

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

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

WHEREAS, the regulations contained in this article do not prohibit pure speech by religious, civic, and social organizations and others, but merely regulate the activities of an individual or an organization which are commercial in nature, or potentially hazardous to the public;

WHEREAS, vending has a relatively low barrier to entry and vending encourages entrepreneurship.

WHEREAS, vending can provide an economic opportunity for individuals to support themselves and their families.

WHEREAS, it is recognized that conducting business with the city as a vendor or from a food truck, ice cream truck or nonmotorized pushcart may have negative land use, public safety, and traffic impacts which the city desires to regulate;

WHEREAS, vendors operating food trucks, ice cream trucks, and nonmotorized pushcarts and conducting business on public and private streets and sidewalks and public rights-of way within the city can increase potential hazard to motorists, pedestrians and vendor operators and their patrons. Potential safety hazards may arise from street geometry, traffic circulation patterns, and from difference between food truck, ice cream truck or nonmotorized pushcart travel speeds, especially on arterial streets. Food trucks, ice cream trucks, nonmotorized pushcarts, or vendors operating and conducting business on the shoulders of street or public rights-of-way are susceptible to a significant degree of accident vulnerability particularly on major arterials with higher speeds and traffic volumes.

WHEREAS, restricting the proximity within which food trucks, ice cream trucks and nonmotorized pushcarts can operate to each other will combat vehicular congestion and will significantly lessen the impact such activities have on on-street parking availability.

WHEREAS, food trucks, ice cream trucks, nonmotorized pushcarts, or vendors operating and conducting business on the shoulders of streets or public rights-of-way near intersections and driveways may obstruct the views of approaching drivers, where sight lines are necessary to be able to see potentially conflicts in sufficient time to stop before reaching an intersection. Restricting food trucks, ice cream trucks, and nonmotorized pushcarts from operating on corridors and near intersection with high collision histories, identified in the Vision Zero Action Plan, will minimize the potential for a substantial increase in traffic safety hazards.

WHEREAS, six food truck vendors operate from fixed locations on three of the top five High Collision Corridors. The six food truck vendors operated at these locations during the data collection period of the draft Vision Zero Action Plan (2009-2018). This data does not explicitly point to the food trucks vendors as the cause for accidents on these corridors, but it also does not exclude them from possible obstructions which may have led to some of the accidents on these corridors.

WHEREAS, Police and Code Enforcement have reported persistent problems with street vendors at three major intersections. It was reported that street vendors often create distractions and obstructions in the right-of-way which were considered dangerous and were leading to additional congestion. Data from the draft Vision Zero Action Plan coincides with the information reported. The three intersections identified by Police and Code Enforcement as problematic due to street vendor activity were amongst the ten High Collision Intersections.

WHEREAS, an increase in vendor permits may significantly impact staffing in the Development Engineering Division of Public Works. Based on the number of persons on the waitlist, the total number of food truck permits may increase twelvefold.

WHEREAS, a key component of a successful vendor program depends on enforcement. Curbing illegal vending and vendor violations increases safety for vendors, patrons and the community at large.

WHEREAS, ice cream vendors have been operating on an ad hoc basis. Establishing regulations, permit fees and a permit specific to ice cream vendors will formally include them in vendor program.

WHEREAS, the Centers for Disease Control and Prevention (CDC) reports that noise levels above 70 dB over prolonged periods of time may start to damage hearing. Restricting noise levels emitted from a generator used by a food truck helps maintain a healthy, safe and equitable environment.

WHEREAS, in 2007, the City Council enacted Ordinance No. 2474 to allow vending on public streets and establish a permit process for street vendor.

WHEREAS, in 2012, the Development Engineering Division of Public Works began a waitlist of potential food truck vendors. Current food truck vending waitlist exceeds 370.

WHEREAS, in 2018, Governor Jerry Brown signed into law California Bill No. 946 limiting cities abilities to regulate sidewalk vending.

WHEREAS, in 2019, the City Council approved the Alisal Vibrancy Plan (AVP) as a key strategic planning document. The AVP is a guiding document that was lead based on community input. Several key discussions in the AVP focused on pedestrian safety, transit, circulation, district beautification and design standards, and access to healthier food.

WHEREAS, in 2019 the Blue Zones Project-Monterey County was initiated. Salinas is a member of the Blue Zones Project. The Blue Zones Project is focused on helping communities live a healthier lifestyle by developing community environments.

WHEREAS, in 2020, the City Council adopted Vision Zero Policy (Resolution No. 21790). A policy setting a goal to eliminate traffic fatalities and severe injuries on city streets while increasing safe, healthy, equitable mobility.

WHEREAS, on June 9, 2021, a draft proposed ordinance amendment was presented to the to the Library and Community Services Commission. The Commission recommended that the City Council introduce and then adoption and an Ordinance amending Article XVI of Chapter 20 of the Salinas Municipal Code to allow food trucks adjacent city parks. The recommendation received a unanimous approval from the Commission.

WHEREAS, on June 10, 2021, a draft proposed ordinance amendment was presented to the to the Traffic and Transportation Commission. The Commission recommended that the City Council introduce and then adoption and an Ordinance amending Article XVI of Chapter 20 of the Salinas Municipal Code allowing the creation of “Designated Locations” for the use by food trucks and restricting access to food trucks, nonmotorized pushcart and street vendors to “High Collision Intersections” and “High Collision Corridors” as identified in the draft Vision Zero Action Plan. The recommendation received a unanimous approval from the Commission.

WHEREAS, the City Council weighed the evidence, including the Staff Report which is on file at the Public Works Department together with the record of environmental review and hereby finds that the following amendment will not have the effect of reversing policies of the Salinas General Plan or other plans and policies previously adopted by the City Council and the City Council finds the project to be categorically exempt from the California Environmental Quality Act (CEQA), as follows:

Categorical Exemption:

1. *The project has been found to be a Class 5 Categorical Exemption pursuant to Guidelines section 15305 of the Guidelines to the California Environmental Quality Act(CEQA);*

The proposed Ordinance Amendment is categorically exempt from further environmental analysis per CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations). The proposed Ordinance Amendment would not result in a significant environmental impact since it involves minor alterations to the Salinas Municipal Code Article XVI of Chapter 20.

2. *The project is also categorically exempt from CEQA pursuant to 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 definitions, operation restrictions and adds designated vending locations in the public right-of-way.

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 in its entirety to read as follows:

Article XVI. - Food trucks, Ice Cream Trucks, Nonmotorized Pushcarts and Street Vendors—
Stopping, Standing and Parking.

Sec. 20-16.010. - Intent of provisions.

The city council declares that this article is adopted to achieve the primary purpose, among others, of regulating, controlling, and permitting the activities of food trucks, nonmotorized pushcarts, and vendors, as those terms are defined herein, in order to promote the health, safety, and welfare of the residents of the City of Salinas, and to reduce safety and traffic hazards, as well as to preserve the peace, safety and welfare of the community, and therefore directs the provisions of this article to be interpreted in order to accomplish these purposes.

Sec. 20-16.020. - Findings and purpose.

It is found and declared that:

- (a) The primary purpose of the public right-of-way is for use by vehicular and pedestrian traffic.
- (b) The regulations contained in this article do not prohibit pure speech by religious, civic, and social organizations and others, but merely regulate the activities of an individual or an organization which are commercial in nature, or potentially hazardous to the public.
- (c) It is recognized that conducting business within the city as a vendor or from a food truck ice cream truck, or nonmotorized pushcart may have negative land use, public safety, and traffic impacts which the city desires to regulate.
- (d) Vendors operating food trucks, ice cream trucks, and nonmotorized pushcarts and conducting business as vendors on public and private streets and sidewalks and public rights-of-way within the city can increase potential hazard to motorists, pedestrians and vendor operators and their patrons. Potential safety hazards may arise from street geometry, traffic circulation patterns, and from differences between food truck, ice cream truck, or nonmotorized pushcart travel speeds, especially on arterial streets. Food trucks, ice cream trucks, nonmotorized pushcarts, or vendors operating and conducting business on the shoulders of streets or public rights-of-way are susceptible to a significant degree of accident vulnerability particularly on major arterials with higher speeds and traffic volumes.
- (e) Restricting the proximity within which food trucks, ice cream trucks, and nonmotorized pushcarts may operate to each other will combat vehicular traffic congestion and will significantly lessen the impact such activities have on on-street parking availability.
- (f) Allowing food trucks, ice cream trucks, and nonmotorized pushcarts to operate upon public sidewalks may create objective health, safety, or welfare concerns because of limited maneuvering space and pedestrian safety considerations. Lack of or diminished space on sidewalks due to vending activities conducted thereon could force pedestrians onto busy streets. Locations of street fixtures further constrain available sidewalk space.

- (g) Food trucks, ice cream trucks, nonmotorized pushcarts, or vendors operating and conducting business on the shoulders of streets or public rights-of-way near intersections and driveways may obstruct the views of approaching drivers, where sight lines are necessary to be able to see potentially conflicting vehicles in sufficient time to stop before reaching an intersection. Restricting food trucks, ice cream trucks, and nonmotorized pushcarts from operating on corridors and near intersection with high collision histories, identified in the Vision Zero Action Plan, will minimize the potential for a substantial increase in traffic safety hazards.
- (h) Vending has a relatively low barrier to entry and vending encourages entrepreneurship.
- (i) Vending can provide an economic opportunity for individuals to support themselves and their families.

Sec. 20-16.030. - Definitions.

Whenever in this article the following terms are used, they shall have the meanings respectively ascribed to them in this section:

- (a) "Food truck" means any vehicle that may be moved under its own power or a vehicle not easily or readily moved by any person, or which must be hauled or moved by another vehicle, and which is used, designed or outfitted to dispense ready-to-eat food or beverages to patrons. "Food truck" does not include:
 - (1) Vehicles used solely to deliver food or beverages previously requested by a patron, home or business establishment, such as "Meals-on-Wheels" or delivery trucks.
 - (2) Vehicles used for the display, sale or dispersal of food or beverages as part of an organized community event for which permission has been granted by the city.
- (b) "City" means the City of Salinas.
- (c) "Designated location" means the designation of a single location pre-approved by the city engineer for vending by a food truck. The designated location shall be delineated by pavement markings and shall be signed indicating location is reserved for the food truck assigned to that location and no other vehicle may park at said location during the hours of 10:00 a.m. and 3:00 a.m.
- (d) "Ice cream truck" means any motor vehicle requiring a license from the California Department of Motor Vehicles which is used to sell or vend at retail:
 - (1) Prepackaged frozen dairy or water-based food products; or
 - (2) Soft-served or hand-dipped frozen dairy or water-based products; irrespective of whether or not the truck carries other prepackaged food products.
- (e) "Location" means the area described by one street address, or area within such street address.
- (f) "Nonmotorized pushcart" means any vehicle which may not be moved under its own power, or which may be easily and readily moved by any person, and which is used, designed or outfitted to prepare or dispense ready-to-eat food, beverage, produce, or any

other good or item of merchandise of any nature, and offering the same for sale to any person.

- (g) "Person" means an individual, firm, partnership, corporation, company, association, governmental entity, or other legal entity and includes a trustee, receiver, assignor or similar representative of any of them.
- (h) "Private property" means any real property other than that owned by a governmental entity. It includes property owned by individuals and non-governmental entities, commercial property, and property owned by nonprofit entities.
- (i) "Public park" means that real property, together with all improvements located thereon, which is owned and maintained by the City for use by the public as a park.
- (j) "Public property" means all real property owned, maintained, leased or controlled by the City, but does not include easements, encroachments and other property that are located on the property of the City but not owned or controlled by the City.
- (k) "Purchase" means the buying of, offering to buy or the giving of an order for anything of value including, but not limited to, food, food products, foodstuffs, goods, wares and merchandise.
- (l) "Right-of-way" means an area or strip of land, either public or private, on which a right of surface passage has been recorded. Thus, right-of-way shall include a public right-of-way, a common lot containing a private street, or other public or private right of surface passage consistent with this definition.
- (m) "Sidewalk" means that portion of a highway, other than the roadway, set apart for pedestrian travel.
- (n) "Street" means a public or private right-of-way, usually designed for pedestrian, bicycle, and vehicular travel, which provides a primary means of access to abutting property. The term shall include, but not be limited to, avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any similar term.
- (o) "Street vendor" means any person, including without limitation an employee or agent, partnership or corporation, who sells, intends to sell, offers for sale, or solicits any food items, goods, wares or merchandise within the city and does not operate at a fixed or established place of business within the city. "Street vendor" includes itinerant vendors, peddlers, and solicitors as those terms are defined in Section 19-1 of the Salinas City Code.
- (p) "Vendor" means any person, including without limitation an employee or agent, partnership or corporation, including street vendors, selling, intending to sell, displaying or offering for sale or soliciting any food items, goods, wares or merchandise from a food truck or nonmotorized pushcart.
- (q) "Vendor permit" means a permit issued by the City of Salinas pursuant to this article.

Sec. 20-16.040. - Health permit required.

It shall be unlawful for any person to maintain, manage or operate any food truck, ice cream truck or nonmotorized pushcart within the city unless such activity is maintained, managed or operated in strict compliance with all applicable laws, rules, and regulations and with a health permit issued

by the Monterey County department of health, if applicable. A separate health permit shall be obtained for each separate food truck, ice cream truck, or nonmotorized pushcart, even when conducted under the same ownership.

Sec. 20-16.050. - Business license required.

- (a) It shall be unlawful for any person to maintain, manage or operate any food truck, ice cream truck or nonmotorized pushcart or conduct business as a vendor within the city unless such activity is maintained, managed or operated in strict compliance with a valid business license issued pursuant to Chapter 19 of the City Code. No business licenses shall be issued for any activity described in this article unless such person has first obtained a valid health permit from the Monterey County department of health, if required.
- (b) Except as otherwise provided in this article, a separate business license shall be obtained by each vendor and for each separate food truck, ice cream truck, and each separate nonmotorized pushcart, even when conducted under the same ownership. For purposes of this section, a branch establishment or separate place of business is defined to be a different and separate location, or a separate department in any one location, or in the case of food trucks, ice cream trucks, or nonmotorized pushcarts, a different and separate vehicle from that mentioned in any other license held by the same licensee, in or from which the solicitation for sale of any goods, wares or merchandise is or may be consummated at the same time.
- (c) Notwithstanding the provisions of Section 20-16.100 (b) of this article, any business licenses issued pursuant to [Chapter 19](#) of this Code for any activity regulated by this article shall be personal and shall not be assigned, transferred, sold or otherwise conveyed or hypothecated by the person to whom such license has been issued, to any other person and any such assignment, transfer or conveyance shall immediately render such license void.
- (d) All business licenses granted pursuant to [Chapter 19](#) of this Code for any activity regulated by this article shall expire and have no further force and effect upon the date specified in the business license.

Sec. 20-16.060. - Vendor permit required.

- (a) No person shall maintain, manage, or operate any food truck, ice cream truck or nonmotorized pushcart or conduct business as a vendor within the city unless that person first obtains a vendor permit from the city and unless that person first complies with all other provisions of this article. Any person desiring to maintain, manage or operate a food truck, ice cream truck or nonmotorized pushcart or conduct business as a vendor within the city shall first submit an application for a vendor permit on a form provided by the city, along with all other information required by the city and payment of all applicable fees and charges. No vendor permit shall be issued pursuant to this section unless such applicant has first obtained a valid City of Salinas business license and a valid health permit from the Monterey County department of health, pursuant to Section 20-197, if required.

- (b) Except as otherwise provided in this article, a separate vendor permit shall be obtained by each vendor and for each separate food truck, each separate ice cream truck, and each separate nonmotorized pushcart, even when conducted under the same ownership. For purposes of this section, a branch establishment or separate place of business is defined to be a different and separate location, or a separate department in any one location, or in the case of food trucks, ice cream trucks or nonmotorized pushcarts, a different and separate vehicle from that mentioned in any other vendor permit held by the same person, in or from which the solicitation for sale of any goods, wares or merchandise is or may be consummated at the same time.
- (c) The vendor permit application shall be approved, conditionally approved or denied by the city engineer, or their designee, provided all the following criteria, in addition to any others which may be imposed by the city, have been met:
 - (1) Accurate completion of the application, including submittal of all required information or supporting documentation;
 - (2) Payment of all applicable fees;
 - (3) An affidavit signed by the applicant attesting that the information provided in the application is true and correct and that the applicant has not been found guilty or pled no contest to any of the following within five years prior to the date of the application: a crime of moral turpitude; a drug-related misdemeanor or felony; the sale, distribution or display of obscene material; or indecent exposure; and
 - (4) Owners and operators of ice cream trucks, nonmotorized pushcarts or street vendors serving prepackaged dairy or water-based frozen food products must provide a criminal background check, conducted by an entity authorized by the California Department of Justice to perform Live Scan fingerprinting services. A permit shall not be issued if the city engineer, or their designee, determines that an applicant has been convicted of or pleaded nolo contendere or guilty within five years prior to the application to a misdemeanor or felony crime of moral turpitude or drug-related misdemeanor or felony crime;
 - (5) Confirmation of compliance with all conditions and requirements of this article.
- (d) Notwithstanding the provisions of Section 20-16.100 of this article, any vendor permit issued pursuant to this article, for any activity regulated by this article, shall be personal and shall not be assigned, transferred, sold or otherwise conveyed or hypothecated by the person to whom such permit has been issued, to any other person and any such assignment, transfer or conveyance shall immediately render such permit void.
- (e) The term of each vendor permit, unless sooner terminated, suspended or revoked, shall be for a period of one year. Upon the expiration of such term, and consistent with the other provisions of this article, the holder of such vendor permit may renew the vendor permit for one additional one-year term by submitting a new application, together with any fees that may be required, and by complying with all other terms of this article. All vendor permits issued pursuant to this section shall expire and have no further force and effect upon the date specified in the permit.

- (f) Whenever a vendor permit is issued under the provisions of this article and a particular location to park or stand is specified therein, no person shall park or stand any catering vehicle on any location other than as designated in such permit. If a nonmotorized pushcart vendor is issued such a permit it shall note the objective health, safety, or welfare concerns requiring the vendor to remain at a particular location.

Sec. 20-16.070. - Identification card required.

- (a) Each person who maintains, manages or operates any food truck, ice cream truck or nonmotorized pushcart or who conducts business as a street vendor within the city shall retain at all times in their possession an identification card issued pursuant to this section. While engaged in such activities each person shall wear such identification card in plain sight on their person and shall upon demand of any city police officer or other city official or person to whom he or she seeks to sell any items, food or beverages exhibit said identification card. The identification card shall be issued by the city and shall at a minimum contain the name of the vendor; the name of the vendor's business; a photograph of the vendor; and the City of Salinas business license number and vendor permit number that corresponds to the food truck, ice cream truck or nonmotorized pushcart being managed, maintained or operated by that person. No identification card issued under the provisions of this section shall be used at any time by any person other than the one to whom it was issued.
- (b) No identification card shall be altered, removed or obliterated or any entry made upon such identification card nor shall such identification card be defaced in any way. Each identification card shall be personal and shall not be assignable or transferable. No such identification card shall be used by any person other than the person to whom it was issued.

Sec. 20-16.080. - Permits and licenses—Required to be displayed.

Each food truck, ice cream truck and nonmotorized pushcart shall at all times have permanently affixed to the catering vehicle or nonmotorized pushcart, in a manner designated by the city and any other local regulatory agency, including the Monterey County health department, evidence of a current and valid vendor permit issued by the city, evidence of a current and valid business license issued by the city, and evidence of a current and valid Monterey County health permit, when applicable.

Sec. 20-16.090. - Principal vendors—Permits and licenses required.

Any person, firm or corporation, either employing or contracting with one or more individuals to have such individuals solicit the retail sale of any goods, wares or merchandise for future delivery, or to sell or peddle such goods, wares, and merchandise, whether as a vendor or through the use of a food truck, ice cream truck or nonmotorized pushcart, must obtain a business license pursuant to Chapter 19 of the City Code and must meet all other conditions or requirements imposed upon them under the law.

Sec. 20-16.100. – Issuance of business licenses and permits - Transfer of Permits.

- (a) The number of Designated Location, as defined above, permits and business licenses is limited to fifty-two (52) spaces and no such vendor permits or business licenses beyond

that limit shall be issued. Vendors operating food trucks not from a designated location, ice cream trucks, or nonmotorized pushcarts are exempt from this provision.

In the event a food truck vendor permit issued for a designated location pursuant to this article or a business license issued pursuant to [Chapter 19](#) is either revoked or is allowed by its holder to expire, such vendor permit and/or business license shall immediately become null and void and shall be forfeited and may not be renewed by such person. Such vendor permit and/or business license, however, shall be made available to any other person who first complies with all other applicable provisions of this article and of the City Code.

- (b) In the event the holder of any vendor permit or business licenses issued for any activity conducted from a food truck, ice cream truck or from a nonmotorized pushcart, sells such food truck, ice cream truck, or nonmotorized pushcart to a bona fide purchaser for value, such bona fide purchaser for value may continue to operate such catering vehicle or nonmotorized pushcart within the city provided such purchaser first complies with all of the provisions and requirements of this article, including having applied for and obtained all the required licenses and permits and having complied with all other applicable provisions of this article, and no such purchaser may conduct business within the city out of or from such food truck, ice cream truck, or nonmotorized pushcart unless such person has first obtained all the licenses and permits required under this article. In the event of any such sale, the seller's vendor permit shall immediately become null and void and such person shall no longer conduct business pursuant to this article. Within five business days of any such sale or transfer, the seller of such food truck, ice cream truck or nonmotorized pushcart shall notify the city of such sale and shall provide any proof of such sale as may be required by the city.

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

- (a) In order to prevent traffic congestion and hazards, and to protect the public health, safety, and welfare, it is necessary to regulate street vending and vending from nonmotorized pushcarts maintained, managed or operated on any public street, right-of-way, sidewalk, city parking lot, or any other area or location within the city. Notwithstanding all other applicable provisions of this article, it is unlawful to sell, offer for sale, display, disperse or permit, or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise as a vendor, whether or not from a nonmotorized pushcart, unless such activity is conducted in accordance with the provisions of this article and in accordance with state and local law.
 - (1) Stationary vendors are not permitted in locations zoned for residential uses only.
 - (2) No person may conduct business as a vendor and no person may park or operate any nonmotorized pushcart or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise from any nonmotorized pushcart within any city park or other recreation facility if and only if it causes an objective health or safety concern, interrupts or obstructs the public's use and enjoyment of the park, or there is an unreasonable concentration of nonmotorized pushcarts such that it interferes with the scenic and natural character of any park.

- (3) No person may conduct business as a vendor and no person may park or operate any nonmotorized pushcart or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise from any nonmotorized pushcart within twenty feet of any driveway so as not to impede the flow of pedestrian or vehicular traffic due to vendors or customers blocking the driveway to purchase any food, beverage or other product or item of merchandise.
 - (4) No person may conduct business as a vendor and no person may park or operate any nonmotorized pushcart or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise from any nonmotorized pushcart within forty feet of any intersection so as not to impede the flow of pedestrian or vehicular traffic due to vendors or customers blocking intersections to purchase any food, beverage or other product or item of merchandise.
 - (5) No person may park, operate or stand any nonmotorized pushcart, or sell, display or permit the sale, display or dispersal of any food, beverage or other product or item of merchandise from any nonmotorized pushcart on any sidewalk or street immediately adjacent to or within that area of a curb which has been designated as a white, yellow, blue, or green zone so as not to impede the flow of pedestrian or vehicular traffic due to vendors or customers blocking sidewalks to purchase any food, beverage or other product or item of merchandise.
 - (6) No person may conduct business as a vendor and no person may park or operate any nonmotorized pushcart or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise from any nonmotorized pushcart within two hundred feet of the intersections identified as "High Collision Intersections" in the Vision Zero Action Plan and so as not to impede the flow of pedestrian or vehicular traffic due to vendors or customers blocking intersections to purchase any food, beverage or other product or item of merchandise.
 - (7) No person operating from a nonmotorized pushcart or operating as a street vendor may occupy more than twenty-four square feet of space. Vending areas must be set back from utility boxes, fire hydrants, tree wells and bus stops. A minimum distance of three feet shall be maintained between other nonmotorized pushcarts or street vendors.
- (b) Notwithstanding all other applicable provisions of this article, including the restrictions imposed under subsection (a) of this section, it is unlawful to conduct business as a vendor or to sell, display, disperse or permit or authorize the sale, display or dispersal of any food, beverage or other product from a nonmotorized pushcart or as a vendor located on private property except as may otherwise be permitted pursuant to a temporary use of land permit and with applicable provisions of the city's zoning code.
 - (c) It shall be unlawful for any person to manage, maintain or operate any nonmotorized pushcart upon any street or sidewalk within the city in any manner that impedes the flow of pedestrian or vehicular traffic in any manner on any street, sidewalk or other public right-of-way.

- (d) Vending of alcoholic beverages, controlled substances or any other item, the possession or use of which is deemed illegal under any federal, state or local law or regulation, is prohibited and, notwithstanding any provision of this article to the contrary, grounds for immediate revocation of such person's vendor permit by the deputy city manager/city engineer or his designee.
- (d) Goods, wares, other items of merchandise, food, food items or beverages may be sold from any nonmotorized pushcart. No stolen goods, wares, or other items of merchandise that are deemed illegal under any federal, state, or local laws or regulation may be sold from any nonmotorized pushcart at any time.
- (e) No nonmotorized pushcart or street vendor may attach, tie or in any manner adhere any rope, banners, merchandise or any other item to a street tree, streetlight, pole or utility box.
- (f) No nonmotorized pushcart or street vendor shall use or have any moveable or permanent table, chair, canopy, or any equipment within their vending area, except that they may have one stool for their own use and one stand-alone umbrella which shall be no more than six feet in diameter and anchored by an umbrella stand.
- (g) A minimum clearance of eighteen inches shall be maintained between the edge of any vending area and the adjacent street curb.

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

- (a) Sales from ice cream trucks shall be limited to the hours of 10:00 a.m. to sunset.
- (b) Sales from ice cream trucks shall be limited to streets that have speed limits of thirty miles per hour or less.
- (c) No person may conduct business as an ice cream truck and no person may park or operate an ice cream truck or sell, display or permit or authorize the sale, display or dispersal of any food or beverage or other product from any ice cream truck on any sidewalk or street immediately adjacent to or within that area of a curb which has been designated as a white, yellow, blue or red zone or any designated location for food trucks so as not to impede the flow of pedestrian or vehicular traffic. No ice cream truck shall stop at a single location to vend for a period exceeding fifteen minutes.
- (d) No sales shall be made while an ice cream truck is parked within forty feet of any intersection with any street as measured along the traveled way.
- (e) The standard warning flashers shall be in operation immediately upon the ice cream truck stopping to vend and cease operation as the ice cream truck begins to move after vending.
- (f) No person shall use, play or employ any sound, outcry, amplifier, loudspeaker or any other instrument or device for production of sound from an ice cream truck in such a manner as to create a disturbance of the peace. The chief of police may set reasonable restrictions on the type and use of amplifier, loudspeaker, or any other instrument or device for

production of sound employed on an ice cream truck in order to prevent a disturbance of the peace as that term is used in Chapter 5 of the City Code, except in compliance with all other applicable provisions of this article and except as otherwise specifically set forth in this subsection, as follows:

- (1) No person shall use, play or employ any sound, outcry, amplifier, loudspeaker or any other instrument or device for production of sound from an ice cream truck after 7:00 p.m. or sunset, whichever occurs first.
 - (2) No person shall use, play or employ any sound, outcry, amplifier, loudspeaker or any other instrument or device for production of sound from an ice cream truck when the ice cream truck is parked.
- (g) No person shall stop to vend from an ice cream truck within three hundred feet of another ice cream truck, catering truck or nonmotorized pushcart so as to not impede the flow of pedestrian or vehicular traffic due to vendors or customers blocking intersections to purchase any food, beverage or other product.
- (h) No one other than one driver and another person (employee, operator or trainee) shall be allowed to ride on an ice cream truck that is in operation.
- (i) The owner or operator shall maintain each ice cream truck the business operates in such a condition that:
- (1) All doors, windows, hood and truck shall open and close securely;
 - (2) The inside of the ice cream truck shall be clean and free of litter and trash;
 - (3) There is a trash receptacle that shall be made accessible to the public when sales occur in which patrons can place package wrappers and trash;
- (j) The owner or operator shall maintain each ice cream truck the business operates in clean operating condition and shall furnish each ice cream truck with the following safety equipment:
- (1) A sign painted or mounted on the front and back of each ice cream truck using black four-inch tall letters on a yellow background with a black one-inch border around each sign. The sign on the front and back of each ice cream truck shall read "CHILDREN CROSSING" and be eight inches high by forty-eight inches wide. An additional sign or signs shall be painted or mounted on the rear of each truck above the first sign and shall read "WARNING" in English and Spanish, using the same size letter, font, and paint requirements.
 - (2) Standard warning flashers.
 - (3) Any other safety equipment required by the California Vehicle Code.
- (k) No goods, wares, or other items of merchandise other than food, food items or beverages may be sold from any ice cream truck at any time.
- (l) The fees for the ice cream truck vendor permit shall be equivalent to one hour of plan check time and inspections of ice cream trucks shall be equivalent to one half of an hour

of inspection time as set forth by the schedule of fees established by city council resolution.

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

- (a) In order to prevent traffic congestion and hazard, and protect the public health, safety, and welfare, it is necessary to regulate vending from food trucks within the city. Notwithstanding all other applicable provisions of this article, it is unlawful to sell, offer for sale, display, disperse or permit, or authorize the sale, display or dispersal of any food, food item or beverage from a food truck unless such food truck is operated in accordance with the provisions of this article and in accordance with state and local law.
- (b) The city engineer shall have authority to determine appropriate locations at which food trucks may be parked or located for purposes of the sale, display or dispersal of any food, food item or beverage. The criteria to be considered by the city engineer, in addition to the other criteria otherwise specifically set forth in this article, shall include, but not be limited to, the following:
 - (1) Creation of pedestrian or vehicular safety hazards;
 - (2) Road geometrics including, but not limited to, design, alignment, configuration, width, and intersection sight distance;
 - (3) Impediments to traffic flow;
 - (4) Traffic congestion, patterns, circulation, movements, and average daily trip volumes;
 - (5) Speed limits and traffic speeds;
 - (6) Traffic studies and accident rates;
 - (7) On-street parking requirements; and
 - (8) Any other factor deemed to be a potential safety hazard by the city engineer.

If the city engineer determines that any owner or operator of any food truck is operating such food truck in a manner than affects vehicular or pedestrian safety, such operation shall be prohibited and the owner and operator of such food truck shall be subject to enforcement action as set forth in this article.

- (c) An owner or operator of a food truck that sells, offers for sale, displays, disperses or permits, any food, food item or beverage from any food truck from a designated location may do so only between the hours of 10:00 a.m. and 3:00 a.m. 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.
 - (1) Food trucks operated from a trailer or stand shall be unhitched from the hauling vehicle while operating and hauling vehicle must be removed from the designated location.
- (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. for a period not to exceed four 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.

- (e) An owner or operator of a food truck that exclusively sells, offers for sale, displays, disperses or permits, raw and fresh fruits and vegetables, may do so from any food truck between the hours of sunrise and sunset. 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 and except in compliance with all other applicable provisions of this article and except as otherwise specifically set forth in this subsection as follows:
 - (1) No food truck issued a permit to sell raw and fresh fruits and vegetables shall vend any other food, food item or beverage other than raw and fresh fruits and vegetables.
 - (2) Preference shall be given to a food truck that exclusively sells, offers for sale, displays, disperses, or permits raw and fresh fruits and vegetables to vend immediately adjacent to a public park with a restroom.
 - (3) The fees for a food truck that exclusively sells, offers for sale, displays, disperses or permits raw and fresh fruits and vegetables shall be no more than one hour of plan check time and one half of one hour of inspection time as set forth by the schedule of fees established by city council resolution.
- (f) No owner or operator of a food truck may park or operate any food truck or sell, display, or permit or authorize the sale, display or dispersal of any food, beverage, or other product from any food truck 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 which is closest to the food truck.
- (g) No owner or operator of a food truck may park or operate any food truck or sell, display, or permit or authorize the sale, display or dispersal of any food, beverage, or other product from any food truck within two hundred feet of any other food truck. On arterial streets having at least a four-lane configuration and a posted speed limit of thirty-five miles per hour or greater, no food truck may be parked or operated within five hundred feet of any other food truck.
- (h) No owner or operator of a food truck may park or operate any food truck or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product from any food truck within any public park or other recreation facility, except in designated locations and except and except in compliance with all other applicable provisions of this article and except as otherwise specifically set forth in this subsection as follows:
 - (1) 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 from a designated location adjacent a public park may do so only between the hours of sunrise and sunset. 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.
 - (2) No owner or operator of a food truck selling in a designated location adjacent a public park shall use or operate a diesel- or gas-powered generator exceeding fifty-five (55) decibels measured at a distance of five feet from the unit.

- (i) No owner or operator of a food truck may park or operate any food truck or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise from any food truck along any corridor identified as a High Collision Corridors as defined and identified in the Vision Zero Action Plan.
- (j) No owner or operator of a food truck may park or operate any food truck or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise from any food truck within two hundred feet of a High Collision Intersection as defined and identified in the Vision Zero Action Plan.
- (k) No owner or operator of a food truck may park or operate any food truck or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise from any food truck in any area of the city with a residential zoning classification, except mixed use zoning classification and except in compliance with all other applicable provisions of this article.
- (l) No owner or operator of a food truck may park or operate any food truck or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise from any food truck within forty feet of any intersection or within twenty feet of any driveway.
- (m) No owner or operator of a food truck may park or operate any food truck or sell, display or permit or authorize the sale, display or dispersal of any food, beverage or other product or item of merchandise from any food truck, unless within a designated location, on any street immediately adjacent to and within that area of a curb which has been designated as a white, yellow, green, blue or red zone or immediately adjacent to time-restricted parking.
- (n) Vending of alcoholic beverages, controlled substances or any other item, the possession or use of which is deemed illegal under any federal, state or local law or regulation, is prohibited and, notwithstanding any provision of this article to the contrary, grounds for immediate revocation of such person's vendor permit by the city engineer or their designee.
- (o) No owner or operator of a food truck may park or operate any food truck over a street curb, sidewalk or parkway. Any food truck operating in the public right of way shall do so only on a paved roadway and adjacent to a concrete or asphalt sidewalk or path.
- (p) No goods, wares, or other items of merchandise other than food, food items or beverages may be sold from any food truck at any time.
- (q) No owner or operator of any food truck may place any chairs, stools, tables or other fixtures or furniture on any portion of the street, sidewalk, or public right-of-way.
- (r) No owner or operator of any food truck may stop, park or operate any food truck in any manner which may prevent the routine street sweeping of roadways by city maintenance crews at any location.
- (s) The owner or operator of a food truck shall provide trash receptacles on the site at which it is permitted to operate large enough to contain all trash generated by the operation of such food truck. The owners and/or operators of food trucks are required to provide recycling bins and food compost bins for use by their patrons. The owners and/or

operators of food trucks are required to use recyclable materials, biodegradable cutlery and straws, and are prohibited from using of polystyrene food containers, consistent with Sections 14-33 and 14-34 of the City Code.

- (t) It shall be unlawful for any person to operate any food truck upon any street or sidewalk within the city in any manner that impedes the flow of vehicular or pedestrian traffic in any manner or that impedes the flow or use of any public right-of-way. Food trucks permitted to conduct business from city streets shall comply with all applicable parking and traffic regulations.
 - (1) Pursuant to Section 20-36, at no time may a hauling vehicle park or drive on or over a sidewalk or parkway.
- (u) It shall be unlawful for any owner or operator of a food truck to park or drive or cause to be driven any food truck which is in a defective, unsafe or unsanitary condition or which is otherwise parked or operated in violation of any provision of the California Vehicle Code or any other applicable law, regulation or standard.
- (v) Notwithstanding all other applicable provisions of this article, with the exception of those food trucks more specifically described in subsection (y) of this section, it is unlawful for any person to sell, display, dispense or permit or authorize the sale, display or dispersal of any food, beverage or other product from a food truck located in a private property unless said private property has secured a Conditional Use Permit (CUP), pursuant to Section 37-50.095, allowing food or beverages to be sold from a food truck, except in compliance with all the applicable provisions of this article and except as otherwise specifically set forth in this subsection as follows:
 - (1) No person shall stop, park or cause a food truck to remain on any private property for the purpose of selling, dispersing, displaying or offering to sell, disperse or display any food or beverage without written permission of the private property owner.
- (w) No food truck owner or operator may store, park or, otherwise, leave any food truck overnight on any public street, park or public property.
- (x) No food truck owner or operator may leave any food truck unattended in the right of way for longer than thirty minutes.
- (y) Those food trucks operating exclusively within construction sites, of a size in excess of five acres, or agriculture fields, within city boundaries, shall be exempt from all subsections of this section except subsections (g), (i), (j), (n), (p), (s) and (w). The owners and operators of such food trucks, however, shall be required to comply with all other applicable provisions of this article. Food trucks being operated at construction sites and agriculture fields are expected to remain mobile and shall not be permitted to operate in a stationary manner or to park or stand in any one location for a period exceeding sixty minutes.
- (z) No owner or operator of a food truck selling in the public right-of-way shall use or operate a diesel- or gas-powered generator exceeding seventy (70) decibels measured at a distance of five feet from the unit.

To the extent the provisions of this article conflict with other provisions of the Salinas Municipal Code, the provisions of this article shall supersede such other conflicting provisions and shall control.

Sec. 20-16.140. - Insurance.

It shall be unlawful for any person to own, lease, drive, operate or cause of permit to be driven or operated any food truck or ice cream truck in the City unless such person has submitted proof of commercial automobile liability insurance, at the time of the submittal of the vendor permit application, covering such food truck or ice cream truck in amounts and in a form and manner required by the City.

Sec. 20-16.150. - Condition and appearance of vehicle and site.

- (a) No advertising, except the posting of prices, shall be permitted on any food truck, ice cream truck, or nonmotorized pushcart, except to identify the name of the product and/or the name of the vendor.
- (b) The exterior of any food truck, ice cream truck or nonmotorized pushcart shall be clean and in good repair, and shall not have any peeling, dents, rust, scratches, deflated tires or missing components which are discernible at a distance of five feet or more from the vehicle.
- (c) No food truck, ice cream truck or nonmotorized pushcart shall be displayed for sale in the public right of way.
- (d) No food truck, ice cream truck or nonmotorized pushcart shall be repaired or serviced in the public right of way.
- (e) Any containers, gas tanks or water containers required by a nonmotorized pushcart shall be attached and contained within the vending area, and if possible, the onto the pushcart.
- (f) Every food truck managed, maintained or operated within the city shall be subject to inspection by any authorized officer of the city at all times during its operation.
- (g) No nonmotorized pushcart or street vendor may sell products from boxes or plastic bags. Nonmotorized pushcarts must be neat and organized to display items for sale.
- (h) The owner or operator of any food truck or nonmotorized pushcart shall keep the vending location clean and free of trash and liquid wastewater, including water, while selling and shall be responsible for cleaning up all trash generated by such operation within a fifty-foot radius of the food truck or twenty-foot radius of any nonmotorized pushcart before such food truck or nonmotorized pushcart is moved. It shall be unlawful for any person to manage, maintain or operate any food truck or nonmotorized pushcart at any location within the City unless trash receptacles are provided for the use of their patrons. It shall be unlawful for any owner or operator of a food truck or nonmotorized pushcart to leave any location without first picking up, removing, and properly disposing of all trash remaining at the location. Any trash or wastewater generated by the operation of the food truck, ice cream truck, or nonmotorized pushcart shall be properly disposed of at the approved commissary for the food truck, ice cream truck, or nonmotorized pushcart and it shall be unlawful to dispose of any such trash or wastewater in any other manner.

Sec. 20-16.160. - Penalties.

- (a) Any person conducting business as a street vendor while operating any food truck who violates any provision of this article shall be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars or imprisonment or not more than six months in the county jail, or both such fine and imprisonment. Alternatively, in the discretion of the city attorney or their designee, any such violation may be prosecuted administratively pursuant to the city's administrative remedies ordinance or pursuant to any other remedy available under the law, including permit revocation as provided in Section 20-16.170 of this article. Each day a violation continues is deemed a separate offense.
- (b) Any person conducting business as a street vendor while operating any food truck in violation of this article shall be guilty of a misdemeanor and the person, company or other entity that employs or contracts with them to sell the product shall be guilty of a misdemeanor if the person is conducting business as a vendor while operating a food truck without first complying with the provisions of this article. Such violations may be prosecuted administratively pursuant to the city's administrative remedies ordinance or pursuant to any other remedy available under the law, including permit revocation as provided in Section 20-16.170 of this article.
- (c) In the event any person acting as a vendor while operating any food truck is cited for violating this article, the product that is being sold, and any device or vehicle from which it is sold, shall be subject to confiscation and may be used as evidence. Any such device or vehicle so confiscated shall be returned upon the payment of any fines or penalties imposed or upon the resolution of any criminal or administrative proceeding.
- (d) Any food truck operated contrary to the provisions of this article shall be and is hereby declared to be unlawful and a public nuisance and may be impounded by a police officer or by any other person authorized to enforce this article, in the course of an arrest of the operator for a violation of this article. The city attorney may, in addition to or in lieu of prosecuting a criminal action under this article, commence an action or proceeding for the abatement, removal or enjoinder thereof, in the manner provided by law, and may take such other steps and may apply to such court as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating a food truck or nonmotorized pushcart contrary to this article.
- (e) Any food truck operating without a valid and current vendor permit may be ineligible for issuance of vendor permit for five years thereafter.
- (f) Any person conducting business as a vendor in the public right-of-way while in violation of this article shall be issued administrative citations and fines pursuant to Government Code Section 51039. Administrative fines shall be issued pursuant to the following:
 - (1) One hundred dollars for a first violation.
 - (2) Two hundred dollars for a second violation within one year of the first violation.
 - (3) Five hundred dollars for each additional violation within one year of the first violation.
 - (4) The offender may face permit revocation as provided in Section 20-16.170 of this article following a fourth violation of this article.

- (g) Any person conducting business as a street vendor while operating a nonmotorized pushcart or ice cream truck without a permit or business license shall be issued administrative citations pursuant to Government Code Section 51039. Administrative fines shall be issued pursuant to the following:
 - (1) Two hundred fifty dollars for a first violation.
 - (2) Five hundred dollars for a second violation within one year of the first violation.
 - (3) One thousand dollars for each additional violation within one year of the first violation.
 - (4) Upon confirmation of proof of a valid permit, the administrative fines shall be reduced to the fines assessed for any violation of this article. Any administrative citation issued pursuant to this section may be appealed as provided in Section 1-05.08.
- (h) Any violation of this article shall be and hereby is declared unlawful, a public nuisance and subject to [an] abatement as permitted by this code and not in conflict with state law, including but not limited to, injunctive relief, in addition to other relief provided in this article and code. All remedies available to the city are cumulative and may be utilized in addition to, or in lieu of, each other. Each day a violation continues shall constitute a separate and distinct violation.

Sec. 20-16.170. - Permit revocation—Conditions.

Any permit issued under the provisions of this article may be revoked by the city engineer and/or their designee for any of the following reasons:

- (a) Fraud, misrepresentation or false statement contained in the application for the permit;
- (b) Fraud, misrepresentation or false statement made in the course of carrying on the business regulated by this article;
- (c) Upon no less than any three violations of any of the provisions of this article or of any other provision of this Code relating to any of the vending activities conducted or carried on pursuant to this article. Such violations need not be of the same provision or section of this article or of the Code;
- (d) Vending in such a manner as it is a menace to or deleterious to the public health, safety or general welfare; or
- (e) Failure to meet any of the conditions of approval, as required under the permit.

Upon revocation, the permit revoked shall immediately become null and void and no longer of force and effect and the holder of such permit shall immediately cease to conduct business pursuant thereto pending resolution of the appeal, if any. If no such appeal is had as set forth herein and within the timeframes set forth herein, such permit shall become permanently revoked and shall not be issued to any other person. Any owner or operator of a revoked vending vehicle shall be ineligible to be issued another license for three years thereafter.

Sec. 20-16.180. - Permit revocation—Hearing required.

The action of the city engineer or their designee to revoke a permit shall be subject to an appeal to the city manager or their designee. Notice of such appeal shall be filed with the city clerk within ten days after the revocation. Upon failure of the permit holder to file such notice within the ten-day period, the action of the deputy city manager/city engineer in revoking the permit shall be final and conclusive. The hearing on appeal shall be conducted pursuant to rules and procedures established by the city. The city manager's determination shall be the city's final and conclusive determination on the matter and shall be subject to review only as provided in the California Code of Civil Procedure. The failure of the permit holder to appeal as provided in this article shall be considered an exhaustion of their administrative remedies.

Sec. 20-16.190. - Compliance with applicable laws, rules, and regulations.

Notwithstanding any provision of this article to the contrary, any person who conducts business as a vendor and any person who maintains, manages or operates any food truck or nonmotorized pushcart within the city from which any food, beverage or other good, product or item of merchandise is sold, displayed or dispersed, or from which a person is permitted or authorized to sell, display or disperse, shall comply with all applicable laws, rules, regulations and standards of state, federal, and local law including, but not limited to, the Salinas City Code, Salinas Zoning Code and the California Uniform Retail Food Facilities Law, as such law may be amended or renamed from time to time.