

CITY OF WINTERS REGULAR PLANNING COMMISSION AGENDA

Tuesday, September 25, 2018 @ 6:30 PM
City of Winters Council Chambers
318 First Street
Winters, CA 95694-1923
Community Development Department
Contact Phone Number (530) 794-6713
Email: dave.dowswell@cityofwinters.org

Chairperson: Paul Myer
Vice Chair: Lisa Baker
Commissioners: Dave Adams, Patrick
Riley, Gregory Contreras, Daniel
Schrupp, Ramon Altamirano
City Manager: John W. Donlevy, Jr.
Management Analyst, Dago Fierros

I CALL TO ORDER

II ROLL CALL & PLEDGE OF ALLEGIANCE

III CITIZEN INPUT: Individuals or groups may address the Planning Commission on items which are not on the Agenda and which are within the jurisdiction of the Planning Commission. NOTICE TO SPEAKERS: Speaker cards are located on the first table by the main entrance; please complete a speaker's card and give it to the Planning Secretary at the beginning of the meeting. The Commission may impose time limits.

IV CONSENT ITEM

A. Minutes of the July 24, 2018 regular meeting and August 14, 2018 special meeting of the Planning Commission.

V STAFF/COMMISSION REPORTS

VI DISCUSSION ITEMS:

A. Study session: Update on proposed ordinance to regulate food trucks.

VII COMMISSION/STAFF COMMENTS

VIII ADJOURNMENT

POSTING OF AGENDA: PURSUANT TO GOVERNMENT CODE § 54954.2, THE COMMUNITY DEVELOPMENT MANAGEMENT ANALYST POSTED THE AGENDA FOR THIS MEETING ON SEPTEMBER 20, 2018



DAVID DOWSWELL, CONTRACT PLANNER, COMMUNITY DEVELOPMENT
DEPARTMENT

APPEALS: ANY PERSON DISSATISFIED WITH THE DECISION OF THE PLANNING COMMISSION MAY APPEAL THIS DECISION BY FILING A WRITTEN NOTICE OF APPEAL WITH THE CITY CLERK, NO LATER THAN TEN (10) CALENDAR DAYS AFTER THE DAY ON WHICH THE DECISION IS MADE.

PURSUANT TO SECTION 65009 (B) (2), OF THE STATE GOVERNMENT CODE "IF YOU CHALLENGE ANY OF THE ABOVE PROJECTS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING(S) DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY PLANNING COMMISSION AT, OR PRIOR TO, THIS PUBLIC HEARING".

MINUTES: THE CITY DOES NOT TRANSCRIBE ITS PROCEEDINGS. ANYONE WHO DESIRES A VERBATIM RECORD OF THIS MEETING SHOULD ARRANGE FOR ATTENDANCE BY A COURT REPORTER OR FOR OTHER ACCEPTABLE MEANS OF RECORDATION. SUCH ARRANGEMENTS WILL BE AT THE SOLE EXPENSE OF THE INDIVIDUAL REQUESTING THE RECORDATION.

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: PRIOR TO THE PLANNING COMMISSION MEETINGS, COPIES OF THE AGENDA, AGENDA REPORTS, AND OTHER MATERIAL ARE AVAILABLE DURING NORMAL WORKING HOURS FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT. IN ADDITION, A LIMITED SUPPLY OF COPIES OF THE AGENDA WILL BE AVAILABLE FOR THE PUBLIC AT THE MEETING. COPIES OF AGENDA, REPORTS AND OTHER MATERIAL WILL BE PROVIDED UPON REQUEST SUBMITTED TO THE COMMUNITY DEVELOPMENT DEPARTMENT. A COPY FEE OF 25 CENTS PER PAGE WILL BE CHARGED.

ANY MEMBER OF THE PUBLIC MAY SUBMIT A WRITTEN REQUEST FOR A COPY OF PLANNING COMMISSION AGENDAS TO BE MAILED TO THEM. REQUESTS MUST BE ACCOMPANIED BY A CHECK IN THE AMOUNT OF \$25.00 FOR A SINGLE PACKET AND \$250.00 FOR A YEARLY SUBSCRIPTION.

OPPORTUNITY TO SPEAK, AGENDA ITEMS: THE PLANNING COMMISSION WILL PROVIDE AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMISSION ON ITEMS OF BUSINESS ON THE AGENDA; HOWEVER, TIME LIMITS MAY BE IMPOSED AS PROVIDED FOR UNDER THE ADOPTED RULES OF CONDUCT OF PLANNING COMMISSION MEETINGS.

REVIEW OF TAPE RECORDING OF MEETING: PLANNING COMMISSION MEETINGS ARE AUDIO TAPE RECORDED. TAPE RECORDINGS ARE AVAILABLE FOR PUBLIC REVIEW AT THE COMMUNITY DEVELOPMENT DEPARTMENT FOR 30 DAYS AFTER THE MEETING.

THE COUNCIL CHAMBER IS WHEELCHAIR ACCESSIBLE

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
JULY 24, 2018**

***DISCLAIMER:** These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

Chairman Myer called the meeting to order at 6:30 p.m.

PRESENT: Commissioners, Adams, Baker, Contreras, Riley, Vice Chair Baker, Chairman Myer

ABSENT: Commissioner Schrupp

STAFF: City Manager John Donlevy, Contract Planner Dave Dowswell, Chief Building Official Gene Ashdown, Management Analyst Dagoberto Fierros

Management Analyst Commissioner Altamirano led the pledge of allegiance.

CITIZEN INPUT: None.

CONSENT ITEM:

- A. Minutes of the May 22 and June 26, 2018 regular meeting of the Planning Commission.

Commissioner Contreras moved with corrections to the May 22 Planning Commission meeting. Commissioner Riley Seconded.

AYES: Commissioners Adams, Altamirano, Contreras, Riley, Vice Chair Baker, Chairman Myer

NOES: None

ABSTAIN: None

ABSENT: Schrupp

Motion carried.

STAFF/COMMISSION REPORTS:

Commissioner Riley attended his assigned Putah Creek Council Meeting.

Chairman Myer announced the birth of Commission Schrupp's newborn.

DISCUSSION ITEM:

- A. Public Hearing and Consideration of an application by Catholic Bishop of Sacramento to amend (reconfigure) the Tentative Map for the 40 lot subdivision of the Creekside Estates Development located at the southwest corner of Grant Avenue (SR 128) and Main Street along Dry Creek.

Contract Planner Dave Dowswell gave a brief presentation on the proposed Tentative Map.

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PUBLIC COMMENTS:

Maxwell Thomas, 412 Dry Creek Lane, stated his concern about drainage issues. Thomas also stated the interest from various neighbors who would like to purchase a portion of the adjacent property to maintain access to Dry Creek.

Linda Hurst, resident at Dry Creek Lane, stated her interest in purchasing a portion of the adjacent property to maintain access to Dry Creek.

Bryan Bonino, Project Engineer of Laugenour and Meikle, stated there is an existing 30 foot public utility easement that runs along the backside of the concerned resident's properties. If the residents bought a portion of the property behind their homes, they would not be able to build directly above the public utility easement because there is an active storm drain there. It could serve, however, as a buffer.

COMMISSIONER/STAFF COMMENTS:

Vice Chair Baker moved to approve staff recommendations, Adams Seconded.

AYES: Commissioners Adams, Altamirano, Contreras, Riley, Vice Chair Baker, Chairman Myer

NOES: None

ABSTAIN: None

ABSENT: Schrupp

Motion carried unanimously.

Chairman Myer encouraged the developer to diversify their models.

DISCUSSION ITEM:

- A. Study session regarding food trucks.

Management Intern, Samuel Donlevy shared with the commission an update on food trucks in town. Location, Size, Marketability, and Permits were discussed.

Vice Chair Baker advised to engage the local business owners in order to gain their input and provide synergy between businesses that will be directly impacted.

Commissioner Adams and Contreras stated their concerns with the affects the proposed regulations will have on mobile food vendors on private property and public property.

PUBLIC COMMENTS: None.

COMMISSIONER/STAFF COMMENTS:

Commissioner Riley asked for a timeline on the updates to the ordinance regarding mobile food vendors.

Commissioner Contreras stated that it would be important to not preclude existing establishments from filing a complaint against mobile food vendors if they are ever permitted to operate near existing establishments.

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Planner, Dave Dowsell replied that Use Permits can be revoked.

Discussion ensued.

DISCUSSION ITEM:

B. Study session regarding AirBnbs

Management Intern, Aaron Ryan shared a brief update on temporary home and single room rentals such as “AirBnB” in Winters.

Future permitting processes and regulations were discussed with the Planning Commission.

PUBLIC COMMENTS: None.

COMMISSIONER/STAFF COMMENTS:

Vice Chair Baker asked what the city is currently doing to collect tax from temporary rentals.

City Manager, John Donlevy followed up by stating that the City Attorney is currently working on issues in regards to the City collecting business tax and transient occupancy tax from temporary rentals.

Discussions about accessibility, zoning, permitting, and regulatory processes ensued with the Planning Commission.

ADJOURNMENT: Vice Chair Baker adjourned the meeting at 8:40 pm.

ATTEST: _____

Dagoberto Fierros, Management Analyst

Paul Myer, Chairman

**MINUTES OF THE CITY OF WINTERS PLANNING COMMISSION MEETING HELD
AUGUST 14, 2018**

***DISCLAIMER:** These minutes represent the interpretation of statements made and questions raised by participants in the meeting. They are not presented as verbatim transcriptions of the statements and questions, but as summaries of the point of the statement or question as understood by the note taker.*

Chairman Myer called the meeting to order at 6:30 p.m.

PRESENT: Commissioners, Adams, Altamirano, Baker, Schrupp, Vice Chair Baker, Chairman Myer

ABSENT: Commissioners Contreras, Riley

STAFF: City Manager John Donlevy, Contract Planner Dave Dowswell, Chief Building Official Gene Ashdown, Management Analyst Dagoberto Fierros

Commissioner Schrupp led the pledge of allegiance.

CITIZEN INPUT: None.

CONSENT ITEM: None.

STAFF/COMMISSION REPORTS:

None.

DISCUSSION ITEM:

- A. Public Hearing and Consideration of an application by Winters Cemetery District to install a 950 square foot, one-story, modular office building near the northeast corner of the property located at 415 Cemetery Street.

Planner Dave Dowswell shared information on the proposed project. Dowswell shared aesthetic recommendations.

PUBLIC COMMENTS: None.

COMMISSIONER/STAFF COMMENTS:

Vice Chair Baker moved to approve with staff recommendation, Adams Seconded.

AYES: Commissioners Adams, Altamirano, Schrupp, Vice Chair Baker, Chairman Myer

NOES: None

ABSTAIN: None

ABSENT: Commissioners Contreras, Riley

Motion carried unanimously.

DISCUSSION ITEM:

- B. Public Hearing and Consideration of an application by Hooby's Brewing to install two signs on property located at 9 East Main Street, Suites J & K. One sign will be 5 feet in diameter and will

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AUGUST 14, 2018**

face East Main Street and the other sign will be 2 feet by 5 feet and will face Elliot Street. Both signs will be non-illuminated.

Planner Dave Dowswell shared information on the proposed project.

PUBLIC COMMENTS:

Curtis Stocking, project applicant, let the Planning Commission know that they have no problem building the signs to our current standards. The size of signs, as shown in the graphic, were slightly larger than allowed.

COMMISSIONER/STAFF COMMENTS:

Altamirano moved to approve with staff recommendation, Schrupp seconded.

AYES: Commissioners Altamirano, Schrupp, Vice Chair Baker, Chairman Myer

NOES: None

ABSTAIN: Commissioner Adams

ABSENT: Commissioners Contreras, Riley

Motion carried.

DISCUSSION ITEM:

C. Public Hearing and Consideration of adopting the Downtown Parking Master Plan.

City Manager, John Donlevy shared an update on the adoption of the Downtown Parking Master Plan.

All recommendations from the parking consultants were shared with the Planning Commission.

PUBLIC COMMENTS:

Kate Laddish, resident, expressed her concerns about the report through a written letter.

Sandy Vickrey, resident, expressed her concern with certain parking time limits.

COMMISSIONER/STAFF COMMENTS:

Vice Chair Baker expressed her gratitude for everyone who participated in the parking study.

Vice Chair Baker asked if bicycle and motorcycle parking can be addressed.

Chairman Myer brought up residential parking and asked how it will be addressed.

John Donlevy stated that bicycle parking locations are available in the downtown but signage is lacking, the consultants recommended better signage. Motorcycle parking was determined to not be much of an issue. Donlevy continued by saying that the management and enforcement of residential parking in the downtown area was not currently addressed in the report but will be moving forward.

Baker moved to approve to approve recommendation, Schrupp seconded.

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AYES: Commissioners Adams, Altamirano, Schrupp, Vice Chair Baker, Chairman Myer

NOES: None

ABSTAIN: None.

ABSENT: Commissioners Contreras, Riley

Motion carried unanimously.

DISCUSSION ITEM:

D. Discussion regarding General Plan refresh.

City Manager, John Donlevy shared an update on the city's existing General Plan.

Vice Chair Baker discussed the importance of maintaining quality control through consistency of information at the internal staff level when changes are being made to the General Plan. Baker continued by stating that the Housing Element will be affected by SB2 and other HCD requirements. Seismic regulation updates in the core downtown, sustainability and adaptation through the climate action plan were also discussed.

PUBLIC COMMENTS:

Kate Laddish, resident, expressed her concerns about the report through a written letter.

COMMISSIONER/STAFF COMMENTS:

John Donlevy stated that he plans to meet with Kate Laddish in the near future to answer her questions and concerns about the General Plan update.

ADJOURNMENT: Vice Chair Baker adjourned the meeting at 7:59 pm.

ATTEST: _____

Dagoberto Fierros, Management Analyst

Paul Myer, Chairman



**PLANNING COMMISSION
STAFF REPORT**

TO: Chairman and Planning Commissioners
DATE: September 25, 2018
FROM: David Dowswell, Contract Planner 
Sam Donlevy, Management Intern
SUBJECT: Study Session to consider amending Chapter 5.36 Street Vendors and Title 17 (Zoning Ordinance) to allow mobile food vendors to operate within city limits.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- 1) Receive a staff report regarding the proposed changes to the Chapter 5.36 Street Vendors and Title 17 (Zoning Ordinance) for the purpose of accommodating mobile food vendors (food trucks); and
- 2) Receive public comment on the proposed changes to Chapter 5.36 Street Vendors and Title 17 (Zoning Ordinance); and
- 3) Provide staff direction regarding the proposed changes to Chapter 5.36 Street Vendors and Title 17 (Zoning Ordinance).

BACKGROUND: In 2010 an application was received to allow placing a hot dog stand on the sidewalk on the west side of Railroad Avenue between Grant Avenue and Baker Street. The use did not happen.

On May 23, 2018 Contract Planner Dowswell discussed with the planning commission an application for a conditional use permit to allow a food truck (Buckhorn) to sell food on the property located at 3 Grant Avenue (Winters General Store).

On July 24, 2018 the Planning Commission discussed a number of possible changes to Chapter 5.36 Street Vendors Ordinance and Title 17 Zoning Ordinance regarding mobile food vendors

On September 17, 2018 Governor Brown signed into law SB946 which regulates sidewalk vendors. Staff has not had time to completely review the new legislation (Attachment B) to see how they will affect our existing regulations. Staff will be including in conjunction with the food truck ordinance necessary changes to our stationary vendor regulations.

Presently, Yolo County has a simple 4 step process for mobile food vendors to locate within the county. These steps are:

- Mobile Food Vendor approval to operate in the county
- Processing and approval for application to sell within the county
- Inspection of vehicle and labeling of tags and legal permitting
- Finalized approval to operate within the county

While these vendors are able to operate in the county, our current ordinance does not allow for county approved mobile food vendors to operate within city limits.

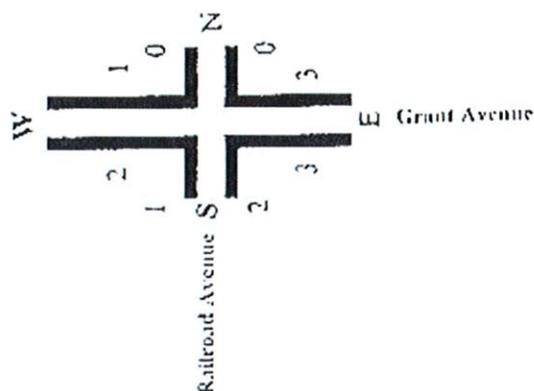
ANALYSIS: The amendments to Chapter 5.36 Street Vendors would add Section **5.36.080** regarding mobile food vendors and Section **5.36.180** regarding temporary permits. There are four key components to the proposed amendments:

1. **Location:** Currently mobile vendors are permitted in the vicinity of Grant Avenue and Railroad Avenue along three corridors from the intersection. Grant Avenue east to Dutton Street on the north side of the street and to East Street on the south side of Grant; both sides of Railroad Avenue south to Baker Street; west on Grant Avenue three-hundred (300) feet. No mobile vendors are permitted north of Railroad Avenue, nor are any permitted within fifty (50) feet of the high school campus. Specialty permits will be provided upon site approval by the City of Winters. Additionally, in order to prevent the concentration of mobile vendors in a given area, not specifically designed for multiple vendors, the number and location of mobile vendors shall be limited pursuant to the image below.

The illustration below pertains only to food trucks wanting to locate at the intersection of Railroad Avenue and Grant Avenue. Staff is also proposing to add "mobile food vendors" as a conditional use to C-1, C-2 and C-H zones in the Land Use/Zone Matrix in Chapter 17.52.020 and as a conditional use to the D-A and D-B zones located on Railroad Avenue, Grant Avenue and Secondary Streets in Table 17.58.2. "Mobile food vendors" would not be allowed to locate on Main Street. Staff is proposing for these locations food trucks would need to be separated 200 feet from another food truck.

At the meeting with the business community regarding the proposed ordinance to regulate food trucks the owners of Kountry Kitchen wanted the ability to locate a food truck on their property. According to the illustration below only one (1) food truck is allowed at the northwest intersection/corner of Grant and Railroad Avenues.

Staff is recommending this restriction limiting this corner to only one food truck not be changed. Currently there is an application pending before the Planning Commission for a Buckhorn food truck to locate on the property at northwest side of the intersection of Grant and Railroad Avenues (3 Grant Avenue). If this application were approved it would preclude the owners of Kountry Kitchen from applying to have a food truck on their property.



The proposed mobile food vending regulations are very similar to the stationary vendors regulations in Section 5.36.070. The stationary vendors regulations will need to be changed due to SB946. Staff will be bringing forward these changes in conjunction with the mobile food vending regulations.

1. **Size:** At the July 24, 2018 Planning Commission meeting staff discussed limiting the size of mobile vendors (food trucks). The Commission felt having an actual size limit might result in a situation where a food truck which exceeded the dimensions would not be allowed. That language has been removed from the draft ordinance. The size of the food truck could be determined during the use permit process rather than including it as part of the ordinance.
2. **Marketability:** Staff is proposing mobile food vendors be allowed to provide benches, tables, chairs, and other such materials to improve the dining experience of those seeking to dine at their mobile business. Staff is recommending that all provided equipment/materials associated with the food truck must be removed when the food truck is not open for business and must be stored offsite. Allowing materials to be stored onsite could be considered as a part of the use permit process.
3. **Permits:** Staff is looking to add permits that feature short term lengths of stay for vendors. This is specifically catered to mobile vendors that would be in town for short periods of time compared to stationary vendors or carts that function for times ranging from weeks to months.

4. **Other:** Staff is proposing a number of amendments to Title 17 (Zoning Ordinance) in addition to the amendments to Chapter 5.36. They include adding to Section 17.04 Definitions a definition for “mobile food vendor”.

There are a number of city ordinances which regulate mobile food vendors. The City of Sacramento has one of the most current ordinances. Portions of Sacramento’s regulations are provided as information (Attachment C).

ATTACHMENTS:

1. Chapter 5.36 Street Vendors of the Winters Municipal Code (Proposed Amendments)
2. SB946
3. Excerpts of the City of Sacramento’s Food Vending Vehicle Ordinance

Chapter 5.36 STREET VENDORS

Sections:

5.36.010	Findings.
5.36.020	Definitions.
5.36.030	Permit.
5.36.040	Application for permit.
5.36.050	Revocation of permit.
5.36.060	Regulations—Motor vehicles.
5.36.070	Regulations—Stands.
5.36.0870	Stationary vendors.
5.36.080	Mobile Food Vendors
5.36.090	Violation—Nuisance.
5.36.100	Insurance.
5.36.110	Fees.
5.36.120	Renewals.
5.36.130	Enforcement.
5.36.140	No preemption.
5.36.150	Violation—Penalty.
5.36.160	Nuisance—Injunction.
5.36.170	Temporary Permits

5.36.010 Findings.

The city recognizes the right of its citizenry to be relatively free from noise and obstruction when traversing the city streets. The city also recognizes the right of its citizenry to purchase reliable products from responsible vendors without a fixed place of businesses. The city by this regulatory chapter seeks to balance those competing interests. The city finds that the cost of this regulation should be borne by those individuals, companies and groups which seek to benefit financially from street vending or mobile **food** vending, since it should be their burden to insure to the Winters citizens that their sales of goods shall be done in a manner least obstructive to their right to travel.

5.36.020 Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

"City" means city of Winters.

"Food vending vehicle" includes any motor vehicle from which food or beverages are sold directly to a customer; does not include vehicles that involve the delivery of food or beverages ordered by home delivery customers.

"Public street or sidewalk" includes all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys, and any other public way.

"Mobile food vendor" means any person, including an agent or employee of another, who sells or offers to sell food or beverages from a motor vehicle.

"~~Stand~~**Stationary vendor**" means any newsstand, table, bench, booth, rack, stand, handcart, pushcart or any other fixture or similar device which is not required to be licensed and registered with the Department of Motor Vehicles, used for the display, storage or transportation of articles offered for sale by a vendor.

~~"Vendor" means any person, including an agent or employee of another, who sells or offers to sell food, beverages, goods or merchandise on any public street or sidewalk from a stand, motor vehicle, or from his or her person.~~

5.36.030 Permit.

It is unlawful for any person to sell or attempt to sell any commodity by means of vending such commodity upon any street in the city without first securing a permit and paying the fee therefor.

5.36.040 Application for permit.

Application for a permit shall be made upon a form provided by the city. The applicant shall truthfully state in full the information requested on the application:

- A. Name and address of present place of residence and length of residence at such address; also business address if other than present address;
- B. Address of place of residence during the past three (3) years if other than present address;
- C. Age of applicant;
- D. Physical description of applicant;
- E. Name and address of the person, firm or corporation or association whom the applicant is employed by or represents, and the length of time of such employment or representation;
- F. Name and address of employer during the past three (3) years if other than the present employer;
- G. Description sufficient for identification of the type of commodity to be vended;
- H. Period of time for which the permit is applied;
- I. The date, or approximate date, of the last previous application for permit under this chapter, if any;
- J. If a permit is issued to the applicant under this chapter has ever been revoked;
- K. If the applicant has ever been convicted of a violation of a felony under the laws of the state of California or any other state or federal law of the United States;
- L. Names of commodities;
- M. Names of the three most recent communities where the applicant has engaged in street vending;

- N. Proposed method of operation;
- O. Signature of applicant;
- P. Social Security Number of applicant.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The applicant shall submit to fingerprinting by the police department of the city in connection with the application for the permit.

The city clerk shall cause to be kept in his or her office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all permits issued under the provisions of this chapter, and of the denial of applications. Applications for permits shall be numbered in consecutive order as filed, and every permit issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

No permit shall be issued to any person who has been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States, within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this chapter; nor to any person whose permit issued hereunder has previously been revoked as herein provided.

5.36.050 Revocation of permit.

Any permit issued hereunder shall be revoked by the chief of police if the holder of the permit is convicted of a violation of any of the provisions of this chapter, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under the terms of this chapter. Immediately upon such revocation, written notice thereof shall be given by the chief of police to the holder of the permit in person or by certified United States Mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice the permit shall become null and void.

The permit shall state the expiration date thereof.

5.36.060 Regulations—Motor vehicles.

The following rules and regulations shall be complied with by each person using a vehicle for street vending:

- A. It shall be unlawful for any street vendor to sell or attempt to sell any commodity:
 - 1. By means of any outcry, sound, speaker or amplifier, or any instrument or device which can be heard for a distance greater than three hundred (300) feet, or when passing a hospital, or a church or other place of worship during the hours when services are being held; which violates the City of Winters noise ordinance contained in Chapter 8.20.

2. Within five hundred (500) feet of any school or publicly owned property at any time unless a special use permit is approved by the **community development department planning commission**. A special use permit shall not be required for fundraising activities/special sales/**events** which are sponsored by the school district **or approved by the City of Winters**.

Comment [DD1]: This restriction applies to vendors setting up on a street. The restriction is only 50 feet when located on private property. Should they be the same?

Comment [DD2]: Too important of an issue to approve at the department level.

B. It is unlawful for any such vendor to use, play or employ the use of, any sound, outcry, amplifier, loudspeaker, radio, phonograph with a loud speaker or amplifier or any other instrument or device when the vehicle such vendor is using is stopped for the purpose of making a sale.

C. ~~The use by any such vendor of any outcry, sound, amplifier, loudspeaker, radio, phonograph with a loud speaker or amplifier or any instrument or device which emits a loud sound shall be prohibited prior to nine a.m. or after seven p.m.~~

Comment [DD3]: This section was deleted because it essentially says the same thing as the section above.

C. It is unlawful for any vendor to:

1. Exceed a speed of twelve (12) miles an hour when **crusing driving through** neighborhoods seeking sales or when attempting to make a sale;
2. Make more than two (2) stops in any one (1) block to make any sale;
3. Stop anywhere within twenty-five (25) feet of an intersection when making a sale or attempting to make a sale;
4. Double park, or park in any manner contrary to any ordinance relating to parking when making a sale or attempting **to make a sale or when making a sale**;
5. Make a U-turn on any block;
6. Drive a vehicle backwards **when making a sale or to make or attempting to make any sale**;
7. Sell to any person who is standing in the street;
8. Permit any person to hang on the vehicle or permit any person to ride in or on the vehicle except a bona fide assistant or assistants;
9. Remain standing or stopped at any place for a period of time exceeding ten (10) minutes;
10. Conduct business within twenty (20) feet of any handicapped parking space or access ramp;
11. Sell or attempt to sell along any particular route more than two (2) times during a twenty-four (24) hour period.

Comment [4]: Changed the wording the same as the wording in section s 1-3 above.

Comment [DD5]: Same as Comment #4 above.

5.36.070 Regulations—Stands.

Vendors with stands must comply with the following regulations:

~~A.—Hours of Operation. Vendors shall be allowed to engage in the business of vending only between the hours of nine a.m. and seven p.m., Monday through Saturday. No vending from stands shall be permitted on Sundays and observed holidays, except by appointment and approval from the city of Winters police department.~~

~~B.—All vending stands must be removed from public property during non-vending hours.~~

~~C.—Vendor stands shall not:~~

- ~~1.—Exceed eight feet in length, eight feet in width, or eight feet in height;~~
- ~~2.—Impede access to the entrance of any adjacent building or driveway;~~
- ~~3.—Occupy more than half of the available sidewalk width or five feet of such sidewalk, whichever is less;~~
- ~~4.—Locate within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space, access ramp, fire station driveway, or police department driveway.~~

~~D.—All trash and debris accumulating within fifty feet of a stand shall be collected by the vendor and deposited in a trash container. (Ord. 91-10 § 2 (part); prior code § 10-5.507)~~

Comment [6]: Not sure why this section exists. It appears to be redundant. To me "stationary vendors" are the same as "stands".

5.36.0870 Stationary vendors.

A. Purpose.

This section is intended to address the community's concerns regarding the permitted location of stationary vendors in order to minimize adverse impacts on the community.

B. Regulations.

The following provisions shall regulate stationary vending stands and carts or other operations deemed similar by the zoning administrator, which operate on privately owned land not within enclosed buildings on permanent foundations or in a public right-of-way:

1. Hours of operation may be limited as determined by the zoning administrator.
2. All vending stands, carts, signs, refuse containers and other material set up or provided by the vendor must be removed from the vending site during non-vending hours.
3. Vending stands and carts shall not exceed eight (8) feet in length, eight (8) feet in width, or eight (8) feet in height not including a sign which could project four (4) feet beyond; nor shall stands impede access to the entrance of any adjacent building or driveway.
4. Stands shall not be located within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space, access ramp, fire station driveway, or police department driveway.

5. If an existing trash container does not exist within twenty-five (25) feet of the stand, the vendor shall supply a trash container. Additionally, vendors must maintain the cleanliness of their site within twenty-five (25) feet surrounding their site.
6. Vending stands shall be designed such they add to the aesthetic value of the vicinity. Design elements should include the use of umbrellas, overhangsawnings, or other attractive shading devices, temporary landscaping, and attractively designed carts.
7. Signs for vending carts and stands shall be limited to one (1) freestanding, non-illuminated sign not to exceed four (4) feet in any dimension, to be placed within ten (10) feet of the stand or cart, and one sign attached to the cart which is not more than three (3) feet in any one (1) dimension. No sign shall impede vehicle traffic, pedestrian right of way, or pedestrian personal vehicle traffic (bike lanes).
8. Vendor shall obtain a certificate of compliance from the county health department, as appropriate. Additionally, vendors must complete the Reciprocity Checklist of Yolo County.
9. Vendor shall obtain a letter of agreement to use the site from the property owner if the property is not owned by the vendor.
10. Stationary vendors are permitted in the vicinity of Grant Avenue and Railroad Avenue along three (3) corridors from the intersection. Grant Avenue east to Dutton Street on the north side of the street and to East Street on the south side of Grant; both sides of Railroad Avenue south to Baker Street; west on Grant Avenue three-hundred (300) feet. No stationary vendors will be permitted north on Railroad Avenue, nor any permitted within fifty (50) feet of the high school campus. Specialty permits will be provided upon site approval by the City of Winters.
11. In order to prevent the concentration of vending stands and carts and mobile vendors in a given area, that is not specifically designed for multiple stationary vendors, the number and location of stationary vendors shall be limited pursuant to Exhibit A set out at the end of this section.
12. Tables and chairs for customer use shall be prohibited unless vending stands and carts are located in a given area that is specifically designed for such purpose such as a plaza, park or other public open space area with adequate restroom facilities.
13. ~~The use of noise, moving signs for forms of advertisement other than signs shall be prohibited.~~
14. Stationary and ~~mobile food~~ vendor permits may be revoked upon there being just cause.
15. The stationary vendor permit shall expire in one (1) year and may be extended upon zoning administrator approval.
16. No stationary vendors or signs shall be located in the Caltrans right-of-way.

Comment [DD7]: See comment DD1 regarding separation requirement.

Comment [DD8]: Deleted because this use is regulated in section 5.36.080.

17. Stationary vendor permits shall automatically terminate if the use or operation ceases to exist or continue for two (2) months without prior notice to the zoning administrator.

18. Stationary vendors shall only be permitted to sell seasonal produce, prepared foods, flowers and other similar disposable and perishable goods. No alcoholic beverages may be sold. Temporary sales by nonprofit organizations shall be exempt from the provisions of this section.

C. Process.

1. A use permit shall be obtained from the zoning administrator to allow a stationary vending operation. The permit shall be processed in accordance with and subject to the standard use permit requirements contained in Chapter 17.20.

2. In addition to the use permit findings in Chapter 17.20, the planning commission must also make the following finding prior to taking action to approve a use permit for a stationary vendor:

a. That the proposed use shall be consistent with all applicable regulations contained in subsection B.

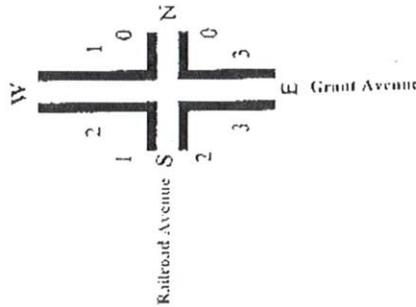


Exhibit A

5.36.080 Mobile Food Vendors.

A. Purpose.

This section is intended to address the community's concerns regarding the permitted location of mobile vendors in order to minimize adverse impacts on the community.

B. Regulations.

The following provisions shall regulate mobile food vendors or other operations deemed similar by the zoning administrator, which operate on privately owned land not within enclosed buildings on permanent foundations or in a public right-of-way:

1. Hours of operation may be limited as determined by the planning commission. Minor modifications to the hours of operation may be approved by the zoning administrator.
2. All mobile food vending signs, refuse containers and other material set up or provided by the vendor must be removed from the vending site during non-vending hours.
3. Mobile food vendors shall not be located within twenty (20) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space, access ramp, fire station driveway, or police department driveway.
4. Mobile food vendors shall supply a trash container immediately adjacent to the food vending vehicle. Additionally, vendors must maintain the cleanliness of their site within twenty-five (25) feet surrounding their site. If the site is sullied prior to the vendor's arrival, the fault will not fall on the vendor.
5. Mobile food vending vehicles shall be designed such they add to the aesthetic value of the vicinity. Design elements should include the use of umbrellas, overhangs, or other attractive shading devices, temporary landscaping, and attractively designed vehicles.
6. Signs for mobile food vendors shall be limited to one (1) freestanding, non-illuminated sign not to exceed four (4) feet in any dimension, to be placed within ten (10) feet of the mobile food vendor and one (1) sign attached to the food vending vehicle which is not more than four (4) feet in any one (1) dimension. No sign shall impede vehicle traffic, pedestrian right of way, or pedestrian personal vehicle traffic (bike lanes). No mobile food vendor signs shall be located in the Caltrans right-of-way.
7. Mobile food vendors shall obtain a certificate of compliance from the county health department, as appropriate. Additionally, vendors must complete the Reciprocity Checklist of Yolo County.
8. Mobile food vendors shall obtain a letter of agreement to use the site from the property owner if the property is not owned by the vendor.
9. Mobile food vendors are permitted in the vicinity of Grant Avenue and Railroad Avenue along three corridors from the intersection. Grant Avenue east to Dutton Street on the north side of the street and to East Street on the south side of Grant; both sides of Railroad Avenue south to Baker Street; west on Grant Avenue three-hundred (300) feet.
10. No mobile food vendors will be permitted north on Railroad Avenue, within fifty (50) feet of the high school campus and within two-hundred (200) feet from another mobile food vendor. Specialty events approved by the City of Winters may be exempted from the separation requirements.

Comment [DD9]: At the meeting with the business community Kountry Kitchen wanted there not be a separation requirement. Two hundred feet is the distance from the existing Verduzco's food truck and the proposed Buckhorn food truck.

10. In order to prevent the concentration of mobile food vendors in a given area, not specifically designed for multiple vendors, the number and location of mobile food vendors shall be limited pursuant to Exhibit A in subsection 5.68.070C.

11. Tables and chairs for customer use shall be prohibited unless mobile food vendors are located in a given area that is specifically designed for such purpose such as a plaza, park or other public open space area with adequate restroom facilities. Additionally, any chairs, tables, and any such transportable parcel must be stored off site unless previously stated approval of the property owner is declared during the application process.

12. Mobile food vendor permits may be revoked upon there being just cause.

13. Mobile food vendor permits shall expire in one (1) year and may be extended upon zoning administrator approval

14. Mobile food vendor permits shall automatically terminate if the use or operation ceases to exist or continue for two (2) months without prior notice to the zoning administrator.

15. Mobile food vendors shall only be permitted to sell seasonal produce, prepared foods, flowers and other similar disposable and perishable goods. No alcoholic beverages may be sold. Temporary sales by nonprofit organizations shall be exempt from the provisions of this section.

16. Mobile food vendors operating in parking lots must minimize the amount of parking spaces they are utilizing and cannot impede traffic flow entering, leaving, or within the parking lot.

17. Mobile food vendors operating adjacent to, or within close proximity to a traffic intersection cannot visually impair drivers utilizing said intersection.

C. Process.

1. A use permit shall be obtained from the planning commission to allow a mobile food vending operation. The permit shall be processed in accordance with and subject to the standard use permit requirements contained in Chapter 17.20.

2. In addition to the use permit findings in Chapter 17.20, the planning commission must also make the following finding prior to taking action to approve a use permit for a mobile food vendor:

a. That the proposed use shall be consistent with all applicable regulations contained in subsection B.

3. A special permit shall be obtained from the City to allow a mobile food vendor to participate in an event approved by the City of Winters.

5.36.090 Violation—Nuisance.

It is declared to be unlawful and shall constitute a nuisance for any person to violate the terms of this chapter.

5.36.110 Insurance.

No permit shall be issued to an applicant unless the applicant furnishes proof to the city of a public liability bond or insurance policy in an amount not less than three hundred thousand dollars (\$300,000.00) for property damage and bodily injury liability, including injury resulting in death, caused by the applicant.

5.36.120 Fees.

The city shall by resolution establish fees for the issuance of permits sufficient to offset the city's cost of regulation of street vendors. These fees shall be supplemental to any business license fees charged to street vendors. Both fees shall be payable upon application. The fees charged under this chapter shall be nonrefundable. Permits shall be valid for one (1) year from the date of issuance, unless sooner revoked as provided herein.

5.36.130 Renewals.

Renewals shall be done on an annual basis. Application for renewals of permits shall be received no later than thirty (30) days prior to the expiration of the applicant's permit, or shall be processed as new applications. The city may review applications for renewal to determine that:

- A. The applicant is in full compliance with the provisions of this chapter;
- B. The applicant has a currently effective insurance policy in the minimum amount provided in this chapter, or as amended by subsequent resolution of the Winters city council.

If the city finds that the applicant meets the above requirements, the city shall issue a new permit.

5.36.140 Enforcement.

Enforcement shall be implemented by the city manager or through a city staff person designated by him or her. In addition, any Winters police officer is authorized to enforce the provisions of this chapter. Such person shall have authority to issue citations based upon reasonable cause in a manner most suitable to the particular incident.

5.36.150 No preemption.

This chapter shall not be interpreted to permit soliciting, or the procedures thereof or redress therefrom, where restricted by state law.

5.36.160 Violation—Penalty.

Any person, firm, corporation, or organization which violates any provision of this chapter shall, upon conviction thereof be subject to the maximum allowable fine pursuant to the requirements set forth in state law.

Upon conviction thereof, punishment shall be a fine subject to the maximum allowable pursuant to the requirements set forth in state law, or imprisonment for a term not exceeding six (6) months, or by both a fine and imprisonment.

5.36.170 Nuisance—Injunction.

Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

5.36.180 Temporary Permits

Temporary permits provided to vendors are strictly regulated and shall provide guidelines in which vendors must abide by. These permits will be range in costs and shall be adjusted based on the length of time in which the mobile food vendor is serving within the city limits and shall go into effect upon approval from the City of Winters and shall expire upon the designated time noted on the approved permit.

Chapter 17.04

INTRODUCTORY PROVISIONS AND DEFINITIONS

B. Definitions.

“Mitigation monitoring and reporting program (MMRP)” or “program” means a comprehensive program adopted by the approving body prior to project approval pursuant to Public Resources Code Section [21081.6](#) and this title to ensure compliance with adopted or required changes to mitigate or avoid significant environmental effects.

“Mobile home” means any standard make of trailer constructed and equipped in such a manner as to permit permanent occupancy thereof as living quarters for a family unit. In general, any trailer over twenty-five (25) feet in length may be considered a mobile home; provided, that such trailer complies with all applicable laws and regulations controlling the design, construction, equipment or occupancy thereto. Mobile homes are considered structures for the purpose of this chapter when they are parked in a mobile home park. Small mobile homes or trailers are defined as being five hundred (500) square feet or less in size, average mobile homes or trailers as being five hundred one (501) to one thousand (1,000) square feet in size, and large mobile homes or trailers as being more than one thousand (1,000) square feet in size.

Comment [DD10]: Definition was moved to be in alphabetical order.

“Mobile sign” means a sign which is designed to be moved or capable of being moved and not intended for permanent installation.

~~“Mobile home” means any standard make of trailer constructed and equipped in such a manner as to permit permanent occupancy thereof as living quarters for a family unit. In general, any trailer over twenty-five (25) feet in length may be considered a mobile home; provided, that such trailer complies with all applicable laws and regulations controlling the design, construction, equipment or occupancy thereto. Mobile homes are considered structures for the purpose of this chapter when they are parked in a mobile home park. Small mobile homes or trailers are defined as being five hundred (500) square feet or less in size, average mobile homes or trailers~~

~~as being five hundred one (501) to one thousand (1,000) square feet in size, and large mobile homes or trailers as being more than one thousand (1,000) square feet in size. Moved ahead of "Mobile sign" to be in alphabetical order.~~

"Mobile food vendor" means any person, including an agent or employee of another, who sells or offers to sell food, beverages, goods or merchandise on any public street or sidewalk from a motor vehicle.

"Off-premises sign" means a sign which provides directions to general places, destinations and collections of uses.

17.52.020 Land Use/Zone Matrix.

LAND USE/ZONE MATRIX

KEY:

C= Conditional Use

P= Permitted Use

T= Temporary Use

Zoning Designations:

(A-1) General Agricultural (R-4) High Density Residential (B/P) Business

Industrial Park

(R-R) Rural Residential (C-1) Neighborhood Commercial (M-1) Light

Industrial

(R-1) Single-Family Residential (C-2) Central Business District (M-2) Heavy

Industrial

(R-2) One-and Two-Family Residential (C-H) Highway Service Commercial (PQP)

Public/Quasi-Public

(R-3) Multifamily Residential (O-F) Office (PD) Planned Development

AGRICULTURAL USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Agricultural Operation	P	C															P
Animal Production	P																C
Businesses and Uses Prohibited by State or Federal Law																	
COMMERCIAL AND OFFICE USES																	
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Adult Entertainment											C	C					
Automobile Repair, Major							C	C			C	C	P				
Automobile Repair, Minor							P	P	P		P						
Bar, Cocktail Lounge							C	C									
	A-1	R-R	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Bed and Breakfast Inn			C	C	C	C		C									
Business Service							P	P		P	P						
Businesses and Uses Prohibited by State or Federal Law																	
Financial Institutions							P	P		P	P						
Equipment Sales, Rental, Repair							P	P			P						
Funeral Parlor								P			C						
Hotel, Motel								C	C								

Hospital										C	C				C			
Public Parks	C	C	C	C			C	C	C					C	C	C		
Religious Institutions	-	-	C	C	-	-	C	C	-	C	C	-	-	C	-	-	-	
Safety Services							C	C		C	C			C				
Utility Services, Major	C	C												C	C	C	C	
Utility Services, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Vocational Training Facility														C				
RESIDENTIAL USES																		
	A-1	R-1	R-2	R-3	R-4	C-1	C-2**	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*		
Accessory Dwelling Units		P	P	P														
Businesses and Uses Prohibited by State or Federal Law																		
Day Care, Limited		P	P	P	P	P												
Dwelling, Multiple-Family					P	P	C	C ³	C									
Dwelling, Single-Family	P	P ⁴	P ⁴	P ⁴	C	C ⁴	C ^{2,3}									C		
Dwelling, Two-Family or Duplex			P ¹	P	C	C												
Farmworker Housing Unit	P	-	P	P	P	P	-	P ⁵	-	-	-	-	-	-	-	-	-	-
Farmworker Housing Complex	P				P	P		P ⁵										
Mobile Home Park		C	C	C	C	C												
Single Room Occupancy					P	P		C										
Residential Care Facility		C	C	C	C									C				
TEMPORARY USES																		

	A-1	R-1	R-2	R-3	R-4	C-1	C-2	C-H	O-F	B/P	M-1	M-2	PQP	P-R	O-S	P-D*
Arts and Crafts Show	T					T	T	T	T	T	T	T	T	T	T	T
Businesses and Uses Prohibited by State or Federal Law																
Carnivals/Fairs/Fund Raisers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Construction Trailers	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Religious Assembly	T												T	T	T	T
Seasonal Sales	T	T				T	T	T		T	T		T	T	T	T

Footnotes:

1. Affordable or market rate duplexes are allowed on all corner lots in the R-1 and R-2 zones citywide.
2. Only if an existing historical structure is planned for relocation to a C-2 zone that adjoins a residential district.
3. A single residential unit is allowed at a business located in the central business district zone (C-2) upon planning commission approval of a conditional use permit (CUP), while multifamily residential is allowed above a business in the C-2 zone upon planning commission approval of a CUP. A residential unit proposed for a first floor area must be occupied by the property owner or licensed business proprietor, at least four hundred (400) square feet in size, and located at the rear of the business. No more than twenty (20) percent of the existing first floor area can be converted into residential uses and the existing first floor area must be at least two thousand (2,000) square feet in size.
4. Manufactured homes and factory-built homes located on a permanent foundation are allowed in the specified zones by right or upon planning commission approval of a conditional use permit (CUP).
5. For single farmworkers, single room occupancy housing is permitted.

* All PD uses per PD permit, and as consistent with the general plan.

Also see: Chapter [17.36](#) (Design Review). Design review may be required, including for land uses which are otherwise permitted by this title, depending upon the type and location of the development project proposed.

** A commercial use operating from a residential structure originally constructed as a residential structure can be converted from a commercial use to a residential use.

17.58.050 Allowed use regulations.

This section lists allowed uses by zoning district within the downtown form-based code area. The zoning districts are shown on the regulating plan (Figure 17.58-1). This list is not meant to be comprehensive and does not regulate building character or design, but instead delineates the types of uses allowed within a building. These allowed use regulations are unique to this chapter and are intended to implement the vision of the 2006 Winters downtown master plan.

A. Principally Permitted Uses. The following table identifies the permitted uses within the downtown. These allowed use regulations are listed by street type, then by zoning district (D-A or D-B), as applicable. The uses listed are defined in subsection B of this section (Definitions of Permitted Uses). The symbols in the table are defined as:

P—Permitted Use

C—Conditionally Permitted Use

N—Not Permitted

Table 17.58-2: Permitted Uses

Uses	Main Street		Railroad Avenue		Secondary Streets		Grant Avenue	
	D-A	D-B	D-A	D-B	D-A	D-B	D-A	D-B
Attached Single-Family Residential	N	N	N	N	N	P	N	N
Banks and Financial Institutions	P	P	P	P	P	C	P	P
Bars, Pubs and Cocktail Lounges	C	C	C	C	N	N	C	C
Bed and Breakfast Inns	P ¹	P ¹	P ¹	P	P	P	P ¹	P
Businesses and Uses Prohibited by State or Federal Law	N	N	N	N	N	N	N	N
Child Day Care	N	N	N	N	C	C	N	C
Commercial Recreation and Entertainment	C	C	C	C	N	N	C	C
Detached Single-Family Residential	N	C	N	N	C	P	N	N

Farmworker Housing Unit	C ^{1,3}	P	C ^{1,3}	C ^{1,3}				
Farmworker Housing Complex						P ³		
Government/Institutional	P	P	P	P	P	C	P	P
Hotels or Motels	P ¹	P ¹	P ¹	P ¹	P	P	P ¹	P
Live/Work Units	C	P	P	P	P	C	N	C
Mixed-Uses	P	P	P	P	P	C	C	P
<u>Mobile Food Vendor</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Multifamily Residential	C ¹	P	N	P ¹				
Neighborhood Commercial	P	P	P	P	P	C	C	N
Offices	P	P	P	P	P	C	P	P
Personal Services	P	P	P	P	P	C	C	P
Religious Institutions	C	C	C	C	N	N	C	C
Retail Commercial	P	P	P	P	P	N	P	P
Service Stations	N	C	C	C	N	N	C	C
Single Room Occupancy	C ¹	C ¹	C ¹	C ¹				
Sit-Down Restaurants ²	P	P	P	P	C	C	P	P
Specialized Agriculture and Processing	C	C	C	C	C	C	C	C

Notes:

¹ Only on the second floor or above.

² Drive-thrus are not allowed within the downtown form-based code area (see Section 17.58.070(A)(2)(d)).

³ For single farmworkers, single room occupancy housing is permitted.



SB-946 Sidewalk vendors. (2017-2018)

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Date Published: 09/17/2018 09:00 PM

Senate Bill No. 946

CHAPTER 459

An act to add Chapter 6.2 (commencing with Section 51036) to Part 1 of Division 1 of Title 5 of the Government Code, relating to sidewalk vendors.

[Approved by Governor September 17, 2018. Filed with Secretary of State September 17, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 946, Lara. Sidewalk vendors.

Existing law authorizes a local authority, by ordinance or resolution, to adopt requirements for the public safety regulating any type of vending and the time, place, and manner of vending from a vehicle upon a street.

This bill would prohibit a local authority, as defined, from regulating sidewalk vendors, except in accordance with the provisions of the bill. The bill would provide that a local authority is not required to adopt a new program to regulate sidewalk vendors if the local authority has established an existing program that substantially complies with the provisions of the bill. The bill would apply these provisions to a chartered or general law city, county, or city and county.

The bill would require a local authority that elects to adopt a sidewalk vending program to, among other things, not require a sidewalk vendor to operate within specific parts of the public right-of-way, except when that restriction is directly related to objective health, safety, or welfare concerns, and not restrict sidewalk vendors to operate only in a designated neighborhood or area, except as specified. The bill would authorize a local authority to, by ordinance or resolution, adopt additional requirements regulating the time, place, and manner of sidewalk vending, as specified, if the requirements are directly related to objective health, safety, or welfare concerns. The bill would also authorize a local authority to prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market and a permitted swap meet, as specified, and to restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit issued by the local authority, as specified. A violation would be punishable only by an administrative fine, as specified, pursuant to an ability-to-pay determination, and proceeds would be deposited in the treasury of the local authority.

The bill would require the dismissal of any criminal prosecutions under any local ordinance or resolution regulating or prohibiting sidewalk vendors that have not reached final judgment. The bill would also authorize a person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, as specified, to petition for dismissal of the sentence, fine, or conviction.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

- (1) Sidewalk vending provides important entrepreneurship and economic development opportunities to low-income and immigrant communities.
 - (2) Sidewalk vending increases access to desired goods, such as culturally significant food and merchandise.
 - (3) Sidewalk vending contributes to a safe and dynamic public space.
 - (4) The safety and welfare of the general public is promoted by encouraging local authorities to support and properly regulate sidewalk vending.
 - (5) The safety and welfare of the general public is promoted by prohibiting criminal penalties for violations of sidewalk vending ordinances and regulations.
 - (6) This act applies to any city, county, or city and county, including a charter city. The criminalization of small business entrepreneurs, and the challenges that those entrepreneurs face as a result of a criminal record, are matters of statewide concern. Further, unnecessary barriers have been erected blocking aspiring entrepreneurs from accessing the formal economy, harming California's economy in the process, and disrupting the regulation of business, which is a matter of statewide concern. Moreover, California has an interest in the regulation of traffic, a matter of statewide concern, whether in ensuring the appropriate flow of traffic or in ensuring the safety of pedestrians on the road or the sidewalk.
- (b) It is the intent of the Legislature to promote entrepreneurship and support immigrant and low-income communities.

SEC. 2. Chapter 6.2 (commencing with Section 51036) is added to Part 1 of Division 1 of Title 5 of the Government Code, to read:

CHAPTER 6.2. Sidewalk Vendors

51036. For purposes of this chapter, the following definitions apply:

- (a) "Sidewalk vendor" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path.
- (b) "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.
- (c) "Stationary sidewalk vendor" means a sidewalk vendor who vends from a fixed location.
- (d) "Local authority" means a chartered or general law city, county, or city and county.

51037. (a) A local authority shall not regulate sidewalk vendors except in accordance with Sections 51038 and 51039.

(b) Nothing in this chapter shall be construed to affect the applicability of Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code to a sidewalk vendor who sells food.

(c) Nothing in this chapter shall be construed to require a local authority to adopt a new program to regulate sidewalk vendors if the local authority has established an existing program that substantially complies with the requirements in this chapter.

51038. (a) A local authority may adopt a program to regulate sidewalk vendors in compliance with this section.

(b) A local authority's sidewalk vending program shall comply with all of the following standards:

- (1) A local authority shall not require a sidewalk vendor to operate within specific parts of the public right-of-way, except when that restriction is directly related to objective health, safety, or welfare concerns.

(2) (A) A local authority shall not prohibit a sidewalk vendor from selling food or merchandise in a park owned or operated by the local authority, except the local authority may prohibit stationary sidewalk vendors from vending in the park only if the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.

(B) Notwithstanding subparagraph (A), a local authority may adopt additional requirements regulating the time, place, and manner of sidewalk vending in a park owned or operated by the local authority if the requirements are any of the following:

(i) Directly related to objective health, safety, or welfare concerns.

(ii) Necessary to ensure the public's use and enjoyment of natural resources and recreational opportunities.

(iii) Necessary to prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the park.

(3) A local authority shall not require a sidewalk vendor to first obtain the consent or approval of any nongovernmental entity or individual before he or she can sell food or merchandise.

(4) (A) A local authority shall not restrict sidewalk vendors to operate only in a designated neighborhood or area, except when that restriction is directly related to objective health, safety, or welfare concerns.

(B) Notwithstanding subparagraph (A), a local authority may prohibit stationary sidewalk vendors in areas that are zoned exclusively residential, but shall not prohibit roaming sidewalk vendors.

(5) A local authority shall not restrict the overall number of sidewalk vendors permitted to operate within the jurisdiction of the local authority, unless the restriction is directly related to objective health, safety, or welfare concerns.

(c) A local authority may, by ordinance or resolution, adopt additional requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns, including, but not limited to, any of the following:

(1) Limitations on hours of operation that are not unduly restrictive. In nonresidential areas, any limitations on the hours of operation for sidewalk vending shall not be more restrictive than any limitations on hours of operation imposed on other businesses or uses on the same street.

(2) Requirements to maintain sanitary conditions.

(3) Requirements necessary to ensure compliance with the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards.

(4) Requiring the sidewalk vendor to obtain from the local authority a permit for sidewalk vending or a valid business license, provided that the local authority issuing the permit or business license accepts a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of a social security number if the local authority otherwise requires a social security number for the issuance of a permit or business license, and that the number collected shall not be available to the public for inspection, is confidential, and shall not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.

(5) Requiring the sidewalk vendor to possess a valid California Department of Tax and Fee Administration seller's permit.

(6) Requiring additional licenses from other state or local agencies to the extent required by law.

(7) Requiring compliance with other generally applicable laws.

(8) Requiring a sidewalk vendor to submit information on his or her operations, including, but not limited to, any of the following:

(A) The name and current mailing address of the sidewalk vendor.

(B) A description of the merchandise offered for sale or exchange.

(C) A certification by the vendor that to his or her knowledge and belief, the information contained on the form is true.

(D) The California seller's permit number (California Department of Tax and Fee Administration sales tax number), if any, of the sidewalk vendor.

(E) If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal.

(d) Notwithstanding subdivision (b), a local authority may do both of the following:

(1) Prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market or a permitted swap meet during the limited operating hours of that certified farmers' market or swap meet. 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 and any regulations adopted pursuant to that chapter. 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, and any regulations adopted pursuant to that article.

(2) Restrict or prohibit sidewalk vendors within the immediate vicinity of an area designated for a temporary special permit issued by the local authority, provided that any notice, business interruption mitigation, or other rights provided to affected businesses or property owners under the local authority's temporary special permit are also provided to any sidewalk vendors specifically permitted to operate in the area, if applicable. For purposes of this paragraph, a temporary special permit is a permit issued by the local authority 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, or temporary event permit, for purposes including, but not limited to, filming, parades, or outdoor concerts. A prohibition of sidewalk vendors pursuant to this paragraph shall only be effective for the limited duration of the temporary special permit.

(e) For purposes of this section, perceived community animus or economic competition does not constitute an objective health, safety, or welfare concern.

51039. (a) (1) A violation of a local authority's sidewalk vending program that complies with Section 51038 is punishable only by the following:

(A) An administrative fine not exceeding one hundred dollars (\$100) for a first violation.

(B) An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one year of the first violation.

(C) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.

(2) A local authority may rescind a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations.

(3) (A) If a local authority requires a sidewalk vendor to obtain a sidewalk vending permit from the local authority, vending without a sidewalk vending permit may be punishable by the following in lieu of the administrative fines set forth in paragraph (1):

(i) An administrative fine not exceeding two hundred fifty dollars (\$250) for a first violation.

(ii) An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one year of the first violation.

(iii) An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year of the first violation.

(B) Upon proof of a valid permit issued by the local authority, the administrative fines set forth in this paragraph shall be reduced to the administrative fines set forth in paragraph (1), respectively.

(b) The proceeds of an administrative fine assessed pursuant to subdivision (a) shall be deposited in the treasury of the local authority.

(c) Failure to pay an administrative fine pursuant to subdivision (a) shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in subdivision (a) shall not be assessed.

(d) (1) A violation of a local authority's sidewalk vending program that complies with Section 51038, or a violation of any rules or regulations adopted prior to January 1, 2019, that regulate or prohibit sidewalk vendors in the

jurisdiction of a local authority, shall not be punishable as an infraction or misdemeanor, and the person alleged to have violated any of those provisions shall not be subject to arrest except when permitted under law.

(2) Notwithstanding any other law, paragraph (1) shall apply to all pending criminal prosecutions under any local ordinance or resolution regulating or prohibiting sidewalk vendors. Any of those criminal prosecutions that have not reached final judgment shall be dismissed.

(e) A local authority that has not adopted rules or regulations by ordinance or resolution that comply with Section 51037 shall not cite, fine, or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the standards described in subdivision (b) Section 51038.

(f) (1) When assessing an administrative fine pursuant to subdivision (a), the adjudicator shall take into consideration the person's ability to pay the fine. The local authority 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.

(2) If the person meets the criteria described in subdivision (a) or (b) of Section 68632, the local authority shall accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to subdivision (a).

(3) The local authority may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

(g) (1) A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under the act that added this section had that act been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.

(2) Upon receiving a petition under paragraph (1), the court shall presume the petitioner satisfies the criteria in paragraph (1) unless the party opposing the petition proves by clear and convincing evidence that the petitioner does not satisfy the criteria. If the petitioner satisfies the criteria in paragraph (1), the court shall grant the petition to dismiss the sentence or fine, if applicable, and dismiss and seal the conviction, because the sentence, fine, and conviction are legally invalid.

(3) Unless requested by the petitioner, no hearing is necessary to grant or deny a petition filed under paragraph (1).

(4) If the court that originally sentenced or imposed a fine on the petitioner is not available, the presiding judge shall designate another judge to rule on the petition.

(5) Nothing in this subdivision is intended to diminish or abrogate any rights or remedies otherwise available to the petitioner.

(6) Nothing in this subdivision or related provisions is intended to diminish or abrogate the finality of judgments in any case not falling within the purview of this chapter.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 51038 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The Legislature finds and declares that in order to protect the privacy of a sidewalk vendor with regard to his or her California driver's license or identification number, individual taxpayer identification number, or municipal identification number, when that number is collected in lieu of a social security number for purposes of the issuance of a permit or business license, it is necessary that the sidewalk vendor's number be confidential, except as provided in this act.

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Article I. General Provisions

5.68.005 Purpose and findings.

Food vending vehicles benefit our community by providing services to those who live and work in areas where food may not be readily available. In addition, they offer an entrepreneurial opportunity for the people in our community to open a small business and provide unique foods that may not be available at brick-and-mortar restaurants.

The city also needs to protect the public by ensuring that these large vehicles are operated in a safe manner and do not create nuisances in our neighborhoods. Reasonable regulations are necessary to ensure that food vending vehicles are operated in accordance with health laws of the state; do not block or hinder vehicle or pedestrian traffic on our streets and sidewalks; do not cause public safety problems by contributing to crowding near schools and entertainment establishments; and do not disturb the quiet use and enjoyment of our residential neighborhoods. Therefore, the regulations in this chapter are enacted in accordance with the authority granted in Section 22455 of the California [Vehicle Code](#). (Ord. 2015-0016 § 1)

5.68.010 Definitions.

As used in this chapter, the following definitions apply:

“Director” means the city’s director of finance, or designee.

“Driver permit” means a food vending vehicle driver permit.

“Food vending vehicle” includes any motor vehicle from which any type of food or beverage is sold or offered for sale directly to any consumer; provided, however, that “food vending vehicle” does not include a vehicle that only delivers food or beverage products ordered by home delivery customers.

“Heavy commercial and industrial zoning districts” means C-4, M-1, M-1S, M-2, M-2, MRD, and MIP zoning districts as established pursuant to Title 17.

“Operate a food vending vehicle” means to drive, occupy, or otherwise use a food vending vehicle, to sell, offer to sell, or display for sale, any type of food or beverage.

“Property permit” means a food vending vehicle property permit.

“Residential zoning districts” means RE, R-1, R-1A, R-1B, R-2, R-2A, R-2B, R-3, R-3A, and RO zoning districts as established pursuant to Title 17.

“Vehicle permit” means a food vending vehicle permit.

“Vendor” means any person who operates a food vending vehicle. (Ord. 2015-0016 § 1)

5.68.015 Violations.

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to Chapter [1.28](#).

B. Violations of this chapter are hereby declared to be a public nuisance.

C. Any person who violates a provision of this chapter is liable for civil penalties of not less than two hundred fifty dollars (\$250.00) or more than twenty-five thousand dollars (\$25,000.00) for each day the violation continues.

D. All remedies prescribed under this chapter shall be cumulative and the election of one or more remedies shall not bar the city from the pursuit of any other remedy for the purpose of enforcing the provisions hereof. (Ord. 2015-0016 § 1)

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Article II. Food Vending Vehicle Permits

5.68.020 Food vending vehicle permit required.

- A. No person shall operate a food vending vehicle unless a food vending vehicle permit issued pursuant to this chapter is in effect for that food vending vehicle.
- B. Every permittee, upon receipt of a vehicle permit, shall maintain the permit with the vehicle for which it is issued, at all times the food vending vehicle is being operated.
- C. Upon demand of a peace officer or city employee authorized to enforce this chapter, a person operating a food vending vehicle shall present the vehicle permit that is in effect for that vehicle.
- D. All vehicle permits are the property of the city and each shall authorize the operation of a single specific food vending vehicle. No person shall sell or transfer, or attempt to sell or transfer, any vehicle permit. (Ord. 2015-0016 § 1)

5.68.030 Vehicle permit application.

- A. An application for a food vending vehicle permit shall be filed with the director and shall contain the following:
1. The individual and business name, address, and telephone number of the permit applicant;
 2. Written evidence that the applicant is an owner, lessee or holder of a similar interest in the food vending vehicle;
 3. The name and address of all legal and registered owner(s) of the food vending vehicle, and each person with a financial interest in the business that operates the food vending vehicle;
 4. A copy of a valid business operations tax certificate issued pursuant to Chapter [3.08](#);
 5. The state vehicle license plate number and the vehicle identification number of the food vending vehicle;
 6. Proof of compliance with the insurance requirements set forth in Section [5.68.060](#);
 7. Proof that the vehicle is in compliance with applicable requirements of the state of California and the county of Sacramento regarding the operation of a food vending vehicle;
 8. The address where the food vending vehicle is stored when not in use;
 9. For each person with a ten (10) percent or greater financial interest in the business that operates the food vending vehicle, a list, signed under penalty of perjury, of each conviction of such person and whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which the person was convicted. A person who acquires a ten (10) percent or

greater financial interest in the business that operates the food vending vehicle during the life of the permit issued pursuant to this chapter shall immediately so notify the director and comply with this subsection. Any holder of a valid food vending vehicle driver permit issued pursuant to Section [5.68.100](#) shall be exempt from the requirements of this subsection;

10. Such other information as may be required by the director to further the purpose of this chapter.

B. Every application for a vehicle permit shall be accompanied by a nonproratable, nonrefundable application fee in an amount established by resolution of the city council.

C. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for a vehicle permit. (Ord. 2015-0016 § 1)

5.68.040 Vehicle permit issuance and denial.

A. Except as provided in subsection C of this section, a food vending vehicle permit shall be issued by the director upon receipt of a complete application and payment of the permit fee, as specified in Section [5.68.030](#), and after the director has:

1. Physically inspected the food vending vehicle to ensure compliance with this code and the California [Vehicle Code](#) equipment requirements; provided, however, that the director may accept proof of compliance with state of California or Sacramento County inspection requirements for operating a food vending vehicle in lieu of conducting an inspection; and

2. Determined that the business location and vehicle storage location, if within the city, comply with applicable zoning regulations and other codes.

B. A vehicle permit may be denied by the director on any of the following grounds:

1. The information submitted pursuant to Section [5.68.030](#) is materially false or incomplete;

2. The applicant, any registered owner of the food vending vehicle, or any person with a financial interest in the business that operates the food vending vehicle, has any unpaid administrative penalties imposed pursuant to Chapter [1.28](#);

3. Within twelve (12) months of the date of application, the applicant, any registered owner of the food vending vehicle, or any person with a financial interest in the business that operates the food vending vehicle, has had his or her vehicle permit revoked;

4. The applicant has not paid the applicable business operations tax pursuant to Chapter [3.08](#); or

5. A person with ten (10) percent or greater financial interest in the operation of the food vending vehicle has been convicted of a crime, and the time for appeal has elapsed, irrespective of the entry of a subsequent order under California [Penal Code](#) Section 1203.4; or has committed any act involving dishonesty, fraud, deceit, or moral turpitude with intent to substantially benefit him or herself, or another, or substantially injure another, or having the effect of substantially injuring another.

Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection (B)(5) only if the director finds that the crime or act is substantially related to the qualifications, functions or duties of a food vending vehicle owner or owner of a business which operates food vending vehicles or has substantial contact with minors. However, no person shall be denied a permit solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under California [Penal Code](#) Section 4852.01, et seq., or that

he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed to evaluate the rehabilitation of a person when considering a petition under California [Penal Code](#) Section 4852.01, et seq. (Ord. 2015-0016 § 1)

5.68.045 Term of vehicle permit—Renewal.

A. All food vending vehicle permits shall expire on April 30th of the calendar year following the date of issuance, unless sooner revoked.

B. A permittee may file an application for renewal of a valid vehicle permit with the director between March 1st and March 31st for the permit period beginning the following May 1st. Upon the applicant's request and a showing of a delay caused by circumstances beyond the applicant's control, the director may grant an extension of the March 31st deadline, up to ninety (90) days. If a permittee files an application for renewal after March 31st but before May 1st, without an extension, the city may impose a late penalty in an amount established by resolution of the city council and the permit renewal may not be issued prior to the expiration of the current permit. Any renewal application filed after the permit has expired shall be denied, unless an extension has been granted.

C. Renewal applications shall contain information as may be required by the director to further the purpose of this chapter and shall be accompanied by a nonproratable and nonrefundable renewal application fee in an amount established by resolution of the city council.

D. Vehicle permit renewals may be issued or denied in accordance with the provisions of Section [5.68.040](#).

E. No person shall knowingly make a false statement of fact or knowingly omit any information that is required in an application for the renewal of a valid vehicle permit. (Ord. 2015-0016 § 1)

5.68.050 Posting requirements.

A. No person shall operate a food vending vehicle unless the food vending vehicle permit decal, as provided by the director, is displayed on the vehicle window in a manner specified by the director.

B. No person shall operate a food vending vehicle unless the food vending vehicle number, as provided by the director, is permanently posted on the exterior of the vehicle and in a location that is clearly visible to patrons. The numbers shall be legible, not less than three and one-half inches in height and in a color that contrasts with the color of the background upon which it is placed. (Ord. 2015-0016 § 1)

5.68.060 Liability insurance.

A. During the term of a food vending vehicle permit issued pursuant to this chapter, the permittee or owner(s) of a food vending vehicle authorized by the permit shall maintain in full force and effect at no cost to the city a comprehensive auto and general liability insurance policy:

1. In an amount not less than one million dollars (\$1,000,000.00) single limit per occurrence; and

2. Issued by an admitted insurer or insurers as defined by the California [Insurance Code](#); and

3. Providing that the city, its officers, employees and agents are named as additional insureds under the policy; and

4. Covering all losses and damages as specified in Section [5.68.070](#); and

5. Stipulating that the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and

6. Providing that no cancellation, change in coverage or expiration by the insurance company or the insured shall occur during the term of the vehicle permit, without thirty (30) days' written notice to the director prior to the effective date of such cancellation or change in coverage.

B. In the event of a cancellation, expiration, or change of insurance coverage resulting in noncompliance with subsection A of this section, the permittee shall notify the city of the cancellation, expiration, or change within three business days after its effective date by submitting a written notice to the director. The giving of notice as provided herein shall not stay the automatic suspension of the permit pursuant to Section [5.68.220](#).

C. No person shall operate a food vending vehicle without insurance coverage in effect as required by this section. (Ord. 2015-0016 § 1)

5.68.070 Indemnify and hold harmless.

The permittee and food vending vehicle owner(s) shall defend, indemnify and hold harmless the city, its officers, employees and agents from and against all actions, losses, damages, liability, costs and expenses of every type and description, including, but not limited to, attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the permittee or the permittee's agents, officers or employees, directly or indirectly arising from the operation of the food vending vehicle. (Ord. 2015-0016 § 1)

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5.68.310 Stopping.

No person may sell any product from a food vending vehicle unless the vehicle has been brought to a complete stop and is parked in a lawful manner. (Ord. 2015-0016 § 5)

5.68.320 Lighting.

No vendor may sell any product from a food vending vehicle unless the site is adequately lit to ensure customer safety. Any lighting maintained by the vendor shall be directed downwards and away from public streets and adjacent properties. (Ord. 2015-0016 § 5)

5.68.330 Utilities.

No person may operate a food vending vehicle while the vehicle is connected to an external source of power, water, or any other utilities, unless the connection is expressly approved as a condition of a valid food vending vehicle property permit. (Ord. 2015-0016 § 5)

5.68.340 Signs and furniture.

No vendor may place any free-standing signs, tables, chairs, fences, shade structures, or other furniture on or near the site of the operation of the food vending vehicle. (Ord. 2015-0016 § 5)

5.68.350 Blocking vehicular and pedestrian traffic.

While operating a food vending vehicle, vendors shall keep customers and other patrons from blocking all streets, sidewalks, paths, driveways, doorways, and other avenues of vehicular and pedestrian traffic. (Ord. 2015-0016 § 5)

5.68.360 Maintain area free of trash.

While operating a food vending vehicle, vendors shall maintain the area surrounding the vehicle free of trash and other debris. Vendors shall provide their customers with a receptacle for garbage and pick up any trash in the area before leaving. Vendors shall not dump garbage or trash generated by the operation of the food vending vehicle in any public or private garbage receptacle that is not owned by or leased to the vendor. (Ord. 2015-0016 § 5)

5.68.370 Toilet and handwashing facilities.

A. No person shall operate a food vending vehicle while stopped for more than a one-hour period in any location, or within four hundred (400) feet of that location, unless prior to stopping, the food vending vehicle permittee has provided the director with a copy of the county of

Sacramento's approval of readily available toilet and handwashing facilities within two hundred (200) feet travel distance of that location, issued in accordance with Section 114315 of the California [Health and Safety Code](#).

B. A copy of the county's approval shall be maintained with the corresponding food vending vehicle at all times and be posted in a location that is easily visible by patrons.

C. Upon demand of a peace officer or city employee authorized to enforce this chapter, a person operating a food vending vehicle shall present a copy of the county's approval that is in effect for that vehicle. (Ord. 2015-0016 § 5)

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