

ORDINANCE NO. ____

**AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING CHAPTER 5.40 (PEDDLING
AND SOLICITING) OF THE NAPA COUNTY CODE TO CONFORM TO
CALIFORNIA HEALTH AND SAFETY CODE REQUIREMENTS AND
TO CLARIFY THE REQUIREMENTS**

WHEREAS, Chapter 5.40 was adopted in 1982; and

WHEREAS, Chapter 5.40 was amended in 2013 to align updates to California's Health and Safety Code; and

WHEREAS, the Board of Supervisors wishes to amend Chapter 5.40 to align with California's Health and Safety Code Section 51036 – 51039 and to clarify the requirements.

NOW, THEREFORE, the Board of Supervisors of Napa County ordains as follows:

SECTION 1: Section 5.40.010 (Definitions.) of Chapter 5.40 (Peddling and Soliciting) of the Napa County Code is amended to read in full as follows:

5.40.010 – Definitions.

Unless the context otherwise requires, the definitions in this section shall govern the construction of this chapter:

"Department" means the county department of planning, building and environmental services.

"Director" means the director of the county department of planning, building and environmental services, or the director's authorized designee.

"Engaged in business" means the conducting, managing or carrying on of any business mentioned herein by any person or owner, officer, agent, manager, employee, servant, tenant of lessee, partner or associate.

"Peddler" means any person who travels by foot or by any type of conveyance from door to door, house to house, place to place, or street to street, carrying, conveying or transporting food, goods, wares, merchandise or other personal property of any nature whatsoever, offering or exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from any vehicle or from any place not a permanent store building. The word "peddler" means and includes the words "hawker," "huckster," "roadside vendor" and "itinerant vendor." The word "peddler" shall also mean a person offering goods, wares or merchandise for sale or future delivery from a fixed place of business if the goods, wares or merchandise are sold during a temporary or limited period of time, or seasonally.

"Solicitor" means any person who travels either by foot or by any type of conveyance from door to door, house to house, place to place, or street to street, taking or attempting to take

subscriptions, contracts of sale, or orders for the sale of foods, goods, wares, merchandise or other personal property of any nature whatever for future delivery, or for services to be furnished or performed in the future, whether or not such person has, carries or exposes for sale a sample of the subject of such sale or whether or not he collects advance payments on such sales. The word "solicitor" shall include any person who uses or occupies any building, structure, room, shop, conveyance or other place other than a permanent store building within the county for the purpose of exhibiting samples and taking orders for merchandise or service for future delivery. The word "solicitor" shall include itinerant merchants and persons soliciting funds or otherwise peddling or soliciting for religious, political or charitable purposes.

SECTION 2: Section 5.40.030 (Exemptions from chapter applicability.) of Chapter 5.40

(Peddling and Soliciting) of the Napa County Code is amended to read in full as follows:

5.40.030 – Exemptions from chapter applicability.

This chapter shall not apply to:

- A. Persons soliciting orders from or selling to retail dealers for use or for resale, or to manufacturers for processing;
- B. Public agencies;
- C. Any person operating a regular route not less than once a week for newspapers, eggs, dairy or bakery products;
- D. Persons regulated and required to be licensed by the state, or any of its agencies, while these persons are actually engaged in the activity for which the license is required;
- E. Persons delivering or soliciting for a newspaper of general circulation;
- F. Growers or producers of any agricultural commodity sold or offered for sale on the premises where grown or produced;
- G. Persons soliciting funds or peddling or soliciting goods or publications for the sole and bona fide purpose of propagating a religious or political faith, doctrine or belief, or for charitable purposes.

SECTION 3: Section 5.40.040 (Permit —Application.) of Chapter 5.40 (Peddling and

Soliciting) of the Napa County Code is amended to read in full as follows:

5.40.040 – Permit—Application.

A person shall apply to the director for a permit to engage in the business of peddler or solicitor on a form provided by the director, which shall require:

- A. Name, birthdate and description of the applicant;
- B. Permanent home address and local address of the applicant;
- C. The name and address of the applicant's business, their interest in or relationship with such business, and, if the applicant is employed, the name and address of their employer together with credentials establishing the exact relationship between the applicant and such employer;

- D. A brief description of the nature of the applicant's proposed business and of the product or services to be peddled or solicited, including the hours of operation;
- E. If any food product or substance for human consumption is to be peddled, a statement certifying compliance with the requirements of Chapter 8.04.

SECTION 4: Section 5.40.050 (Permit—Fees.) of Chapter 5.40 (Peddling and

Soliciting) of the Napa County Code is amended to read in full as follows:

5.40.050 – Permit—Fees.

Applications for a peddler's or solicitor's permit shall be accompanied by that fee established by resolution of the board.

SECTION 5: Section 5.40.050 (Permit—Bond or insurance.) of Chapter 5.40 (Peddling and Soliciting) of the Napa County Code is amended to read in full as follows:

5.40.060 – Permit—Bond or insurance.

The director shall require of each applicant whose application has been approved, a liability insurance policy or bond, executed by the applicant as principal and surety company qualified and authorized to do business in California as surety, in the sum of three hundred thousand dollars, to protect adequately the interests of the county and the public. This policy or bond shall require the applicant to:

- A. Fully comply with the provisions of this chapter and with the provisions of all other applicable regulations of the county and statutes of the state concerning the sale of any goods, wares, merchandise or services subject to this chapter;
- B. Pay all judgments rendered against the applicant for injuries to person and/or loss or damage to property resulting from the negligent operation of the business of the applicant within the county;
- C. Pay all judgments recovered by any person against the applicant arising out of any misrepresentation or deception practiced upon any person transacting business with the applicant as peddler or solicitor within the county;
- D. Pay all judgments recovered by any person against the applicant arising from or connected with the applicant's activities as a peddler or solicitor within the county. The policy or bond shall also provide that any person injured by negligent operation of the business or having a claim or cause of action arising from the licensed activity shall have a right of action directly on the policy or bond. Such policy or bond shall remain in full force and effect for a period of ninety days after the expiration of the permit and any renewal thereof.

SECTION 6: Section 5.40.070 (Permit—Bond or insurance.) of Chapter 5.40 (Peddling and Soliciting) of the Napa County Code is amended to read in full as follows:

5.40.070 – Permit—Issuance conditions.

- A. The issuance of a permit shall be subject to the following conditions:
1. If the application is for a permit to engage in the business of peddling any food products or substance for human consumption or other thing which might endanger the public health, the director shall cause to be made such investigation and examination of the applicant and applicant's equipment, facilities, place of business and/or manner of operation of same, as it shall deem necessary for the protection of the public health and welfare and to assure compliance with the sanitation laws of the state, and ordinances of the county.
 - a. If as a result of such investigation, any of the matters investigated are found to be unsatisfactory, the director shall endorse on such application its disapproval thereof and the reasons and notify the applicant that their application has been disapproved and that no permit will be issued.
 - b. If, as a result of such investigation, the applicant's equipment, facilities, place of business and/or manner of operation of same are found to be satisfactory, the director shall endorse on the application its approval.
 2. If the application is for a permit to engage in the business of offering goods, wares or merchandise for sale or future delivery from a fixed place of business such as a mobilehome, trailer, truck, bus, automobile or wagon parked on or otherwise occupying private property for a temporary or limited period of time, the director shall cause to be made such investigation and examination of such temporary or limited place of business and its manner of operation to ensure consistency with the policies in the county's General Plan and compliance with the requirements of Title 18 (zoning) of this code.
 - a. If the result of such investigation discloses inconsistency with the General Plan or noncompliance with Title 18 (zoning), the director shall notify the applicant that their application has been disapproved and that no permit will be issued until such time as compliance is insured.
 - b. If, as a result of such investigation, the applicant's place of business and manner of operation of same are found to be satisfactory, the director shall endorse on the application their approval, including any or all such conditions as may be imposed on the operation of the applicant's business on the application. Failure of the applicant to comply with all such condition(s) shall be considered sufficient and proper grounds for the revocation of the permit. The director shall enforce compliance with the conditions.
 3. Such other conditions as may be imposed by the director in conformity with the written general operating conditions on file in their office.
- B. If, upon completion of the investigation, the application is approved, and after payment of all fees and demonstration of financial assurances required by this chapter, the director shall issue or cause to be issued a permit addressed to the applicant for the carrying on of the business of peddler or solicitor, and the director shall keep a record showing the number of each permit, the purpose for which it is issued, the name and address of the person to whom it is issued, and the dates of issue and expiration thereof.

SECTION 7: Section 5.40.090 (Permit—Carrying and display.) of Chapter 5.40

(Peddling and Soliciting) of the Napa County Code is amended to read in full as follows:

5.40.090 – Permit—Carrying and display.

Every applicant shall at all times when engaged in peddling or soliciting, carry and prominently display the permit issued under this chapter.

SECTION 8: Section 5.40.110 (Permit—Revocation conditions.) of Chapter 5.40

(Peddling and Soliciting) of the Napa County Code is amended to read in full as follows:

5.40.110 – Permit—Revocation conditions.

Any permit issued pursuant to this chapter may be revoked at any time by the director for any of the following reasons:

- A. Fraud, misrepresentation or false statement contained in the application for a permit, or in the interstate commerce exemption declaration;
- B. Fraud, misrepresentation or false statement made in the course of carrying on the activity authorized by such permit;
- C. Violation of the provisions of the permit or this chapter;
- D. Conducting the activity authorized by the permit in an unlawful manner, or in such a manner as to cause a breach of the peace or as to constitute a menace to the health, safety or general welfare of the public, or a violation of a state or county health code;
- E. Finding of any fact which, if known, would have prevented issuance of the permit;
- F. Failure to pay any judgment arising from or connected with the activities authorized by the permit;

SECTION 9: Section 5.40.120 (Restrictions on visiting premises.) of Chapter 5.40

(Peddling and Soliciting) of the Napa County Code is amended to read in full as follows:

5.40.120 –Restrictions on visiting premises.

No person shall peddle or solicit at or upon any premises within the unincorporated area of the county which are posted with a clearly visible sign bearing the words "No Peddlers or Solicitors" or similar words.

SECTION 10: Section 5.40.130 (Nuisance activities prohibited.) of Chapter 5.40

(Peddling and Soliciting) of the Napa County Code is amended to read in full as follows:

5.40.130 – Nuisance activities prohibited.

No person shall, in the course of engaging in the business of peddler or solicitor, create any public nuisance, including disturbing the peace and quiet of any neighborhood by the use of loud noise, brilliant lights or any act offensive to the senses.

SECTION 11: Section 5.40.050 (Enforcement.) of Chapter 5.40 (Peddling and

Soliciting) of the Napa County Code is amended to read in full as follows:

5.40.140 – Enforcement.

The enforcement officer, as defined in Section 1.28.040, shall have responsibility for enforcement of this chapter, including failure of a permittee to comply with the provisions of their permit or this chapter. Consistent with Section 1.40.160, the enforcement officer may issue citations, pursuant to Chapter 1.28, imposing administrative penalties for violations of any provisions of this chapter or a permit issued pursuant to this chapter.

SECTION 12: Section 5.40.150 (Appeal procedure.) of Chapter 5.40 (Peddling and

Soliciting) of the Napa County Code is amended to read in full as follows:

5.40.150 – Appeal procedure.

Any person affected by a decision of the director to deny or grant or condition a permit application submitted under Section 5.40.040 (Permit Application), or a request for renewal under Section 5.40.080 (Permit—Term—Renewal), or to revoke a permit under Section 5.40.110 (Permit—Revocation Conditions) shall have the right of appeal. Such appeal shall be taken in accordance with Chapter 2.88.

SECTION 13: Section 5.40.160 (Violation—Penalty.) of Chapter 5.40 (Peddling and

Soliciting) of the Napa County Code is amended to read in full as follows:

5.40.160 – Violation—Penalty.

The violation of any provision of this chapter may be punishable by an administrative fine. For permitted vendors, a violation is punishable by (1) a notice of violation detailing the violation and the portion of the chapter violated, (2) a fine not to exceed one hundred dollars (\$100) for a second violation within one year of a first violation, (3) a fine not to exceed two hundred dollars (\$200) for a third violation within one year of the first violation, (4) a fine not to exceed five hundred dollars (\$500) for each additional violation within one year of the first violation. For vendors operating without a permit, a violation for operating without a permit is punishable by a fine not to exceed three times the cost of the permit. Any citation issued by an enforcement officer shall include a notice of the right to request an advance deposit hardship waiver, and information on how to submit a request for an advance deposit hardship waiver under Section 128,100, which will govern such requests.

SECTION 14: The Board of Supervisors finds that adoption of this Ordinance is exempt from the provisions of the CEQA pursuant to the General Rule in that it can be seen with certainty that there is no possibility the proposed action may have a significant effect on the

environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the CEQA 14 CCR 15061(b)(3).]

SECTION 15: If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Napa County Board of Supervisors hereby declares it would have passed and adopted this Ordinance and each and all provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 16: This Ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 17: A summary of this Ordinance shall be published at least once five (5) days before adoption and at least once before the expiration of fifteen (15) days after its passage in the Napa Valley Register, a newspaper of general circulation published in Napa County, together with the names of members voting for and against the same.

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The foregoing Ordinance was introduced at a regular meeting of the Napa County Board of Supervisors, State of California, held on the ____ day of September 2025, and passed at a regular meeting of the Napa County Board of Supervisors, State of California, held on the ____ day of _____ 2025, by the following vote:

AYES:	SUPERVISORS	_____

NOES:	SUPERVISORS	_____
ABSTAIN:	SUPERVISORS	_____
ABSENT:	SUPERVISORS	_____

NAPA COUNTY, a political subdivision of the
State of California

ANNE COTTRELL, Chair of the
Board of Supervisors

<div>APPROVED AS TO FORM Office of County Counsel</div> <div>By: <u>Rebekah Reynolds</u> Deputy County Counsel</div> <div>By: <u>McKayla McMahon</u> Code Services</div> <div>Date: <u>9/22/2025</u></div>	<div>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</div> <div>Date: _____ Processed By: _____ Deputy Clerk of the Board</div>	<div>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</div> <div>By: _____</div>
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON _____.

_____, DEPUTY
NEHA HOSKINS, CLERK OF THE BOARD