

ORDINANCE NO. _____ (N.C.S.)

AN ORDINANCE AMENDING ARTICLE XVI OF CHAPTER 20 OF THE SALINAS MUNICIPAL CODE UPDATING THE REGULATIONS GOVERNING FOOD TRUCKS, ICE CREAM TRUCKS, NONMOTORIZED PUSHCARTS AND STREET VENDORS

City Attorney's Impartial Analysis

This Ordinance amends a section of Chapter 20 of the Salinas Municipal Code to expand the program in response to concerns presented to City Council by food truck vendors.

WHEREAS, the primary purpose of the public right-of-way is for use by vehicle and pedestrian traffic; and

WHEREAS, in 2021, the City Council enacted Ordinance No. 2650 to amend article XVI of Chapter 20 of the Salinas Municipal Code updating the regulations governing food trucks, ice cream trucks, nonmotorized pushcarts and street vendors; and

WHEREAS, Resolution No. 22198 approved by the Council established fifty-two (52) designated food truck locations on September 21, 2021; and

WHEREAS, conducting business on city streets from a food truck may have negative land use, public safety, and traffic impacts which the city desires to regulate; and

WHEREAS, nonmotorized pushcart or ice cream truck vendor operating and conducting business on the sidewalks or street shoulder in the vicinity of elementary, middle or high schools, or other K-12 schools or educational facilities may limit pedestrian access to safe walking paths and may also obstruct the views of approaching vehicles. Restricting nonmotorized pushcarts and ice cream truck vendors from operating within a two-hundred-foot distance will reduce the potential for such safety hazards; and

WHEREAS, on June 23, 2022, the vendor task force conducted a follow-up meeting to provide a summary of findings from the vendor survey conducted in May 2022. This meeting provided the task force guidance in recommending improvements to the program; and

WHEREAS, it is recognized that operating a roaming food truck involves mobilization and de-mobilization at a chosen location which significantly reduces the hours of operation for a roaming vendor; and

WHEREAS, the vendor ordinance does not regulate the use of designated locations; potentially allowing vendors to leave designated locations unutilized for extended periods which the city would like to prevent.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and are by this reference incorporated herein in their entirety.

SECTION 2. Article XVI of Chapter 20 of the Salinas Municipal Code is hereby amended as follows (Revisions are shown in underline/strikethrough text):

Sec. 20-16.110. - Nonmotorized pushcarts and vendors—Operating restrictions.

- (i) No nonmotorized pushcart or street vendor shall operate within two hundred feet of any elementary, middle or high school, or other K-12 school or educational facility, whether public or private. The two-hundred-foot distance shall be measured from the property line of the school closest to the pushcart.

Sec. 20-16.120. – Ice cream trucks – Operating restrictions.

- (l) No ice cream truck owner or operator shall operate within two hundred feet of any elementary, middle or high school, or other K-12 school or educational facility, whether public or private. The two-hundred-foot distance shall be measured from the property line of the school closest to the ice cream truck.

Sec. 20-16.130. Food trucks—Operating restrictions.

- (d) An owner or operator of a food truck that sells, offer for sale, displays, disperses, or permits, any food, food item or beverage from any food truck not from a designated location may do so only between the hours of ~~8:00 a.m. and 8:00 p.m.~~ 6:00 a.m. to 10:00 p.m. for a period not to exceed ~~four~~ six hours at a single location and not within five hundred feet of the same address or location or on the same street. Except as otherwise provided in this section, it shall be unlawful for any person to operate any food truck in any such manner at any other time.
- (aa) Designated food truck locations shall be occupied on a weekly basis. The owner of a food truck shall notify the City Engineer if a designated location will be left vacant for an extended period. Failure to not occupy a designated location within a thirty (30) day period without notification shall result in the revocation of the designated location and vendor permit.

SECTION 3. CEQA CONSIDERATIONS. The amendment is “Not a Project” under CEQA Guidelines Section 15061(b)(3). This exemption is allowed when the activity, in this case adoption of the ordinance, does not have the potential for causing a significant effect on the environment. The proposed Ordinance Amendment includes refinements to vendor operation restrictions in the public right-of-way.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, clause and phrase thereof not declared invalid or

unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall take effect and be in force thirty (30) days from and after its adoption.

PASSED AND ADOPTED this 23rd day of August 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Kimbley Craig, Mayor

ATTEST:

Patricia M. Barajas, City Clerk

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney