

CHAPTER 5.36**REGULATION OF MOBILE FOOD VENDORS**

Section 5.36.010	Findings.
Section 5.36.020	Authority.
Section 5.36.030	Definitions.
Section 5.36.040	Compliance with State and Local Laws.
Section 5.36.050	Business Tax Certificate Required.
Section 5.36.060	Environmental Health Permit Required.
Section 5.36.070	Sales from Vending Vehicles.
Section 5.36.080	Sales to Children Near School Grounds.
Section 5.36.090	Exception.
Section 5.36.100	Severability.

Section 5.36.010 Findings.

The City Council finds as follows:

A. Mobile food vending has the potential to pose special dangers to the public health, safety and welfare of residents of the City.

B. The act of looking for prospective buyers while operating a vending vehicle makes the operator less attentive to pedestrian and vehicular traffic. When done on public roadways, this poses obvious traffic and safety risks to the public which the City seeks to prevent.

C. Vending vehicles parked in one location for more than ten minutes at a time further exacerbate traffic problems in highly congested areas and obstruct sidewalks. This also creates safety issues for children who may run across public roadways attempting to access the vendors. This is especially true of school sites when children are coming to and going from school.

D. Mobile food vendors who fail to park their vending vehicles correctly during a transaction attract prospective buyers onto public roadways, creating a further traffic and public safety hazard.

E. The sale of non-food items presents special regulatory challenges which may affect the health, safety and welfare of minors who frequent this type of vendor, often without adult supervision.

F. The City has an important and substantial public interest in providing regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community. (Ord. 7112 §1, 2011)

Section 5.36.020 Authority.

Notwithstanding Chapter 6.08 of this Code, Chapter 5.36 is adopted pursuant to the authority granted to the City of Riverside by Section 22455 of the California Vehicle Code, which permits local authorities to regulate the type of vending and the time, place, and manner of vending from vehicles upon the street in order to promote public safety. (Ord. 7112 §1, 2011)

Section 5.36.030 Definitions.

For the purposes of this chapter, the following phrases shall have the meaning respectively ascribed to them by this section:

A. "Beverages" means and refers to a liquid for drinking that does not contain alcohol.

B. "Food" or "foodstuff" means and refer to any substance as defined by Section 113781 of the California Health and Safety Code, defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.

C. "Food preparation" means and refers to packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce, as set forth by Section 113791 of the California Health and Safety Code.

D. "Mobile food merchant" means and refers to any individual that operates or assists in the operation of a vending vehicle in the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of foodstuffs from a vending vehicle.

E. "Mobile food vending" means and refers to the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise, of foodstuffs from any vending vehicle.

F. "Pre-packaged food" means and refers to any food as defined by Section 113876 of the California Health and Safety Code, as properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, a food facility, or other approved source.

G. "School" means and refers to any elementary school, middle school, junior high school, four-year high school, senior high school, continuation high school, or any branch thereof.

H. "Vending operations" means and refers to the sale, display, solicitation, offer for sale, barter, exchange, gift or otherwise of foodstuffs from a vending vehicle.

I. "Vending vehicle" means and refers to any self-propelled, motorized device by which any person or property may be propelled or moved upon a highway, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle, or used exclusively upon stationary rails or tracks, from which foodstuffs are sold, displayed, solicited or offered for sale, bartered, exchanged, given or otherwise. (Ord. 7112 §1, 2011)

Section 5.36.040 Compliance with State and Local Laws.

The mobile food merchant shall comply with all applicable State and local laws.

This Chapter is not intended to be enforced against pedestrian food vendors as defined in Chapter 5.38, or against mobile food vendors who operate human powered push carts and other non-self-propelled vehicles including trailers. Such vendors may be regulated by other Chapters in this Code or by other State or local laws. (Ord. 7112 §1, 2011)

Section 5.36.050 Business Tax Certificate Required.

No person shall engage in mobile food vending or operate a vending vehicle within the corporate limits of the City of Riverside without first having procured a business tax certificate from the City of Riverside as stated in Chapter 5.04 of this Code. (Ord. 7112 §1, 2011)

Section 5.36.060 Environmental Health Permit Required.

All vending vehicles from which foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged shall have displayed in a conspicuous place a valid permit to operate as a mobile food merchant issued by the County of Riverside. (Ord. 7112 §1, 2011)

Section 5.36.070 Sales from Vending Vehicles.

A. Vending vehicles must be brought to a complete stop and be lawfully parked adjacent to the curb consistent with Vehicle Code 22500 and the provisions of Title 10 of this Code prior to initiating vending operations.

B. No mobile food merchant shall sell, display, solicit, barter, gift, or exchange or

otherwise, any item, other than pre-packaged food from a vending vehicle within the corporate limits of the City of Riverside as set forth in this Code.

C. Only pre-packaged food and/or beverages are permitted for sale, display, solicitation, barter, exchange, gift or otherwise, from a vending vehicle within the corporate limits of the City of Riverside.

D. Mobile food merchants operating a vending vehicle must provide or have garbage receptacles readily available for immediate use by customers of the vending vehicle.

E. Mobile food merchants operating a vending vehicle must pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials at one time dispensed from the vending vehicle, and any residue deposited on the street from the operation thereof, and shall otherwise maintain in a clean and debris-free condition the entire area within a 25-foot radius of the location where mobile food vending is occurring.

F. No mobile food merchant shall sell, display, solicit, barter, gift, and/or exchange or otherwise, any foodstuffs as provided in this Code from a vending vehicle within 300 feet of the entrance to a business establishment which is open for business and is offering for sale any foodstuffs as an item offered for sale by the mobile food vendor; or within 300 feet of any restaurant, café, or eating establishment which is open for business.

G. No mobile food merchant shall operate in any public park in violation of Section 9.08.010 of this Code. (Ord. 7112 §1, 2011)

Section 5.36.080 Sales to Children Near School Grounds.

In accordance with Section 9.04.210 of this Code, it is unlawful for every mobile food merchant to sell or offer for sale, display, solicit, barter, exchange, gift or otherwise, any food and/or beverages to any minor child, attending any of the public or private schools within the City, on the street or from other public places within one thousand feet of the exterior boundaries of land on which is located any public or private school or pre-school building within the City between the hours of seven a.m. and four p.m. of any school day.

The above provision shall not apply to any mobile food merchant who has received written consent of the school principal or other authorized school official to park, stop or stand for the purpose of vending when such authorization does not interfere with public vehicle traffic or pose a traffic safety hazard to school children. Any such written authorization shall be kept and maintained with the mobile merchant at all times for inspection. (Ord. 7112 §1, 2011)

Section 5.36.090 Exception.

Any mobile food merchant identified in an application for a special event submitted pursuant to Chapter 2.28 of this Code or any other City sponsored or approved event shall be exempt from the requirements of this Chapter pertaining to mobile food vending, provided that the vending vehicle is parked for the duration of the special event to conduct its business. (Ord. 7112 §1, 2011)

Section 5.36.100 Severability.

If any provision, clause, sentence or paragraph of this chapter or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions or applications of the provisions of this Chapter which can be given effect without the invalid provisions or application and, to this end, the provisions of this chapter are declared to be severable. (Ord. 7112 §1, 2011)