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ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING CHAPTER 5.36 OF THE RIVERSIDE MUNICIPAL CODE
REGARDING REGULATION OF MOBILE FOOD VENDORS.

The City Council of the City of Riverside does ordain as follows:

Section 1: Section 5.36.010 of the Riverside Municipal Code is hereby amended as follows:

“Section 5.36.010 Findings.

The City Council finds as follows:

A. Mobile food vending has the potential to foster an active and social pedestrian environment in communities throughout the City; however, vending vehicles can also pose create certain special dangers to the public health, safety and welfare if not adequately regulated. of residents of the City.

...

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

...

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

EF. The City has an important and substantial public interest in providing regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community.”

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1 Section 2: Section 5.36.030 of the Riverside Municipal Code is hereby amended as
2 follows:

3 **“Section 5.36.030 Definitions.**

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

6 A. “Alley” means any highway having a roadway not exceeding 25 feet in width which is
7 primarily used for access to the rear or side entrances of abutting property.

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

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

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

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

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

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

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

1 H. “Street” or “highway” means the entire width between the property lines of every way
2 publicly maintained when any part thereof is open to the use of the public for purposes of
3 vehicular travel.

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

6 J. "Vending vehicle" means and refers to any self-propelled, motorized device by which any
7 person or property may be propelled or moved upon a highway, excepting a device moved
8 exclusively by human power, or which may be drawn or towed by a self-propelled, motorized
9 vehicle, or used exclusively upon stationary rails or tracks, from which foodstuffs are sold,
10 displayed, solicited or offered for sale, bartered, exchanged, given or otherwise.”

11 Section 3: Section 5.36.065 of the Riverside Municipal Code is hereby added as follows:

12 “Section 5.36.065 Hours of Operation.

13 Mobile food merchants shall operate in accordance with the following:

14 a. In residential only areas, mobile food merchants may operate from sunrise to
15 sunset.

16 b. In all other areas, mobile food merchants may operate from sunrise to
17 midnight.”

18 Section 4: Section 5.36.070 of the Riverside Municipal Code is hereby amended as
19 follows:
20

21 “Section 5.36.070 Sales from vending vehicles.

22 A. No mobile food merchant shall sell, display, solicit, barter, gift, or exchange or otherwise,
23 any foodstuff or other item, from a vending vehicle within the corporate limits of the City of
24 Riverside, except as set forth in this Code.

25 BA. Vending vehicles must be brought to a complete stop and be lawfully parked adjacent to
26 the curb consistent with Vehicle Code 22500 and the provisions of Title 10 of this Code prior to
27 initiating vending operations.
28

1 C. Vending vehicles shall not be left unattended or parked overnight in the public right-of-
2 way.

3 D. Vending vehicles shall not park within 100 feet of intersections, traffic signals, and marked
4 or unmarked crosswalks when making a sale or attempting to make a sale.

5 E. Vending vehicles shall not operate out of metered parking stalls and shall respect all curb
6 markings, including but not limited to loading zones, bus stops, and restricted parking areas.

7 F. Vending vehicles shall not operate within any designated bikeway, bike lane, or bicycle
8 parking area.

9 G. Sales from vending vehicles parked along streets shall only occur out of the portion of the
10 vending vehicle that faces the sidewalk, or that portion opposite moving traffic. No sales shall be
11 made to persons standing in the portion of the roadway open to other vehicles.

12 ~~HB. No mobile food merchant shall sell, display, solicit, barter, gift, or exchange or otherwise,~~
13 ~~any item, other than pre-packaged food from a vending vehicle within the corporate limits of the~~
14 ~~City of Riverside as set forth in this Code. No mobile food merchant shall operate in a manner~~
15 ~~that blocks or obstructs the free movement of pedestrians or vehicles.~~

16 I. No mobile food merchant shall place any sign, chair, table, umbrella or other object in the
17 public right of way, which would obstruct pedestrian or vehicle traffic.

18 J. The Director of Public Works may from time to time create no parking zones, adjust
19 parking space sizes, and impose parking time limits upon vending vehicles in areas that the
20 Director deems necessary for the safe passage of pedestrians and vehicles.

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

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

26 ~~E.L.~~ Mobile food merchants operating a vending vehicle must pick up, remove and dispose of
27 all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials at one time
28 dispensed from the vending vehicle, and any residue deposited on the street from the operation

1 thereof, and shall otherwise maintain in a clean and debris-free condition the entire area within a
2 25-foot radius of the location where mobile food vending is occurring.

3 M. No vending vehicle shall stop or conduct business in any designated alley.

4 N. Ice cream vending. Mobile food merchants engaged in vending ice cream and similar food
5 items in residential neighborhoods shall comply with California Vehicle Code Section 22456, as
6 may be amended from time to time.

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

12 ~~G. No mobile food merchant shall operate in any public park in violation of Section~~
13 ~~9.08.010 of this Code.”~~

14 Section 5: Section 5.36.075 of the Riverside Municipal Code is hereby added as follows:

15 “Section 5.36.075 Special restrictions for Parks.

16 A. Mobile food merchants are prohibited from vending in City parks where the City
17 Manager or his or her designee has signed an agreement for concessions that exclusively
18 permit the sale of food or merchandise by the concessionaire.

19 B. Vending vehicles are prohibited at the following regional reserve/open space parks:

20 1. Box Springs Mountain Open Space.

21 2. Challen Park Open Space.

22 3. Mount Rubidoux Park and San Andreas Avenue/Glenwood Drive between
23 Tequesquite Avenue and Fourteenth Street.

24 4. Pachappa Hill Open Space.

25 5. Quail Run Open Space.

26 6. Sycamore Canyon Wilderness Park.

1 This prohibition is made upon the City Council’s consideration of objective health, safety,
2 and welfare concerns; the necessity of ensuring the public’s use and enjoyment or natural
3 resources and recreational opportunities, and the necessity of preventing an undue
4 concentration of commercial activity that would unreasonably interfere with the scenic and
5 natural character of the aforementioned parks.”

6 Section 6: Section 5.36.085 of the Riverside Municipal Code is hereby added as follows:

7 “Section 5.36.085 Mobile food merchants on private property.

8 Vending vehicles may operate on private property, provided no City, State or Federal
9 ordinances, laws or regulations are violated, based on the following additional minimum
10 standards and conditions:

11 A. Location.

12 1. No more than two vending vehicles shall be permitted on any private lot in
13 the following zones, as defined in Title 19 – Article V Base Zones of the Riverside Municipal
14 Code: O – Office, CG – Commercial General, CR – Commercial Retail, CRC – Commercial
15 Regional Center, MU-V – Mixed-Use Village, MU-U – Mixed-Use Urban, BMP – Business
16 and Manufacturing Park, I – General Industrial, AI – Air Industrial Zone, AIR – Airport
17 Zones and any zone within a Specific Plan that allows commercial uses.

18 2. Permission from the private property owner to operate on the property.
19 The vending vehicle shall bear the burden of showing compliance with this requirement.

20 B. Parking.

21 1. No overnight parking of vending vehicles shall be allowed on the
22 private property.

23 2. A minimum of two off-street parking spaces shall be provided for each
24 vending vehicle.

1 3. The parking required herein shall not be reserved, encumbered, or
2 designated to satisfy the off-street parking of another business or activity that is operating
3 on the site at the same time as the vending vehicle.”

4 Section 7: Section 5.36.090 of the Riverside Municipal Code is hereby amended as
5 follows:

6 **“Section 5.36.090 Exception.**

7 Any mobile food merchant identified in an application for a special event submitted pursuant
8 to Chapter 2.28 of this Code or any other City sponsored or approved event shall be exempt from
9 the requirements of this chapter pertaining to mobile food vending, provided that the vending
10 vehicle is parked for the duration of the special event to conduct its business.

11 Any mobile food merchant who has not been granted a permit to operate in a special event must
12 remain 200 feet away from the boundary of the special event for the duration of the event.”

13 Section 8: The City Council has reviewed the matter and, based upon the facts and
14 information contained in the staff reports, administrative record, and written and oral testimony,
15 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),
16 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title
17 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change
18 in the environment nor have a significant impact on the environment.

19 Section 4: The City Clerk shall certify to the adoption of this ordinance and cause
20 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter
21 of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its
22 adoption.

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ADOPTED by the City Council this _____ day of _____, 2022.

PATRICIA LOCK DAWSON
Mayor of the City of Riverside

Attest:

DONESIA GAUSE
City Clerk of the City of Riverside

I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the _____ day of _____, 2022, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the _____ day of _____, 2022, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this _____ day of _____, 2022.

City Clerk of the City of Riverside

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