

City of Desert Hot Springs

City Council

AGENDA ITEM REPORT



To: City Council
Date: May 21, 2024
Department: Code & Cannabis Compliance
Prepared by: Christina Newsom, Compliance Director
Subject: **An Ordinance Amending Mobile Food Facility, Street Vendor, and Peddler Regulations.**

RECOMMENDATION:

Approve First Reading and read by title only: "An Ordinance of the City Council of the City of Desert Hot Springs, amending Title 5 "Business License and Regulations" of Chapter 5.28 "Sidewalk Vendors and Peddlers" and Chapter 5.52 "Mobile Food Facilities" of the Desert Hot Springs Municipal Code."

BACKGROUND:

In May of 2021, the City of Desert Hot Springs adopted an ordinance regulating sidewalk vendors in accordance with SB 946. SB 946 established a legal framework for sidewalk vending while not altering how retail food sales are treated. Existing law allows for "time, place and manner" regulations based on objective health, safety, and welfare concerns, and doesn't change how retail food sales are treated. Section 5.28.085 of the Desert Hot Springs Municipal Code provides regulations for sidewalk vendors, including, but not limited to hours of operation, permissible locations, and several safety regulations as they pertain to street vendors to ensure public health, safety, and welfare.

In February of 2022, SB972 modernized the California Retail Food Code (CRFC) to include sidewalk food vendors and bring thousands of micro-entrepreneurs into a more equitable and well-regulated food economy while enhancing critical health and food safety regulation. In communities all around California, street food vendors play a vital role in the local economy and culture. However, many of the state's most well-known and iconic street foods continue to be prohibited because of antiquated and discriminatory laws.

SB 972 reforms the CRFC by decreasing the barriers to obtaining a local health permit, which supports food vendors, opening up economic opportunities for low-income entrepreneurs, and improving food safety and public health for consumers. Specifically, SB 972 defines compact mobile food facilities(CMFOs) to incorporate sidewalk vendors into the CRFC, and makes small changes to the microenterprise home kitchen operation and the Cottage Food Operation laws to allow sidewalk food vendors to access these existing programs.

Furthermore, SB 972:

- 1) Removes unnecessary and expensive equipment requirements, such as sinks, for sidewalk food vendors;
- 2) Increases the discretion of local health departments to approve innovative equipment design for all mobile food facilities;
- 3) Enhances safe on-site food preparation of non-potentially hazardous foods, including healthy food like sliced fruit and vegetables;
- 4) Induces the manufacturing of safe and affordable sidewalk food vending equipment at scale;
and
- 5) Replaces harsh criminal penalties with non-criminal administrative fines for code violations.

DISCUSSION:

If approved the proposed ordinance would:

- Comply with SB 972.
- Align Desert Hot Springs regulations related to Sidewalk Vendors and Mobile Food Facilities with State law and County regulations and procedures.
- Re-define Mobile Food Facilities definitions to align with Riverside County's Environmental Health.
- Establish new regulations for roaming sidewalk vendors that meet the definition of a Compact Mobile Food Operator.
- Establish Category 3 Mobile Food Facilities (Ice Cream Trucks) to be regulated as a Mobile Food Facility with specific exemptions.
- Amend regulations for Peddlers to limit the sale of food to Sidewalk Vendors and Mobile Food Facilities.
- Establish a less burdensome process for Mobile Food Facilities to vend from private properties.
- Establish that Temporary Food Facilities are prohibited in the City other than at duly approved Community Events or Special Events.

FISCAL IMPACT:

None.

ATTACHMENTS:

- 1) [Draft Food Vendors Ordinance](#)

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, AMENDING TITLE 5 BUSINESS LICENSE AND REGULATIONS OF CHAPTER 5.28 SIDEWALK VENDORS AND PEDDLERS AND CHAPTER 5.52 MOBILE FOOD VENDING VEHICLES

WHEREAS, the City of Desert Hot Springs (“City”) is a charter city organized pursuant to Article XI of the California Constitution; and

WHEREAS, in 2022 the California Legislature passed SB 972 which modernizes the California Retail Food Code by reducing the barriers to obtain a local health permit, which will support food vendors, opening up economic opportunities for low income entrepreneurs and improving food safety and public health for consumers; and

WHEREAS, Chapter 5.28 “Sidewalk Vendors,” of the Desert Hot Springs Municipal Code (“DHSMC”) currently regulates sidewalk vendors; and

WHEREAS, Chapter 5.52 “Mobile Food Vending Vehicles,” of the Desert Hot Springs Municipal Code (“DHSMC”) currently regulates mobile food vending vehicles; and

WHEREAS, the City Council seeks to amend regulations to align with SB 972; and

WHEREAS, the City Council seeks to amend regulations to align with Riverside County Environmental Health; and

WHEREAS, the City Council seeks to create more opportunities for food vendors to operate within the City; and

WHEREAS, mobile food vendors provide a greater diversity of dining options within the City and encourage tourism and commercial activity; and

WHEREAS, the City Council seeks to define further food vendor types in accordance with State law.

WHEREAS, the City Council seeks to amend the current regulatory framework for food vendors in the City of Desert Hot Springs to protect the health and safety of the public.

WHEREAS, the City Council finds that the adoption of this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the adoption of this Ordinance in question may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS DOES ORDAIN AS FOLLOWS:

Section 1. RECITALS.

The Recitals are hereby incorporated by this reference.

Section 2.

AMENDMENT OF CHAPTER 5.52 (MOBILE FOOD VENDING VEHICLES) OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE DESERT HOT SPRINGS MUNICIPAL CODE

CHAPTER 5.52

MOBILE FOOD FACILITIES ~~VENDING VEHICLES~~

§ 5.52.010. Definitions.

For the purposes of this chapter, the definitions in this section are adopted and made a part thereof:

“Commissary” means a food facility or other approved location 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 or stored.**
- 4) Liquid and solid wastes are disposed, or potable water is obtained.**

“Community Event” means an event conducted for not more than 25 consecutive or nonconsecutive days in a 90-day period and that is of civic, political, public or educational in nature, including state and county fairs, city festivals, circuses and other public gatherings events approved by the local enforcement agency.

“Food” or “food products” means any type of edible victuals or beverage.

“Merchandise” means goods and wares containing a trademark associated with a person or entity operating a mobile food **facility vending vehicle**.

“Mobile food **facility vending vehicle**” means **any Category 3, 4, or 5 mobile food facility as defined by Riverside County Ordinance 580.8, as may be amended, that is equipped or primarily used for the preparation and retail sale of food on any public street, alley, parking lot, or highway within the City. The inventory of these vehicles need not be necessarily limited to produce, food, or confections. self-propelled or motorized device or vehicle by which any person or property may be propelled or moved upon a highway, or which may be drawn or towed by a self-propelled or motorized vehicle, from which food, food products, merchandise or prepackaged food are prepared, cooked, sold, offered for sale, displayed, bartered, exchanged or otherwise given by a vendor.**

“Mobile Support Unit” means a vehicle or conveyance used in conjunction with a commissary or other permanent food facility that travels to, and services, Mobile Food Facilities as needed to replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid or solid wastes.

“Prepackaged food” means any properly labeled and processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the

manufacturer, and prepared at an approved source.

“Special event” means an event or activity that is held or conducted pursuant to a special event permit approved by the City per the City’s Special Event Application Review Process as adopted by resolution of the City Council or a temporary use permit approved pursuant to Chapter 17.136 Temporary Use Permits.

“Temporary Food Facility” means an approved food facility that may be readily disassembled for storage or for transporting, and readily assembled to its original integrity at a different location, is easily movable, and operates at a fixed location for the duration of an approved community event or special event and only as a part of that community event or special event.

“Vend” or “vending” means to sell, offer for sale, display, barter, exchange, or otherwise give food, food products, merchandise, or prepackaged food from a mobile food **facility vending vehicle**.

“**Food Vendor**” means a person or entity who: **vends, including an employee or agent of a vendor.**

1. **Conduct or permits or causes the operation of mobile food facility.**
2. **Owns, operators, controls, manages, or leases, mobile food facility; or**
3. **Contracts with persons to drive and vend from mobile food facility.**

§ 5.52.020. Mobile food facility vending vehicle permit.

- A. No mobile food **facility vending vehicle or vendor or** may vend in the City without first obtaining and having in his or her possession an annual mobile food **facility vending vehicle** permit issued by the City in accordance with this chapter.
- B. To obtain a mobile food **facility vending vehicle** permit, **a food** vendor must complete a permit application on the form approved by the City and file it with the City. The application form shall require the following information:
 1. Applicant’s full name and address.
 2. **Proof of applicant’s identity. A copy of the valid California Driver’s license issued to the vendor, a copy of the individual taxpayer identification number issued to the vendor or a municipal identification number. Any such identification number(s) or license(s) collected shall not be available to the public for inspection and shall remain confidential and not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.**
 3. Proof of insurance coverage satisfactory to City.
 4. A brief description of the type of food products and any merchandise to be sold. This shall include the nature, character and quality of the product.
 5. The location and/or streets where the applicant plans to vend.
 6. If applicant is employed by another to vend, the name and business

address of the employer.

7. A description of the **mobile food facility vending vehicle**, including logo and color scheme, its registration number, and its license number.
 8. A copy of a current Riverside County **Department of Environmental Health Permit**.
 9. A copy of the applicant's City business license.
 - ~~10. **A certification that the vendor will comply with all local, State and Federal laws regarding food product vending, including all applicable sales tax requirements and this chapter.**~~
 - ~~11. **Any other information deemed appropriate by the City**~~
 12. **A photograph of the mobile food facility and if applicable any mobile support units used in operation.**
 13. **Riverside County Environmental Health permitted commissary-approved facility information.**
 14. **Commissary agreement letter.**
 15. **A certification that the vendor will comply with all local, State and Federal laws regarding food product vending, including all applicable sales tax requirements and this chapter.**
 16. **Any other information deemed appropriate by the City.**
- C. No application for a new or renewed mobile food **facility vending vehicle** permit shall be accepted unless the application is accompanied by a fee in an amount set by a City Council resolution.
- D. Upon receipt of a written application for a mobile food **facility vending vehicle** permit, the Community Development Director shall conduct an investigation as he or she deems appropriate to determine whether a mobile food **facility vending vehicle** permit should be approved. A permit shall be approved, conditionally approved, or denied within 30 calendar days of the filing of an application. The mobile food **facility vending vehicle** permit shall be denied if one or more of the following findings is made:
1. The applicant has made a false, misleading or fraudulent statement of fact, or made a material omission of fact, to the City in the application process.
 2. The application does not contain the information required by this chapter.
 3. The applicant has not satisfied the requirements of this chapter.
 4. The applicant has violated any provisions of this Code within the past year. This finding may be excused at the discretion of the Community Development Director if, after an investigation into the facts and circumstances of the prior violations, the Community Development Director determines that issuance of a mobile food **facility vending vehicle** permit

would not compromise public safety.

- E. The City may condition the approval of any mobile food **facility vending vehicle** permit to ensure compliance with this chapter and other applicable laws.
- F. Any mobile food **facility vending vehicle** permit shall be valid for the term of one year. Upon the expiration of the mobile food **facility vending vehicle** permit, an application for renewal shall be filed in a like manner as an application for an original mobile food **facility vending vehicle** permit, and such renewal permit shall be approved or conditionally approved only when the requirements for the issuance are met.
- G. Any mobile food **facility vending vehicle** permit may be suspended or revoked by the Community Development Director or designee for failure to comply with the terms of this chapter, or permit conditions. Such suspension or revocation shall be made with written notice to the permit holder, stating the grounds for the revocation and the procedures for appealing the same. The permit holder may appeal this decision by filing a written request for appeal with the City Clerk within 15 days of the date of the notice. Any revocation or suspension shall be stayed during the pendency of the appeal unless the immediate public health or safety requires otherwise. Failure to timely file a written request for an appeal hearing constitutes a waiver of the right to an appeal hearing. Selection of a hearing officer and the hearing shall be conducted pursuant to Sections 4.36.060 through 4.36.230 of the Desert Hot Springs Municipal Code, or successor sections. The decision of the hearing officer shall be final.
- H. A mobile food **facility vending vehicle** permit shall not be assignable or transferable.

§ 5.52.030. General regulations.

- A. General Regulations Pertaining to All Mobile Food **Facilities Vending Vehicles**. All mobile food **facilities vendor vehicles** must comply with all of the following:
 - 1. The vendor has a valid mobile food **facility vending vehicle** permit and business license from the City, including insurance as defined in subsection (A)(9).
 - 2. All food, food products, merchandise, and prepackaged foods that are prepared, stored, cooked, or displayed must be fully enclosed and contained within the mobile food **facility vending vehicle**. No open-air preparation of food or food products is permitted.
 - 3. The mobile food **facility vending vehicle** is in full compliance with all parking and Vehicle Code provisions which apply to the location at which it is parked.
 - 4. The mobile food **facility vending vehicle** shall remain parked and immobile while vending.
 - 5. The **food** vendor shall not encroach onto a public sidewalk with any part of its mobile food **facility vending vehicle** or any other equipment or furniture related to the operation of its business.

6. The mobile food **facility vending vehicle** has a valid permit, certificate, or other required approval from **the** Riverside County Department of **Environmental** Health.
7. All food products sold or provided from the mobile food **facility vending vehicle** shall comply with all applicable food labeling requirements established by the State of California and the **food** vendor must obtain all required permits, including, without limitation, health permits, to sell or provide such items.
8. No alcohol beverage, general merchandise or commercial sales other than food are permitted, other than company merchandise.
9. The **food** vendor shall maintain insurance, as deemed acceptable in the reasonable discretion of the City, and provide to the City written certification thereof, against liability for death or injury to any person and damage to property as a result of ownership, operation, or use of its mobile food facilities. In addition, the **food** vendor shall indemnify, defend and hold the City harmless from any claims arising out of or related to the vendor's ownership, operation, or use of its mobile food facilities, except as otherwise permitted by applicable law.
10. The **food** vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into any streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the vendor.
11. The **food** vendor shall comply with sound amplification regulations in Chapter 8.12 of this Code.
12. Vending of cannabis products of any kind is prohibited.
13. **Food** vendors and mobile food **facilities vending vehicles** shall comply with all applicable Federal, State, and local laws.
14. A **food** vendor may locate its mobile food **facility vending vehicle** on a street as long as the vendor adheres to the following standards and conditions: The mobile food **facility vending vehicle** does not obstruct pedestrian or vehicular traffic.
15. **Food** vending is prohibited on the exposed street and/or vehicular traffic side of the mobile food **facility vending vehicle**. The **food** vendor shall not distribute any item from the mobile food **facility vending vehicle** in a manner that causes any person to stand in that portion of the street that is between the vehicle and the center of the street. A mobile food **facility vending vehicle** is limited to two signs excluding exterior graphics. The exterior sign shall be secured at all times that the mobile food **facility vending vehicle** is moving. No sandwich board or other signs are permitted on the ground in the area or on the mobile food **facility vending vehicle**.
16. A mobile food **facility vending vehicle** may only stand or park in the public right-of-way within a commercial zone between the hours of 7:00 a.m. and 2:00 a.m. In all other zones, mobile food **facilities vending vehicles** may only stand or park in the public right-of-way between the hours of 9:00 a.m. and 9:00 p.m.
17. No **food** vendor shall engage in vending unless he or she maintains a clearly designated litter receptacle in the immediate vicinity of the mobile food **facilities vending vehicle**, marked with a sign requesting use by patrons.

Prior to leaving the location, the **food** vendor shall pick up, remove and dispose of all trash generated by the **food** vendor's operation located within a 25-foot radius of the mobile food **facility's vending vehicle's** location. This provision does not require picking up trash in the street in an unsafe manner.

- a. The exterior storage of refuse, equipment, or materials associated with the mobile food **facility vending vehicle** is prohibited.
 - b. Any mobile food **facility vending vehicle** licensed by the County of Riverside as a Category 4 (**Limited Food Preparation**)~~Non-Prepackaged Food Vehicle~~ or Category 5 (**Mobile Full** Food Preparation Unit) mobile food facility shall provide a minimum of one conspicuous trash receptacle within 20 feet of the vehicle. The trash receptacle will serve both employees and customers.
18. Each **food** vendor shall affix to the lower right side of the windshield of his or her mobile food **facility vending vehicle** a current grade card/decal issued by a the County of Riverside **Department of Environmental Health health inspector**. Additionally, a current mobile food **facility vending vehicle** permit must be prominently displayed on the vending side of their mobile food **facility vending vehicle**.
19. Each person who drives, operates, or vends from a mobile food **facility vending vehicle** shall maintain a current, valid California driver's license and a current Food Handler Certificate issued by the County of Riverside. The driver's license and Food Handler Certificate shall be presented for inspection upon request by law enforcement officials or code compliance officers upon request.
20. Pursuant to Health and Safety Code Section 114315, mobile food **facilities vending vehicles** shall be operated within 200 feet travel distance of an approved and readily available toilet and handwashing facility, or as otherwise approved by the City Manager, to ensure that restroom facilities are available to vendor employees whenever the mobile food **facility vending vehicle** is stopped to conduct business for more than a one-hour period.
21. Exceptions. This section shall not apply to:
- a. **Food** vending at construction sites.
 - b. **Food** vending on school property with the consent of school authorities.
 - c. **Food** vending on private property with consent of the property owner, lessee, or legal occupant, and with a valid temporary use permit.
- B. No **food** vendor may engage in vending or otherwise operate a mobile food **facility vending vehicle**:
1. On any street within a residential zone.
 - a. **Category 3 (Prepackaged Foods) mobile food facilities are exempt from this regulation.**
 2. On any street designated as part of a Safety Enhancement Zone pursuant to Chapter 12.28 of this Code.

3. Within 50 feet from the outer edge of any entrance of any business which serves food on private property during the hours such business is open to the public. This prohibition may be waived with the written consent of such business.
4. Within 30 feet of any street intersection controlled by a traffic light, crosswalk, or stop sign.
5. Within 30 feet of a bus stop.
6. Notwithstanding any other provision in this chapter, no mobile food **facility vending vehicle** may be located within 300 feet of the nearest property line of any property on which a public or private school building is located, between the hours of 7:00 a.m. and 5:00 p.m. of any school day.
7. Within 500 feet of the nearest property line of any school serving students 18 years of age or younger unless that school is a college, university, or vocational school that primarily serves students older than 18 years of age, unless the mobile food **facility vending vehicle** is associated with a certified farmers' market that is open at the time that the **mobile food facility food vending truck** is conducting business.
8. When the posted speed limit on the public street, alley or highway is greater than 35 miles per hour.

§ 5.52.040. Mobile food facility vending vehicle on public or private property (temporary uses).

- A. No mobile food **facility vending vehicle** may vend or locate on any private property or City-owned property except as permitted in this section. All permitted operations on private property or City-owned property shall otherwise comply with applicable operational standards set forth in this chapter.
- B. Mobile food **facilities vending vehicles** may vend or park on a **developed nonresidential private property**, including in the adjacent right-of-way, with written permission from the property owner pursuant to **an Administrative Planning Review which shall be reviewed and approved by the Community Development Department. a temporary use permit (TUP) or a special event permit.**
- C. **Food Vendors vendors** wishing to obtain **a TUP pursuant to this section shall file a written application to do so at least 10 business days prior to the requested date of vending. Such request may be made on a form prescribed by the Community Development Director or designee and shall include, at a minimum, the location, date, and time of the requested vending. an Administrative Planning Review pursuant to this section shall file a written application to do so at least 14 days prior to the requested date of vending. Such requests may be made on a form prescribed by the Community Development Director or designee and shall include:**

1. The TUP shall limit vending and locating on an applicable private or City-owned property for three consecutive days at a time, and thereafter restrict the vendor from vending at the same location for three consecutive days. Vendors may alternate between vending on and off an applicable property

for the duration of a TUP.

2. The maximum days for all TUP approvals for mobile food vending vehicles shall be limited to 30 calendar days per year for all commercial zones and shall be limited to 90 calendar days per year for all industrial zones. No application for a TUP shall be accepted unless the application is accompanied by a fee in an amount set by City Council resolution.

3. Notwithstanding any other provisions of this chapter, vendors may seek a TUP to vend at construction sites that are operating with all required permits under this Code, and located within industrial zones. A TUP issued for construction sites shall be valid for a maximum duration of six months.

4. The vendor may use up to four tall stand-up cocktail-type tables, but, no chairs, fences or other on-site furniture (permanent or otherwise) shall be permitted.

5. If a vendor is approved for multiple temporary use permits, the aggregate time allowed for vending through the permits shall not exceed 270 calendar days in the commercial downtown zone or 120 days in all other zones in a single calendar year.

1. Applicant Name
2. Food Vendor Name
3. Food Vendor Mailing Address
4. Location
5. Date & Time
6. Site Plan
7. Parking Plan
8. Notarized written permission from the property owner to vend food from the location.
9. A written agreement to use an approved and readily available toilet and handwashing facility within 200 feet travel distance, or as otherwise approved by the City Manager, to ensure that restroom facilities are available to vendor employees whenever the mobile food facility is stopped to conduct business for more than a one-hour period pursuant to Health and Safety Code Section 114315.

D. Vending from Public Parks. A TUP may be granted to vendors to vend in public parks. Notwithstanding obtaining a TUP, a vendor shall not operate at a public park if a separate organization is currently renting such park, unless the organization grants written permission to the vendor.

1. A TUP issued under this subsection shall be valid for a maximum of 90 calendar days.

D. Administrative Planning Review approvals for mobile food facilities shall be limited to a 120 calendar day period, per location. No application for an Administrative Planning Review shall be accepted unless the application is accompanied by a fee in an amount set by City Council resolution.

E. Mobile food vending vehicles wishing to vend on City-owned property outside of the public right-of-way must apply for a special event permit or as an approved accessory use as part of a facility use permit from the Public Works Department.

E. A mobile food facility operating on private property with an Administrative Planning Review approval shall comply with the following:

- 1. The food vendor may use up to four (4) tables and twenty (20) chairs on site. No other on-site furniture (permanent or otherwise) shall be permitted. The use of tables and chairs shall be subject to approval by the Community Development Director.**
- 2. The food vendor shall not display any food, food products, merchandise, or prepackaged food outside the mobile food facility.**
- 3. The food vendor may erect one A-frame sign outside the mobile food facility.**
- 4. The food vendor may not display any flags, banners, pendants, banners, or feather signs on the property.**
- 5. The food vendor must comply with noise regulations pursuant to Title 8.**

F. Violation of any permit issued under this section shall be grounds for suspension or revocation of a mobile food vending vehicle permit. All permits issued under this chapter may be suspended or revoked in accordance to the procedures of Section 5.52.020.

G. Any permitted mobile food facility participating in a City-sponsored event shall not be required to obtain an Administrative Planning Review approval and may vend as a part of the City-sponsored event.

G. The Community Development Director shall evaluate and consider any request for a TUP. The Community Development Director may approve, conditionally approve or deny the request consistent with the requirements of this chapter and the public health, safety, and welfare. The Community Development Director's decision may be appealed in the same manner as a mobile food vending vehicle permit.

H. Vending from Public Parks. A Facility Use Permit and/or Special Events Permit may be granted to food vendors to vend in public parks. Notwithstanding obtaining a Facility Use Permit and/or Special Event Permit, a food vendor shall not operate at a public park if a separate organization is currently renting such park, unless the organization grants written permission to the food vendor.

1. A Facility Use Permit and/or Special Events Permit issued under this subsection shall be valid for a maximum of 30 calendar days.

I. Mobile food facilities wishing to vend on City-owned property outside of the public right-of-way must apply for a Special Event Permit or as an approved accessory use as part of a Facility Use Permit from the Recreation and Community Services Department.

J. Violation of any permit issued under this section shall be grounds for suspension or revocation of a mobile food facility permit. All permits issued

under this chapter may be suspended or revoked in accordance with the procedures of Section 5.52.020 of this code.

- K. The Recreation and Community Services Director shall evaluate and consider any request for a Facility Use Permit or Special Events Permit. The Recreation and Community Services Director may approve, conditionally approve, or deny the request consistent with the requirements of this chapter and the public health, safety, and welfare. The Recreation and Community Services Director's decision may be appealed in the same manner as a mobile food facility permit.**

5.52.050 Temporary Food Facilities

A. Temporary Food Facilities are prohibited from operating within the City except for with the following exemptions:

- 1. At an approved Community Event for an event that runs 4 to 25 days or less in a 90-day period.**
- 2. At an approved Special Event Permit for an event that runs 4 to 25 days or less in a 90-day period.**
- 3. With a Temporary Use Permit for an event that runs three days or less in a 90-day period.**

§ 5.52.050. Regulations for prepackaged foods.

- ~~A. The regulations of this section shall apply only to a vendor exclusively selling prepackaged foods. A vendor exclusively selling prepackaged foods shall otherwise comply with the provisions of this chapter.~~
- ~~B. Vendors exclusively selling prepackaged foods may operate as follows.~~
- ~~1. Vend in a residential zone. However, the vendor may not stop on a residential street for longer than necessary to complete a transaction.~~

§ 5.52.060. Violations.

Violations of this chapter are infractions and a public nuisance subject to all remedies available to the City, including, without limitation, all remedies provided pursuant to Title 4 of this Code.

Section 3. AMENDMENT OF CHAPTER 5.28 (SIDEWALK VENDORS AND PEDDLERS) OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE DESERT HOT SPRINGS MUNICIPAL CODE

CHAPTER 5.28

SIDEWALK VENDORS AND PEDDLERS

§ 5.28.010. Purpose.

The purposes of this chapter are:

- A. To establish a sidewalk vendor permitting and regulatory program in compliance with Senate Bill 946 (Chapters 459, Statutes 2018) **and SB 972**, as those statutes may be amended, while protecting the public health, safety, and welfare;

§ 5.28.020. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Auxiliary Conveyance” means a supplementary handwashing and/or warewashing sink(s) used in conjunction with a Compact Mobile Food Operation at a site-specific location.

“Captive audience” means one or more purposefully stationary persons, such as persons in lines or seated in public areas.

“City” means the City of Desert Hot Springs.

“Commissary” means a food facility or other approved location 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 or stored.

4) Liquid and solid wastes are disposed, or potable water is obtained.

“Community Event” means an event conducted for not more than 25 consecutive or nonconsecutive days in a 90-day period and that is of civic, political, public or educational in nature, including state and county fairs, city festivals, circuses and other public gatherings events approved by the local enforcement agency.

“Compact Mobile Food Operation” (CMFO) means a Mobile Food Facility that operates from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance. CMFO is a type of Sidewalk Vendor.

“Engaging in the business” means and includes conducting, managing or carrying on of any such business or helping therewith, by any person in any capacity.

“Food” and “food products” means any liquid or edible product designed for human consumption, including but not limited to, fruits, vegetables, meats, candy, ice cream and other milk products, soda pop, juice, beverages and any other prepared or unprepared edible item.

“Food Preparation”. As defined in Health and Safety Code section 113791, as now adopted or hereafter amended.

“Food Vendor” means a person or entity who: vends, including an employee or agent of a vendor.

1. Conduct or permits or causes the operation of mobile food vending trucks;

2. Owns, operators, controls, manages, or leases, mobile food vending vehicles; or

3. Contracts with persons to drive and vend from mobile food vending vehicles.

“Limited Food Preparation”. As defined in Health and Safety Code section 113818, as now adopted or hereafter amended.

“Motorized vehicle” shall include but is not limited to, any motor vehicle, truck, car, trailer, conveyance or structure not permanently fixed to a permanent foundation and which may be moved under its own power, towed by a motor vehicle, motorcycle or other mobile device.

“Peddle” and “peddling” mean traveling by motorized vehicle, or any other type of conveyance from place-to-place, house-to-house, or from street-to-street, carrying, conveying or transporting food products, goods, wares, merchandise, or food and offering, intending to sell, displaying or soliciting the same for sale.

“Peddler” means any person, traveling by motorized vehicle or any other type of conveyance from place-to-place, house-to-house, carrying, conveying or transporting goods, wares, merchandise, **food or food products** and concurrently offering, intending, displaying or soliciting the same for sale. “Peddler” includes any person, who travels from place-to-place, selling or offering for sale any goods, wares, merchandise or food solely from a motorized vehicle. “Peddler” does not include “sidewalk vendor,” “roaming vendor,” or “stationary sidewalk vendor” as defined by this chapter.

“Permittee” means a person issued a permit pursuant to this chapter.

“Person” means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor; or other similar representative thereof.

“Public sidewalk,” “public street” and “public right-of-way” mean all of those areas dedicated as public thoroughfares, including, but not limited to, roadways, parkways, medians, alleys, sidewalks, public ways and public rights-of-way.

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

“Sidewalk vending” and “sidewalk vend(s)” means any action that qualifies a person as a sidewalk vendor.

“Sidewalk vendor” means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path.

“Sidewalk vendor” includes “roaming sidewalk vendor,” and “stationary sidewalk vendor.”

“Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location.

“Special event” means an event or activity that is held or conducted pursuant to a special event permit approved by the City per the City’s Special Event Application Review Process as adopted by resolution of the City Council or a temporary use permit approved pursuant to Chapter 17.136 Temporary Use Permits.

“Temporary Food Facility” means an approved food facility that may be readily disassembled for storage or for transporting, and readily assembled to its original integrity at a different location, is easily movable, and operates at a fixed location for the duration of an approved community event or special event and only as to that community or special event.

§ 5.28.030. Sidewalk vendors.

- A. No person shall engage in sidewalk vending within the City without first obtaining a permit from the City Manager or designee pursuant to this chapter.
- B. Sidewalk Vendor Permit. To obtain or to renew a sidewalk vendor permit, a sidewalk vendor must provide to the City a written application, on a form provided by the City, which shall contain the following information:
 1. The name, current address, and telephone number of the person applying to become a sidewalk vendor;
 2. Day(s) and hours of operation;
 3. Location(s) of operation within the City;
 4. Description of the food or merchandise offered for sale or exchange;
 5. **A photograph of the vending setup or vending cart.**
 6. Whether the sidewalk vendor intends to operate a stationary cart or a mobile cart;
 7. **If the sidewalk vendor conducts food preparation, information on the permitted commissary where food will be stored.**
 8. **If preparing or selling food, a copy of the County Health Department permit issued to the vendor, except when the sidewalk vendor consists solely of 25 square feet or less of display area from which only prepackaged non-potentially hazardous food and whole uncut produce will be sold. If potentially hazardous food or processed produce will be sold or the food or the display area is greater than 25 square feet, the vendor must provide a copy of the County Health Department permit issued to the vendor.**
 9. If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal and any owners of the company, partnership, or corporation;
 10. **A copy of a California's driver's license or identification number, or individual taxpayer identification number. Such information is not a public record and will remain confidential as required by Government Code Section 51038(c)(4); Proof of applicant's identity. A copy of the valid California Driver's license issued to the vendor, a copy of the individual taxpayer identification number issued to the vendor or a municipal identification number. Any such identification number(s) or license(s) collected shall not be available to the public for inspection and shall remain confidential and not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.**
 11. A copy of a valid California Department of Tax and Fee Administration seller's permit, as required by law;
 12. An acknowledgment that the sidewalk vendor shall comply with all generally

- applicable State, Federal, and local laws;
13. Certification that the information contained in the application is true to his or her knowledge and belief;
 14. A statement whether or not the applicant, employee or agent has been convicted of any felony or of any misdemeanor involving injury to person(s) or property, theft, fraud, or misrepresentation within five years;
 15. Any other information deemed relevant by the City Manager or designee.
- C. A sidewalk vendor permit is non-transferrable. Any change in ownership or operation of a sidewalk vendor requires a new permit under this chapter. All sidewalk vendor permits issued under this chapter shall expire 12 months from the date of issuance.
- D. The City Manager or designee shall issue or deny a permit within 30 days of receipt of a completed application.
- E. A permit may be denied by the City Manager or designee on any of the following grounds:
1. The applicant, employee or agent has been convicted of a felony or misdemeanor involving bodily injury to persons, theft, fraud or misrepresentation within five years preceding the application date;
 2. The applicant has made a materially fraudulent, misleading or false statement of fact to the City;
 3. The applicant has violated any provision of this chapter; or
 4. The applicant's permit has been previously revoked as provided in this chapter.
- F. The City Manager or designee shall notify the applicant of any denial by depositing written notice of such decision in the first-class U.S. mail, postage prepaid, addressed to the applicant, not later than 10 days following the date of such decision. A notice of denial of an application must contain a statement of the facts upon which the denial is based and must contain a statement of the appeal procedure contained in Section 5.28.100.

§ 5.28.080. Fees—Terms.

All applications for permits under the provisions of this chapter shall be accompanied by an application fee established by resolution of the City Council. No application fee paid under this chapter shall be refunded. All original permits and renewals granted under this chapter shall also require a fee. All permits issued under the provisions of this chapter shall be valid for one year. A permit may be renewed by the timely payment of a renewal fee prior to the expiration of the permit. All permits shall cease and terminate 30 days after the default of payment. Any permit that has terminated pursuant to this chapter shall require the filing of a new application for a permit under this chapter.

§ 5.28.085. Sidewalk vendor general regulations Stationary Sidewalk Vendor Regulations.

- A. Stationary sidewalk vendors shall be prohibited from operating or establishing in any residential zone of the City.**
- B. Stationary sidewalk vendors may operate in non-residential zones of the City, provided they meet the following:**
 - 1. The sidewalk vendor's activities, materials, or customers do not obstruct the free movement of any person on any public right-of-way or other public place, or any place open to the public generally. Additional restrictions include the following:**
 - 2. Sidewalk vending shall be conducted only between the hours of one-half hour before sunrise and 3:00 am every day.**
 - 3. The sidewalk vendor at all times maintains a clearance of not less than 36 inches on all sidewalks so as to enable persons to freely pass while walking, running, or using mobility assistance devices.**
 - 4. The sidewalk vendor maintains all food and merchandise stored either inside or affixed to the vending cart or carried by the sidewalk vendor at all times.**
 - 5. A sidewalk vendor's display, cart, signage, merchandise, or set-up shall not be affixed at any time to any building or structure, including, but not limited to, poles, signs, trees, lampposts,**
 - 6. The sidewalk vendor may not operate within 50 feet of any school crossings.**
 - 7. The sidewalk vendor may not operate within 30 feet of the Desert Hot Springs Senior Center.**
 - 8. The sidewalk vendor may not operate within 30 feet of any crosswalk.**
 - 9. Sidewalk vendors are prohibited from operating on any private property whatsoever in any zone within the City. This includes, but is not limited to, private parking lots and landscaped areas.**
 - 10. The sidewalk vendor may not operate on or along the Palm Drive corridor between Pierson Boulevard and Camino Aventura.**
 - 11. The sidewalk vendor may not operate on or along Palm Drive between Park Lane and Paul Road.**
 - 12. The sidewalk vendor may not operate on or along any street where the speed limit is posted at 55 miles per hour or above.**
 - 13. The sidewalk vendor may not operate within one block in any direction of any signalized intersection of the Palm Drive corridor between Pierson Boulevard and Camino Aventura.**
 - 14. The sidewalk vendor may not operate within 200 feet of any other sidewalk vendor.**
 - 15. The sidewalk vendor may not operate within 25 feet of a litter receptacle, bike rack, or restroom.**
 - 16. The sidewalk vendor may not operate within 15 feet of a fire hydrant, fire call box, police call box, traffic signal controller, or streetlight controller.**
 - 17. The sidewalk vendor may not operate within three feet of a red curb.**
 - 18. The sidewalk vendor may not operate within 25 feet of a bus stop, trolley stop, taxi stand, bus bench, or bus shelter.**
 - 19. The sidewalk vendor may not operate within 200 feet of a police station or fire station.**
 - 20. The sidewalk vendor may not operate within 200 feet of any City building or facility.**
 - 21. The sidewalk vendor may not operate within one foot from the curb.**
 - 22. The sidewalk vendor may not operate within 10 feet of a driveway or driveway approach.**

- ~~C. *No sidewalk vendor's activities*, materials, or customers may obstruct the free movement of any person on any public right-of-way or other public place, or any place open to the public generally. Additional restrictions include the following:~~
- ~~1. Sidewalk vendors must at all times maintain a clearance of not less than 36 inches on all sidewalks so as to enable persons to freely pass while walking, running, or using mobility assistance devices.~~
 - ~~2. Sidewalk vendors must maintain all food and merchandise stored either inside or affixed to the vending cart or carried by the sidewalk vendor at all times.~~
 - ~~3. Vending carts shall not touch, lean against or be affixed at any time to any building or structure, including, but not limited to, poles, signs, trees, lampposts, parking meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters, newsstands, trashcans or traffic barriers, or other objects on public property or in the public right-of-way.~~
 - ~~4. No sidewalk vendor may operate within 50 feet of any school crossings.~~
 - ~~5. No sidewalk vendor may operate within 30 feet of the Desert Hot Springs Senior Center.~~
 - ~~6. No sidewalk vendor may operate within 30 feet of any crosswalk.~~
 - ~~7. Sidewalk vendors are prohibited from operating on any private property whatsoever in any zone within the City. This includes, but is not limited to, private parking lots and landscaped areas.~~
 - ~~8. No sidewalk vendor may operate on or along the Palm Drive corridor between Pierson Boulevard and Camino Aventura.~~
 - ~~9. No sidewalk vendor may operate on or along the Palm Drive between Park Lane and Paul Road.~~
 - ~~10. No sidewalk vendor may operate on or along any street where the speed limit is posted at 55 miles per hour or above.~~
 - ~~11. No sidewalk vendor may operate within one block in any direction of any signalized intersection of the Palm Drive corridor between Pierson Boulevard and Camino Aventura.~~
 - ~~12. No sidewalk vendor may operate within 200 feet of any other sidewalk vendor.~~
 - ~~13. No sidewalk vendor may operate within 25 feet of a litter receptacle, bike rack, or restroom.~~
 - ~~14. No sidewalk vendor may operate within 15 feet of a fire hydrant, fire call box, police call box, traffic signal controller, or streetlight controller.~~
 - ~~15. No sidewalk vendor may operate within three feet of a red curb.~~
 - ~~16. No sidewalk vendor may operate within 25 feet of a bus stop, trolley stop, taxi stand, bus bench, or bus shelter.~~
 - ~~17. No sidewalk vendor may operate within 200 feet of a police station or fire~~

station.

- ~~18. No sidewalk vendor may operate within 200 feet of any City building or facility.~~
 - ~~19. No sidewalk vendor may operate within one foot from the curb.~~
 - ~~20. No sidewalk vendor may operate within 10 feet of a driveway or driveway approach.~~
- ~~D. No sidewalk vendor may impede the flow of vehicular traffic or parking, such as on public streets or public highways.~~

5.28.086 Roaming Sidewalk Vendor Regulations.

A. Roaming Sidewalk vendors may operate in residential and non-residential zones of the City, provided they meet the following:

- 1. Sidewalk vending hours for residential zones shall be conducted between the hours of one-half hour before sunrise and one-half hour after sunset.**
- 2. Sidewalk vending hours for non-residential zones shall be conducted only between the hours of one-half hour before sunrise and 3:00 am every day.**
- 3. The sidewalk vendor maintains their temporary vending area in a clean, orderly, and sanitary condition, including upon departure of the vending area after its use.**
- 4. No roaming sidewalk vendor shall be at any one location for a period exceeding ten minutes at the request of a bona fide purchaser or exceeding the duration required to complete a sale.**
- 5. No vending shall occur within 10 feet of any entrance, or exit of any building, or any driveway, parking space, or building window.**
- 6. Vendors utilizing sound amplifying devices or musical instruments shall be subject to the requirements of Title 8, Chapter 8.12 Noise Control.**
- 7. No sidewalk vending shall occur 200 ft from a community event, special event, or temporary event held pursuant to a permit.**
- 8. The sidewalk vendor's activities, materials, or customers do not obstruct the free movement of any person on any public right-of-way or other public place, or any place open to the public generally. Additional restrictions include the following:**
 - a) The sidewalk vendor at all times maintains a clearance of not less than 36 inches on all sidewalks so as to enable persons to freely pass while walking, running, or using mobility assistance devices.**
 - b) The sidewalk vendor maintains all food and merchandise stored either inside or affixed to the vending cart or carried by the sidewalk vendor at all times.**
 - c) A sidewalk vendor's display, cart, signage, merchandise, or set-up shall not be affixed at any time to any building or structure, including, but not limited to, poles, signs, trees, lampposts, parking meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters, newsstands, trashcans or traffic barriers, or other objects on public property or in the public right-of-way.**
 - d) The sidewalk vendor may not operate within 50 feet of any school crossings.**

- e) The sidewalk vendor may not operate within 30 feet of the Desert Hot Springs Senior Center.
- f) The sidewalk vendor may not operate within 30 feet of any crosswalk.
- g) Sidewalk vendors are prohibited from operating on any private property whatsoever in any zone within the City. This includes, but is not limited to, private parking lots and landscaped areas.
- h) The sidewalk vendor may not operate on or along the Palm Drive corridor between Pierson Boulevard and Camino Aventura.
- i) The sidewalk vendor may not operate on or along Palm Drive between Park Lane and Paul Road.
- j) The sidewalk vendor may not operate on or along any street where the speed limit is posted at 55 miles per hour or above.
- k) The sidewalk vendor may not operate within one block in any direction of any signalized intersection of the Palm Drive corridor between Pierson Boulevard and Camino Aventura.
- l) The sidewalk vendor may not operate within 200 feet of any other sidewalk vendor.
- m) The sidewalk vendor may not operate within 25 feet of a litter receptacle, bike rack, or restroom.
- n) The sidewalk vendor may not operate within 15 feet of a fire hydrant, fire call box, police call box, traffic signal controller, or streetlight controller.
- o) The sidewalk vendor may not operate within three feet of a red curb.
- p) The sidewalk vendor may not operate within 25 feet of a bus stop, trolley stop, taxi stand, bus bench, or bus shelter.
- q) The sidewalk vendor may not operate within 200 feet of a police station or fire station.
- r) The sidewalk vendor may not operate within 200 feet of any City building or facility.
- s) The sidewalk vendor may not operate within one foot from the curb.
- t) The sidewalk vendor may not operate within 10 feet of a driveway or driveway approach.

Section 4.

AMENDMENT OF SECTION 5.28.060 AND SECTION 5.28.070 (PEDDLERS PERMIT APPLICATION AND ISSUANCE) OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE DESERT HOT SPRINGS MUNICIPAL CODE

§ 5.28.060 Peddler permit application and issuance.

- A. The City's designee is responsible for granting, denying, revoking, renewing, suspending, and canceling peddler permits. The City's designee shall be the City Manager, or any other officer or employee designated in writing by the City Manager to deal with and enforce the provisions of this chapter. An application for a permit must be made on a form provided by the City.
- B. The completed application shall contain the following information and shall be accompanied by the following documents:
 - 1. Name, birth date, driver's license or other identification number, social security number, and physical description of the applicant;
 - 2. Permanent home address and telephone number, and local address and telephone number of the applicant;
 - 3. The name and address for the applicant's business, his or her interest in or relationship with such business, and if the applicant is employed, the name and

- address of his or her employer together with description of the exact relationship between the applicant and such employer;
4. A brief description of the nature of the applicant's business and of the product or service to be peddled;
 5. A fixed length of time for which the permit to peddle is desired;
 6. A statement whether or not the applicant, employee or agent has been convicted of any felony or of any misdemeanor involving injury to person(s) or property, theft, fraud, or misrepresentation within five years;
 7. A statement whether or not the applicant has failed to pay any judgment arising from or connected with the activities authorized by the permit;
 8. A statement whether or not the applicant has suffered revocation or suspension of any permit required by the City of Desert Hot Springs;
 9. A statement whether or not the applicant has failed to pay any business license fee or tax imposed by the City of Desert Hot Springs;
 10. A picture (of passport quality) of the applicant and any agent, employee or representative, who will engage in soliciting or peddling activities, for inclusion on the identification card;
 11. The vehicle identification number, license plate number and proof of current registration for the motorized vehicle, if any, which will be used for peddling in the City;
 12. A copy of or evidence of automobile insurance required under State law for operating the motorized vehicle, if any, which is identified in the permit application form;
 - 13. If the application involves the sale of food, produce, or any other item intended for human consumption, the applicant must provide valid health or other permit(s), issued by the appropriate agency, as required by applicable local, State or Federal law; and**
 13. Other information the City Manager or designee deems necessary to process the application.

§ 5.28.070 Permit use and manner of peddling.

- A. Display. Every applicant shall be issued a permit to be carried on person and exhibited on request by any person to persons they deal with and shall at all times carry the permit issued hereunder and exhibit it on request to any police officer or City official.
- B. Transfer Prohibited. It is unlawful for any person other than permittee to use or wear any permit issued under the provisions of this chapter.
- C. Hours of Operation. It is unlawful for any person to conduct any activities regulated under the provisions of this chapter between 8:00 p.m. and 8:00 a.m.
- D. **Waste Receptacles. No peddler shall sell or offer for sale any food from a motorized vehicle unless he or she maintains a clearly designated litter receptacle in the immediate vicinity of the vehicle, marked with a sign requesting use by patrons. Prior to leaving the location, the peddler shall pick up, remove and dispose of all trash or refuse which consists of materials originally dispensed by the peddler, including any packages or containers, or parts thereof, used with or for dispensing such food.**
- D. Manner of Peddling.
 1. No peddler shall peddle goods, merchandise, or wares ~~or food~~ by sitting, standing or walking on a public sidewalk or street or upon a median or grassy embankment within a public sidewalk, public street or public right-of-way, and in no case shall a peddler stand or park any motorized vehicle for the purposes of peddling or selling from such vehicle on any privately-owned property. This does not include sitting or standing in a motorized vehicle which is lawfully parked on a public street and from which the peddler has a permit.

2. No peddler shall stand or park any motorized vehicle for more than 30 minutes without moving to a new location at least 300 feet removed therefrom and may not return to a location where the peddler has stopped to peddle within the previous two hours.
 3. No peddler shall park or stand a motorized vehicle used for peddling in a manner which causes a hazard to vehicular or pedestrian traffic by creating conditions that impede the flow of vehicular or pedestrian traffic or create conditions of imminent harm to vehicular or pedestrian traffic or other vehicles and pedestrians.
 4. No peddler shall persistently peddle any goods, merchandise, or wares ~~or food~~ to any member of the public after such member of the public expresses his or her desire not to purchase anything from the peddler.
 5. No peddler shall intentionally or deliberately obstruct the free movement of any person on any public sidewalk, public street, public right-of-way or in any public place.
 6. No peddler shall peddle any items to a captive audience.
 7. No peddler shall threaten any injury or damage to any person who declines to purchase any items being peddled, if such threat, whether by word or gesture, would make a reasonable person fearful.
 8. No peddler shall peddle or attempt to peddle to the occupants of vehicles standing or moving upon any public street or highway. Nothing in this section shall be construed to prohibit peddling to the occupants of any vehicle that is lawfully parked.
 9. No peddler shall park or stand the motorized vehicle in violation of any conditions included in the permit issued pursuant to this chapter.
 10. No peddler shall peddle from any motorized vehicle which has not been identified in the application.
 11. No peddler shall stop, stand, or park any motorized vehicle in violation of any provision of the California Vehicle Code or the City of Desert Hot Springs Municipal Code.
 - ~~12. No peddler shall peddle any food unless the items being sold comply with all applicable food labeling requirements established by the State of California and the peddler has all required permits, including, without limitation, health permits, to sell such items.~~
 12. No peddler shall peddle any goods from any motorized vehicle which does not have insurance as required under State law for operating the motorized vehicle.
- E. Activities Creating Nuisance. No peddler, in the course of activities regulated in this chapter, shall create any public nuisance, cause a noise disturbance as defined in Chapter 8.12 of this Code, or any other actions constituting a public nuisance.
- F. Compliance with Law. This chapter may not be the sole source of regulation of the activities permitted under this chapter. Permittees shall comply with all State and Federal laws and all local ordinances.