

ORDINANCE NO. 2015-03

AN ORDINANCE OF THE CITY OF SANTA CRUZ AMENDING CHAPTER 5.22
OF THE SANTA CRUZ MUNICIPAL CODE TO REVISE REGULATIONS REGARDING
MOBILE VENDING

BE IT ORDAINED, by the City of Santa Cruz as follows:

Section 1. Section 5.22.005 to be established as follows:

5.22.005 PURPOSE

This chapter establishes requirements for the vending of food and goods in the public right-of-way and on private property to prevent traffic, safety, and health hazards.

The primary purpose of the public streets, sidewalks, parking lots, and other public ways is for use by vehicular and pedestrian traffic. Regulating mobile vending will protect the public health and safety and ensure safe pedestrian and vehicular traffic. Unregulated vending in the public right of way, from pushcarts, vehicles including food trucks, stands, or by persons contributes to traffic congestion and impedes the orderly movement of pedestrians and vehicles. And the unregulated use of congested streets and sidewalks with a high concentration of vehicular, pedestrian and commercial activity by vendors make the streets and walkways unsafe for motorists, cyclists, pedestrians, and vendors.

Section 2. Section 5.22.010 to be amended as follows:

5.22.010 DEFINITIONS.

For the purpose of this chapter, certain words and phrases shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended.

- (a) “Mobile vendor” means any person in charge of or operating any mobile vending vehicle, either as agent, employee, or otherwise under the direction of the owner.
- (b) “Mobile vending vehicle” means any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon, including food trucks, or eating cart or vehicle on any portion of any street within the city.
- (c) “Owner” means any person, firm, association or corporation having proprietary control of or right to proprietary control of any mobile vending vehicle as defined herein.
- (d) “Permit officer” shall mean the city manager or the city manager’s designee.

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Section 3. Section 5.22.020 to be amended as follows:

5.22.020 PERMIT REQUIRED.

No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of operating mobile vending vehicles upon the streets, alleys, or any public way or place of the city unless such person holds a currently valid mobile vending permit, issued pursuant to this chapter.

Permits shall be issued to mobile vendors selling food only; vending of goods, wares, or merchandise is prohibited.

Section 4. Section 5.22.040 to be amended as follows:

5.22.040 REVOCATION OF PERMITS.

(a) Mobile vending permits may be revoked for any cause which would have warranted denial thereof in the first instance, or for a failure to comply with any of the provisions of this chapter or any of the conditions of the permit.

(b) Mobile vending permits are subject to renewal in March of each calendar year, irrespective if a 12-month period has not elapsed since the original issuance of the permit.

Section 5. Section 5.22.050 to be amended as follows:

5.22.050 APPLICATIONS.

(a) Any person selling foodstuffs, fruits, or vegetables, may apply to the city for a mobile vending permit by filing with the permit officer, upon forms supplied by the city, an application containing the following information:

(1) The residence and business address of applicant, if a natural person. If a firm, association or partnership, the name and address thereof and the names and residences of partners or association members. If a corporation, the name and address thereof and the names and residences of officers and local manager, if any;

(2) Nature of business;

(3) Number, make, model and engine number, and photograph, if any, of vehicles proposed to be operated, or so much of said information as is available at the time of application;

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- (4) A list of the, fruits, vegetables or foodstuffs to be sold, displayed, exchanged or bartered;
- (5) The days of the week and hours of the day and locations in the City for which permission is being sought to operate the mobile vending business; and
- (6) Such other information as the city may require and as requested in said application form.

Section 6. Section 5.22.080 to be amended as follows:

5.22.080 ISSUANCE OF PERMIT – GROUNDS FOR DENIAL – CONDITIONS.

- (a) The permit officer shall issue the mobile vending permit upon payment of the license fees required and proof of a valid city-issued business license and County environmental health permit required of all applicants for a permit to operate a mobile vending vehicle over the streets of the city, unless he or she finds, as a result of the investigation of the applicant, that:
 - (1) Any vehicle proposed to be operated is inadequate or insufficient for the purpose intended, is insufficiently equipped with reasonable safety devices or fails the required fire department safety inspection;
 - (2) The granting of such permit would be in violation of any ordinance of this city or would endanger the public health, peace, morals or safety, or on the basis of any reasonable cause it is determined that the proposed operation would be undesirable in the city or inadequate; provided, however, that if the issuance of the permit were conditioned upon certain performance standards, the grounds upon which it would otherwise be denied might be prevented or avoided, such permit may be issued subject to reasonable conditions;
 - (3) The granting of such a permit would result in an undue concentration of mobile food vendors at a particular location or at a particular day or time in the City;
 - (4) The applicant fails the criminal history background investigation referenced in Section 5.22.060(b)(4);
 - (5) Any of the other requirements for the approval of a permit application prescribed elsewhere in this chapter have not been met.

Section 7. Section 5.22.110 to be amended as follows:

5.22.110 ADDITIONAL REGULATIONS.

- (a) All mobile vendors shall comply with the following regulations;
- (1) No vending in areas not approved by the permit officer with the exception of mobile food vendors stopping adjacent to businesses that contract with them to provide food. Such contracted mobile food vendors shall comply with all other provisions of this chapter;
 - (2) No vending within three hundred feet of any school or park, except at specific parks as per section 5.22.120;
 - (3) The vendor may stop for a maximum of four hours per stop, except in single residential and multiple residential zone districts in which case the vendor may stop for a maximum of fifteen minutes. A vendor's vehicle may occupy more than one parking space when parking in metered spaces and normal parking rates shall apply. The vendor must move at least one block before making another stop;
 - (4) Tables, chairs, shade structures, and signs are prohibited on streets, parking spaces, and on sidewalks;
 - (5) No vending in congested areas where it may impede or inconvenience the public or create a traffic hazard;
 - (6) Vendor shall provide waste containers, shall provide litter removal services in all areas within fifty feet of the vending location, and shall comply with Chapter 16.19 in regards to proper waste disposal;
 - (7) No vendor shall use amplified sound, but may use bells or other devices described in the application and approved by the permit officer;
 - (8) Vending may only occur when the vehicle is legally parked in a roadway. Vendors shall comply with the California Vehicle Code, Title 10 (Vehicles and Traffic) and Title 15 (Streets and Sidewalks) of the Santa Cruz Municipal Code, and with all posted parking, stopping, and standing restrictions at all times;
 - (9) Vending within the public right-of-way shall not be conducted before 8am or after 9pm;
 - (10) No part of the vehicle, furniture, or other equipment related to the vending operation may encroach onto the public sidewalk. Vendors may place waste containers on public sidewalks provided that a minimum four-foot clearance for pedestrian accessibility is maintained. Vendors are responsible for managing customer queuing and ensuring pedestrian accessibility is maintained;

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(11) Mobile Vendors shall prohibit loitering by persons within fifty feet of the vending location;

(12) Vehicle shall park in a manner which ensures that customers shall be able to order and pick-up food safely without stepping into a parking space, into a street, or into landscaping;

(13) The vendor may sell only fruits, vegetables or foodstuffs described in the application filed with the permit officer and approved by the permit officer; and

(14) The vendor shall have a business license, a Santa Cruz County health department permit, and shall comply with the California Retail Food Code.

Section 8. Section 5.22.120 to be established as follows:

5.22.120 EXEMPTIONS TO ADDITIONAL REGULATIONS WITH SUNSET PROVISION.

In order to gauge interest and test the feasibility of vending near parks and downtown, the following exemptions shall apply:

(1) Vendors may only stop on rights of way abutting to Harvey West Park for up to four hours at a time during Monday – Friday from 8am to 3pm, unless otherwise permitted by the director of Parks and Recreation;

(2) Vendors may stop on rights of way abutting to San Lorenzo Park and at Lower DeLaveaga Park in the parking lots adjacent to the ball fields for up to four hours at a time during posted park hours. In addition, the director of Parks and Recreation may establish a specific parking area where mobile food trucks may park on San Lorenzo and Lower DeLaveaga park grounds;

(3) Vendors may stop on rights of way abutting to Depot Park for up to four hours at a time during posted park hours provided that notice is given to all customers that food and beverages are not allowed on the fields. In addition, the Director of Parks and Recreation may establish a specific parking area where mobile food trucks may park on park grounds; and

(3) A maximum of two food trucks may stop for up to 4 hours on Cooper Street on the side of the street next to the Santa Cruz Museum of Art and History on the first Friday of each month. Mobile food truck use of such parking spots must be authorized and coordinated by the Santa Cruz Museum of Art and History.

Section 5.22.120 of this Chapter shall remain in effect for 18 months, at which time section 5.22.120 shall be automatically repealed unless an extension is approved by majority vote of the City Council pursuant to an adopted City Council resolution.

Section 9. Section 5.22.130 to be established as follows:

5.22.130 TEMPORARY PRIVATE PROPERTY USE WITH SUNSET PROVISION.

In order to gauge interest and test the feasibility of allowing food vending parks on private property, the following temporary provision is established. No property owner shall allow any vendor to operate on private property except in compliance with all of the following requirements:

- (1) Vendors shall have the property owner's written authorization to operate on the property in their possession at all times. The written authorization shall describe the approved location and operation schedule;
- (2) Vending shall only be conducted on property used for nonresidential purposes, except as otherwise permitted by other provisions of this code;
- (3) Vendors shall only occupy parking spaces not required to meet the minimum requirements of the current permitted uses on the property per Title 24 (Zoning), or of other off-site uses if those spaces are leased. This requirement does not apply if the hours of operation for the vendors and permitted uses do not coincide;
- (4) Vendors shall not occupy any paved area required for loading, circulation or fire access;
- (5) Tables, chairs and shade structures may be allowed in conjunction with food vendors if they occupy excess parking spaces or areas not required for loading, circulation or fire access, and removed daily after use. Tables and chairs may be on turf or mulched areas provided that precautions are taken or improvements are installed to protect and maintain landscaped areas;
- (6) Up to three vendors may be on the property at a time; provided that Vendors do not operate before 8am or after 9pm;
- (7) No vendor shall use amplified sound;
- (8) Vendor shall provide waste containers, shall provide litter removal services in all areas within fifty feet of the vending location, and shall comply with Chapter 16.19 in regards to proper waste disposal;
- (9) Vendors may sell only fruits, vegetables or foodstuffs;
- (10) Compliance with Government Regulations. The vendor shall have a business license, a Santa Cruz County health department permit, and shall comply with the California Retail Food Code and any other applicable laws and regulations;

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(11) Vending operations on private property beyond the requirements of this section may be allowed by permit pursuant to Title 24 (Zoning). In addition, the director of community development may require a permit whenever it appears that vending activities are having an adverse impact on the use of the property or neighboring properties, including traffic, circulation, parking availability, noise, trash, or other reasons of public health or safety; and

(12) This section does not apply to any private event where a vendor has obtained the property owner's written permission to cater for a private event that is held exclusively on the property and that is not open to the general public.

Section 5.22.130 of this Chapter shall remain in effect for 18 months, at which time section 5.22.120 shall be automatically repealed unless an extension is approved by majority vote of the City Council pursuant to an adopted City Council resolution.

Section 10: This Ordinance shall be in force and take effect thirty (30) days after final adoption.

PASSED FOR PUBLICATION this 27th day of January, 2015, by the following vote:

AYES: Councilmembers Chase, Terrazas, Comstock, Posner, Noroyan; Vice Mayor Mathews; Mayor Lane.

NOES: None.

ABSENT: None.

DISQUALIFIED: None.

APPROVED: ss/Don Lane, Mayor

ATTEST: ss/Bren Lehr, City Clerk Administrator

PASSED FOR FINAL ADOPTION this 10th day of February, 2015, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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APPROVED: _____
Mayor

ATTEST: _____
City Clerk Administrator

This is to certify that the above
and foregoing document is the
original of Ordinance No. 2015-03
and that it has been published or
posted in accordance with the
Charter of the City of Santa Cruz.

City Clerk Administrator