

## CHAPTER 5.36 - REGULATION OF MOBILE FOOD VENDORS

## 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 create certain dangers to public health, safety and welfare if not adequately regulated.
- B. The act of looking for prospective buyers while operating a vending vehicle makes the operator less attentive to pedestrian and vehicular traffic. When done on public roadways, this poses obvious traffic and safety risks to the public which the City seeks to prevent.
- C. Vending vehicles parked in highly congested areas may exacerbate traffic problems and obstruct sidewalks. This may create safety issues for pedestrians who may run across public roadways attempting to access the vendors. This is especially true of school sites when children are coming to and going from school.
- D. Mobile food vendors who fail to park their vending vehicles correctly during a transaction attract prospective buyers onto public roadways, creating a further traffic and public safety hazard.
- E. The 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.
- F. The City has an important and substantial public interest in providing regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community.

(Ord. 7581 § 1, 2022; Ord. 7112 §1, 2011)

## 5.36.020 - Authority.

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

(Ord. 7112 §1, 2011)

#### 5.36.030 - Definitions.

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

- A. "Alley" means any highway having a roadway not exceeding 25 feet in width which is primarily used for access to the rear or side entrances of abutting property.
- B. "Beverages" means and refers to a liquid for drinking that does not contain alcohol.
- C. "Food" or "foodstuff" means and refer to any substance as defined by Section 113781 of the California Health and Safety Code, defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.
- D. "Food preparation" means and refers to packaging, processing, assembling, portioning, or any operation that changes the form, flavor, or consistency of food, but does not include trimming of produce, as set forth by Section 113791 of the California Health and Safety Code.
- E. "Mobile food merchant" means and refers to any individual that operates or assists in the operation of a vending vehicle in the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise of foodstuffs from a vending vehicle.
- F. "Mobile food vending" means and refers to the sale, display, solicitation or offer for sale, barter, exchange, gift or otherwise, of foodstuffs from any vending vehicle.
- G. "School" means and refers to any elementary school, middle school, junior high school, four-year high school, senior high school, continuation high school, or any branch thereof.
- H. "Street" or "highway" means the entire width between the property lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
- I. "Vending operations" means and refers to the sale, display, solicitation, offer for sale, barter, exchange, gift or otherwise of foodstuffs from a vending vehicle.
- J. "Vending vehicle" means and refers to any self-propelled, motorized device by which any person or property may be propelled or moved upon a highway, excepting a device moved exclusively by human power, or which may be drawn or towed by a self-propelled, motorized vehicle, or used exclusively upon stationary rails or tracks, from which foodstuffs are sold, displayed,

solicited or offered for sale, bartered, exchanged, given or otherwise.

(Ord. 7581 § 2, 2022; Ord. 7112 §1, 2011)

#### 5.36.040 - Compliance with State and local laws.

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

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

(Ord. 7112 §1, 2011)

#### 5.36.050 - Business Tax Certificate required.

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

(Ord. 7112 §1, 2011)

#### 5.36.060 - Environmental Health Permit required.

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

(Ord. 7112 §1, 2011)

#### 5.36.065 - Hours of operation.

Mobile food merchants shall operate in accordance with the following:

- a. In residential only areas, mobile food merchants may operate from sunrise to sunset.
- b. In all other areas, mobile food merchants may operate from sunrise to midnight.

(Ord. 7581 § 3, 2022)

5.36.070 - Sales from vending vehicles.

- A. No mobile food merchant shall sell, display, solicit, barter, gift, or exchange or otherwise, any foodstuff or other item, from a vending vehicle within the corporate limits of the City of Riverside, except as set forth in this Code.
- B. Vending vehicles must be brought to a complete stop and be lawfully parked adjacent to the curb consistent with Vehicle Code 22500 and the provisions of Title 10 of this Code prior to initiating vending operations.
- C. Vending vehicles shall not be left unattended or parked overnight in the public right-of-way.
- D. Vending vehicles shall not park within 100 feet of intersections, traffic signals, and marked or unmarked crosswalks when making a sale or attempting to make a sale.
- E. Vending vehicles shall not operate out of metered parking stalls and shall respect all curb markings and posted signage including, but not limited to loading zones, bus stops, and restricted parking areas.
- F. Vending vehicles shall not operate within any designated bikeway, bike lane, or bicycle parking area.
- G. Sales from vending vehicles parked along streets shall only occur out of the portion of the vending vehicle that faces the sidewalk, or that portion opposite moving traffic. No sales shall be made to persons standing in the portion of the roadway open to other vehicles.
- H. No mobile food merchant shall operate in a manner that blocks or obstructs the free movement of pedestrians or vehicles.
  - I. No mobile food merchant shall place any sign, chair, table, umbrella or other object in the public right-of-way, which would obstruct pedestrian or vehicle traffic.
  - J. The Director of Public Works may from time to time create no parking zones, adjust parking space sizes, and impose parking time limits upon vending vehicles in areas that the Director deems necessary for the safe passage of pedestrians and vehicles.
- K. Mobile food merchants operating a vending vehicle must provide or have garbage receptacles readily available for immediate use by customers of the vending vehicle.
- L. Mobile food merchants operating a vending vehicle must pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials at one time dispensed from the vending vehicle, and any residue deposited on the street from the operation thereof, and shall otherwise maintain in a clean and debris-free condition the entire area within a 25-foot radius of the location where mobile food vending is occurring.

- M. No vending vehicles shall stop and conduct business in any designated alley, except when an encroachment permit and traffic control plan is approved by the City Traffic Engineer and Fire Marshal.
- N. Ice cream vending. Mobile food merchants engaged in vending ice cream and similar food items in residential neighborhoods shall comply with California Vehicle Code Section 22456, as may be amended from time to time.

(Ord. 7581 § 4, 2022; Ord. 7112 §1, 2011)

#### 5.36.075 - Special restrictions for parks.

- A. Mobile food merchants are prohibited from vending in City parks where the City Manager or his or her designee has signed an agreement for concessions that exclusively permit the sale of food or merchandise by the concessionaire.
- B. Vending vehicles are prohibited at the following regional reserve/open space parks:
  - 1. Box Springs Mountain Open Space.
  - 2. Challen Park Open Space.
  - 3. Mount Rubidoux Park and San Andreas Avenue/Glenwood Drive between Tequesquite Avenue and Fourteenth Street.
  - 4. Pachappa Hill Open Space.
  - 5. Quail Run Open Space.
  - 6. Sycamore Canyon Wilderness Park.

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

(Ord. 7581 § 5, 2022)

#### 5.36.080 - Sales to children near school grounds.

In accordance with Section 9.04.210 of this Code, it is unlawful for every mobile food merchant to sell or offer for sale, display, solicit, barter, exchange, gift or otherwise, any food and/or beverages to any minor child, attending any of the public or private schools within the City, on the street or from other public places within 1,000 feet of the exterior boundaries of land on which is located any public or

private school or pre-school building within the City between the hours of 7:00 a.m. and 4:00 p.m. of any school day.

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

(Ord. 7112 §1, 2011)

#### 5.36.085 - Mobile food merchants on private property.

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

##### A. Location.

1. No more than two vending vehicles shall be permitted on any private lot in the following zones, as defined in Title 19 - Article V Base Zones of the Riverside Municipal Code: O - Office, CG - Commercial General, CR - Commercial Retail, CRC - Commercial Regional Center, MU-V - Mixed-Use Village, MU-U - Mixed-Use Urban, BMP - Business and Manufacturing Park, I - General Industrial, AI - Air Industrial Zone, AIR - Airport Zones and any zone within a Specific Plan that allows commercial uses.
2. Permission from the private property owner to operate on the property. The vending vehicle shall bear the burden of showing compliance with this requirement.

##### B. Parking.

1. No overnight parking of vending vehicles shall be allowed on the private property.
2. A minimum of two off-street parking spaces shall be provided for each vending vehicle.
3. The parking required herein shall not be reserved, encumbered, or designated to satisfy the off-street parking of another business or activity that is operating on the site at the same time as the vending vehicle.

(Ord. 7581 § 6, 2022)

#### 5.36.090 - Exception.

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

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

(Ord. 7581 § 7, 2022; Ord. 7112 §1, 2011)

#### 5.36.100 - Severability.

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

(Ord. 7112 §1, 2011)