

ZONING CLEARANCE

MOBILE FOOD VENDING - PRIVATE PROPERTY OCCUPANCY PERMIT APPLICATION FORM

CITY OF SANTA CRUZ
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

THIS APPLICATION FORM IS FOR ZONING CLEARANCE ONLY
AND DOES NOT AUTHORIZE OCCUPANCY WITHOUT FULLY
COMPLYING WITH ALL CITY REQUIREMENTS

FEE \$ _____

MUNICIPAL CODE –
ZONING ORDINANCE SECTION
24.04.188

APPLICATION TYPE	
NEW USE (1,2,3)	
SAME USE (1,3)	
CHANGE OF OWNERSHIP (1,3)	

1. GENERAL INFORMATION

ADDRESS OF BUSINESS _____ PHONE _____

A.P.N. _____ ZONING DISTRICT _____

NAME OF APPLICANT _____ PHONE _____

ADDRESS _____
STREET CITY/STATE ZIP

NAME OF BUSINESS _____

DETAILED DESCRIPTION OF BUSINESS _____

DATE OF OCCUPANCY _____ PREVIOUS OR CONTINUING USE _____

NAME OF OWNER _____

ADDRESS _____

PROPERTY OWNER SIGNATURE _____ DATE _____

2. BUSINESS INFORMATION

A. FLOOR AREA (SQUARE FEET) _____ **C. EMPLOYEES** _____
SHIFTS _____ NO. PER SHIFT _____

B. HOURS OF OPERATION _____ **D. OFF-STREET PARKING** _____
HOURS _____ NO. OF SPACES* _____
DAYS _____ PARKING DISTRICT PARKING MATRIX

*PROVIDE PARKING MATRIX AND PLAN FOR MULTI-TENANT SITES. OFF-STREET PARKING REQUIREMENTS ARE BASED ON USE TYPE PER SECTION 24.12.240 OF THE ZONING ORDINANCE.

E. SIGNAGE – Fixed signs restricted to trucks

3. DECLARATION

I DECLARE UNDER PENALTY OF PERJURY, THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND THAT I AGREE TO OPERATE THE ABOVE DESCRIBED BUSINESS IN STRICT COMPLIANCE WITH CITY ZONING REGULATIONS GOVERNING SAME.

APPLICANT SIGNATURE _____ DATE _____

4. FOR OFFICE USE ONLY

ORDINANCE SECTION 5.22.130 _____ PROJECT NO. _____

DATE APPROVED _____ BY _____

COMMENTS _____

Chapter 5.22
MOBILE VENDORS

Sections:

- 5.22.005 Purpose.
- 5.22.010 Definitions.
- 5.22.020 Permit required.
- 5.22.030 Exemptions.
- 5.22.040 Revocation of permits.
- 5.22.050 Applications.
- 5.22.060 Investigation and findings for mobile vending permit.
- 5.22.070 Permit not transferable.
- 5.22.080 Issuance of permit – Grounds for denial – Conditions.
- 5.22.090 Operators of mobile vending vehicles.
- 5.22.100 Maintenance of vehicles.
- 5.22.110 Additional regulations.
- 5.22.120 Exemption to additional regulations.
- 5.22.130 Private property use.

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. The unregulated use of congested streets and sidewalks with a high concentration of vehicular, pedestrian and commercial activity by vendors makes the streets and walkways unsafe for motorists, cyclists, pedestrians, and vendors. (Ord. 2015-03 § 1, 2015).

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.
- (Ord. 2015-03 § 2, 2015; Ord. 2005-27 § 2 (part), 2005).

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. (Ord. 2015-03 § 3, 2015; Ord. 2005-27 § 2 (part), 2005).

5.22.030 EXEMPTIONS.

(a) A mobile vending vehicle owned or operated by any public agency, or operated pursuant to a franchise issued in accordance with the Santa Cruz City Charter, or for the operation of which a certificate of public convenience and necessity has been granted by the Public Utilities Commission of the state of California, shall not be subject to the provisions of this chapter.

(b) This chapter shall not apply to persons delivering goods, wares, merchandise, fruits, vegetables or foodstuffs upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution.

(c) This chapter shall not apply to vendors participating in farmer's markets, street fairs, sidewalk sales or other special events permitted by the city pursuant to Chapters 10.64 or 10.65.
(Ord. 2005-27 § 2 (part), 2005).

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 twelve-month period has not elapsed since the original issuance of the permit.
(Ord. 2015-03 § 4, 2015: Ord. 2005-27 § 2 (part), 2005).

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;
 - (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.
- (Ord. 2015-03 § 5, 2015: Ord. 2005-27 § 2 (part), 2005).

5.22.060 INVESTIGATION AND FINDINGS FOR MOBILE VENDING PERMIT.

- (a) Completed applications for a mobile vending permit shall be filed with the permit officer who shall investigate each applicant and make a written determination whether to grant or deny the mobile vending permit within ninety days after the filing of the application, or as soon thereafter as is reasonably possible. Final approval may require Santa Cruz city council review and vote depending upon the operation's impact on public property, pedestrian traffic, vehicle traffic, and public safety. The permit officer may submit the application to the city council for approval, conditional approval or denial; alternatively, the city council may inform the permit officer of its intention to take final action on a particular permit application. Permit applications in all cases are to be submitted to the permit officer. The city council will not accept applications.
- (b) No mobile vending permit may be granted unless the permit officer makes each of the following findings:
- (1) The mobile vending permit business has met each of the requirements listed elsewhere in this chapter;
 - (2) The operation of the vending vehicle, wagon or cart will not result in traffic hazards;
 - (3) The operation of the vending vehicle, wagon or cart will not disrupt the neighborhoods in which it will be operated; and
 - (4) The applicant has not been convicted during the last seven years of any felony or any crime involving driving under the influence of alcohol or other controlled substance; any crime involving the sale, use of, or transportation of narcotics; any crime involving reckless driving, any suspension of driver's license; a criminal assault; any crime involving theft or embezzlement; or any child annoyance or sex-related crime, as determined through a background investigation conducted by the police department.
- (Ord. 2005-27 § 2 (part), 2005).

5.22.070 PERMIT NOT TRANSFERABLE.

Mobile vending permits shall not be assignable or transferable, except as herein provided. If the ownership of in excess of thirty-three percent of the mobile vending business whether corporate stock, partnership interest or otherwise shall change, a new permit must be obtained; provided, however, that in the event of an involuntary transfer, by reason of the death or mental incapacity of the permittee, the personal representative or successor of such decedent or mentally incapacitated permittee may continue to operate the business under such permit, subject to all the provisions of this chapter, if such personal representative or successor would otherwise qualify for such permit pursuant to the terms of this chapter.
(Ord. 2005-27 § 2 (part), 2005).

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.

(Ord. 2015-03 § 6, 2015: Ord. 2005-27 § 2 (part), 2005)

5.22.090 OPERATORS OF MOBILE VENDING VEHICLES.

No person shall operate a for-hire vehicle unless that person has not been convicted during the last seven years of any felony or any crime involving driving under the influence of alcohol or other controlled substance; any crime involving the sale, use of, or transportation of narcotics; any crime involving reckless driving, any suspension of driver's license; a criminal assault; any crime involving theft or embezzlement; or any child annoyance or sex-related crime and has a currently valid operator's or chauffeur's license authorizing the operation of such vehicle, if required. All operators shall undergo a background investigation with the police department and meet the aforesaid qualifications prior to issuance of a mobile vending permit.

(Ord. 2005-27 § 2 (part), 2005).

5.22.100 MAINTENANCE OF VEHICLES.

(a) Every mobile vending vehicle operating under this chapter shall be inspected by:

- (1) The fire department prior to issuance of the mobile vending permit; and
- (2) The police department at such intervals as shall be established by the permit officer to ensure the continued maintenance of safe operating conditions. Every such vehicle shall be kept in a clean and sanitary condition at all times in conformance with the rules and regulations promulgated by the chief of police.

(Ord. 2005-27 § 2 (part), 2005).

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 regard 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 8:00 a.m. or after 9:00 p.m.;

- (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;
- (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.

(Ord. 2015-03 § 7, 2015: Ord. 2005-27 § 2 (part), 2005).

5.22.120 EXEMPTION TO ADDITIONAL REGULATIONS.

The following exemption shall apply:

The Director of Parks and Recreation may review and approve mobile vending activities conducted by permitted mobile vendors on City property operated under the jurisdiction of the Parks and Recreation Department and promulgate rules of operation in these locations, including operation hours.

(Ord. 2017-08 § 1, 2017: Ord. 2015-03 § 8, 2015).

5.22.130 PRIVATE PROPERTY USE.

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 8:00 a.m. or after 9:00 p.m.;
 - (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;
 - (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.
- (Ord. 2017-08 § 2, 2017: Ord. 2015-03 § 9, 2015).

