

ORDINANCE NO. 1326

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BALDWIN PARK, CALIFORNIA AMENDING SECTION 121.04 OF THE BALDWIN PARK MUNICIPAL CODE RELATING TO SUSPENSION OF SOLICITATION PERMITS

The City Council of the City of Baldwin Park does hereby ordain as follows:

SECTION 1. Section 121.04 of the Baldwin Park Municipal Code is hereby amended in its entirety to read as follows:

**§ 121.04 CONDITIONS FOR SUSPENSION AND APPEAL.**

(A) The Chief of Police, or his./her designee, shall suspend any permit issued under this chapter, if he/she finds:

(1) The permittee in its operation is, in fact, perpetrating a fraud upon members of the general public;

(2) Except as otherwise permitted by law, the permittee is soliciting on private property after being requested to cease that solicitation by the owner, tenant or person in apparent control of that property;

(3) The permittee inhibits any other person's ability to continue on that other person's path of travel to or from any structure or vehicle; or

(4) The permittee fails to follow valid directions of a city peace officer.

(B) The permittee whose permit has been suspended pursuant to this section may appeal that suspension order to the Chief Executive Officer, or his/her designee (CEO), subject to the following:

(1) There shall be no cost charged to the permittee for that appeal;

(2) The CEO shall schedule and hold the hearing for that appeal within 10 days after the appeal is filed;

(3) The CEO shall allow the Chief of Police, or his or her designee, and the permittee, or his/her/its representative, to provide testimony and evidence at that hearing. The city will record the proceedings at the hearing by an audio recorder, court reporter or other method agreed to by the CEO and permittee;

(4) The CEO shall issue his/her decision within 3 business days after the hearing is concluded.

(5) The Chief of Police shall have the burden of proof, by a preponderance of evidence, to show the permit should have been suspended;

(6) The time periods for the appeal may be extended at the permittee's request;

(7) The suspended permit shall not be effective unless the CEO decides in the permittee's favor or any of the time periods established in subsections (2), (4) or (6) lapse without any decision from the CEO; and

(8) The CEO's decision is final and no other administrative appeal is available.

SECTION 2. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final reading and adoption.

PASSED AND APPROVED on the 15<sup>th</sup> day of April 2009

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MANUEL LOZANO  
MAYOR

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES  
CITY OF BALDWIN PARK

} ss.

I, LAURA M. NIETO, Deputy City Clerk, of the City of Baldwin Park, do hereby certify the foregoing Ordinance No. 1326 was introduced at a regular meeting of the City Council held on April 1, 2009, and was adopted by the City Council at its regular meeting held on April 15, 2009, by the following vote of the Council:

AYES:	COUNCIL MEMBERS:	Anthony J. Bejarano, Marlen Garcia, Ricardo Pacheco, Mayor Pro Tem Monica Garcia and Mayor Manuel Lozano
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE

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LAURA M. NIETO, CMC  
DEPUTY CITY CLERK