

**ORDINANCE NUMBER 1319**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA, AMENDING MUNICIPAL CODE SECTION 5.06.660 REGARDING REGULATIONS OF SALES OF MOBILE FOOD FACILITIES**

**WHEREAS**, Section 22455 of the California Vehicle Code allows municipalities to regulate mobile food vending in order to protect public safety and Article XI, Section 7 of the California Constitution extends to municipalities the police power authority to regulate in furtherance of public health and welfare; and

**WHEREAS**, the City of Perris finds that mobile food facilities, also commonly known as food trucks, have the potential to pose traffic hazards and special dangers to the public health, safety and welfare of the community; and

**WHEREAS**, mobile food facilities create the potential for safety hazards, such as blocking sight distances at intersections and crosswalks, encouraging pedestrians and children to cross streets mid-block to reach a vending vehicle, and causing additional conflicts between drivers and pedestrians; and

**WHEREAS**, operators of mobile food facilities who fail to park their vehicles correctly during a transaction attract prospective buyers onto public roadways, creating a further traffic and public safety hazard; and

**WHEREAS**, Riverside County has approved relatively new regulations regarding mobile food facilities; and

**WHEREAS**, currently, Perris Municipal Code section 5.06.660 creates strict restrictions on mobile food facilities operating within the City; and

**WHEREAS**, it is the purpose and intent of the City Council, in amending Section 5.06.660, to provide mobile food vendors with clear and concise regulations to prevent safety and traffic hazards, as well as to preserve the peace, safety and welfare of the community.

**THE CITY COUNCIL OF THE CITY OF PERRIS HEREBY ORDAINS AS FOLLOWS:**

**Section 1.** Recitals Incorporated. The foregoing Recitals are incorporated herein as if set forth in full.

**Section 2.** Amendment to Section 5.06.660 of the Perris Municipal Code. Section 5.06.660 (Regulations for Sales) of the Perris Municipal Code is hereby amended to read in its entirety as follows:

“5.06.660 Regulations for Sales

A. All mobile food vendors are required to obtain a valid business license from the City prior to commencing vending. For purposes of this Section, “mobile food facility” means any self-propelled or motorized device or vehicle by which any person or property may be propelled or moved upon a highway, or which may be drawn or towed by a self-propelled or motorized vehicle, from which food or food products are sold, offered for sale, displayed, bartered, exchanged or otherwise given. “Mobile food vendor” means any person that operates or assists in the operation of a mobile food facility.

B. All mobile food vendors are required to obtain a valid permit and/or certificate of other approval from the Riverside County Department of Health prior to commencing vending.

C. All food products sold or provided from a mobile food facility shall comply with all applicable food labeling requirements established by the State of California and the mobile food vendor must obtain all required permits, including, without limitation, health permits, to sell or provide such items.

D. Mobile food vendors shall comply with all applicable state and local laws, rules and regulations and all conditions of approval imposed by the City.

E. Mobile food facilities shall not stand or be stopped in such a way as to obstruct pedestrian or vehicular traffic. The mobile food facility shall not encroach onto a public sidewalk with any part of its vending vehicle or any other equipment or furniture related to the operation of its business.

F. Mobile food facilities shall not operate upon any public street within one thousand (1,000) feet of the nearest property line of any property on which a school is located between the hours of six thirty a.m. (6:30 a.m.) and five thirty p.m. (5:30 p.m.) of any school day. This prohibition will not apply if the school principal gives the mobile food vendor written permission to park on school property. The mobile food vendor shall provide a copy of that authorization to the City within five (5) days of its receipt prior to operation.”

**Section 3.** No Repeal of other Provisions. Unless expressly modified or added herein, all provisions of Chapter 5.06 remain in full force and effect.

**Section 4.** Effective Date. This Ordinance shall take effect 30 days after its adoption.

**Section 5.** Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity

of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

**Section 6.** Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

***ADOPTED, SIGNED and APPROVED*** this 11<sup>th</sup> day of August, 2015.

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Daryl R. Busch, Mayor

ATTEST:

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Nancy Salazar, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )  
CITY OF PERRIS )

I, Nancy Salazar, City Clerk of the City of Perris do hereby certify that the foregoing Ordinance Number 1319 was duly introduced by the City Council of the City of Perris at a regular meeting of said Council on the 14<sup>th</sup> day of July, 2015, and was duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 11<sup>th</sup> day of August, 2015, and that it was so adopted by the following vote:

AYES: BURKE, RABB, ROGERS, BUSCH  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

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Nancy Salazar, City Clerk