

REPORT TO CITY COUNCIL

DATE: AUGUST 27, 2014

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER *GR*

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT *MK*

SUBJECT: ADOPTION OF ORDINANCE NO. 14-410; AMENDING MUNICIPAL CODE SECTIONS 4126, 6800, 6802(d)(1), AND 6816(b) TO DEFINE AND REGULATE DOOR-TO-DOOR SOLICITATION, AMEND THE DEFINITION OF "BUSINESS" FOR THE PURPOSE OF OBTAINING A BUSINESS LICENSE, REQUIRE PERSONS ENGAGED IN DOOR-TO-DOOR SALES FOR PROFIT TO OBTAIN A BUSINESS LICENSE, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. 14-ZOA-003) (CITY OF AGOURA HILLS, APPLICANT)

At the August 13, 2014, City Council meeting, the Council introduced, read by title only, and waived further reading of Ordinance No. 14-410.

The Ordinance amends the Municipal Code to define and regulate door-to-door solicitation. Other proposed amendments include a new definition of "business" for the purpose of obtaining a business license, and requiring persons engaged in door-to-door sales for profit to obtain a business license.

Attached for your reference is a copy of Ordinance No. 14-410, which has been amended, as requested by the City Council, to prohibit door-to-door solicitation during the hours of 8:00 p.m. to 9:00 a.m.

RECOMMENDATION

Staff recommends the City Council adopt Ordinance No. 14-410, amending Municipal Code Sections 4125, 6800, 6802(d)(1) and 6816(b) to define and regulate door-to-door solicitation, amend the definition of "business" for the purposes of obtaining a business license, require persons engaged in door-to-door sales for profit to obtain a business license, and making a finding of exemption under the California Environmental Quality Act.

Attachment: Ordinance No. 14-410 (Amended)

ORDINANCE NO. 14-410

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE AGOURA HILLS MUNICIPAL CODE TO DEFINE AND REGULATE DOOR-TO-DOOR SOLICITATION, AMENDING THE DEFINITION OF "BUSINESS" FOR THE PURPOSE OF OBTAINING A BUSINESS LICENSE, REQUIRING PERSONS ENGAGED IN DOOR-TO-DOOR SALES FOR PROFIT TO OBTAIN A BUSINESS LICENSE, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby adds a new Section 4126 to Chapter 1 of Article IV of the Agoura Hills Municipal Code to read as follows:

"4126. Door-to-Door Solicitation.

Door-to-Door Solicitation means the act of any person traveling by foot, vehicle, or any other type of conveyance, who goes from house to house, or business to business, for any purpose, including but not limited to: engaging in door-to-door sales, conducting a survey or poll, soliciting opinions, requesting donations, or distributing or disseminating information or materials.

All persons, organizations or associations engaged in door-to-door solicitation shall adhere to the following:

- (a) No person shall engage in door-to-door solicitation at any place of business, or any dwelling (including but not limited to a house, apartment, or condominium), where there is a sign posted in a conspicuous location indicating "No Solicitations," "Do Not Disturb," or other words indicating that the occupants do not wish to be solicited or in any way have their privacy disturbed.
- (b) Irrespective of whether a "No Solicitation," "Do Not Disturb" or similar sign is posted on a private residence or place of business, no person shall return or refuse to leave after being asked to leave if a homeowner or occupant has previously warned, or is presently warning, a person that he or she is unwelcome or may not re-enter private property.
- (c) No person shall engage in door-to-door solicitation at any place of business, or any dwelling (including but not limited to a house, apartment, or condominium) between the hours of 8:00 p.m. and 9:00 a.m."

SECTION 2. The City Council hereby amends the definition of "Business" in Agoura Hills Municipal Code Section 6800 to read as follows, with all other definitions to remain unchanged:

~~"Business means any employment, avocation, occupation, profession, trade, calling, lawful game, show, exhibition, event, venture, fund raising activity, commercial enterprise, company, corporation, joint enterprise, place of business, partnership or other activity or enterprise engaged in for gain, profit, benefit, advantage, or livelihood, whether or not a gain, profit, benefit advantage or livelihood is earned by such business~~ the conduct of any occupation, profession, trade, vocation, commercial enterprise, or other activity conducted or engaged in for gain, profit, or livelihood, whether or not the same has a fixed place of business in the city."

SECTION 3. The City Council hereby amends Agoura Hills Municipal Code Section 6802(d)(1) to read as follows, with all other provisions to remain unchanged:

~~"(d) Fee exemption.~~

~~(1) The following businesses shall be exempt from paying the business license fee but are still required to obtain a business license:~~

~~a. Non profit and charitable organizations;~~

~~b. Businesses exempt from paying fees under the Constitution of the United States or State of California, or under the laws of the State of California.~~

Businesses that are exempt from paying fees under the United States Constitution, the California Constitution, or under the laws of the State of California, are required to obtain a business license but shall be exempt from paying the business license fee."

SECTION 4. The City Council hereby amends Agoura Hills Municipal Code Section 6816(b) to read as follows, with all other provisions to remain unchanged:

~~"b. Category C Businesses – Criminal Background Check Required.~~

Upon receipt of an application for one of the following businesses, the Director or his or her designee shall: (1) coordinate with several governmental entities to ensure compliance with all applicable state and county codes as deemed necessary by the Director, and may obtain reports from the Building and Safety Department, Fire Department, County Animal Control, County Environmental Health Department, County Health Department, and any other agencies he or she deems necessary to determine if the criteria for issuance of a business license have been met; and (2) conduct an investigation and criminal background check on the applicant(s):

- a. Acupressure and acupressure technicians;
- b. Adult businesses (as defined in subsection 9120.1.A.G of this Code);
- c. Billiard room;
- d. Bookstore;
- e. Carnival;
- f. Dance;
- g. Entertainment;
- h. Exhibition;
- i. Game arcade;
- j. Gun dealer;
- k. Health gym/spa;
- l. Locksmith;
- m. Massage establishment owner (owns five (5) percent or more of the business and not certified under state massage therapy laws);
- n. Model studio;
- o. Motor vehicle repair;
- p. Outdoor festival;
- q. Pawnbrokers and second hand dealers;
- r. Peddling —~~solicitation~~;
- s. Psychic reading;
- t. School, private;
- u. Taxi cab driver (as defined in Section 7601-7618 of this Code);
- v. Taxi cab operator (as defined in Section 7601-7618 of this Code);
- w. Theatre;
- x. Door-to-Door Sales."

SECTION 5. CEQA. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment because the adoption of this Ordinance merely establishes regulations pertaining to door-to-door solicitation and requires a business license for conducting door-to-door sales. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 7. Certification and Posting. The City Clerk of the City of Agoura Hills shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law. This Ordinance shall go into effect on the 31st day after its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2014, by the following vote to wit:

- AYES: ()
- NOES: ()
- ABSENT: ()
- ABSTAIN: ()

CITY OF AGOURA HILLS:

William D. Koehler, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC
City Clerk

APPROVED AS TO FORM:

Candice K. Lee
City Attorney