Attorney
City Attorney's Office



SUBJECT: Urgency Ordinance Restricting Hours of Operation of Peddlers, Canvassers and Solicitors in Residential Areas

RECOMMENDATION

That City Council, by at least a 4/5ths vote, adopt an urgency ordinance restricting the hours of operation of peddlers, canvassers and solicitors in residential areas.

DISCUSSION

The proposed ordinance would restrict the hours of operation of peddlers, canvassers and solicitors in residential areas to daylight hours. Such activities may be conducted beginning no sooner than 7:00 a.m. and no later than 7:00 p.m or sunset, whichever is earlier.

The purpose of the restriction is to address two issues:

First, these are the same hourly restrictions placed upon construction activities by the city. Adopting these hours provides a residential neighborhood hours of repose that are not disturbed by commercial activity.

Second, these hours also protect the peddlers, canvassers and solicitors. By restricting the hours of operation to daylight hours, such persons are more visible to vehicular and pedestrian traffic and also less likely to become the targets of crime upon their persons.

The ordinance is offered as an urgency measure to provide for the immediate health and safety of the residents and the peddlers, canvassers and solicitors. Four affirmative votes are required for passage of an urgency ordinance.

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000005

Urgency Ordinance Restricting Hours of Operation of Peddlers, Canvassers and Solicitors in Residential Area

November 14, 2006

Page 2

FINANCIAL IMPACT

No impact.

Attachment No. 1 - Ordinance

000006

CITY COUNCIL OF THE CITY OF OXNARD

ORDINANCE NO.

ORDINANCE OF THE CITY OF OXNARD, CALIFORNIA, AN URGENCY
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD ADDING
SECTION 11-48 AND AMENDING SUBSECTION (A) OF SECTION 11-47 AND
SUBSECTION (V) OF SECTION 11-30 OF THE CITY CODE CONCERNING
PEDDLERS, CANVASSERS, AND SOLICITORS IN RESIDENTIAL AREAS

WHEREAS, this ordinance shall be effective immediately as an urgency ordinance.

WHEREAS, this ordinance is necessary for the immediate preservation of the public peace, health or safety.

WHEREAS, restricting the hours that peddlers, canvassers, and solicitors may be operating in residential neighborhoods protects the health, safety and welfare of such neighborhoods by:

a. Creating a quiet period before and after customary working hours when the residential character of a neighborhood is not interrupted by peddlers, canvassers, and solicitors; and

b. Minimizing in residential from neighborhoods the ability of criminals to hide their activities during the early morning and evening hours by posing as peddlers, canvassers, and solicitors.

WHEREAS, restricting the hours allows reasonable access to residential neighborhoods by peddlers, canvassers, and solicitors.

WHEREAS, restricting the hours is a reasonable method of protecting the health and safety of the peddler, canvasser, or solicitor in that the daylight hours makes such persons more visible to traffic on residential streets.

WHEREAS, because peddlers, canvassers, and solicitors are targets for robbery, restricting the hours of operation to daylight hours further protects such persons.

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

Part 1. Section 11-48 of the City Code is hereby added to read as follows:

000007

ATTACHMENT NO. 1
PAGE 1 OF 3

**“SEC. 11-48. TIME RESTRICTIONS ON PEDDLING, CANVASSING,
AND SOLICITING IN RESIDENTIAL AREAS.**

“In residential areas, as shown on a map on file with the collector, no person shall peddle, canvass, or solicit on any day before 7:00 a.m. or sunrise, whichever is later, or after 7:00 p.m. or sunset, whichever is earlier.”

Part 2. Subsection (A) of Section 11-47 is hereby amended to read as follows:

“SEC. 11-47. EMPLOYMENT OF MINORS.

(A) Any person who hires a minor to peddle, solicit, or canvass, shall note that fact on his/her application for a license and shall present to the collector a certificate of workers’ compensation insurance for the business and a work permit for the minor. The license shall contain the condition that the applicant supervise or provide adult supervision of each minor at all times while the minor is peddling, soliciting, or canvassing and that the applicant not allow any minor 14 years of age or younger to peddle, solicit or canvass after 8:00 p.m. or such earlier hours as are set forth in section 11-48.”

Part 3. Subsection (V) of Section 11-30 is hereby amended to read as follows:

“SECTION 11-30. DEFINITIONS.

(V) PEDDLER – Any person who travels from place to place or from house to house or any person who stands in a residential area or in a public right of way, including a public sidewalk, within the city, peddling, hawking, vending, or selling any goods, wares, merchandise, or services.”

Part 4. Within 15 days after passage, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation, published and circulated in the City. Ordinance No. ____ was first read on _____, 2006, and finally adopted as an urgency ordinance on _____, 200_ to become effective thirty days thereafter.

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

000008

ATTACHMENT NO. 1
PAGE 2 OF 3

Ordinance No.

Page 3

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

Gary Gillig 11-15-06

Gary L. Gillig, City Attorney

000009

ATTACHMENT NO. 1
PAGE 3 OF 3