Honorable Mayor and Members
of the Torrance City Council
City Hall
Torrance, California

Members of the Council:

Subject: City Attorney – Adopt ORDINANCES Amending the Torrance Municipal Code regarding Sidewalk Vendors, Cottage Food Operations, and Solicitors

Expenditure: None

RECOMMENDATION

Recommendation of the City Attorney that City Council:

1. Adopt an ORDINANCE adding Chapter 14 to Division 4 of the Torrance Municipal Code regarding Sidewalk Vendors; and
2. Adopt an ORDINANCE adding Chapter 15 to Division 4 of the Torrance Municipal Code regarding Cottage Food Operations
3. Adopt an ORDINANCE amending section 34.1.5 of the Torrance Municipal Code regarding Hours of Canvassing or Soliciting; and
4. Approve Ordinance Summaries for publication.

BACKGROUND

Sidewalk Vendors

In 2018, the State Legislature enacted the Safe Sidewalk Vending Act, SB 946 (Statutes 2018, Chapter 459) which added Sections 51036 et. seq. to the Government Code. This new State law set forth limitations on the ability of local authorities to prohibit or regulate sidewalk vendors. The statute decriminalizes sidewalk vending with the intent to promote entrepreneurship and economic development opportunities for low-income and immigrant communities. Effective January 1, 2019, the City is prohibited from assessing criminal penalties for violations of sidewalk vending regulations, and its ability to prohibit sidewalk vendors in public parks and on public sidewalks is limited. Local jurisdictions may, however, adopt requirements regulating time, place, and manner, including a permit-based system if the requirements are directly related to objective health, safety, or welfare concerns.
SB 946 defines "sidewalk vendor" as someone who sells food, beverages, or merchandise from non-motorized conveyances or from his or her person upon a public sidewalk or other pedestrian path. A non-motorized conveyance includes a pushcart, stand, display, pedal-driven cart, wagon, showcase, and rack. The statute also contains definitions of sidewalk vendors, who may be "stationary", operating from a fixed location, or "roaming".

The new State law lists a number of impermissible regulations. The City is prevented from requiring a sidewalk vendor to operate within specific parts of the public right-of-way. Cities cannot require a sidewalk vendor to obtain permission from any business to operate near them. Cities do not have the authority to restrict a vendor from operating on the sidewalk due to conflicting business uses. However, the City may prohibit sidewalk vendors near certified farmers' markets, swap meets, or areas subject to a temporary special permit during the limited hours of the farmers' market or swap meet or the duration of the temporary special permit.

The City also may not prohibit a sidewalk vendor from selling food or merchandise in a City park, except where the City has contracted with a concessionaire for the exclusive sale of food or merchandise. The City may, however, adopt requirements regulating the time, place and manner of sidewalk vending in parks if these requirements are either: (i) directly related to objective health, safety or welfare concerns; (ii) necessary to ensure the public's use and enjoyment of a natural resources and recreational opportunities; or (iii) necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.

SB 946 also provides that the City may not restrict sidewalk vending to a designated neighborhood or other area, although the City may prohibit a stationary sidewalk vendor from operating in an exclusively residential zone. The City also may not restrict the number of sidewalk vendors permitted in the City, unless the restriction is directly related to health, safety, or welfare concerns. Finally, the City may not require a sidewalk vendor to obtain the consent or approval of any nongovernmental entity or person before selling food or merchandise.

Notwithstanding these prohibitions, as noted the City may impose additional regulations if they directly relate to objective health, safety or welfare concerns. In addition to being able to require a permit, this can include requiring maintenance of sanitary conditions, complying with disability access standards, possessing a valid California seller's permit for sales tax compliance and restricting the hours of operation in residential zones. In commercial zones, hours cannot be more restrictive than other businesses on the same street.

As previously noted, the new statute was expressly designed by the State Legislature to decriminalize sidewalk vending. It requires an administrative fine penalty structure,
and even provides that local jurisdictions are required to offer an ability-to-pay determination to individuals who are issued a violation.

**Cottage Food Operations**

On September 21, 2012, Assembly Bill (AB) 1616, the California Homemade Food Act, commonly referred to as the Cottage Food Bill, was passed into law and became effective on January 1, 2013. AB 1616 permits individuals to manufacture, package, and sell certain non-potentially hazardous foods in private-home kitchens and requires cities to enact and/or enforce applicable regulations. Enforcement of existing municipal code ordinances that are inconsistent with the California Homemade Food Act (AB 1616) is prohibited.

**Hours of Canvassing or Soliciting**

Section 34.1.5 of the Torrance Municipal Code currently prohibits canvassing or soliciting in residential areas after 9:00 p.m. and before 9:00 a.m.

**ANALYSIS**

**Sidewalk Vendors**

As a consequence of SB 946, the City may no longer enforce its Ordinance regulating mobile vending as it applies to non-motorized conveyances. In order to regulate mobile vending from non-motorized conveyances, a new ordinance has been drafted in compliance with SB 946 for the Council’s consideration.

SB 946 authorizes local governments to implement operational regulations regarding the time, place, and manner of sidewalk vending only as they relate to public health, safety, and welfare concerns. Accordingly, the draft Ordinance includes a finding related to the potential for vendors to engage in illegal activities, including but not limited to the sale of illegal substances or merchandise and sale of counterfeit products, to support a requirement for background checks for vendors. Findings have also been included related to the potential to cause injury to persons or property by the manner in which sidewalk vendors are sited, or by their movement on sidewalks that are otherwise used by the traditional activities of pedestrians and vehicles on adjacent streets for access, transport, delivery of merchandise to local businesses, exercise and related activities. These findings have been included to support the imposition of locational restrictions, on a case-by-case basis, as part of the permit process, as well as insurance requirements. Under this approach, stationary vendors will be required to submit proposed locations, the placement of which will be regulated to assure that they do not cause conflicts with pedestrians, delivery persons, disabled persons, parked vehicles or other uses.
The Ordinance includes time, place and manner provisions related to parks to the extent the City is allowed by SB 946. Among the other restrictions in the Ordinance are provisions requiring vendors to maintain clean, safe and sanitary conditions and provide trash receptacles for customers. If they sell food or beverages, they must have health permits, as well as proof of food handler training. In addition, they must comply with noise related requirements, and not operate in a manner that would create obstructions or safety hazards. They must also comply with Americans with Disabilities Act (ADA) and other disability access standards.

The penalty provisions have been drafted to comply with the limitations in SB 946. Hearing and appeal provisions have been included to be consistent with legal requirements.

Cottage Food Operations

The Cottage Food Operations Ordinance requires a Home Occupation Permit along with a business license. The Home Occupation Permit is free of charge. It can be applied for in person at the One Stop Permit Center or online.

Torrance Municipal Code section 92.18.4 provides the standards and requirements for operating a home occupation. Section 92.18.4(2) provides that it may not use more than 1 room of the dwelling or the equivalent of 20 percent of the total floor area of the main residence, whichever is greater. Section 92.18.4(3) provides that all activity must be conducted inside the residence or a permitted, enclosed accessory structure. Section 92.18.4(7) provides that no customers may come to the home occupation residence. The only exception is a student going to a home occupation residence for one-on-one music or arts instruction or academic tutoring.

Some residents in the Seaside Ranchos area sell food items during the holiday season from Thanksgiving Day to New Year's Day. Staff is recommending that these residents be required to get a business license with a Home Occupation Permit as well as a Cottage Food License from the County of Los Angeles in order to protect the health, safety, and welfare of the public that is buying food items from the residents. Staff is recommending that City Council attempt a two-year pilot program for the Seaside Ranchos area from Thanksgiving Day to New Year's Day. If successful, the City Council can extend the pilot program and make it permanent. Staff is not recommending any other changes to the Home Occupation Permit at this time.

Hours of Canvassing or Soliciting

The City Attorney recommends making the hours of canvassing or soliciting consistent with the hours applicable to Sidewalk Vendors and the pilot program for
Cottage Food Operations. The old hours were 9:00 a.m. to 9:00 p.m. Under the new ordinance, the new hours would be 9:00 a.m. to 8:00 p.m.

Respectfully submitted,

Patrick Q. Sullivan
City Attorney

NOTED:

LeRoy J. Jackson, City Manager

ATTACHMENTS:

A. Ordinance regarding Sidewalk Vendors
B. Ordinance regarding Cottage Food Operations
C. Ordinance regarding Hours of Canvassing or Soliciting
D. Ordinance Summaries
E. County of Los Angeles Cottage Food Operations Guide
F. California Department of Public Health List of Approved Cottage Foods
G. Article 18 of Chapter 2 of Division 9 – Home Occupations
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AMENDING THE TORRANCE MUNICIPAL CODE TO ADD A NEW CHAPTER 14 OF DIVISION 4 REGARDING SIDEWALK VENDORS

WHEREAS, Senate Bill ("SB") 946 was signed into law on September 17, 2018, and became effective January 1, 2019;

WHEREAS, SB 946 limits the authority of cities and counties to regulate sidewalk vendors, except in accordance with California Government Code Sections 51038 and 51039;

WHEREAS, the City Council finds that the establishment of sidewalk vending regulations will benefit the City;

WHEREAS, the City Council finds that the act of vending on sidewalks and other areas of the public right-of-way also creates the potential for increased safety hazards, such as, but not limited to, inhibiting the ability of disabled individuals and other pedestrians to follow a safe path of travel; interfering with the performance of police, firefighter, and emergency medical personnel services; encouraging pedestrians to cross mid-block or stand in roadways to purchase food; and creating obstacles and contributing to congestion for pedestrian, vehicle, and bicycle traffic;

WHEREAS, the City Council finds that restrictions on sidewalk vending are needed to accommodate vendors and their equipment, while also safeguarding the flow of pedestrian movement on sidewalks and in the public right-of-way, and ensuring no interference with the performance of police, firefighter, and emergency medical personnel services;

WHEREAS, the City Council finds that the regulation of vendors engaged in the sale of food and food products will help to ensure that sidewalk vendors obtain all necessary permits and comply with applicable sanitation, food preparation, and food handling laws, and thereby will protect the public health and safety against health problems such as food contamination, poor hygienic practices, and the threat of food poisoning;

WHEREAS, the City Council finds that regulations related to the collection and disposal of trash or other debris generated by sidewalk vending are necessary to ensure that such trash or debris is not left, thrown, discarded, or deposited on City streets, City parks, including the City's public beach, sidewalks, pathways, gutters,
storm drains, or upon public or private lots, so that the same might be or become a pollutant;

WHEREAS, the City Council finds that restrictions on sidewalk vending in public parks, including the City's public beach, are necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities, and to prevent an undue concentration of commercial activity that would unreasonably interfere with the scenic and natural character of these parks;

WHEREAS, the City Council finds that restrictions on sidewalk vending in residential areas are necessary to ensure that such areas are protected from excessive noise and traffic impacts while allowing economic opportunities for sidewalk vendors; and

WHEREAS, the City Council adopts this Ordinance under the authority provided in SB 946, and finds that the time, place, and manner regulations and requirements provided herein are directly related to the City's purpose of protecting the health, safety, and welfare of its residents, businesses and visitors.

THE CITY COUNCIL OF THE CITY OF TORRANCE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1

A new Chapter 14 of Division 4 of the Torrance Municipal Code is hereby added to read in its entirety as follows:

"Chapter 14 – Sidewalk Vendors

Section 414.1010 Definitions

The following words and phrases, whenever used in this Chapter, shall mean as follows:

"Certified farmers' market" means a location operated in accordance with Chapter 10.5 of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

"Director" means the Torrance Finance Director.

"Immediate vicinity" means the streets abutting an activity or event (and any contiguous parking areas) and the sidewalks on either side of such streets, and includes any open or unoccupied space between the activity or event and the abutting streets and sidewalks.

"Person" shall mean one or more natural persons, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnerships, 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.

"Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

"Sidewalk" means a public sidewalk or paved pedestrian path or walkway specifically designed for pedestrian travel.

"Sidewalk vendor" means a person who vends from a vending cart or from one's person, upon a public sidewalk, parkway, pedestrian path, or other public right-of-way available to pedestrians.

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

"Strand" means the paved public right-of-way between the beach and the westerly property line of the properties nearest the Pacific Ocean.

"Swap meet" means a location operated in accordance with Article 6 of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

"Temporary special permit" means a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or any other public area, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerns.

"Vend" or "vending" means to sell, offer for sale, display for sale, or solicit offers to purchase, food, food products, beverages, goods, or merchandise.

"Vending cart" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.

Section 414.1.020 Permit Required

No person, either for themselves or any other person, shall conduct or engage in sidewalk vending within the City without first obtaining a sidewalk vending permit pursuant to this Chapter.

Section 414.1.030 Permit Application

To apply for a sidewalk vending permit, a person must file an application with the Director, or his or her designee, accompanied by a nonrefundable application fee in an amount
established by resolution of the City Council. The application shall be in a form prescribed by the Director and shall contain, at a minimum, the following:

A. Valid identification, such as a California Driver's License number, California Identification Card number, an individual taxpayer identification number, or social security number

B. The legal name and current address and telephone number of the applicant;

C. If the applicant is an agent of an individual, company, partnership, corporation, or other entity, the name and business address of the principal;

D. The name and contact information of all persons that will be employed as roaming sidewalk vendors or at a sidewalk vending cart

E. A description of the food or merchandise offered for sale;

F. The dimensions of the vending cart including a picture of the vending cart and any signs that will be affixed to the vending cart;

G. A description of the location(s) or area(s) the applicant wishes to operate;

H. The hours per day and the days per week during which the sidewalk vendor proposes to operate at the location(s) or area(s);

I. Whether the applicant intends to operate as a stationary sidewalk vendor or a roaming sidewalk vendor and, if roaming, the intended path of travel;

J. Whether the sidewalk vendor will be selling food, merchandise or both;

K. If the sidewalk vendor is selling merchandise, a description of the merchandise to be sold. If the sidewalk vendor is selling food, a description of the food to be sold.

L. A copy of a valid business license issued pursuant to the Torrance Municipal Code;

M. A copy of a valid California's seller's permit pursuant to Revenue and Taxation Code Section 6067;

N. Certification by the applicant, under penalty of perjury that the information contained in the application is true to his or her knowledge and belief;

O. If a vendor of food or food products, certification of completion of a food handler course;

P. If a vendor of food or food products, proof of all required approvals from the Los Angeles County Department of Public Health

Q. Any applicable discharge permits, in compliance with Article 1 of Chapter 10 of Division 4 of the Torrance Municipal Code

R. An acknowledgement that the sidewalk vendor will comply with all other generally applicable local, state, and federal laws;

S. Any additional licenses from other state or local agencies to the extent required by law;
T. A certification by the sidewalk vendor that, to their knowledge and belief, the information contained within the application is true;

U. An acknowledgement that the sidewalk vendor will obtain and maintain any insurance required by the Director throughout the duration of any permit issued under this Chapter;

V. An agreement by the sidewalk vendor to defend, indemnify, release and hold harmless the city, its city council, boards, commissions, officers, and employees from and against any and all claims, demands, obligations, damages, actions, causes of actions, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the permit or the vendor's sidewalk vending activities. 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 sidewalk vendor, city, and/or the parties initiating or bringing such proceeding;

W. An acknowledgement that use of public property is at the sidewalk vendor's own risk, the City does not take any steps to ensure public property is safe or conducive to the sidewalk vending activities, and the sidewalk vendor uses public property at their own risk;

X. Any other relevant information required by the Director; and

Y. Any other reasonable information regarding the time, place, and manner of the proposed vending.

Section 414.1.040 Criteria for Approval or Denial of Permit

The Director, or his or her designee, shall approve the issuance of a permit unless he or she determines that:

A. Information contained in the application, or supplemental information requested from the applicant, is materially false, misleading, or fraudulent;

B. The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents; or

C. The applicant has failed to demonstrate an ability to conform to the prohibitions, restrictions, and operating standards set forth in sections 414.1.100, 414.1.110, and 414.1.120.

D. The applicant has failed to pay any previous administrative fines, complete any community service, and/or complete any other alternative disposition associated with a previous violation of this chapter; or

E. The applicant has been convicted of a felony or misdemeanor involving moral turpitude, and has not subsequently demonstrated rehabilitative characteristics.
If the permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.

Section 414.1.050 Permit Expiration and Renewal

A sidewalk vending permit shall be valid for 12 months, or fraction thereof, from the date of issuance. The permit period shall coincide and expire concurrently with the City issued business license and become null and void if the vendor fails to renew each year. Renewal forms will be mailed to the address provided by the applicant prior to the expiration of his or her active sidewalk vending permit. The annual permit is not subject to proration.

Section 414.1.060 Permit Rescission

The Director may rescind a permit issued to a sidewalk vendor for a fourth violation or subsequent violation of this chapter. A sidewalk vendor whose permit is rescinded may apply for a new sidewalk vending permit upon the expiration of the term of the rescinded permit.

Section 414.1.070 Appeals

Any person aggrieved by the decision of the Director to issue, deny issuance, or rescind a sidewalk vending permit may appeal the decision to the License Review Board. The appeal shall be filed with the City Clerk within 15 days following the date of the Director's decision.

Section 414.1.080 Permits Nontransferable

No permit granted pursuant to this Chapter shall be transferable. Any change in ownership or operation of a sidewalk vendor or vending cart requires a new permit under this Chapter.

Section 414.1.090 Permits Temporary

Permits shall be considered temporary and nonpermanent in nature and permittees shall have neither property interest in, nor any entitlement to, the granting or continuation of any such permit.

Section 414.1.100 Areas Where Vending Prohibited

A. Vending Prohibited in Certain Parks. Stationary sidewalk vendors are prohibited from vending in parks or open spaces where the city has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.
B. Vending Prohibited Near Farmers' Markets. Sidewalk vendors are prohibited within the immediate vicinity of a permitted certified farmers' market during the limited operating hours of that certified farmers' market. A "certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code, as may be amended, and any regulations adopted pursuant to that chapter.

C. Vending Prohibited Near Swap Meets. Sidewalk vendors are prohibited within the immediate vicinity of a permitted swap meet during the limited operating hours of that swap meet. A "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, as may be amended, and any regulations adopted pursuant to that article.

D. Vending Prohibited Near Temporary Special Events. Sidewalk vendors are prohibited within the immediate vicinity of an area designated for a temporary special event for the limited duration of the temporary special permit. Any notice, business interruption mitigation, or other rights provided to affected businesses or property owners will also be provided to any sidewalk vendors specifically permitted to operate in the area, if applicable. A "temporary special event" is a permit issued by the City of Torrance, or the City's agent, for the temporary use of, or encroachment on, the sidewalk or other public area, including, but not limited to, an encroachment permit, special event permit, temporary event permit, contract, license agreement, temporary use permit, or any similar approval for purposes including, but not limited to, filming, parades, sporting events, festivals, carnivals, or outdoor concerts.

Section 414.1.110 Restrictions on sidewalk vendors in certain areas

A. Stationary sidewalk vendors are prohibited in areas that are zoned exclusively residential. This prohibition does not extend to roaming sidewalk vendors.

B. Sidewalk vending is prohibited in areas with no sidewalks or with extremely narrow sidewalks (less than 3 feet wide) since it unreasonably interferes with the flow of pedestrians and disrupts access for persons with disabilities.

C. Sidewalk vendors will not engage in sidewalk vending activities at the following locations:
   1. Any public property other than a sidewalk including, but not limited to streets, alleys, street ends, parkways, medians, parking spaces, squares, plazas, grass areas, lawns, and parking structures and parking lots owned or operated by the City, County of Los Angeles, or State of California.
   2. On any bike path, bike lane, sharrow, or bike trail, including, but not limited to, the bike bath on or adjacent to the Strand.
   3. Stationary sidewalk vendors shall not operate on the Strand
   4. On any portion of the public beach
Section 414.1.120 Operating Requirements

A. No sidewalk vendor shall vend in any of the following locations

1. Within 500 feet of
   a. a permitted certified farmers' market during the operating hours of the farmers' market
   b. a permitted swap meet during the operating hours of the swap meet
   c. an area designated for a temporary special permit during the duration of the temporary special permit

2. Within 200 feet of
   a. a police station
   b. a fire station
   c. a hospital
   d. a regional transit center
   e. educational institutions, religious institutions, child day care centers
   f. another sidewalk vendor

3. Within 100 feet of
   a. A police officer, firefighter, lifeguard, or emergency service personnel who are actively performing their duties or providing services to the public
   b. A freeway onramp or a freeway offramp

4. Within 25 feet of
   a. A street corner, controlled intersection, marked crosswalk, or the curb return of any unmarked crosswalk
   b. A traffic signal, traffic signal controller, or other emergency facility
   c. A fire hydrant or fire call box
   d. A curb that has been painted white, yellow, green, blue, or red
   e. A bus stop, bus shelter, or bus bench
   f. The entrance, exit, or emergency exit to a building, structure, or facility
   g. Trash receptacle, bike rack, public restroom, park bench, or similar public use items
   h. An automated teller machine

5. Within 10 feet of
   a. A driveway, driveway apron, or alley approach
b. A utility meter, manhole, service box, street light pole, power pole telecommunications pole, or other utility

B. Sidewalk vending shall be limited to the following hours

1. In residential areas, sidewalk vending shall be permitted between 9:00 a.m. and 8:00 p.m.
2. In nonresidential areas, sidewalk vending shall be permitted between 8:00 a.m. and 10:00 p.m. but these hours shall not be more restrictive than the hours of operation of other businesses or uses on the same street.

C. No sidewalk vendor shall vend in a manner that blocks or obstructs the free movement of pedestrians or vehicles. Sidewalk vendors shall not vend to occupants of vehicles. Sidewalk vendors must at all times provide a clearance of not less than 3 feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices and to comply with the Americans with Disabilities Act.

D. All food and merchandise shall be stored either inside or affixed to the sidewalk vending cart or carried by the sidewalk vendor. Food and merchandise shall not be stored, placed, or kept on public property. If affixed to the sidewalk vendor cart, the overall space taken up by the sidewalk vendor cart shall not exceed the size requirements provided in this Chapter.

E. Sidewalk vendors shall provide a trash receptacle for customers in or on their sidewalk vending cart and shall ensure proper disposal of customer trash. Prior to leaving any vending location, the sidewalk vendor shall pick up, remove, and dispose of all trash or refuse generated by the vending operations or the vendor's customers within a 15-foot radius of the vending location.

F. Sidewalk vendors shall immediately clean up any food, grease, or other fluid or item related to sidewalk vending activities that falls on public property.

G. Sidewalk vendors of food or food products shall possess and display in plain view on the vending cart a valid Public Health Permit from the Los Angeles County Department of Public Health.

H. Sidewalk vendors shall possess and display in plain view on the vending cart or on the sidewalk vendor's person at all times while vending a valid permit issued pursuant to this Chapter, as well as any other permit or license required by the City and any other appropriate governmental agency.

I. All signage and advertising related to the sidewalk vendor shall be attached to the sidewalk vending cart or the sidewalk vendor's person. No signs or displays may be placed on public property.

J. Sidewalk vendors shall possess at all times while vending, current liability insurance.

K. Sidewalk vendors shall comply with all applicable federal, state and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; alcoholic beverages,
tobacco products, cannabis, electronic cigarettes, smoking devices and controlled substances regulations; sanitation and health standards set forth in Division 4 of the Torrance Municipal Code; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).

L. All sidewalk vendors shall allow a police officer, firefighter, fire prevention specialist, code enforcement officer, health inspector, or other government official charged with enforcing laws related to the sidewalk vendor's activities, at any time, to inspect their sidewalk vending cart

M. Vending carts shall not be chained, fastened, or affixed at any time to any building or structure, including, but not limited to, lampposts, parking meters, traffic signals, fire hydrants, benches, bus shelters, trash cans, street signs, trees, or other objects within the public right-of-way. No vending cart shall become a permanent fixture on the vending site or be considered an improvement to real property.

N. Vending carts shall not be left unattended or stored on public property or within the public right-of-way. Vending carts shall be removed from public property when not in active use by a sidewalk vendor.

O. No vending cart shall contain or use explosive or hazardous materials with the exception of propane

P. Sidewalk vendors may not place any type of fencing or other dividers around the vending cart

Q. Sidewalk vendors may not place tables, chairs, shade structures, or other furniture around the vending cart

R. Sidewalk vendors shall not vend alcohol, cannabis, adult oriented material, tobacco products, products that contain nicotine, any product or device used to smoke/vape nicotine or cannabis, or any weapons.

S. Sidewalk vendors shall not vend live animals, wildlife, fish, fowl, or insects.

T. Sidewalk vendors shall not block, obstruct, or impede the free movement of any person on the sidewalk or other public right-of-way

U. Sidewalk vendors may not vend to customers in vehicles

V. Sidewalk vendors may not rent merchandise

W. Sidewalk vendors may not use an electrical outlet owned by the City or any other person. Sidewalk vendors may not run power cords or extension cords across the sidewalk or other public right-of-way

X. Vending carts may not be placed on and sidewalk vendors may not stand on areas improved with lawns, flowers, shrubs, street trees, or other landscaping.

Y. Sidewalk vendors may not attach or use water lines, electrical lines, or gas lines while vending

Z. Roaming vendors vending in residential areas shall move continuously, except when conducting a sale, which must last no more than fifteen (15) minutes. In no event
shall a roaming vendor conduct its operations in a residential area in such a manner to constitute operating in a fixed location.

AA. Stationary sidewalk vendors who operate after daylight hours shall provide adequate lighting that may be necessary to ensure customer safety. Lighting shall be directed downwards and away from adjacent properties.

BB. Sidewalk vendors may not vend out of a parked vehicle

Section 414.1.130 Violations - Penalties

A. A violation of this Chapter by a sidewalk vendor who has a valid sidewalk vending permit from the City is punishable only by an administrative fine in amounts not to exceed the following:

1. $100.00 for the first violation.
2. $200.00 for a second violation within 1 year of the first violation.
3. $500.00 for each additional violation within 1 year of the first violation.
4. The City may rescind a permit issued to a sidewalk vendor upon the fourth or any subsequent violation

B. A person engaged in sidewalk vending without a valid City sidewalk vending permit is punishable by an administrative fine in amounts not to exceed the following, in lieu of the amounts set forth in paragraph A:

1. $250.00 for the first violation.
2. $500.00 for a second violation within 1 year of the first violation.
3. $1,000.00 for each additional violation within 1 year of the first violation.
4. Upon proof of a valid sidewalk vending permit issued by the City, the administrative fines set forth in this paragraph shall be reduced to amounts set forth in paragraph A.

C. A violation of this Chapter shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the provisions herein shall be subject to arrest except when otherwise permitted by law.

D. Failure to pay an administrative citation issued pursuant to this section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed.

E. When assessing administrative citations pursuant to this section, the hearing officer shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her 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.
F. If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, the City shall accept, in full satisfaction, 20% of an administrative citation imposed pursuant to this Chapter.

G. The hearing officer may allow a person to complete community service in lieu of paying the total administrative citation, may waive the administrative citation, or may offer an alternative disposition.

Section 414.1.4140 Sidewalk vending regulations

Sidewalk vending regulations are the implementation standards and specifications to assure compliance with state law, the Torrance Municipal Code, and the preservation of public health, safety, and welfare of sidewalk vending in the city. The sidewalk vending regulations, and any revision thereto, may be promulgated by the City Manager. Violations of the sidewalk vending regulations shall constitute a violation of this Chapter. All published regulations shall be filed with the City Clerk, be linked to the official website of the City, and be available in hard copy to any person upon request.”

SECTION 2

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Torrance hereby 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 other portions might subsequently be declared invalid or unconstitutional.

SECTION 3

CEQA. The City Council finds and determines that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. Accordingly, this Ordinance is not subject to the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15061(b)(3) and 15378 of Division 6 of Title 14 of the California Code of Regulations
SECTION 4
This ordinance shall take effect 30 days after the date of its adoption. Within 15 days following adoption, this ordinance or a summary of this ordinance if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED and APPROVED this day of ________, 2019.

ADOPTED and PASSED this ___ day of ________, 2019.

________________________________________
Mayor Patrick J. Furey

APPROVED AS TO FORM:
PATRICK Q. SULLIVAN
CITY ATTORNEY

By: __________________________
Tatia Y. Strader, Assistant City Attorney

ATTEST:

________________________________________
Rebecca Poirier, City Clerk
MATERIALS
AVAILABLE
FRIDAY
MATERIALS

AVAILABLE

MONDAY
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AMENDING SECTION 34.1.5 OF THE TORRANCE MUNICIPAL CODE REGARDING HOURS OF CANVASSING OR SOLICITING

THE CITY COUNCIL OF THE CITY OF TORRANCE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1
Section 34.1.5 is amended to read in its entirety as follows:

“Section 34.1.5 Hours of Canvassing or Soliciting

No canvasser or solicitor selling or pretending to sell, or offering for sale or demonstration, goods, wares or merchandise of any kind or character, or any article, material or substance, shall ring the bell or knock on the door of, or attempt to gain entrance to, any residence, dwelling, flat, or apartment unless it is between the hours of 9:00 a.m. and 8:00 p.m. No canvassing or soliciting is permitted outside of these hours.”

SECTION 2
If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Torrance hereby 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 other portions might subsequently be declared invalid or unconstitutional.

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INTRODUCED and APPROVED this day of _______, 2019.

ADOPTED and PASSED this ___ day of ________, 2019.

APPROVED AS TO FORM:
PATRICK Q. SULLIVAN
CITY ATTORNEY

By: ____________________________
Tatia Y. Strader, Assistant City Attorney

_______________________________
Mayor Patrick J. Furey

ATTEST:

_______________________________
Rebecca Poirier, City Clerk
**Ordinance Summary**

On October 22, 2019, the City Council of the City of Torrance adopted Ordinance No. _____ adding a new Chapter 14 to Division 4 of the Torrance Municipal Code regarding sidewalk vendors in order to regulate sidewalk vendors in compliance with Senate Bill 946. The proposed Ordinance bans vendors within certain parks (if there is a concessionaire selling food and drinks) as well as near certified farmers' markets, swap meets, and temporary special events. The Ordinance also bans stationary sidewalk vendors in residential areas. The Ordinance regulates and restricts sidewalk vending in the City of Torrance. The City Council adopts this Ordinance under the authority provided in SB 946, and finds that the time, place, and manner regulations and requirements provided herein are directly related to the City's purpose of protecting the health, safety, and welfare of its residents, businesses and visitors.

*****City Clerk to add a paragraph stating that copies of the Ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.*****
ORDINANCE SUMMARY
FOR COTTAGE FOOD OPERATIONS

MATERIAL AVAILABLE MONDAY
Ordinance Summary

On October 22, 2019, the City Council of the City of Torrance adopted Ordinance No. _____ amending Torrance Municipal Code section 34.1.5 regarding hours of canvassing or soliciting. The ordinance only permits canvassing or soliciting between the hours of 9:00 a.m. and 8:00 p.m.

*****City Clerk to add a paragraph stating that copies of the Ordinance are available at the City Clerk's office and stating the names of the City Council members that voted in favor and those that voted against.*****
County of Los Angeles

COTTAGE FOOD OPERATIONS
GUIDE
Cottage Food Operation Guidelines

INTRODUCTION
Assembly Bill 1616, the California Homemade Food Act, was signed into law by Governor Brown on September 21, 2012 and became effective on January 1, 2013. This new law allows certain foods, known as Cottage Foods, to be made in private homes and sold to the public. Individuals who own and run these home-based businesses are known as Cottage Food Operators (CFOs).

This guide provides information to anyone who may want to start a Cottage Food Operation. This guide will provide information on the different types of CFO businesses; how to register and apply for a permit; and general food safety.

SUBMISSION OF REGISTRATION/PERMITTING FORM AND SELF-CERTIFICATION CHECKLIST

You may complete and submit the Registration/Permitting Form on our web site at http://www.publichealth.lacounty.gov/eh/ or you may mail your completed Registration/Permitting Form to Los Angeles County Environmental Health, 5050 Commerce Drive, Baldwin Park, CA 91706, and attention: Plan Check Program (Class A) or Specialized Food Services (Class B). In order to obtain the registration or permit number (Facility ID), please include the following items along with your Registration/Permitting Form:

- Self-Certification Checklist (Class A only).
- A sample copy of the labels for your planned cottage food products.
- If the drinkable water source at your home is from a private well, a laboratory analysis from within the prior three months verifying that the water meets State water quality standards for bacteriological and primary inorganic chemicals.
- Payment of the appropriate fee (Class A and Class B).

Note: For Class B, a non-refundable payment of $254 is required prior to the application review. A permit (Facility ID) to operate will only be granted after an initial inspection has been conducted and approval to operate is received. The Permit granted is only valid the first year of issuance and it required to renew annually.

The fees are as follows:

1. Registration (Class A ONLY) ............................................................... $103
2. Permit (Class B ONLY) ....................................................................... $254

Payments in the form of checks and money orders are accepted. Please make checks payable to: County of Los Angeles, Department of Public Health, and include the name of your cottage food operation in the memo line of your check or money order.

Note: There will be a $33.00 fee for all returned checks.
DEFINITIONS:

1. "Class A CFO" is a Cottage Food Operation (CFO) that may only conduct direct sales of cottage food products from the CFO or other direct sales places.

2. "Class B CFO" is a CFO that may conduct both direct sales and indirect sales of cottage food products.

3. "Cottage food employee" is a person, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for a CFO. An employee does not include an immediate family member or household member of the cottage food operator.

4. "Cottage Food Operation (CFO)" means a business, which produces cottage food products only in the home kitchen of that person's primary home. A CFO shall not operate as a food facility or wholesale food manufacturer.

5. "Cottage food operator" is a person who operates a CFO in his or her private home and is the owner of the CFO.

6. "Cottage food products" means non-potentially hazardous foods that are prepared for sale in the kitchen of a CFO. Foods containing cream, custard, or meat fillings are potentially hazardous and are not allowed in food preparation by a CFO.

7. "Direct sales" means a transaction between a CFO and a customer, where the customer buys the cottage food product directly from the CFO. Examples include, but are not limited to, holiday bazaars, temporary events, bake sales, food swaps, certified farmers’ markets and community-supported agricultural subscriptions.

8. "Indirect sales" means an interaction between a CFO, a third party retailer, and a consumer; where the consumer buys cottage food products made by the CFO from a third party retail market or restaurant that holds a valid permit.

9. "Potentially hazardous food" means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation. Non-potentially hazardous foods do not require time or temperature control.

10. "Private home" is a dwelling, including an apartment or other leased space, where people live.

11. "Registered or Permitted area" means the part of a private home that has the private home’s kitchen used for the preparation, packaging, storage or handling of cottage food products and the ingredients or equipment, or both, that are used to make the food items. This also includes any attached rooms within the home that are used only for storage.

12. "Vermin" means cockroaches, mice, rats, flies and similar pests that carry disease.

13. "Sanitizing" means the use of chemicals such as bleach to remove harmful bacteria from food contact areas such as countertops, cutting boards, pots, pans and other utensils.
WHERE DO I START?
In order to become a Cottage Food Operator, you must decide what type of cottage food products you want to prepare and sell. Next, you must decide if the type of sales you want to have will be direct sales (Class A) or indirect sales (Class B). Finally, you must contact LA County Department of Public Health, (LA DPH), Environmental Health Division to register as either “Class A” or “Class B”.

WHAT TYPE OF PERMIT IS REQUIRED?
1. A “Class A” CFO shall not be open for business unless it is registered with LA DPH, Environmental Health Division and has submitted an approved self-certification checklist.
   a. “Class A” CFOs are subject to inspection based on a customer complaint, a reason to suspect that adulterated or otherwise unsafe food has been made by the CFO, or that the CFO has violated this chapter.
   b. The fee to register is $103.

2. A “Class B” CFO shall not be open for business unless it obtains a permit from LA DPH, Environmental Health Division.
   a. A Permit shall be issued after an initial inspection has been made to determine that the proposed “Class B” CFO and its method of operation are in compliance.
   - “Class B” CFOs are subject to one routine inspection per year.
   b. The fee for a permit is $254 and is due every fiscal year (July 1st - June 30th).

ADDITIONAL REQUIREMENTS
1. A registration or permit is non-transferable. A registration or permit shall be valid only for the person, location, type of food sales, and distribution activity specified by that registration or permit, and unless suspended or revoked for cause, for the time period indicated.

2. A person who prepares or packages cottage food products shall complete a food processor course by the California Department of Public Health (CDPH) within three months of becoming registered.

Note: For both types of Cottage Food Operations, the Cottage Food Operator must contact their local city/county planning department for approval.

WHAT ARE THE REQUIREMENTS FOR COTTAGE FOOD OPERATIONS?
Cottage Food Operations (CFOs) are single-family style homes or apartment units with a non-commercial kitchen.

1. CFO Area: Any and all equipment, utensils, food, drinks, ingredients, and items used for the CFO must be stored and used within the home. No cottage food functions including storage, preparation, mixing, assembling, packaging, and/or labeling may occur in any location outside the registered/permitted area. Examples of areas that may not be used include, but are not limited to, backyards, sheds, garages, lean-tos, vehicles, out-buildings or any other structure or location that is not inside the living space of the home.
   a. Registered or Permitted Area: The CFO operator is required to point out which areas will be considered the “registered/permitted area” when getting their registration/permit from the local enforcement agency.
   b. Non-CFO Operators: No infants, small children, or pets are allowed in the registered area during CFO food handling or preparation activities.
2. **Hand Washing:** A sink must be available for hand washing during food handling or preparation activities. The sink must be supplied with hand soap and warm water. It is recommended that single-use paper towels be provided in a dispenser for drying of hands.

3. **Water Supply:** An adequate, protected, pressurized potable supply of warm water and cold water shall be available for cottage food operations. Water used during the preparation of cottage food products shall meet the potable drinking water standards described in Section 113869. If the CFO is serviced by a private well, the water shall be tested by an approved laboratory analysis to verify that it meets State water quality standards for bacteriological and primary inorganic chemicals. Approval to operate will be granted after submitting recent (within 3 Months) laboratory results to Environmental Health.

   Water used during the preparation of cottage food products includes all of the following:
   - Washing and sanitizing of equipment used in the preparation of a cottage food product.
   - Washing and sanitizing of hands and arms.
   - Water used as an ingredient.

   **Note:** It is recommended that any CFO that has a private water supply contact their local Environmental Health Agency to find out what requirements they will have to meet regarding the water.

4. **Food Sources:** All foods or ingredients used in a Cottage Food Operation shall come from an approved source and shall be obtained from sources that comply with all applicable laws. Approved sources include an acceptable producer, manufacturer, distributor, or a permitted food facility.

5. **Food Storage:** All food shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure and free from adulteration and spoilage. All food shall be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage, or other environmental sources of contamination. Adequate and suitable space shall be provided for the storage of food and ingredients.
   a. It is recommended that all food should be stored at least 6 inches above the floor or under other conditions that are approved by the local enforcement agency. Pressurized containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to moisture.
   b. Potentially hazardous foods (such as eggs and milk) used to make non potentially hazardous food items for the cottage food operations are required to be held at 41 °F or below.

6. **Chemicals and Personal Item Storage:** Chemical and personal items should be stored in an area separate from food. It is recommended to use pesticides and other cleaning chemicals that are safe to use in food areas. Follow the manufacturer's product label on how to use the product safely.

7. **Food Handlers:** Actions by food handlers in a CFO shall not result in the contamination or adulteration of food, food contact surfaces, or utensils. It is recommended that food handlers keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable.

8. **Hand Washing:** All food handlers in a CFO shall thoroughly wash their hands and any exposed areas of the arms before starting work, immediately after using the bathroom, and as needed to prevent contamination of food or food equipment. Hand sanitizers are not acceptable to use in place of hand washing.
9. **Wounds/Illness and Bandages:** A person with a contagious illness such as tuberculosis or hepatitis A shall not work in the cottage food operation. It is recommended that a person with cuts, blisters, or burns cover their hands, wrist and arms with a dry, sturdy bandage and wear a glove before doing any food preparation or packaging.

10. **Tobacco Use:** A person preparing or packaging cottage food products shall not smoke in the registered/permitted area of the CFO.

11. **Washing and sanitizing:** Kitchen equipment, utensils, and food contact surfaces used to produce cottage food products shall be clean and kept in a good repair and shall be washed, rinsed, and sanitized prior to conducting food preparation or packaging.

   Recommended sanitizing solution: 100 parts per million (ppm) for bleach (commonly used sanitizer). Other approved chemicals that can be used are: 200 ppm quaternary ammonium or 25 ppm iodine.

   To make a 100ppm bleach sanitizer solution use unscented household bleach 1 tablespoon of bleach per 1 gallon of water. For best results the bleach should be used in warm water (100°F - 110°F).

   - The use of sponges when cleaning and/or sanitizing food-contact surfaces is not recommended.
   - Other sanitizers may be used if they are safe to use on surfaces that come in contact with food. See sanitizer products labels.

12. **General Sanitation:** No cottage food preparation, packaging, or handling may occur in the home kitchen/permitted area at the same time with any other domestic activities, such as family meal preparation, dishwashing, clothes washing, or guest entertainment. The sinks used for food preparation must be washed and sanitized before use. It is recommended that dirty mop water not be dumped in the kitchen sink.

13. **Animals:** Animals/pets are not allowed in the registered/permitted areas of the cottage food operation at all times while preparing, packaging, or handling of cottage food products.

14. **Vermin:** All food preparation and food storage areas shall be maintained free of vermin.

15. **Garbage:** The premises of each cottage food operation shall be kept clean and free of litter, garbage, and vermin.

16. **Sewer:** A Cottage Food Operation using an onsite wastewater system (ie: septic tank) may need to have the system reviewed to ensure it is adequate for their proposed operation.
FOOD PRODUCT LABELING

A Cottage Food Operation (CFO) shall properly label all cottage food products in compliance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.). Additionally, to the extent permitted by federal law, the label shall include, but is not limited to, all of the following:

- The words "Made in a Home Kitchen" in 12-point type on the cottage food product’s primary display panel.
  Note: If labeled as "Repackaged in a Home Kitchen" then a description of any purchased whole ready-to-eat products not used as an ingredient must also be included on the label.
- The name commonly used for the food product or an adequately descriptive name.
- The name of the Cottage Food Operation which produced the food product.
- The physical address for Cottage Food Operation (street number, street name, city, state, zip code).
- The registration or permit number of the Class A or Class B CFO, respectively, which produced the cottage food product and, in the case of a Class B CFO, the name of the county of the local enforcement agency that issued the permit number.
- The ingredients of the cottage food product, in descending order of predominance by weight, if the product contains two or more ingredients.
- The net quality (count, weight, or volume) of the food product. It must be stated in both English (pound) units and Metric units (grams).

Note: If the food label makes any nutrient content health claims, then a Nutrition Facts Panel must be incorporated into the label.

The use of the following eleven terms are considered nutrient content health claims (nutritional value of a food): free, low, reduced, fever, high, less, more, lean, extra lean, good sources and light.
FOOD PRODUCT LABELING

<table>
<thead>
<tr>
<th>“Class A” Label Requirements</th>
<th>“Class B” Label Requirements</th>
</tr>
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<tbody>
<tr>
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<tr>
<td>• Common name of food or descriptive name</td>
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<td>• Name and address of Cottage Food Operation which produced the cottage food product</td>
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<tr>
<td>• Registration Number of the Cottage Food Operation</td>
<td>• Public Health Permit (Facility ID) number of the Cottage Food Operation</td>
</tr>
<tr>
<td>• List of product ingredients of the cottage food product, in descending order of predominance of weight, if the product contains two or more ingredients</td>
<td>• The name of the county of the local enforcement agency that issued the permit number</td>
</tr>
<tr>
<td>• A declaration on the label in plain language if the food contains any of the major food allergen allowed to be used as ingredients in Cottage Food Products such as milk, eggs, tree nuts, wheat, peanuts or soybeans.</td>
<td>• Ingredients of the cottage food product, in descending order of predominance of weight, if the product contains two or more ingredients.</td>
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</tbody>
</table>

All labels of products from Cottage Food Operations (CFO) that are submitted for review must contain the information listed above. Labels missing any of the listed information will not be approved and will need to be corrected and resubmitted for review.

Food Business Advertising

A cottage food product that is served by a food business, such as restaurant, without packaging or labeling, shall be identified to the consumer as homemade on the menu, menu board, or other location that would reasonably inform a consumer of its homemade status. For the purpose of this document, “Homemade” means food made at a CFO.

LIMITATIONS

1. A CFO can have only one cottage food employee equal to full time, not including a family or household members.

2. The CFO is limited to the following amount of gross annual sales:
   • In 2014 $45,000
   • In 2015 and in subsequent years $50,000
3. A cottage food product shall not be potentially hazardous food (food that needs temperature controls to remain safe). CDPH is responsible for maintaining the list of approved cottage food products on their website and may add or delete cottage food products from the list. Any change to the list shall become effective 30 days after it is added or removed from the list. This list can be found here http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx

4. A “Class B” CFO may **ONLY** conduct indirect sales in the County where they are permitted, unless they receive permission from another County.

5. A cottage food operator may accept orders and payment on-line for the cottage food products, however, the cottage food products must be delivered directly, in person, to the buyer by the CFO. A CFO may not deliver any cottage food products via US Mail, UPS, FedEx or using any other third-party delivery service. A cottage food operator may not introduce the cottage food products into interstate commerce.

If you have additional questions or need further assistance, please call the Plan Check Program at (626) 430-5560 for Class A CFO and Specialized Food Services at (626) 430-5421 for Class B CFO or email cottagefoodoperator@ph.lacounty.gov.
Cottage food operations are allowed to produce certain non-potentially hazardous foods. These are foods that do not support the rapid growth of bacteria that would make people sick when held outside of refrigeration temperatures. The list of approved cottage food categories and their ethnic variations, which cottage food operations are allowed to produce, are listed below. The list will be maintained and updated by the California Department of Public Health (CDPH) on its Internet website as necessary. CDPH may add to or delete food products from the approved products list. Notice of any change, reason for the change, the authority for the change, and the nature of the change to the approved food products list will be posted on the CDPH website and shall be become effective thirty (30) days after the notice is posted.

Approved Food Products List (July 1, 2018):
1. Baked goods, without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas.
2. Candy, such as brittle and toffee.
3. Chocolate-covered nonperishable foods, such as nuts and dried fruits.
4. Dried fruit.
5. Dried pasta.
6. Dry baking mixes.
7. Fruit pies, fruit empanadas, and fruit tamales.
8. Granola, cereals, and trail mixes.
9. Herb blends and dried mole paste.
10. Honey and sweet sorghum syrup.
11. Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations. * See Below
12. Nut mixes and nut butters.
13. Popcorn.
15. Roasted coffee and dried tea.
16. Waffle cones and pizelles.
17. Cotton candy.
18. Candied apples.
19. Confections such as salted caramel, fudge, marshmallow bars, chocolate covered marshmallow, nuts, and hard candy, or any combination thereof.
20. Buttercream frosting, buttercream icing, buttercream fondant, and gum paste that do not contain eggs, cream, or cream cheese.
21. Dried or Dehydrated vegetables.
22. Dried vegetarian-based soup mixes.
23. Vegetable and potato chips.
25. Seasoning salt.
26. Flat icing.

* See Below
(27) Marshmallows that do not contain eggs.
(28) Popcorn balls.
(29) Dried grain mixes.
(30) Fried or baked donuts and waffles.
(31) Dried hot chocolate (dried powdered mixes or molded hardened cocoa pieces).
(32) Fruit infused vinegar *(containing only high-acid fruits such as apple, crabapple, nectarine, peach, plum, quince, blackberry, blueberry, cherry, cranberry, grape, huckleberry, gooseberry, loganberry, pomegranate, pineapple, raspberry, strawberry, tomatillo, youngberry, grapefruit, kumquat, lemon, lime, orange)*.
(33) Dried fruit powders.
(34) Dried spiced sugars.

*Jams, jellies, preserves, and fruit butter:* Cottage food operations which produce jams, jellies, preserves, and other related products must be sure that their products meet the legal established standards of identity requirements for those products as set forth in 21 CFR Part 150. The purpose of the regulation is to maintain the integrity of the food product to ensure consumers consistently get what they expect. The product name and ingredients listed on the label must be factual and comply with the legal definitions and standards of identity or the product may be considered misbranded. Products made with other ingredients that are not defined in 21 CFR 150 cannot be produced by cottage food operations. Addition of other ingredients or alteration of ingredient profiles changes the chemistry of the food, which can allow the growth of various bacteria and toxins under the right conditions. For example, addition of peppers (i.e. jalapeno pepper) to make pepper jelly is not supported by 21 CFR 150 and the addition of this low acid ingredient could cause the formation of botulism toxin in the product if the proper controls are not used.
ARTICLE 18 - HOME OCCUPATIONS

(Added by O-1456; Amended by O-1795; O-2344; O-3453)

92.18.1 PURPOSE.
The purpose of this Article is to set forth standards and requirements for the conduct of business enterprises within residences in all zones so as to protect the residential quality and the peace, health, safety and general welfare of surrounding neighborhoods. Home occupations are allowed in all zones as a permitted accessory use within a residence, subject to submittal of a business license supplement and subject to compliance by the applicant with all of the mandatory requirements of this Article.

92.18.2 PERMITTED USE.
A home occupation for which a valid business license has been issued is a permitted use in all residential zones and in residential units in all zones, subject to compliance with the requirements of this Article.

92.18.3 APPLICATION REQUIREMENTS.
A supplemental form to the business license application must be obtained from the Planning Department and filed with the Business License Division of the Finance Department. The form for this supplement will be prescribed by the Planning Director and include, but not be limited to, the following information:

a) Applicant's name, address and telephone number;

b) Description of the nature of the home occupation;

c) Statement from applicant attesting that the home occupation is not prohibited by any rental agreements or Covenants, Conditions and Restrictions (CC&Rs) applicable to the property;

d) Text of the mandatory conditions;

e) Signature of the applicant acknowledging and agreeing to comply with the conditions of this Article governing home occupations.

92.18.4 STANDARDS AND REQUIREMENTS.
Home occupations must be conducted in accordance with the following standards and requirements:

1) The use of the property must be a residence, and the home occupation will be clearly incidental and secondary and will not change its residential character;

2) The home occupation must not involve the use of more than one (1) room in the dwelling, or the equivalent of twenty (20) percent of the total floor area of the living area of the main residence, whichever is greater. This space may be located within the main residence or in a permitted accessory building. The garage parking area may not be used for the operation of the home occupation, except in the case of a third car garage, a permitted accessory room attached to the garage, or work areas outside of the required parking area within a garage. If two (2) home occupations exist within a single residence, the combined space devoted to the occupations may not exceed the above limitations;

3) All activity must be conducted inside the residence or a permitted, enclosed accessory structure, with the exception of the parking of an allowable vehicle;

4) The inventory, supplies, equipment and tools for a home occupation must not be more than twenty-five (25) percent of the allowable area involved in the home occupation and must be stored entirely within a permitted, enclosed building or within an allowable vehicle;
5) No structural alterations of the premises may be made when related to the home occupation, except those consistent with the residential character of the dwelling;

6) No person other than the residents may be employed on the premises in connection with the home occupation. Any other employees must meet the home occupation operator at the off-site job location and may not leave from or arrive at the home occupation operator’s residence to start or end the workshift or workday;

7) No customers may come to the home occupation residence. All in-person contact must take place at an off-site location such as the customer’s residence or place of business. The only exception will be a student arriving to a home occupation residence for the sole purpose of one-on-one music or arts instruction or academic tutoring. Music and arts instruction will be allowed only between the hours of 9:00 A.M. to 8:00 P.M., daily. Academic tutoring will be allowed only between the hours of 9:00 A.M. to 10:00 P.M., daily;

8) The home occupation must be in conformance with the City noise ordinance, Section 46.7.2(Division 4, Chapter 6, Article 7);

9) The home occupation must not produce odor, dust, vibration, fumes, smoke, or electrical interference. The home occupation may not involve hazardous processes or materials beyond the nature and quantity normally associated with residential use. The home occupation is subject to inspection by the Fire Department to the same extent as a commercial premises to ensure compliance with this condition;

10) The home occupation may not involve the use of power driven equipment, except electric motors of up to one-half (1/2) horsepower capacity each;

11) Deliveries at the home occupation residence by large commercial semi-trucks will be prohibited, but deliveries of parcels and small packages by delivery vans will be permissible;

12) Only one (1) vehicle that is used primarily for the home occupation may be parked or stored on or near the home occupation property. That vehicle may display a sign that includes the name of the business;

13) No sign or display identifying the home occupation may be visible from the exterior of the premises, except that on a permitted vehicle;

14) Advertisements that are displayed in any media, including telephone directories, may not give the street address of the home occupation location;

15) There will be a limit of two (2) home occupations per residence and each home occupation must have a business license. Business licenses will be non-transferable;

16) The applicant agrees to make the premises available for inspection by the City Manger, or his/her designee, at all reasonable times and without an inspection warrant for the purpose of assuring compliance with the requirements of this Article.