

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 19.3
(ID # 10530)

MEETING DATE:

Tuesday, October 22, 2019

FROM: TLMA-TRANSPORTATION:

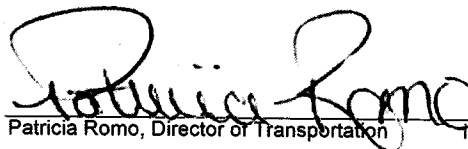

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY/TRANSPORTATION DEPARTMENT: PUBLIC HEARING AND ADOPTION OF ORDINANCE NO. 853.1 AND ORDINANCE NO. 499.15 amending Ordinance No. 853 in its entirety to establish regulations for sidewalk and mobile food truck vending within the public right-of-way, and amending Ordinance No. 499 relating to encroachments in County highways to authorize the issuance of sidewalk vending permits. CEQA Exempt; All Districts. [\$25,000 Total Cost - 100% Gas Tax]

RECOMMENDED MOTION: That the Board of Supervisors:

MOTION 1:

1. Open and close the public hearing for Ordinance No. 853.1 and Ordinance No.499.15;
2. Find that the adoption of Ordinance No. 853.1 and Ordinance No. 499.15 are exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section 15061(b)(3);
3. Adopt Ordinance No.853.1, amending Ordinance No. 853 in its entirety to establish regulations for sidewalk and mobile food truck vending within the public right-of-away;
4. Direct the Clerk of the Board to file the attached Notice of Exemption with the County Clerk within five days after adoption of Ordinance No. 853.1;

ACTION:Policy



Patricia Romo, Director of Transportation 10/1/2019 
Juan C. Perez, Director of Transportation & Land Management 10/7/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and Ordinance Nos. 853.1 and 499.15 are adopted as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: October 22, 2019
xc: Transp.

Kecia R. Harper
Clerk of the Board

By: 
Deputy

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STATE OF CALIFORNIA**

MOTION 2:

If the Board of Supervisors adopts Motion 1 as recommended then:

1. Adopt Ordinance No. 499.15, amending Ordinance No.499 to add language authorizing the issuance of sidewalk Vending permits in accordance with Senate Bill 946; and
2. Direct the Clerk of the Board to file the attached Notice of Exemption with the County Clerk within five days after adoption of Ordinance No. 499.15.

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost |
|--|-----------------------------|--------------------------|-------------------------------|---------------------|
| COST | \$ 25,000 | \$ 0 | \$ 25,000 | \$ 0 |
| NET COUNTY COST | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| SOURCE OF FUNDS: Gas Tax (100%) | | | Budget Adjustment: No | |
| | | | For Fiscal Year: 19/20 | |

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On September 17, 2018, Senate Bill (SB) 946 was signed into law and became effective on January 1, 2019. SB 946 prohibits the County from regulating sidewalk vending unless the County's existing regulations substantially complies with the requirements of this bill. SB 946 authorizes the County to establish requirements for local regulation of sidewalk vending in the interest of the public health, safety and the general welfare of the community. It also sets forth enforcement and penalty provisions for sidewalk vending in violation of a local authority's regulations.

By Minute Order 3.26, on September 24, 2019 the Board of Supervisors introduced Ordinance No. 853.1 and Ordinance No. 499.15 in order to comply with SB 946.

To ensure compliance with SB 946, Ordinance No. 853.1 amends Ordinance No. 853 to establish regulations related to sidewalk vending in the public right-of-way within the unincorporated areas of the County of Riverside. Ordinance No. 853.1 also establishes regulations for Mobile Food Truck vending in the public right-of way in accordance with California Vehicle Code section 22455(b).

Ordinance No. 853.1 was prepared in coordination with the Transportation and Land Management Agency, Riverside County Department of Environmental Health, Office of County Counsel, and the Riverside County Regional Park and Open-Space District.

Amendments to Ordinance No. 853

A summary of the amendments to Ordinance No. 853 incorporated in Ordinance No. 853.1

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are as follows:

1. Mobile Food Trucks

- a. Includes additional distance and location requirements to ensure vending in the public right-of-way does not impede emergency and safety service access, or pedestrian and vehicular travel paths;
- b. Incorporates additional time, place and manner requirements to protect the health, safety and welfare of residents, businesses and the public; and
- c. Adopts the procedures, remedies, and penalties provided in Ordinance No.725 for mobile food truck violations.

2. Sidewalk Vendors

- a. Includes distance and location requirements to ensure vending on sidewalk and other areas of the public right-of-way does not impede emergency and safety service access, or pedestrian and vehicular travel paths;
- b. Incorporates time, place and manner requirements to protect the health, safety and welfare of residents, businesses and the public;
- c. Sets administrative fines for sidewalk vending violations with an ability-to-pay determination; and
- d. Requires sidewalk vendors to obtain a Sidewalk Vending Permit issued pursuant to Ordinance No.499.15.

Amendments to Ordinance No. 499

Ordinance No. 499 authorizes the Transportation Director to issue written encroachment permits to place structures or objects upon portions of a County road right of way. In compliance with SB 946, the proposed amendment to Ordinance No. 499 authorizes the Transportation Director, or designee, to issue Sidewalk Vending Permits in accordance with Ordinance No. 853, as amended by Ordinance No. 853.1. To apply for a Sidewalk Vending Permit, the applicant must complete an application; provide identification; provide a valid permit for food vending, if applicable; agree to comply with Riverside County Ordinance No. 853 and all other applicable County ordinances; and pay a processing fee as set forth in Appendix A of Ordinance No.499.15.

CEQA Findings

Ordinance Nos. 853.1 and 499.15 are exempt from CEQA pursuant to CEQA Guidelines Section 15601 (b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Ordinance No.853.1 amends Ordinance No.853 to establish sidewalk vendor regulations consistent with SB 946, and modifies existing regulations related to roadside vending from a

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vehicle to specify requirements for mobile food truck vending in the public right of way.

Ordinance No.499.15 authorizes the Transportation Director to issue Sidewalk Vending Permits, a ministerial act. The permit fee in the amount of \$79 is to cover the administrative costs of processing and issuing the permit only.

Ordinance Nos. 853.1 and 499.15 would not individually or cumulatively lead to any direct improvements, developments, or any other projects with the potential to result in any physical environmental effects on the environment.

Impact on Residents and Businesses

SB 946 increases legal business opportunities for sidewalk vendors as well as economic opportunities for existing and emerging new businesses utilizing mobile operations by increasing public access to desired goods. Ordinance No.853.1 and Ordinance No. 499.15 incorporate sidewalk vendor regulations consistent with SB 946, and update existing roadside vending regulations related to mobile food trucks, to ensure a safe and dynamic public space for motorists, pedestrians and vending consumers traveling through and living within the unincorporated areas of Riverside County. The proposed amendments to Ordinance Nos. 853 and 499 are anticipated to have a positive impact on residents and businesses.

Additional Fiscal Information

Gas Tax in the amount of \$25,000 was budgeted for the staff time required to amend the Ordinance changes.

ATTACHMENTS:

- A. Ordinance No. 853.1
- B. Ordinance No. 499.15
- C. Notice of Exemption for Ordinance No. 853.1
- D. Notice of Exemption for Ordinance No. 499.15
- E. Ordinance No. 853.1 Authorization to Bill
- F. Ordinance No. 499.15 Authorization to Bill


Jason Farin, Senior Management Analyst

10/15/2019


Gregory W. Priamos, Director County Counsel

10/11/2019

1 ORDINANCE NO. 499.15
2 AN ORDINANCE OF THE COUNTY OF RIVERSIDE
3 AMENDING ORDINANCE NO. 499 RELATING TO ENCROACHMENTS IN COUNTY
4 HIGHWAYS

5 The Board of Supervisors of the County of Riverside ordains as follows:

6 Section 1. Ordinance No. 499 is hereby amended to add a new Section 9 to read as
7 follows:

8 **“Section 9. SIDEWALK VENDING PERMIT REQUIRED.**

9 A. The Riverside County Transportation Director, or designee, may issue Sidewalk
10 Vending Permits in accordance with Riverside County Ordinance No. 853.

11 “Sidewalk Vending Permit” means a nontransferable permit issued by the Riverside
12 County Transportation Director authorizing a person to engage in the business of
13 being a sidewalk vendor.

14 B. To apply for a Sidewalk Vending Permit, the applicant must provide:

- 15 1. A completed application in the form provided by the Riverside County
16 Transportation Director;
- 17 2. A copy of the applicant’s California driver license or identification
18 number, individual taxpayer identification number, or social security
19 number. Such information is not a public record and will remain
20 confidential as required by Government Code Section 51038(c)(4); and
- 21 3. A copy of a valid permit for vending food issued by the Riverside County
22 Department of Environmental Health, as required.

23 C. The Sidewalk Vending Permit application shall require the applicant to agree,
24 in writing, to comply with all the provisions of this chapter and all applicable
25 provisions of Riverside County Ordinances including but not limited to
26 Riverside County Ordinance Nos. 853 and 580.

27 D. The Sidewalk Vending Permit processing fee required by this ordinance is set
28 forth in Appendix A. The Sidewalk Vending Permit fee shall be paid at the

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time the application is filed. The Sidewalk Vending Permit shall be valid for one year commencing upon the date of issuance.

E. In accordance with California Government Code Chapter 6.2 of Title 5, Division 1, Part 1, Section 10 of this ordinance does not apply to this Section 9.”

Section 2. Existing Sections 9 and 10 of Ordinance No. 499 are renumbered to Sections 10 and 11, respectively.

Section 3. Existing Appendix A is amended to include the following processing fee in the minor permit fee section:

Minor

| | | | | |
|-------------------------|----------|----|--|-------|
| Sidewalk Vending Permit | \$ 79.00 | \$ | | 79.00 |
|-------------------------|----------|----|--|-------|

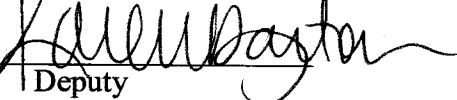
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1 Section 4. EFFECTIVE DATE. This ordinance shall take effect 60 days after its
2 adoption.
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7 BOARD OF SUPERVISORS OF THE COUNTY
8 OF RIVERSIDE, STATE OF CALIFORNIA


9 By: 
 Kevin Jeffries, Chairman

10 ATTEST:
11 KECIA HARPER,
 CLERK OF THE BOARD

12 By: 
 Deputy

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14 (SEAL)
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17 APPROVED AS TO FORM:
18 August 20, 2019

19 By: 
 Wesley W. Stanfield
20 Deputy County Counsel
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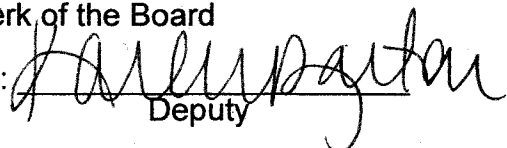
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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) SS

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on October 22, 2019, the foregoing ordinance consisting of 4 Sections was adopted by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

DATE: October 22, 2019

KECIA R. HARPER
Clerk of the Board
BY: 
Deputy

SEAL

1 within Riverside County from automobile traffic hazards.

2 Section 2. PURPOSE. Accordingly, the purpose of this ordinance is to support
3 Mobile Vending entrepreneurship, while protecting the public health, safety and welfare by
4 establishing regulations for Mobile Vending in the Public Right-of-Way within the unincorporated
5 areas of Riverside County.

6 Section 3. AUTHORITY. This ordinance is adopted pursuant to section
7 22455(b) of the California Vehicle Code as related to Mobile Food Truck Vending, which
8 expressly authorizes a local authority to regulate the time, place, and manner and type of Vending
9 from Vehicles upon any street for the public safety.

10 Additionally, pursuant to Chapter 6.2 of the California Government Code, a local
11 authority may regulate Sidewalk Vendors so long as its program complies with sections 51038 and
12 51039 of Chapter 6.2.

13 Section 4. DEFINITIONS. As used in this ordinance:

- 14 A. Conveyance means any trailer, Pushcart, Vehicle, or Vending Stand, with
15 or without wheels, which may be moved from one place to another under
16 its own power or by other means.
- 17 B. Enforcement Officer means all of the following:
- 18 1. Riverside County Transportation and Land Management Agency
19 Director and his or her duly authorized designees;
- 20 2. Riverside County Director of Code Enforcement and his or her duly
21 authorized designees; and the
- 22 3. Riverside County Sheriff and his or her duly authorized designees.
- 23 C. Environmental Health Permit means an annual permit issued by the County
24 of Riverside Department of Environmental Health in accordance with
25 Ordinance No. 580.
- 26 D. Mobile Food Truck means a licensed, motorized Vehicle, including any
27 legally attached trailer, used in conjunction with the service of a
28 commissary, or other permanent food facility upon which prepackaged or

1 approved non-prepackaged food is sold, offered for sale or otherwise
2 distributed as retail.

3 E. Mobile Food Truck Vendor means a person, including an employee or agent
4 of another, issued a Riverside County Environmental Health Permit to sale
5 any food or beverages from a Mobile Food Truck, within the Public Right-
6 of-Way.

7 F. Mobile Vending means Vending by Mobile Food Truck Vendors and
8 Sidewalk Vendors.

9 G. Pedestrian Path means a right-of-way designed for public use by pedestrians
10 and not intended for use by any motorized Vehicle.

11 H. Public Right-of-Way means forty (40) feet from the pavement edge of any
12 road, public street, private street, intersection, county highway or alley up
13 to, but not within, the boundaries of the adjacent private properties.

14 I. Pushcart means any pedal-driven cart, wagon, or other non-motorized
15 vehicle, propelled by human or other non-motorized force, used to offer,
16 display for sale, or sale any food, beverages, merchandise, goods, or wares,
17 upon a public sidewalk.

18 J. Residential Street means any public or private street within a residential
19 district as defined within California Vehicle Code section 515.

20 K. Sidewalk means a portion of a highway, other than the roadway, set apart
21 by curbs, barriers, markings, or other delineation for pedestrian travel as
22 defined within California Vehicle Code section 555.

23 L. Sidewalk Vending Permit means a permit issued by the Riverside County
24 Transportation Director or designee to a Sidewalk Vendor in accordance
25 with Ordinance No. 499.

26 M. Sidewalk Vendor means a person, including an employee or agent of
27 another, who sells food or merchandise from a Pushcart, Vending Stand, or
28 other non-motorized Conveyance, or from one's person, upon a public

1 Sidewalk or Pedestrian Path. A Sidewalk Vendor may be one of the
2 following:

- 3 1. Roaming Sidewalk Vendor means a Sidewalk Vendor who moves from place
4 to place and stops only to complete a transaction.
- 5 2. Stationary Sidewalk Vendor means a Sidewalk Vendor who vends
6 from a fixed location.

7 N. Vehicle means a motorized vehicle as defined in California Vehicle Code
8 section 670.

9 O. Vending means the offer, display for sale, or sale of any food, beverages,
10 merchandise, goods, or wares, from a Conveyance, or from one's person.

11 P. Vending Stand means any stationary, non-motorized Conveyance,
12 showcase, rack, display, tent, stand, or structure not erected on a foundation
13 and not exceeding 120 square feet, which is erected for the temporary
14 purpose of selling food, goods, wares or merchandise.

15 Section 5. **APPLICABILITY.** This ordinance applies to Mobile Food Trucks
16 and Sidewalk Vendors operating within the Public Right-of-Way in the unincorporated areas of
17 the County of Riverside. It does not apply to the following:

- 18 1. Mobile Food Trucks on private property, which is regulated
19 pursuant to Ordinance No. 348;
- 20 2. Vending in parks owned or managed by the County of Riverside,
21 which is regulated pursuant to Ordinance No. 328; and
- 22 3. California State highways.

23 Section 6. **MOBILE FOOD TRUCKS.**

24 A. Permits. It is unlawful for any Mobile Food Truck Vendor to offer or display
25 for sale or sell any food or beverages without first obtaining an
26 Environmental Health Permit.

27 B. Mobile Food Truck Vending Regulations. A Mobile Food
28 Truck Vendor shall comply with the following:

1 1. Location.

2 a. Mobile Food Truck Vendors shall not idle or park any
3 motorized Vending Conveyance within five hundred feet
4 (500') of primary or secondary schools between the hours of
5 7:00 a.m. and 4:00 p.m., Monday through Friday, during
6 school days.

7 b. Mobile Food Trucks shall not be located within fifteen feet
8 (15') from any fire hydrant, internal drive aisle, emergency
9 Vehicle route, or driveway entrance to a fire station.

10 c. Mobile Food Trucks shall not be located within fifteen feet
11 (15') of a utility box or vault.

12 d. Mobile Food Trucks shall not otherwise be located within
13 any area that obstructs pedestrian or vehicle traffic.

14 2. Ice Cream Vending. Mobile Food Trucks engaged in Vending ice
15 cream and similar food items in residential neighborhoods shall
16 comply with California Vehicle Code section 22456, as may be
17 amended from time to time.

18 3. Hours of Operation. Mobile Food Truck Vendors shall operate in
19 accordance with the following:

20 a. In residential only areas, Mobile Food Truck Vendors may
21 operate from sunrise to sunset.

22 b. In all other areas, Mobile Food Trucks may operate between
23 the hours of 6:00 a.m. and 2:00 a.m.

24 4. Parking. Mobile Food Trucks shall not be temporarily stopped or
25 parked in an unsafe manner, including but not limited to impeding
26 vehicle circulation, obstructing visibility of road conditions, or
27 hindering the safe passageway of pedestrians in the Public Right-of-
28 Way. Additionally, Mobile Food Trucks shall not be left unattended

1 or parked overnight in the Public Right-of-Way.

2 5. Restrooms. In accordance with section 114315 of the California
3 Retail Food Code, as may be amended from time to time, Mobile
4 Food Trucks stopped to conduct business for more than one hour,
5 shall operate within 200 feet of an approved, readily available and
6 functioning restroom facility. If the restroom is within a business,
7 the Mobile Food Truck operator must submit to the County of
8 Riverside Department of Environmental Health written permission
9 from the business owner providing the hours the restroom facilities
10 are being made available for use by the food service workers.
11 Executive portable toilet facilities with handwashing stations may
12 satisfy this requirement.

13 6. Noise. Mobile Food Truck Vendors shall not use sound amplifying
14 equipment.

15 7. No Alcohol or Sale of Controlled Substances. Serving, selling or
16 soliciting the sale of any alcoholic beverages or controlled
17 substances by Mobile Food Truck Vendors is strictly prohibited.

18 8. Waste Disposal. Mobile Food Truck Vendors shall not dispose or
19 caused to be disposed any oil, grease or wastewater onto or into
20 streets, storm drains, catch basins, or sewer facilities.

21 9. Signs. Mobile Food Truck Vendors shall not place freestanding
22 displays or signs within the Public Right-of-Way, which would
23 obstruct pedestrian or vehicle traffic.

24 10. Trash Collection. Mobile Food Truck Vendors shall not leave any
25 location without first picking up, removing and disposing of all trash
26 or refuse remaining as the result of sales associated with the
27 Vending.

28 C. Enforcement. It shall be unlawful for any person to engage in Mobile Food

1 Truck Vending within the Public Right-of-Way in the unincorporated areas
2 of the County of Riverside except in accordance with this ordinance and all
3 applicable laws and regulations. The procedures, remedies and penalties for
4 violation of this section of the ordinance and for recovery of costs related to
5 enforcement are provided for in Ordinance No. 725, which is incorporated
6 herein by this reference.

7 Section 7. SIDEWALK VENDORS

8 A. Permits. It is unlawful for any Sidewalk Vendor to sell, display or offer for
9 sale any food, beverage, goods, wares or merchandise without first
10 obtaining the required permits issued by the County, which are provided
11 herein. Additionally, all Sidewalk Vendors must carry their Sidewalk
12 Vending Permit during operating hours.

13 1. Food Sidewalk Vendors. Sidewalk Vendors shall not offer or
14 display for sale or sell any food or beverages without the following
15 permits:

- 16 a. An Environmental Health Permit issued pursuant to
- 17 Riverside County Ordinance No. 580, if required; and
- 18 b. A Sidewalk Vending Permit issued pursuant to Riverside
- 19 County Ordinance No. 499.

20 2. Merchandise Vendors. Sidewalk Vendors shall not offer or display
21 for sale or sell any merchandise, goods, or wares without the
22 following permits:

- 23 a. A Sidewalk Vending Permit issued pursuant to Riverside
- 24 County Ordinance No. 499; and
- 25 b. A California seller's permit pursuant to section 6067 of the
- 26 Revenue and Taxation Code, as required.

27 B. Sidewalk Vending Regulations. A Sidewalk Vendor shall comply with the
28 following:

1 1. Location.

2 a. To prevent unintended rolling or slipping hazards, a
3 Sidewalk Vendor shall not operate a Conveyance on a
4 Sidewalk or Pedestrian Path with a slope greater than five
5 percent.

6 b. Maintain a clearance of at least forty-eight (48) inches on all
7 Sidewalks and Pedestrian Paths to enable all persons to
8 freely pass.

9 c. Sidewalk Vendors shall not operate within five hundred feet
10 (500') of primary or secondary schools, between the hours
11 of 7:00 a.m. and 4:00 p.m., Monday through Friday, during
12 school days.

13 d. Sidewalk Vendors shall not operate on the following streets:

14 i. West County:

15 1) Cajalco Road (Between Harvill Avenue &
16 Temescal Canyon Road)

17 2) El Sobrante Road (Between Cajalco Road &
18 La Sierra Avenue)

19 3) Gilman Springs Road (Between SH-60 &
20 State Street)

21 4) Ramona Expressway (Between Rider Street
22 & Warren Road)

23 5) Ramona Expressway (Between Hemet Street
24 & SH-74)

25 6) Van Buren Blvd (Between Mocking Bird
26 Canyon Road & Wood Road)

27 7) Van Buren Boulevard (Between Barton Road
28 & I-215)

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- 8) Grand Avenue (Between Marie Drive & Corydon Road)
- 9) Old Elsinore Road (Between Clark Street & San Jacinto Avenue)
- 10) Sage Road (Between Cactus Valley Road & SH-79)
- 11) Rancho California Road (Between Borel Road & Butterfield Stage Road)
- 12) Stetson Avenue (Between San Jacinto Street & Stanford Street)
- 13) Highway 74 (Between City of Perris to City of Lake Elsinore)
- 14) Reche Canyon Road (Between Reche Vista Drive & County of San Bernardino)
- 15) San Timoteo Canyon Road (Between City of Beaumont & Live Oak Canyon Road)

ii. East County:

- 16) Washington Street (Between Varner Road & 42nd Avenue)
- 17) Harrison Street (Between 54th Avenue and 81st Avenue)
- 18) Thousand Palms Canyon Road (Between Ramon Road & Dillon Road)
- 19) Dillon Road (Between Palm Drive & Avenue 44)
- 20) Palm Drive (Between Varner Road & Dillon Road)
- 21) Grapefruit Boulevard (Between 66th Avenue

& Airport Boulevard)

e. Sidewalk Vendors shall not obstruct vehicle or pedestrian traffic, not place items connected to the vending operation within the Public Right-of-Way that hinders such visibility, and shall not engage in vending within the following locations:

i. Fifteen feet (15') of a curb which has been duly designated by the County as a white, yellow, blue or red zone;

ii. Five hundred feet (500') of a freeway entrance or exit in accordance with California Vehicle Code section 22520.5, as may be amended from time to time;

iii. Fifteen feet (15') of a fire hydrant, fire escape, pedestrian signal crossing, bus stop, driveway, or any accessible curb ramp.

iv. Two hundred feet (200') of a fire, police station, hospital or ambulance driveway;

v. Five feet (5') from the edge of a curb;

vi. Fifteen feet (15') of a building entrance or exit;

vii. Upon or within any roadway, median strip, or dividing section; and

viii. Upon or within eight feet (8') from the edge of the pavement.

f. Sidewalk Vendors shall not operate within fifteen feet (15') of another Sidewalk Vendor.

2. Hours of Operation. Sidewalk Vending hours of operation shall be as follows:

a. Both Roaming and Stationary Sidewalk Vendors may

1 operate during the same hours as other businesses on the
2 same street or Public Right-of-Way.

3 b. Stationary Sidewalk Vendors shall not operate in residential
4 only areas.

5 c. Roaming Sidewalk Vendors shall only operate between the
6 hours of sunrise to sunset in residential only areas.

7 3. Noise. Sidewalk Vendors shall not use sound amplifying equipment.

8 4. Signs. Sidewalk Vendors shall not place freestanding displays or
9 signs within the Public Right-of-Way, which would obstruct
10 pedestrian or vehicle traffic.

11 5. Sidewalk Vending Conveyance and Equipment. At no time shall any
12 Vending Conveyance be affixed to a building or structure,
13 including, but not limited to street light posts or signs, parking
14 meters, benches, trash cans, or landscaping within the Public Right-
15 of-Way. Additionally, Sidewalk Vendors shall not store any
16 equipment or goods upon a public sidewalk or pedestrian path when
17 the Vending business is not in operation. Any equipment or objects
18 left overnight in any portion of the Public Right-of-Way will be
19 considered abandoned property, which may be seized and disposed
20 of by the County in accordance with applicable law.

21 6. No Alcohol or Sale of Controlled Substances. Serving, selling or
22 soliciting the sale of any alcoholic beverages or controlled
23 substances is strictly prohibited.

24 7. Waste Disposal. No Sidewalk Vendor shall dispose or cause to be
25 disposed any oil, grease or wastewater onto or into streets, storm
26 drains, catch basins, or sewer facilities.

27 8. Trash Collection. Sidewalk Vendors shall provide at least one (1)
28 visible trash receptacle for use by customers of the Vending

1 operation. The Sidewalk Vendor shall also collect and dispose of all
2 trash generated by the Vending operation and its customers within a
3 10 foot (10') radius of the Vending location.

4 9. Certified Farmer's Market & Swap Meets. Sidewalk Vendors shall
5 not operate within two hundred feet (200') of Certified Farmer's
6 Markets, as defined by Chapter 10.5 of Division 17 of the Food and
7 Agricultural Code, as may be amended from time to time; and Swap
8 Meets, as defined by Article 6 of Chapter 9 of Division 8 of the
9 Business and Professions Code, as may be amended from time to
10 time.

11 10. Temporary Events. Sidewalk Vendors shall not operate within two
12 hundred feet (200') of a legally permitted temporary event, which
13 includes events that have obtained an approved filming permit in
14 accordance with Ordinance No. 634, or an approved temporary
15 event permit in accordance with Ordinance No. 348.

16 C. Administrative Fines.

17 1. Fine Amounts. Administrative fines imposed for violations of the
18 ordinance related to Sidewalk Vendors shall not exceed the
19 following:

20 a. Sidewalk Vending with a Valid Permit. A violation of this
21 ordinance by a Sidewalk Vendor who has a valid Sidewalk
22 Vending Permit is punishable by an administrative fine not
23 exceeding the following amounts:

- 24 i. One hundred dollars (\$100) for a first violation.
- 25 ii. Two hundred dollars (\$200) for a second violation
26 within one year of the first violation.
- 27 iii. Five hundred dollars (\$500) for each additional
28 violation within one year of the first violation.

1 iv. Upon the fourth or subsequent violation, the County
2 may rescind the permit issued to the Sidewalk
3 Vendor for the term of that permit.

4 b. Sidewalk Vending without a Valid Permit. Sidewalk
5 vending without a valid Sidewalk Vending Permit is
6 punishable by an administrative fine not to exceed the
7 following amounts:

8 i. Two hundred fifty dollars (\$250) for a first violation.

9 ii. Five hundred dollars (\$500) for a second violation
10 within one year of the first violation.

11 iii. One thousand dollars (\$1,000) for each additional
12 violation within one year of the first violation.

13 iv. Upon proof of a valid Sidewalk Vending Permit
14 issued by the County, the administrative citations set
15 forth in this paragraph shall be reduced to amounts
16 set forth in subsection (a.).

17 2. Fine Reductions and Alternatives. The notice of violation to the
18 Sidewalk Vendor shall include the right of the Sidewalk Vendor to
19 request an Ability-To-Pay (ATP) determination. The notice of
20 violation shall also include instructions for requesting the ATP
21 determination from the Riverside County Assistant TLMA
22 Director—Community Development or designee (“Decision
23 maker”).

24 a. ATP Criteria. The Decision maker shall determine if the
25 Sidewalk Vendor meets the criteria described in subdivision
26 (a) or (b) of Government Code section 68632, as may be
27 amended from time to time, when assessing the
28 administrative fine provided in subsection C1.

1 b. Fine deduction. If the Sidewalk Vendor meets the criteria in
2 subsection 2a above, the Decision maker shall accept, in full
3 satisfaction, twenty (20) percent of the administrative fine.

4 c. Alternatives to Fine Payment. In lieu of collecting the
5 administrative fine(s), the Decision maker may do any of the
6 following:

7 i. Allow the violator to complete community service;

8 ii. Waive the administrative fines; or

9 iii. May offer an alternative disposition.

10 D. Removal of Sidewalk Vending Conveyance or Vending Equipment Creating
11 an Imminent Danger. An Enforcement Officer may immediately seize and
12 dispose of any goods, wares, merchandise, perishable or nonperishable foods,
13 Vending equipment, and Conveyances, but not including Vehicles, creating an
14 imminent danger to the health, safety or welfare of the public in accordance
15 with applicable law.

16 E. Enforcement. It shall be unlawful for any person to engage in Sidewalk
17 Vending within the Public Right-of-Way in the unincorporated areas of the
18 County of Riverside except in accordance with this ordinance and all
19 applicable laws and regulations.

20 F. No Criminal Penalties. A Sidewalk Vending violation or failure to pay an
21 administrative fine pursuant to this section shall not be punishable as an
22 infraction or misdemeanor. No person alleged to have violated the Sidewalk
23 Vending regulations set forth in this ordinance shall be subject to arrest except
24 when otherwise allowed by law.

25 Section 8. OTHER APPLICABLE LAWS. Mobile Food Truck and Sidewalk
26 Vending operators shall comply with all applicable Federal, State, and local laws, and regulations,
27 including, but not limited to the California Health and Safety Code, the California Retail Food
28 Code and the California Vehicle Code.

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STATE OF CALIFORNIA)
)
COUNTY OF RIVERSIDE) ss

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said county held on October 22, 2019, the foregoing ordinance consisting of 2 Sections was adopted by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

DATE: October 22, 2019

KECIA R. HARPER
Clerk of the Board
BY: *Kecia R. Harper*
Deputy

SEAL



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA R. HARPER
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

October 29, 2019

PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

E-MAIL: legals@pe.com
FAX: 951-368-9018

RE: ADOPTION OF SUMMARY OF ORD. 853.1

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Sunday, November 3, 2019**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Karen Barton

Deputy Clerk of the Board to
KECIA R. HARPER, CLERK OF THE BOARD

RIVERSIDE COUNTY BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO. 853.1

REGULATING MOBILE FOOD TRUCKS AND SIDEWALK VENDING IN THE PUBLIC RIGHT OF WAY AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 853 REGULATING ROADSIDE VENDING

This summary is presented pursuant to California Government Code Section 25124(b): a certified copy of the full text of Ordinance No. 853.1 (Incorporating Riverside County Ordinance No. 725) may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1st Floor, Riverside, California.

In summary, Ordinance No. 853.1 amends Ordinance No. 853 in its entirety to ensure compliance and consistency with Senate Bill 946 (SB 946), other State law and County ordinances for the health, welfare and safety of the public by establishing regulations for sidewalk vendors and mobile food trucks operating in the public right-of-way. The regulations include operational requirements related to time, place and manner, as well as a requirement to obtain a Sidewalk Vending Permit issued in accordance with Ordinance No.499, and all other applicable permits required by State and local law. Also, Ordinance No. 853.1 changes the formatting and organizational structure of the ordinance for ease of use. Ordinance No. 853.1 would take effect 60 days after its adoption.

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **October 22, 2019**, the foregoing Ordinance consisting of two (2) sections was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board



OFFICE OF THE
CLERK OF THE BOARD OF SUPERVISORS
1st FLOOR, COUNTY ADMINISTRATIVE CENTER
P.O. BOX 1147, 4080 LEMON STREET
RIVERSIDE, CA 92502-1147
PHONE: (951) 955-1060 FAX: (951) 955-1071

KECIA R. HARPER
Clerk of the Board of Supervisors

KIMBERLY A. RECTOR
Assistant Clerk of the Board

October 29, 2019

PRESS ENTERPRISE
ATTN: LEGALS
P.O. BOX 792
RIVERSIDE, CA 92501

E-MAIL: legals@pe.com
FAX: 951-368-9018

RE: SUMMARY OF ADOPTION OF ORD. 499.15

To Whom It May Concern:

Attached is a copy for publication in your newspaper for **ONE (1) TIME** on **Sunday, November 3, 2019**.

We require your affidavit of publication immediately upon completion of the last publication.

Your invoice must be submitted to this office, **WITH TWO CLIPPINGS OF THE PUBLICATION**.

NOTE: PLEASE COMPOSE THIS PUBLICATION INTO A SINGLE COLUMN FORMAT.

Thank you in advance for your assistance and expertise.

Sincerely,

Karen Barton

Deputy Clerk of the Board to
KECIA R. HARPER, CLERK OF THE BOARD

RIVERSIDE COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. 499.15

**AN ORDINANCE OF THE COUNTY OF RIVERSIDE
AMENDING ORDINANCE NO. 499 RELATING TO ENCROACHMENTS IN COUNTY
HIGHWAYS**

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Ordinance No. 499 is hereby amended to add a new Section 9 to read as follows:

“Section 9. SIDEWALK VENDING PERMIT REQUIRED.

- A. The Riverside County Transportation Director, or designee, may issue Sidewalk Vending Permits in accordance with Riverside County Ordinance No. 853. “Sidewalk Vending Permit” means a nontransferable permit issued by the Riverside County Transportation Director authorizing a person to engage in the business of being a sidewalk vendor.
- B. To apply for a Sidewalk Vending Permit, the applicant must provide:
 - 1. A completed application in the form provided by the Riverside County Transportation Director;
 - 2. A copy of the applicant’s California driver license or identification number, individual taxpayer identification number, or social security number. Such information is not a public record and will remain confidential as required by Government Code Section 51038(c)(4); and
 - 3. A copy of a valid permit for vending food issued by the Riverside County Department of Environmental Health, as required.
- C. The Sidewalk Vending Permit application shall require the applicant to agree, in writing, to comply with all the provisions of this chapter and all applicable provisions of Riverside County Ordinances including but not limited to Riverside County Ordinance Nos. 853 and 580.
- D. The Sidewalk Vending Permit processing fee required by this ordinance is set forth in Appendix A. The Sidewalk Vending Permit fee shall be paid at the time the application is filed. The Sidewalk Vending Permit shall be valid for one year commencing upon the date of issuance.
- E. In accordance with California Government Code Chapter 6.2 of Title 5, Division 1, Part 1, Section 10 of this ordinance does not apply to this Section 9.”

Section 2. Existing Sections 9 and 10 of Ordinance No. 499 are renumbered to Sections 10 and 11, respectively.

Section 3. Existing Appendix A is amended to include the following processing fee in the minor permit fee section:

Minor

| | | | | | |
|-------------------------|----------|----|--|--|-------|
| Sidewalk Vending Permit | \$ 79.00 | \$ | | | 79.00 |
|-------------------------|----------|----|--|--|-------|

Section 4. EFFECTIVE DATE. This ordinance shall take effect 60 days after its adoption.

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on **October 22, 2019**, the foregoing Ordinance consisting of four (4) sections was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY



Patricia Romo, P.E.
Director of Transportation

Transportation Department

Mojahed Salama, P.E.
Deputy for Transportation/Capital Projects
Richard Lantis, P.L.S.
Deputy for Transportation/Planning and
Development

DATE: October 2, 2019
TO: Kiyomi Moore, ACR Technician III
FROM: *MZambon for*
Russel Williams, Transportation Division Manager
RE: **Amendments to Ordinance No. 853**
W.O. #ZTR1100, Task Code #ZADM

Original Negative Declaration/Notice of
Determination was routed to County
Clerks for posting on.

10/29/19

Date

kb

Initial

The Riverside County Transportation Department is requesting that you post the attached Notice of Exemption per County Implementing Resolution No. 82-213, Division 11, Section 205C. Attached you will find an authorization to bill by journal voucher in the amount of \$50.00 for your posting fee.

After posting, please return the document to Mail Stop #1080, Attention: Russel Williams. If you have any questions, please contact me at (951) 955-6899.

Attachment

cc: file

OCT 29 2019

19.3

NOTICE OF EXEMPTION

To: X County Clerk
County of Riverside
2724 Gateway Drive
Riverside, CA 92507

Lead Agency: Transportation and Land
Management Agency
4080 Lemon Street, 2nd Floor
P.O. Box 1440
Riverside, CA 92502

PROJECT TITLE: Amendments to Ordinance No. 853

PROJECT SPONSOR: Riverside County Transportation Department

PROJECT LOCATION: Countywide

SUPERVISORIAL DISTRICT: Countywide

PROJECT DESCRIPTION:

Ordinance No. 853.1 amends Ordinance No. 853 in its entirety to ensure compliance and consistency with Senate Bill 946 (SB 946), other State law and County ordinances for the health, welfare and safety of the public by establishing regulations for sidewalk vendors and mobile food trucks operating in the public right-of-way. The regulations include operational requirements related to time, place and manner, as well as a requirement to obtain a Sidewalk Vending Permit issued in accordance with Ordinance No.499, and all other applicable permits required by State and local law. Also, Ordinance No. 853.1 changes the formatting and organizational structure of the ordinance for ease of use.

ENVIRONMENTAL ANALYSIS:

The Riverside County Transportation Department has found that the above-described project is exempt from the provisions of the California Environmental Quality Act (CEQA), based on the following:

Ordinance No. 853.1 is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines section 15061(b)(3), which provides as follows: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." Ordinance No.853.1 amends Ordinance No.853 to establish sidewalk vendor regulations consistent with SB 946, and modifies existing regulations related to roadside vending from a vehicle to specify requirements for mobile food truck vending in the public right-of-way that are consistent with State law for the health, welfare and safety of the public. Ordinance No. 853.1 does not lead to any direct improvements, developments, or any other projects with the potential to result in any physical environmental effects on the environment. The changes will not result in greater levels of vendor service activity as State law, through SB 946, already allows such activity. Therefore, it can be seen with certainty that there is no possibility that ordinance No. 853.1 may have a significant direct, indirect, or cumulative physical effect on the environment.

Lead Agency Signature: _____

Russell Willson

Date: _____

9/30/19

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

-TO BE FILLED IN BY SUBMITTING AGENCY-
537280-20000-3130500000 ZTR1100 ZADM

AUTHORIZATION NUMBER: W.O.#ZTR1100, Task Code ZADM

AMOUNT: \$50.00

DATE: October 2, 2019

AGENCY: Riverside County Transportation Department

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO ISSUE A VOUCHER FOR PAYMENT OF ALL FILING AND HANDLING FEES FOR THE ACCOMPANYING DOCUMENT(S).

NUMBER OF DOCUMENTS INCLUDED: One (1)

AUTHORIZED BY: Mary Zambon, Environmental Project Manager

Signature: Mary Zambon

PRESENTED BY: Mohamed Eissa

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -

COUNTY OF RIVERSIDE
TRANSPORTATION AND
LAND MANAGEMENT AGENCY



Patricia Romo, P.E.
Director of Transportation

Transportation Department

Mojahed Salama, P.E.
Deputy for Transportation/Capital Projects
Richard Lantis, P.L.S.
Deputy for Transportation Planning and
Development

DATE: October 2, 2019
TO: Kiyomi Moore, ACR Technician III
MZambon for
FROM: Russel Williams, Transportation Division Manager
RE: **Amendments to Ordinance No. 499**
W.O. #ZTR1100, Task Code #ZADM

Original Negative Declaration/Notice of
Determination was routed to County
Clerk for posting on.
10/29/19 KB
Date Initial

The Riverside County Transportation Department is requesting that you post the attached Notice of Exemption per County Implementing Resolution No. 82-213, Division 11, Section 205C. Attached you will find an authorization to bill by journal voucher in the amount of \$50.00 for your posting fee.

After posting, please return the document to Mail Stop #1080, Attention: Russel Williams. If you have any questions, please contact me at (951) 955-6899.

Attachment

cc: file

OCT 29 2019

19.3

NOTICE OF EXEMPTION

To: X County Clerk
County of Riverside
2724 Gateway Drive
Riverside, CA 92507

Lead Agency: Transportation and Land
Management Agency
4080 Lemon Street, 2nd Floor
P.O. Box 1440
Riverside, CA 92502

PROJECT TITLE: Amendments to Ordinance No. 499

PROJECT SPONSOR: Riverside County Transportation Department

PROJECT LOCATION: Countywide

SUPERVISORIAL DISTRICT: Countywide

PROJECT DESCRIPTION:

Ordinance No. 499.15 amends Ordinance No. 499 relating to encroachments in County highways to authorize the Transportation Director, or designee, to issue Sidewalk Vending Permits, in accordance with Ordinance No. 853, as amended by Ordinance No. 853.1. The Sidewalk Vending Permit fee in the amount of \$79 is to cover the administrative costs of processing and issuing the permit only.

ENVIRONMENTAL ANALYSIS:

The Riverside County Transportation Department has found that the above-described project is exempt from the provisions of the California Environmental Quality Act (CEQA), based on the following:

Ordinance No. 499.15 is also exempt from State CEQA Guidelines section 15061(b)(3). Ordinance No.499.15 authorizes the Transportation Director to issue Sidewalk Vending Permits for the care and protection of County Highways. The permit fee in the amount of \$79 is to cover the administrative costs of processing and issuing the permit only. Ordinance No. 499.15 does not lead to any direct improvements, developments, or any other projects with the potential to result in any physical environmental effects on the environment. The changes will not result in greater levels of vendor service activity as State law, through SB 946, already allows such activity. Further, the approval process to issue a sidewalk vending permit is a ministerial act to be performed by the Transportation Director. Therefore, it can be seen with certainty that there is no possibility that ordinance No. 499.15 may have a significant direct, indirect, or cumulative physical effect on the environment.

Lead Agency Signature: Russell Willen

Date: 9/30/19

RIVERSIDE COUNTY CLERK & RECORDER

**AUTHORIZATION
TO BILL
BY JOURNAL VOUCHER**

-TO BE FILLED IN BY SUBMITTING AGENCY-
537280-20000-3130500000 ZTR1100 ZADM

AUTHORIZATION NUMBER: W.O.#ZTR1100, Task Code ZADM

AMOUNT: \$50.00

DATE: October 2, 2019

AGENCY: Riverside County Transportation Department

THIS AUTHORIZES THE COUNTY CLERK & RECORDER TO ISSUE A VOUCHER FOR PAYMENT OF ALL FILING AND HANDLING FEES FOR THE ACCOMPANYING DOCUMENT(S).

NUMBER OF DOCUMENTS INCLUDED: One (1)

AUTHORIZED BY: Mary Zambon, Environmental Project Manager

Signature: Mary Zambon

PRESENTED BY: Mohamed Eissa

-TO BE FILLED IN BY COUNTY CLERK-

ACCEPTED BY: -

DATE: -

RECEIPT # (S) -

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
3.26
(ID # 10433)

MEETING DATE:

Tuesday, September 24, 2019

FROM: TLMA-TRANSPORTATION:

SUBJECT: TRANSPORTATION AND LAND MANAGEMENT AGENCY: INTRODUCTION OF ORDINANCE NO. 853.1 AND ORDINANCE NO. 499.15 amending Ordinance No. 853 in its entirety to establish regulations for sidewalk and mobile food truck vending within the public right-of-way, and amending Ordinance No. 499 relating to encroachments in County highways to authorize the issuance of sidewalk vending permits. CEQA Exempt. All Districts. [\$25,000 Total - 100% Gas Tax] (Set for Public Hearing) (Clerk to Advertise)

RECOMMENDED MOTION: That the Board of Supervisors:

1. Introduce, read title and waive further reading of Ordinance No. 853.1, an ordinance of the County of Riverside amending Ordinance No. 853 in its entirety to establish regulations for sidewalk and mobile food truck vending within the public right-of-way in accordance with Senate Bill 946 and California Vehicle Code 22455(b), respectively;
2. Introduce, read title and waive further reading of Ordinance No. 499.15, an ordinance of the County of Riverside amending Ordinance No. 499 to add language authorizing the issuance of sidewalk vending permits in accordance with Senate Bill 946; and
3. Set a public hearing for October 22, 2019 or as soon thereafter to adopt Ordinance No. 853.1 and Ordinance No. 499.15.

ACTION: Policy, Set for Hearing, Clerk to Advertise

Patricia Romo, Director of Transportation 8/12/2019

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Hewitt, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended; Ordinance Nos. 853.1 and 499.15 are approved as introduced with waiver of the reading and set for hearing on Tuesday, October 22, 2019 at 9:30 a.m. or as soon as possible thereafter.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: September 24, 2019
xc: Transp., COB

Kecia R. Harper
Clerk of the Board

By:
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

| FINANCIAL DATA | Current Fiscal Year: | Next Fiscal Year: | Total Cost: | Ongoing Cost |
|---|-----------------------------|--------------------------|-------------------------------|---------------------|
| COST | \$ 25,000 | \$ 0 | \$ 25,000 | \$ 0 |
| NET COUNTY COST | \$ 0 | \$ 0 | \$ 0 | \$ 0 |
| SOURCE OF FUNDS: Gas Tax (100%). | | | Budget Adjustment: No | |
| | | | For Fiscal Year: 19/20 | |

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

On September 17, 2018, Senate Bill (SB) 946 was signed into law and became effective on January 1, 2019. SB 946 prohibits the County from regulating sidewalk vending unless the County's existing regulations substantially complies with the requirements of this bill. SB 946 authorizes the County to establish requirements for local regulation of sidewalk vending in the interest of the public health, safety and the general welfare of the community. It also sets forth enforcement and penalty provisions for sidewalk vending in violation of a local authority's regulations.

By Minute Order 3.30 (MT# 8193) of December 4, 2018, the Board of Supervisors initiated the preparation of ordinances related to roadside vending, including if necessary, amendments to Ordinance Nos. 499 and 853 in order to comply with SB 946.

To ensure compliance with SB 946, Ordinance No. 853.1 amends Ordinance No. 853 to establish regulations related to sidewalk vending in the public right-of-way within the unincorporated areas of the County of Riverside. Ordinance No. 853.1 also establishes regulations for Mobile Food Truck vending in the public right-of way in accordance with California Vehicle Code section 22455(b).

Ordinance No. 853.1 was prepared in coordination with the Transportation and Land Management Agency, Riverside County Department of Environmental Health, Office of County Counsel, and the Riverside County Regional Park and Open-Space District.

Amendments to Ordinance No. 853

A summary of the amendments to Ordinance No. 853 incorporated in Ordinance No. 853.1 are as follows:

1. **Mobile Food Trucks**
 - a. Includes additional distance and location requirements to ensure vending in the public right-of-way does not impede emergency and safety service access, or pedestrian and vehicular travel paths;
 - b. Incorporates additional time, place and manner requirements to protect the health, safety and welfare of residents, businesses and the public; and

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

- c. Adopts the procedures, remedies, and penalties provided in Ordinance No.725 for mobile food truck violations.

2. Sidewalk Vendors

- a. Includes distance and location requirements to ensure vending on sidewalk and other areas of the public right-of-way does not impede emergency and safety service access, or pedestrian and vehicular travel paths;
- b. Incorporates time, place and manner requirements to protect the health, safety and welfare of residents, businesses and the public;
- c. Sets administrative fines for sidewalk vending violations with an ability-to-pay determination; and
- d. Requires sidewalk vendors to obtain a Sidewalk Vending Permit issued pursuant to Ordinance No.499.15.

Amendments to Ordinance No. 499

Ordinance No. 499 authorizes the Transportation Director to issue written encroachment permits to place structures or objects upon portions of a County road right of way. In compliance with SB 946, the proposed amendment to Ordinance No. 499 authorizes the Transportation Director, or designee, to issue Sidewalk Vending Permits in accordance with Ordinance No. 853, as amended by Ordinance No. 853.1. To apply for a Sidewalk Vending Permit, the applicant must complete an application; provide identification; provide a valid permit for food vending, if applicable; agree to comply with Riverside County Ordinance No. 853 and all other applicable County ordinances; and pay a processing fee as set forth in Appendix A of Ordinance No. 499.15.

Impact on Residents and Businesses

SB 946 increases legal business opportunities for sidewalk vendors as well as economic opportunities for existing and emerging new businesses utilizing mobile operations by increasing public access to desired goods. Ordinance No.853.1 and Ordinance No. 499.15 incorporate sidewalk vendor regulations consistent with SB 946, and update existing roadside vending regulations related to mobile food trucks, to ensure a safe and dynamic public space for motorists, pedestrians and vending consumers traveling through and living within the unincorporated areas of Riverside County. The proposed amendments to Ordinance Nos. 853 and 499 are anticipated to have a positive impact on residents and businesses.

Additional Fiscal Information

Gas Tax in the amount of \$25,000 was budgeted for the staff time required to amend the Ordinance changes.

ATTACHMENTS:

- Ordinance No. 853.1
- Ordinance No. 499.15

SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA



Jason Farin, Senior Management Analyst

9/17/2019



Gregory F. Priamos, Director County Counsel

9/17/2019

THE PRESS-ENTERPRISE

| DATE | ORDER NUMBER | PONumber | PRODUCT | SIZE | Amount |
|---------|--------------|----------|--------------|-----------|--------|
| 11/3/19 | 0011330836 | | PE Riverside | 4 x 66 Li | 343.20 |

Invoice text: Adoption Ord. Summary 499.15

Transp.
10/22/19 19.3

Placed by: Karen Lynn Barton

Legal Advertising Memo Invoice

| BALANCE DUE |
|-------------|
| 343.20 |

| SALES/CONTACT INFORMATION | | ADVERTISER INFORMATION | | |
|---------------------------|-----------------------|--------------------------|------------------------|--|
| BILLING DATE | BILLED ACCOUNT NUMBER | ADVERTISER/CLIENT NUMBER | ADVERTISER/CLIENT NAME | |
| 11/03/2019 | 5209148 | 5209148 | BOARD OF SUPERVISORS | |



THE PRESS-ENTERPRISE

Legal Advertising Memo Invoice

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR REMITTANCE

| ADVERTISER/CLIENT NAME | | |
|------------------------|-----------------------|--------------------------|
| BOARD OF SUPERVISORS | | |
| BILLING DATE | BILLED ACCOUNT NUMBER | ADVERTISER/CLIENT NUMBER |
| 11/03/2019 | 5209148 | 5209148 |
| BALANCE DUE | ORDER NUMBER | TERMS OF PAYMENT |
| 343.20 | 0011330836 | DUE UPON RECEIPT |

BILLING ACCOUNT NAME AND ADDRESS

REMITTANCE ADDRESS

BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE
 'PO BOX 1147'
 RIVERSIDE, CA 92502

CALIFORNIA NEWSPAPER PARTNERSHIP
 dba The Press-Enterprise
 PO Box 65210
 Colorado Springs, CO 80962-5210

THE PRESS-ENTERPRISE

1825 Chicago Ave, Suite 100
Riverside, CA 92507
951-684-1200
951-368-9018 FAX

PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Adoption Ord. Summary 499.15 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

11/03/2019

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: November 03, 2019
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
PO BOX 1147
RIVERSIDE, CA 92502

Ad Number: 0011330836-01

P.O. Number:

Ad Copy:

RIVERSIDE COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. 499.15 AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 499 RELATING TO ENCROACHMENTS IN COUNTY HIGHWAYS

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. Ordinance No. 499 is hereby amended to add a new Section 9 to read as follows:

Section 9. SIDEWALK VENDING PERMIT REQUIRED.

- A. The Riverside County Transportation Director, or designee, may issue Sidewalk Vending Permits in accordance with Riverside County Ordinance No. 853. "Sidewalk Vending Permit" means a nontransferable permit issued by the Riverside County Transportation Director authorizing a person to engage in the business of being a sidewalk vendor.
- B. To apply for a Sidewalk Vending Permit, the applicant must provide:
 1. A completed application in the form provided by the Riverside County Transportation Director;
 2. A copy of the applicant's California driver license or identification number, individual taxpayer identification number, or social security number. Such information is not a public record and will remain confidential as required by Government Code Section 51038(c)(4); and
 3. A copy of a valid permit for vending food issued by the Riverside County Department of Environmental Health, as required.
- C. The Sidewalk Vending Permit application shall require the applicant to agree, in writing, to comply with all the provisions of this chapter and all applicable provisions of Riverside County Ordinances including but not limited to Riverside County Ordinance Nos. 853 and 580.
- D. The Sidewalk Vending Permit processing fee required by this ordinance is set forth in Appendix A. The Sidewalk Vending Permit fee shall be paid at the time the application is filed. The Sidewalk Vending Permit shall be valid for one year commencing upon the date of issuance.
- E. In accordance with California Government Code Chapter 6.2 of Title 5, Division 1, Part 1, Section 10 of this ordinance does not apply to this Section 9."

Section 2. Existing Sections 9 and 10 of Ordinance No. 499 are renumbered to Sections 10 and 11, respectively.

Section 3. Existing Appendix A is amended to include the following processing fee in the minor permit fee section:

| | | | |
|-------------------------|----------|----|-------|
| Minor | | | |
| Sidewalk Vending Permit | \$ 79.00 | \$ | 79.00 |

Section 4. EFFECTIVE DATE. This ordinance shall take effect 60 days after its adoption.

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on October 22, 2019, the foregoing Ordinance consisting of four (4) sections was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

11/03



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THE PRESS-ENTERPRISE

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10/22/19 19.3*

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COUNTY OF RIVERSIDE
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RIVERSIDE, CA 92502

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PROOF OF PUBLICATION (2010, 2015.5 C.C.P)

Publication(s): The Press-Enterprise

PROOF OF PUBLICATION OF

Ad Desc.: Adoption Ord. Summary 853.1 /

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am an authorized representative of THE PRESS-ENTERPRISE, a newspaper in general circulation, printed and published daily in the County of Riverside, and which newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Riverside, State of California, under date of April 25, 1952, Case Number 54446, under date of March 29, 1957, Case Number 65673, under date of August 25, 1995, Case Number 267864, and under date of September 16, 2013, Case Number RIC 1309013; that the notice, of which the annexed is a printed copy, has been published in said newspaper in accordance with the instructions of the person(s) requesting publication, and not in any supplement thereof on the following dates, to wit:

11/03/2019

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Date: November 03, 2019
At: Riverside, California



Legal Advertising Representative, The Press-Enterprise

BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE
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RIVERSIDE COUNTY BOARD OF SUPERVISORS

SUMMARY OF ORDINANCE NO. 853.1 REGULATING MOBILE FOOD TRUCKS AND SIDEWALK VENDING IN THE PUBLIC RIGHT OF WAY AN ORDINANCE OF THE COUNTY OF RIVERSIDE AMENDING ORDINANCE NO. 853 REGULATING ROADSIDE VENDING

This summary is presented pursuant to California Government Code Section 25124(b): a certified copy of the full text of Ordinance No. 853.1 (Incorporating Riverside County Ordinance No. 725) may be examined at the Office of the Clerk of the Board of Supervisors of the County of Riverside, located at 4080 Lemon Street, 1st Floor, Riverside, California.

In summary, Ordinance No. 853.1 amends Ordinance No. 853 in its entirety to ensure compliance and consistency with Senate Bill 946 (SB 946), other State law and County ordinances for the health, welfare and safety of the public by establishing regulations for sidewalk vendors and mobile food trucks operating in the public right-of-way. The regulations include operational requirements related to time, place and manner, as well as a requirement to obtain a Sidewalk Vending Permit issued in accordance with Ordinance No. 499, and all other applicable permits required by State and local law. Also, Ordinance No. 853.1 changes the formatting and organizational structure of the ordinance for ease of use. Ordinance No. 853.1 would take effect 60 days after its adoption.

I HEREBY CERTIFY that at a regular meeting of the Board of Supervisors of said County, held on October 22, 2019, the foregoing Ordinance consisting of two (2) sections was adopted by said Board by the following vote:

AYES: Jeffries, Spiegel, Washington, Perez and Hewitt
NAYS: None
ABSENT: None

Kecia R. Harper, Clerk of the Board
By: Karen Barton, Deputy Clerk of the Board

11/03