

5-40.05 General requirements and restrictions: Display and sale of merchandise.

(a) General Requirements.

(1) Only those businesses that hold both a City of Huntington Park business license, (participating merchants will be required to submit a waiver and release form with their business license application or renewal), and a City of Huntington Park certificate of occupancy, and that maintain a physical location in the City, may participate in the event and display merchandise for sale.

(2) Goods and merchandise offered for sale within the permitted area of the public right-of-way shall be merchandise that is the same as the goods also available for sale inside the store.

(3) Any sale of food or perishables shall be subject to all applicable Los Angeles County Department of Public Health requirements and shall only be permitted if a County of Los Angeles Department of Public Health permit is obtained and displayed.

(4) Pedestrian Passage. Each merchant shall be required to maintain a seventy-two (72) inch wide clear right-of-way for pedestrians using the sidewalk/walkway. The display of goods and merchandise shall not obstruct doorways nor impede pedestrian traffic or wheelchair accessibility.

(i) The width of the minimum accessible route on Pacific Boulevard between Randolph Street and Florence Avenue shall be six (6) feet.

(ii) In areas where less than six (6) feet is available, the accessible route shall be as wide as possible, but not less than four (4) feet as required pursuant to the Americans with Disabilities Act (ADA).

(iii) The accessible route on a sidewalk or within any other part of the right-of-way shall be a straight path. Merchants are not permitted to obstruct, divert, or re-route the accessible route.

(iv) Tree grates may not be part of the accessible route. No sidewalk obstacles or obstructions of any sort may be placed within or encroach upon the accessible route (this includes, but is not limited to: newspaper racks, bus stop benches, trash receptacles, light poles).

(v) All ingress and egress points must be clear and unobstructed at all times.

(5) The Chief of Police, or designee, is authorized to require any display of goods or merchandise be exhibited in a manner that ensures the health, safety and welfare of the public.

(b) General Restrictions.

(1) Permitted Display Times.

(i) Event Times. City sidewalk sale hours are 10:00 a.m. to 6:00 p.m.

(ii) Time for Set-up and Tear-down. Participating merchants shall not set-up before 9:00 a.m., and must completely tear-down no later than 7:00 p.m.

(A) All items must be removed from the sidewalk no later than 7:00 p.m. Failure to remove all items by this time may result in the issuance of a citation and/or other administrative remedies provided for pursuant to the Huntington Park Municipal Code.

(B) Any such items left outside after business closing shall be considered abandoned and may be removed and disposed of by the City without notice in such manner as it determines appropriate. In the event of this occurrence, the participating merchant shall be responsible for all costs borne by the City for removal of abandoned property.

(2) Allowable Display Areas. Display of merchandise shall only be allowed in the following areas:

(i) Sidewalks and Walkways. On a sidewalk or designated walkway, including those located on private property, in front of the principal building leased or owned by the participating merchant. This shall include sidewalks within public right-of-way (ROW) of mixed-use developments where the ROW abuts the property line of the building within the permissible locations described in Section 5-40.04. (e.g., buildings with mixed residential and commercial uses located within the permissible locations);

(ii) Display areas shall not extend more than six (6) feet from the front of the property line, and shall at all times maintain the clearance requirements for the accessible route as required in Section 5-40.05(a)(4);

(iii) The height of display areas shall be limited such that no display may obstruct over fifty (50) percent of the vertical “window shopping” viewing area unless the items are at a height that does not impede the ability to view merchandise and activity within the store or business.

(3) Prohibited Display Areas and Manners. Participating merchants are prohibited from displaying and selling goods and merchandise in the following areas:

(i) Within the limits of the marked fire lane or vehicular travel way;

(ii) In designated handicapped parking spaces or loading areas;

(iii) Parking spaces located on the street, and private and public parking lots;

(iv) No display or sale of merchandise shall be allowed from a vehicle;

(v) No item (sale, sign, display, or otherwise) may be affixed to or hang from awnings, window ledges, doors, windows, walls, lampposts, signposts, sidewalk, hydrants, utility boxes, trees/bushes, planter boxes, bus stop shelters and/or benches, benches or seating areas in the public right-of-way, light poles, news racks or public amenity at any time;

(vi) As determined by the Chief of Police or designee, no item may be in such a location as to constitute a hazard or an obstruction to the general public or to the performance of public service by any City or other governmental agency having jurisdiction over the area;

(vii) Nothing contained in this chapter will exempt any property owner or merchant from complying with all requirements of applicable health, safety, and welfare codes;

(viii) Goods and merchandise for sale shall not be displayed in such a manner that they are placed directly on the ground except in instances where it is the nature of the good or merchandise itself that requires such manner of display (e.g., chairs, chests, tables).

(A) Minimum Height for Display. All display surfaces, tables, or display devices must be a minimum of thirty inches (30”) above the ground.

(4) Maintenance of Display Areas. Participating merchants must maintain their respective display areas as follows:

(i) No tables, chairs, set-up items, merchandise, products or materials may be left on the sidewalk after 7:00 p.m.;

(iii) Merchants shall be responsible for the prompt removal of all trash and litter from the area and that the area is kept clean and orderly at all times.

(5) The handling of money and/or final sales transactions must be made inside the business.

(6) The use of loose banners, bubble machines and/or inflatables (including balloons) is prohibited at all times.

(7) The use of tents, canopies and/or umbrellas is prohibited at all times.

(8) The sale of any type of alcoholic beverage is prohibited at all times.

(9) No harmful matter, as defined by California Penal Code Section 313 and as referenced by Title 4 Chapter 10 Section 4-10.09 of the Huntington Park Municipal Code, may be displayed in any permitted sale on the public sidewalk.

(10) The City, through the Chief of Police or designee, shall have the right to require the removal of any item or items in the public right-of-way, regardless of whether the item may be otherwise permitted, if in the sole judgment of the City, the item or items constitute a particular hazard to the public health, safety, or welfare that outweighs the potential public benefit.

(§ 1, Ord. 857-NS, eff. August 2, 2010)