

ORDINANCE 16-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO AMENDING THE CITY CODE BY ADDING ARTICLE V TO CHAPTER 11, ESTABLISHING REGULATIONS AND PROCEDURES FOR MOBILE FOOD FACILITIES

THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 11 of the El Centro City Code is hereby amended by adding Article V entitled “Mobile Food Facilities”, which reads as follows:

ARTICLE V. MOBILE FOOD FACILITIES

Sec. 11-83. Findings.

The City Council adopts this Article based upon the following findings:

(a) In accordance with Section 16-19 of the City Code, businesses operating within the City require a City-issued business license.

(b) In accordance with Section 29-43(b) of the City Code, uses not specifically listed as permitted or prohibited shall be deemed to be prohibited unless determined to be a use similar in development characteristics. Mobile food vendors are currently unlisted and therefore, prohibited.

(c) The State has enacted Sections 114294-114327 of the Health and Safety Code with detailed rules and regulations pertaining to the operation of Mobile Food Facilities. This ordinance hereby adopts all definitions and regulations stipulated in Sections 114294-114327 of the Health and Safety Code, or as modified by reference. Moreover, the Division of Environmental Health of the Imperial County Public Health Department or designee will enforce Sections 114294-114327 of the Health and Safety Code, as modified.

(d) To protect the public health, safety, and welfare, it is the desire of the City Council to modify the City Code to recognize and regulate Mobile Food Facilities consistent with the Health and Safety Code by listing said facilities in the City Code and requiring a City-issued business license for each vendor.

(e) This Article is found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) in that the Council finds and determines that there is nothing in this Article or its implementation that could foreseeably have any significant effect on the environment.

Sec. 11-84. Purpose and Intent.

It is the purpose and intent of this Article to regulate the licensing requirements, hours of business, and location of operations for mobile food vendors in order to promote the health, safety, and general welfare of residents and businesses within the City.

Sec. 11-85. Definitions.

For the purpose of this Article, the following words and phrases shall have the following meanings:

Annual Health Permit means a yearly permit to operate issued by the Public Health Department

Catered Event means a function restricted to a particular group of people from which the general public is excluded and is paid by a single person or entity.

City means the City of El Centro

Commissary is a food facility that services mobile food facilities, mobile support units or vending machines where any of the following occur:

- 1) Food, containers, or supplies are stored;
- 2) Food is prepared or prepackaged for sale or service at other locations;
- 3) Utensils are cleaned;
- 4) Liquid and solid wastes are disposed, or potable water is obtained.

Community event means an event that is of civic, political, public or educational in nature, including city festivals, and other public gatherings approved by the City, as defined in Health and Safety Code Section 113755, as now adopted or hereafter amended.

Public Health Department means the Division of Environmental Health of the Imperial County Public Health Department.

Enforcement Officer means the Director of the Division of Environmental Health of the Imperial County Public Health Department or his/her designee or the Community Development Director or his/her designee.

Food means items intended primarily for consumption by human beings.

Food Preparation means packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce, as defined in Health and Safety Code Section 113791, as now adopted or hereafter amended.

Limited Food Preparation means food preparation that is restricted to one or more of the following:

- 1) Heating, frying, baking, roasting, popping, shaving of ice, blending, steaming or boiling of hot dogs, or assembly of nonprepackaged food;
- 2) Dispensing and portioning of non-potentially hazardous food;
- 3) Holding, portioning, and dispensing of any foods that are prepared for satellite food service by the onsite permanent food facility or prepackaged by another approved source;
- 4) Slicing and chopping of food on a heated cooking surface during the cooking process;
- 5) Cooking and seasoning to order;

- 6) Preparing beverages that are for immediate service, in response to an individual consumer order, that do not contain frozen milk products.

As defined in Health and Safety Code Section 113818, as now adopted or hereafter amended.

Mobile Food Courts means a parcel of land where two or more mobile food businesses congregate to offer food or beverages. Any cluster of more than one mobile food business located on the same parcel of land shall be considered a mobile food court.

Mobile Food Facility means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail.

Mobile Food Facility – Limited means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail, and where food preparation is limited, which includes hot dog carts, snow cones, coffee carts, kettle corn/popcorn.

Mobile Food Facility – Non-processing means commercially prepackaged foods.

Mobile Food Facility – Processing means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail, and where food is processed by cooking, frying, or grilling.

Mobile food Vendor's Permit means a permit issued by the City authorizing the holder thereof to engage in the business of food vending.

Prepackaged Food Push Cart means a Mobile Food Facility limited to the sale of 100% prepackaged foods from non-motorized vehicles that are obtained from an approved source.

Prepackaged Food means any properly labeled processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, food facility, or other approved source.

Vend or vending means offering food products of any kind for preparation or sale from a Mobile Food Facility.

Sec. 11-86. Public Health Department Permit Application Requirements.

- 1) All Mobile Food Facilities proposing to operate in the City in any capacity must obtain an annual health permit pursuant to this section from the Public Health Department and the City.
- 2) Nothing in this ordinance shall prevent the Public Health Department or the City from denying any permit application for any Mobile Food Facility if, in the opinion of the Public Health Department or City, such Mobile Food Facility poses a real potential risk to the health and welfare of the public.
- 3) A person may operate a Mobile Food Facility if such person has a valid permit issued by the Public Health Department and the City. A permit shall only be issued by the Department of Public Health if the proposed Mobile Food Facility meets the requirements of the Federal and State laws and regulations and provisions of this

ordinance and other City ordinances. A permit shall be valid for not more than one year. This section does not preclude the Public Health Department from issuing a permit if the mobile operation is proposing to operate in multiple municipalities within Imperial County.

Sec. 11-87. Business License Requirement.

All Mobile Food Facilities shall be required to apply for and obtain a Business License pursuant to Chapter 16 of the City Code. A Business License shall be required for the mobile food business facility, and a Business License Certificate shall be displayed within plain view at each facility. Only one (1) Business License shall be required per business regardless of the number of Mobile Food Facilities. All other mobile food vendors shall carry a Business License Certificate that can be readily inspected upon request by a City official or any other authorized person. Mobile food sales shall be subject to sales tax in a manner required by state law.

Sec. 11-88. Required Fees.

- a) The operator of a Mobile Food Facility shall pay all applicable fees required by the Public Health Department and City as established by resolution.

Sec. 11-89. Mobile Food Vendor's Permit Required.

- a) No person shall operate or cause the operation of a Mobile Food Facility in the City without a mobile food vendor's permit issued pursuant to this chapter and any other license or permit required under any other chapter of this Code.

Sec. 11-90. Application Process.

- a) Any person desiring to obtain a permit for a Mobile Food Facility that involves processing of food shall obtain a Temporary Use Permit Application from the Community Development Department. Multiple sites may be included in one (1) application. Prior to submitting such application a nonrefundable fee, as established by resolution of the city council, shall be paid to the City to defray, in part, the cost of the city investigation and report required by this chapter. Sites not previously approved will need to be reviewed with a separate temporary use permit application. After an application permit has been filed with the Community Development Department, there shall be an investigation made by the community development director, chief of police, or their respective designee. Permit issuance fees required under this chapter shall be in addition to any license, permit or fee required under any chapter of this code.
- b) Neither the filing of an application for a permit, nor the payment of an application fee, shall authorize the vending from, operation or management of a Mobile Food Facility until such permit has been granted or renewed.
- c) Each applicant for a permit to conduct business as a food vendor shall furnish the following information:
 - 1) The address from which the business is to be conducted;
 - 2) The full true name under which the business will be conducted;
 - 3) The full true name and any other names used by the applicant;
 - 4) The present residence and business address and telephone numbers of the applicant;

- 5) A description of the merchandise the Mobile Food Facility will vend;
- 6) The number of vehicles to be owned, operated, or controlled by the applicant and the make(s), model, body styles, years, state license plate numbers, and names and addresses of the registered and/or legal owners of each vehicle;
- 7) A description of the logo, color scheme, insignia, and any other distinguishing characteristics of the applicant's vehicles;
- 8) The full and true names, addresses and telephone numbers of all persons employed or intended to be employed, or with whom the applicant has contracted, leased or intends to contract with as driver operator of the applicant's vending vehicles, and in addition, their:
 - i. California Driver's license, social security number or other identification number;
 - ii. Date of birth.
- 9) If the applicant is a corporation, the name shall be stated exactly as set forth in its articles of incorporation. The applicant shall show the name and residence address of each of the officers, directors, and each stockholder, owning not less than ten percent of the stock of the corporation, and the address of the corporation itself, if different than the applicant's place of business.

If the applicant is a partnership, the application shall show the name and residence address of each of the partners, including limited partners, and the address of the partnership itself, if different than the applicant's place of business.

- 10) When any change occurs regarding the written information required by this subsection, prior to or after issuance of a permit, the applicant shall give written notification of such change to the community development director or designee within two weeks of such change.
- 11) When there is a change in ownership, the applicant shall give written notification of such change to the community development director or designee within two weeks of such change.
- 12) When any change in location is proposed to occur, a new temporary use permit application shall be submitted to the Community Development Department for review and approval. Applicable fees shall be paid at the time of submittal of the temporary use permit application.
- 13) Nothing in this section precludes the City from inspecting and re-inspecting the Mobile Food Facility(ies) if it is determined that such inspection or re-inspections are necessary to ensure the health and welfare of the public.

Sec. 11-91. Investigation of Application.

- a) The community development director and chief of police, or their designee(s) shall have 30 days in which to investigate the application and background of the applicant for a vendor's permit.

Sec. 11-92. Vendor's Permit Issuance.

- a) The community development director or designee(s), within 30 days after receiving approval from the chief of police, shall grant the vendor's permit if the community development director or designee finds that all of the following requirements have been met.

- 1) The required fees have been paid;
- 2) The application conforms in all respects to the provisions of this chapter and other chapters of the Code;
- 3) The applicant has not knowingly made a material misrepresentation of fact in the application;
- 4) The applicant has fully cooperated in the investigation of the application;
- 5) The applicant if any individual; or any of the directors, officers or stockholders holding more than ten percent of the stock of the corporation; or any of the partners, including limited partners, or profit interest holder, manager or other person principally in charge of the operation of the existing or proposed business of vending from the Mobile Food Facility or a natural person employed or contracted with to be a driver has not been convicted or pleaded no contest or guilty within five years prior to his/her application for a permit to a misdemeanor or felony crime of moral turpitude or drug-related misdemeanor or felony crime, including, but not limited to: the sale of controlled substance specified in California Health and Safety Code Section 11054 through 11058; the sale, distribution or display of harmful or obscene matter; indecent exposure, or in the case of application for an operator's permit, alcohol or drug-related traffic offenses. The investigating city employee is specifically authorized to obtain state summary criminal history record information as provided in Section 11105 of the California Penal Code. Any complaint for the above-listed charges pending before a court of law shall cause the application to be considered pending until adjudication of the complaint.

Sec. 11-93. Vendor's Permit Denial & Renewal.

- a) If the community development director or designee find that the requirements set forth in Sec. 11-92 have not been met, the community development director or designee shall deny the application for a vendor's permit. In the event, the application is denied by the community development director or designee, written notice of such denial shall be given to the applicant specifying the basis for such denial. Notice of denial shall be deemed to have been served, if, in fact, it is personally served to the applicant or when deposited in the United States mail with prepaid postage and addressed to the applicant at his/her residence address as set forth in the application.
- b) Any applicant whose application for a food vendor permit has been denied by the community development director or designee may submit an appeal in writing to the city clerk within fifteen (15) days of such denial. Appeals will be heard by the Planning Commission. The decision made by the Planning Commission may be appealed to the City Council. An appeal shall be made to the City Clerk within fifteen (15) days of such denial.
- c) Vendor's permits shall expire annually on December 31 regardless of the date of vendor's permit issuance. The renewal period for the vendor's permit for the following calendar year shall occur from December 1st to December 31st. Applicable fees shall accompany the application. Vendor's permits may not be renewed by the Community Development Department if the permittee has violated the City Code or any other state or federal law.
- d) The City reserves the right to terminate the vendor's permit if the permittee is in violation of any federal, state or local laws.

Sec. 11-94. Revocation.

- a) Any vendor permit may be suspended or revoked by the community development director or designee for any of the following reasons:
 - 1) Falsehood of any information supplied by the permittee upon which issuance of the permit was based;
 - 2) Failure of the permittee to notify the community development director or designee within two weeks of any change occurring subsequent to the issuance of the permit in the information supplied by the permittee upon which issuance of the permit was based;
 - 3) Failure of the permittee, or of any employees or subcontractors of the permittee, to comply with the City Code; or
 - 4) Violation by the permittee, or any employee, subcontractor or independent contractor of the permittee, of any state law or municipal ordinance while in the course of conducting vending operations from Mobile Food Facilities that process foods (e.g. cooking, frying, grilling, etc.)
- b) No such suspension or revocation shall become effective until the permit holder has been notified and acknowledged in writing of the right of such permit holder to appeal the suspension or revocation. Notification of the permit holder shall be made either by personal delivery or by certified or registered mail, return receipt requested, address to the permit holder at such permit holder's residence address as set forth on the application of a permit. If an appeal is filed, the suspension or revocation shall be stayed and shall become effective only upon decision of the planning commission. The suspension or revocation shall become effective after the timely appeal period has expired. The appeal shall be in writing and filed with the city clerk within fifteen (15) days of effective date of suspension or revocation.
- c) No person whose permit is revoked shall be eligible to apply for a new permit for a period of one year following such revocation.

Sec. 11-95. Mobile Food Facility Regulations.

- a) Each Mobile Food Facility shall have a current Public Health Department health inspection permit, and valid El Centro business license posted in a conspicuous location visible to the public.
- b) Regulations for Mobile Food Facility – Processing
 - 1) **Eligible Zones-** Mobile Food Facilities that process foods, which involve cooking, frying, grilling shall operate solely on private property with written authorization of the property owner(s) within the following zoning designations: CC (Civic Center), CD (Downtown Commercial), CN (Neighborhood Commercial), CG (General Commercial), CT (Tourist Commercial), CH (Heavy Commercial), ML (Light Manufacturing), MBP (Manufacturing Business Park), MG (General Manufacturing).
 - 2) **Vending Restrictions-** Mobile Food Facilities that process food, which involve cooking, frying, and grilling, shall not park on any public right of way for the purpose of food vending and/or any other type of sales unless they are catering for a catered event within a residential zone.
 - 3) **Site Furniture-** Tables and chairs shall be allowed within the mobile food facility's designated space as defined in the site plan. Tables and chairs shall not

be permanently affixed and shall be moveable. Portable restrooms, fences, or other site furniture (permanent or otherwise) shall be prohibited.

- 4) **Parking & Parking Lot Requirements-** The site where a Mobile Food Facility is parked shall consist of a paved surface with adequate parking and maintained in a safe and clean manner at all times.
- 5) **Exterior Storage & Refuse-** Exterior storage, equipment or materials associated with the Mobile Food Facility is prohibited, unless expressly allowed in this article. All refuse shall be removed from the vending site and properly disposed of within 30 minutes of the close of vending for the day at the site. A minimum of two thirty-two (32)-gallon litter receptacles within fifteen (15) feet of the vehicle shall be provided. The receptacles will serve both employees and customers. All refuse shall be transported back to the commissary for proper disposal.
- 6) **Security-** The vendor shall install signage indicating that loitering is not permitted and customers may only remain on the lot for up to thirty (30) minutes after receiving their food. The vendor shall enforce the no-loitering rule. The serving or consumption of alcohol shall be prohibited at vending sites.
- 7) **Illumination & Lighting-** No lighting, except localized lighting that is used on or in the Mobile Food Facility for the purpose of inside food preparation and menu illumination.
- 8) **Signage-** Signs placed in or on the Mobile Food Facility are permitted. Banners, windfeathers, vehicle signs or other free standing signage is prohibited. Vehicle signs used for the purpose of identifying an on-site business, directional information to an on-site business are prohibited if the vehicle on which the sign is displayed is not used for business activities and the primary purpose of such vehicle is the display of signs.
- 9) **Accessibility-** The Mobile Food Facility shall maintain vehicular and pedestrian circulation and access consistent with the American with Disabilities Act and all local and state regulations.
- 10) **Restroom Requirements-** Mobile Food Facilities that are parked and are conducting business in one location for a period longer than one hour must be situated within 200 feet travel distance of a legally approved restroom. Portable restrooms shall be prohibited for the use of employees or customers.
- 11) **Special Events-** Mobile Food Facilities operating as part of a special event permitted by the City shall comply with the requirements of the approved permit.
- 12) **Vending in Public Parks or Facilities-** Mobile Food Facilities desiring to vend from public parks or facilities are required to obtain a permit from Parks and Recreation pursuant to Section 19-40 of the City Code. The City reserves the right to rotate vendors on a monthly basis.

c) Regulations for Mobile Food Facility – Limited

- 1) **Eligible Zones-** Mobile Food Facilities where food preparation is limited, which includes hot dog carts, snow cones, coffee carts, kettle corn/popcorn shall be allowed to operate on private property with written authorization of the property owner(s) within the following zoning designations: CC (Civic Center), CD (Downtown Commercial), CN (Neighborhood Commercial), CG (General Commercial), CT (Tourist Commercial), CH (Heavy Commercial), ML (Light Manufacturing), MBP (Manufacturing Business Park), MG (General Manufacturing).

- 2) **Vending from the right-of-way-** Mobile Food Facilities where food preparation is limited, may park and operate on public right of way for no more than two (2) hours except when the following apply:
 - a) When the posted speed limit on the public street is greater than 35 miles per hours;
 - b) When the Mobile Food Facility is parked in violation of any other provision of this Code, or the California Vehicle Code;
 - c) When the prospective customer is located in that portion of the street or alley which is open to vehicular traffic.
- 3) **Site Furniture-** Tables and chairs shall be allowed within the mobile food facility's designated space as defined in the site plan. Tables and chairs shall not be permanently affixed and shall be moveable. Portable restrooms, fences, or other site furniture (permanent or otherwise) shall be prohibited. If vending from the right of way, no site furniture shall be allowed.
- 4) **Parking & Parking Lot Requirements-** The site where a Mobile Food Facility is parked shall consist of a paved surface with adequate parking and maintained in a safe and clean manner at all times.
- 5) **Exterior Storage & Refuse-** Exterior storage, equipment or materials associated with the Mobile Food Facility is prohibited, unless expressly allowed in this article. All refuse shall be removed from the vending site and properly disposed of within 30 minutes of the close of vending for the day at the site. A minimum of one thirty-two (32)-gallon liter receptacle within fifteen (15) feet of the vehicle or cart shall be provided. The receptacle will serve both employees and customers. The Mobile Food Facility vendor shall maintain the subject property and any adjacent right-of-way free of litter on and within one hundred (100) feet of the vending site and shall be taken to the commissary for disposal.
- 6) **Security-** The vendor shall install signage indicating that loitering is not permitted and customers may only remain on the lot for up to thirty (30) minutes after receiving their food. The vendor shall enforce the no-loitering rule. The serving or consumption of alcohol shall be prohibited at vending sites.
- 7) **Accessibility-** The Mobile Food Facility shall maintain vehicular and pedestrian circulation and access consistent with the American with Disabilities Act and all local and state regulations.
- 8) **Illumination & Lighting-** No lighting, except localized lighting that is used on or in the Mobile Food Facility for the purpose of inside food preparation and menu illumination.
- 9) **Signage-** Signs placed in or on the Mobile Food Facility are permitted. Banners, windfeathers, or other free standing signage is prohibited.
- 10) **Restroom Requirements-** Mobile Food Facilities that are parked and are conducting business in one location for a period longer than one hour must be situated within 200 feet travel distance of a legally approved restroom. Portable restrooms shall be prohibited for the use of employees or customers.
- 11) **Special Events-** Mobile Food Facilities operating as part of a special event permitted by the City shall comply with the requirements of the approved permit.
- 12) **Vending in Public Parks or Facilities -** Mobile Food Facilities desiring to vend from public parks or facilities are required to obtain a permit from Parks and Recreation pursuant to Section 19-40 of the City Code. The City reserves the right to rotate vendors on a monthly basis.

d) Regulations for Mobile Food Facility – Non-processing

- 1) **Eligible Zones-** Non-processing Mobile Food Facilities are those that sell pre-packaged foods. These types of Mobile Food Facilities typically include ice cream trucks, and paleta carts. Ice cream trucks and paleta carts are not allowed to vend from private property and are not allowed to be stationary for more than two (2) hours.
- 2) **Vending from the right-of-way-** Non-processing Mobile Food Facilities where foods are commercially prepackaged are allowed to park and operate on public right of way for no more than two (2) hours except when the following apply:
 - a) When the posted speed limit on the public street is greater than 35 miles per hour;
 - b) When the Mobile Food Facility is parked in violation of any other provision of this Code, or the California Vehicle Code;
 - c) When the prospective customer is located in that portion of the street or alley which is open to vehicular traffic.
- 3) **Site Furniture-** No site furniture shall be allowed.
- 4) **Noise-** Sound from ice cream trucks shall comply with the noise regulations of the residential zone.
- 5) **Special Events-** Mobile Food Facilities operating as part of a special event permitted by the City shall comply with the requirements of the approved permit.
- 6) **Vending in Public Parks or Facilities-** Mobile Food Facilities desiring to vend from public parks or facilities are required to obtain a permit from Parks and Recreation pursuant to Section 19-40 of the City Code. The City reserves the right to rotate vendors on a monthly basis.

e) Regulations for Mobile Food Courts

- 1) **Eligible Zones-** A mobile food court is a parcel of land where two or more mobile food businesses congregate to offer food or beverages. Mobile food courts require a conditional use permit in the commercial, manufacturing and civic center zones and are not allowed by right in any zone.
- 2) **Number of Vendors-** One food truck per 1,000 square feet of parcel area.
- 3) **Business License-** No vendor shall operate unless a City business license has been issued to that vendor and a health inspection permit has been issued for each vendor.
- 4) **Signage-** A sign plan for the mobile food court shall be submitted for review and approval as part of the conditional use permit process. The plan shall provide information relating to permanent signs for the court, as well as individual signs for each business.
- 5) **Parking-** A mobile food court shall include 2 spaces per business (i.e. 4 mobile food facilities = 8 parking spaces required).
- 6) **Restroom Requirements-** A minimum of one accessible public restroom for men and one for women shall be provided onsite during all hours the food truck venue is in operation. The restroom shall include hand washing facilities.
- 7) **Vending Operations-** All the proposed activities shall be conducted on private property owned or otherwise controlled by the applicant through a lease agreement and that none of the activities will occur on public right of way. The food court shall not impede pedestrian or vehicular traffic in the public right of way. The operation shall at all times be conducted in a manner not detrimental to

surrounding properties or residents by reason of lights, noise, activities, parking or other actions. The applicant shall prohibit loitering at the site and shall control noisy patrons onsite. No amplified music or loudspeakers shall be permitted. The operation shall at all times comply with the noise limits established in Section 17.1-4 of the municipal code.

- 8) **Refuse and Recycling-** Refuse and recycling containers shall be provided onsite during all hours of food truck operations. All litter generated by the food truck operation shall be picked up within a minimum 100-foot radius of the site prior to closure.
- 9) **Maximum Term-** The term of the permit authorized by this section for mobile food courts shall not exceed three (3) years.
- 10) **Health Permit-** All activities associated with a mobile food court shall comply with the rules and regulations of the Imperial County Public Health Department.
- 11) **Site Plan-** A detailed site plan shall be provided that demonstrates the following:
 - i. The location and orientation of each vendor pad;
 - ii. The location of any paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirements;
 - iii. The location of all existing and proposed activities onsite;
 - iv. The circulation of all pedestrian and vehicle traffic on the site;

Sec. 11-96. Prohibited Conduct for Mobile Food Facilities.

- a) No food shall be displayed or sold from any place other than the permitted Mobile Food Facility at any time. No additional tables shall be allowed for sales, storage, preparation or distribution in the area adjacent to the Mobile Food Facility except when operating at an approved community event or with prior approval from Department of Public Health.
- b) No person shall operate, or cause to be operated, any Mobile Food Facility with sound amplifying equipment, unless it complies with the noise limits established in Section 17.1-4 of the municipal code.
- c) No lighting, except localized lighting that is used on or in the Mobile Food Facility for the purpose of inside food preparation and menu illumination.
- d) No signs other than those exhibited on or in the Mobile Food Facility.
- e) No selling or serving of alcohol.
- f) No verbal solicitation of business from pedestrians or persons in vehicles, and no sale to persons in vehicles.
- g) No obstruction or interference with the free flow of pedestrian or vehicular traffic, including but not limited to access to or from any parking lot, business, public building, or dwelling unit.
- h) The mobile food vendor shall not discharge any liquid (e.g., grease, oil, water) onto or into city streets, storm drains, catch basins, or sewer facilities.
- i) No restriction of visibility area sight distance at any driveway or intersection as established in Section 29-143(11) of the municipal code.
- j) No Mobile Food Facility operating on private property that processes foods shall be stationary for a period longer than 12 hours. The Mobile Food Facility shall be removed from the business location(s) daily and shall be stored at the commissary's location or other location approved by the City.

Sec. 11-97. Temporary Uses and Special Events.

Mobile food vending as a Temporary Use, as listed in Section 29-225 of the City Code, shall be subject to the permitting requirements of Section 29-226 of the City Code. Mobile food vending as part of a Special Event shall be subject to the Special Event permitting requirements of the Parks and Recreation Division, as set forth in Section 29-225(k) of the City Code. All mobile food vendors operating as a Temporary Use or within a Special Event shall be required to apply and obtain a Business License prior to the date(s) of the Temporary Use or Special Event, excepting vendors exempted from the Business License requirement in Section 16-21 of this Article.

Sec. 11-98. Public Nuisance Declaration.

- a) Any violation of this ordinance is hereby declared to be unlawful and a public health nuisance and may be abated by the City, irrespective of any other remedy provided in this chapter.

Sec. 11-99. Criminal Penalties.

- a) Any person violating any provision of this ordinance shall be guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense per day during which any violation of this ordinance is committed or allowed to exist.
- b) Any individual convicted of a violation of this ordinance shall be:
 - 1) Guilty of an infraction and punished by a fine of not less than fifty dollars (\$50.00), but not exceeding one hundred dollars (\$100.00) for the first offense.
 - 2) Guilty of an infraction and punished by a fine of not less than one hundred dollars (\$100.00), but not exceeding two hundred dollars (\$200.00) for the second offense.
 - 3) The third and subsequent offenses shall constitute misdemeanor and shall be punishable by a fine of not less than five hundred dollars (\$500.00), but not exceed one thousand dollars (\$1,000.00), imprisonment of up to six months in the county jail, or both.
 - 4) Notwithstanding subsections (a.) and (b.) above, the first or second offense may be charged and prosecuted as misdemeanor.
- c) Payment of any penalty herein shall not relieve any individuals from the responsibility of correcting the violations as found by the enforcement officer.
- d) Any person found not in compliance with state law and/or this ordinance is subject to citation, permit suspension/revocation, lien, or other legal action as deemed necessary by the City or Public Health Department.

Sec. 11-100. Severability.

The provisions of this Article are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of this Article, or the application thereof, to any person, establishment or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Article.

SECTION 2. The City Council hereby designates the Office of the City Attorney to prepare a summary of this Ordinance and said summary shall be published and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted.

SECTION 3. This Ordinance shall take effect thirty (30) days from and after its adoption. Within fifteen (15) days after adoption, a summary of this Ordinance shall be published once in a newspaper, published and circulated within the City of El Centro, California, and there shall be posted in the Office of the City Clerk a certified copy of the full text of this Ordinance.

INTRODUCED at a regular meeting of the City Council of the City of El Centro, California, held on the 2nd day of August, 2016.

PASSED AND ADOPTED at an adjourned regular meeting of the City Council of the City of El Centro, California, held on the 9th day of August, 2016.

CITY OF EL CENTRO

By _____
Jason Jackson, Mayor

ATTEST:

By _____
L. Diane Caldwell, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

By _____
Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) ss
CITY OF EL CENTRO)

I, L. Diane Caldwell, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Ordinance No. 16 -07 had its first reading on August 2, 2016, and had its second reading on August 9, 2016 and was passed by the following vote:

AYES: Silva, Cardenas, Jackson, Garcia
NOES: None
ABSENT: Viegas-Walker
ABSTAINED: None

AYES: Cardenas, Jackson, Garcia
NOES: None
ABSENT: Silva, Viegas-Walker
ABSTAINED: None

By _____
L. Diane Caldwell, City Clerk