

ORDINANCE NO. 2053

AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING TITLE 10 (BUSINESSES, PROFESSIONS, OCCUPATIONS, INDUSTRIES AND TRADE) OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, TO ADOPT CHAPTER 10.50, MOBILE VENDING PERMIT PROGRAM

WHEREAS, California Constitution, article XI, section 7, authorizes the City of San Rafael ("City") to adopt and enforce local police, sanitary, and other ordinances and regulations that are not in conflict with the general laws.

WHEREAS, Senate Bill (SB) 946 (2018), codified at Government Code section 51036, et seq. authorizes the City to regulate sidewalk vending to help protect public health and safety.

WHEREAS, the City has seen a rise in mobile vending, particularly unpermitted food vending, in recent years, resulting in the spread of food-borne illnesses, blockage of the public right of way, litter, and improper disposal of grease, among other nuisance issues; and

WHEREAS, mobile vending offers a low-cost pathway to entrepreneurship as well as affordable food options for community members; and

WHEREAS, the City now desires to add SRMC 10.50, Mobile Vending Permit Program, to help regulate the sale of food, goods, and merchandise to ensure compliance with health and safety requirements while ensuring the accessibility of affordable food options and local entrepreneurship opportunities; and

WHEREAS, it is necessary to adopt requirements regulating the time, place, and manner of sidewalk vending in order to protect public health, safety, and welfare; and

WHEREAS, Section 403.5.1 of the 2010 ADA Standards for Accessible Design generally requires sidewalks to have a minimum width of 3 feet for compliance with the Americans with Disabilities Act, and the City desires to protect access to public rights-of-way by disabled persons; and

WHEREAS, it is necessary to adopt additional requirements regulating the time, place, and manner of sidewalk vending in parks owned or operated by the City in order to: (1) address health, safety, and welfare concerns; (2) ensure the public's use and enjoyment of natural resources and recreational opportunities; and (3) prevent an undue concentration of commercial activity that unreasonably interferes with the scenic and natural character of the parks.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:

Section 1. Adoption of Regulation of Mobile Vendors

Section 10.50 of the Municipal Code of the City of San Rafael is hereby added to read as follows:

Chapter 10.50 REGULATIONS OF SIDEWALK VENDORS

10.50.010 Purpose.

- A. The purpose of this chapter is to establish a permitting and regulatory program for sidewalk and other mobile vendors that complies with Government Code Section 51036, et seq.
- B. The City Council finds that to promote the public health, safety and welfare, regulating mobile vending is necessary to ensure no unreasonable interference with the flow of pedestrian or vehicular traffic including ingress into, or egress from, any residence, public building, place of business, park, areas located within the immediate vicinity of a permitted certified farmers' market and a permitted swap meet, an area designated by a temporary special permit issued by the City, street to the sidewalk, and by persons exiting or entering parked or standing vehicles.
- C. Prohibiting sidewalk vending in streets and medians is necessary to protect the health and safety of vendors and their patrons, because they are at risk of being struck by vehicles and/or causing vehicular accidents if vending occurs in streets or medians.
- D. Limiting mobile vending hours of operation within residential neighborhoods to specific daylight hours consistent with a residential atmosphere is necessary to protect the safety of vendors and residents who would be more vulnerable to criminal activities during evening hours, and to promote the welfare of the residents by prohibiting commercial activities and associated noise and traffic during hours when residents should be able to enjoy peace and quiet.
- E. These regulations ensure continuous access for the use and maintenance of sidewalks, pathways, poles, posts, traffic signs or signals, hydrants, firefighting apparatus, and mailboxes, as well as access to locations used for public transportation services.
- F. These regulations ensure such activities occur only in locations where they will not restrict sidewalk and pathway access and enjoyment by individuals with disabilities pursuant to the Americans with Disabilities Act of 1990 and other disability access standards.
- G. These regulations reduce exposure to the City for personal injury or property damage claims and litigation.

10.50.020 Definitions.

As used in this chapter, the following terms and phrases shall have the meaning ascribed to them in this section, unless the context in which they are used clearly requires otherwise. If a term or phrase is not defined in this section or elsewhere in this code, the most common dictionary definition is presumed to be correct.

"Above-ground structure" means any structure affixed to a sidewalk, including, but not limited to, a streetlight, tree well, parking meter, utility structure, utility box, bike rack, scooter corral, mailbox, trash can, elevator, kiosk, newspaper rack, picnic shelter, bench, table, wall, sign pole, traffic signal pole, signal pushbutton pole, and stairs.

"Alcoholic Beverage" shall have the same meaning as defined in Section 8.18.010 of this code, or any successor section.

"Applicant" means any person who has applied for a Mobile Vending Permit to be a mobile vendor in the City.

"Cannabis" means the substances defined in Section 10.96.040 of this code, or any successor section.

"City" means the City of San Rafael.

"Certified farmers' market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter, or any successor chapter.

"Concessionaire" means the holder of an exclusive agreement with the City for the sale of food or merchandise in a City-owned park.

"Conveyance" means any non-motorized wheeled device used to carry persons or property and includes pushcarts, pedal-driven carts, and wagons.

"Civic Center" means the buildings, facilities, and parking lots or areas including City Hall location at 1400 Fifth Avenue, San Rafael, California, or at such other place as may be designated by the Council, fixed as the meeting place for all official meetings of the Council.

"Director" means the Director of Community and Economic Development Department, or their designated representative.

"Emergency vehicle access" means the roadway, path, or other surface that provides police or fire vehicular access from the dispatched point of origin to a facility, building, parcel, park or portion thereof. Emergency vehicle access includes, but is not limited to, fire lanes, public and private streets, parking lot lanes, access roadways, trails, and walkways.

"Food" means any type of human edible substance, including any food product or beverage as provided in Health and Safety Code Section 113781, or any successor section.

"Fire station" means any facility where fire engines and other equipment of the San Rafael Fire Department are housed.

"Goods" means items, personal property, merchandise, or any other similar item that is generally sold, including food and beverages.

"Hardscape" means paving material, including tiles, mortared pavers, decomposed granite, colored or patterned concrete with a tile, brick, or stone appearance, or a paving material with enhanced concrete that has an exposed aggregate, colored, or salt finish.

"Hearing officer" means an impartial individual designated to determine appeals.

"Heating element" means any device used to create heat.

"Impound" means to seize or take custody of mobile vending cart, equipment, utensils, food or merchandise (collectively classified as "items") because of a violation of any applicable law or regulation.

"Major transit stop" means the portion of a site designated as the passenger loading area that contains any of the following: an existing rail transit station, a bus or rail transit service, or the intersection of two or more major bus routes with a service interval of 15 minutes or less during the morning and afternoon peak commute periods.

"Merchandise" means any goods or item(s) that can be sold and immediately obtained from a mobile vendor, which is not considered food. Items for rent shall not be considered merchandise. Merchandise does not include services.

"Mobile Vending Permit" or "permit" means a permit established by this chapter that has been issued to any applicant engaging in mobile vending activities in the City.

"Mobile vendor" means a person(s) who sells food or merchandise from a vending cart or from one's person, upon a public sidewalk or on private property. It includes both roaming vendors and stationary vendors.

"Mobile vendor activities" or "mobile vending activity" means actions that qualify a person as a mobile vendor or actions done in anticipation of becoming a mobile vendor such as, but not limited to, installation, placement, or maintenance of any mobile vending cart.

"Park" means any area dedicated or established as a public park or open space owned or operated by the City, including, without limitation, active and passive parks.

"Pathway" or "pedestrian pathway" means a paved or improved path, or walkway used primarily for pedestrian travel, other than a sidewalk. Pathway or pedestrian pathway does not mean the grassy areas of parks.

"Person" means one or more natural persons, groups, businesses, business trusts, companies, corporations, joint ventures, joint stock companies, partnerships, entities, associations, clubs, or organizations composed of two or more individuals (or the manager, lessee, agent, servant, officer, or employee of any of them), whether engaged in business, nonprofit or any other activity.

"Portable cooking equipment" means any gas-fueled appliance used to heat, cook, or prepare food or beverages on a conveyance by a mobile vendor.

"Public property" means all property owned or controlled by the City, including, but not limited to, alleys, parks, pathways, streets, parking lots, sidewalks, and trails.

"Public right-of-way" means a public easement for streets, alleys, or other uses, other than a sidewalk.

"Residential" means any area zoned exclusively as residential in the zoning code.

"Roaming mobile vendor" means a mobile vendor who moves from place-to-place and stops only to complete a transaction.

"School" means an institution of learning that offers instruction in those courses of study required by the education code or that is maintained pursuant to standards set by the State Board of Education. This definition does not include a vocational or professional institution or an institution of higher education, including a community or junior college, college, or university.

"Services" means activities involving the performance of work for others or the provision of intangible items that cannot be returned once they are provided. Examples include, but are not limited to, hair braiding, face painting, massage, yoga, fortune telling, tattooing, and dog training.

"Sidewalk" means a public paved or hardscape sidewalk, parkway, pedestrian path, walkway or other public right-of-way specifically designed for the exclusive use of pedestrian travel. A sidewalk shall not include streets, alleys, medians, plazas, or City-owned parking lots or structures.

"Stationary mobile vendor" means a mobile vendor who vends from a fixed location.

"Street" means a public or private vehicular right-of-way other than an alley or private drive.

"Swap meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that chapter, or any successor chapter.

"Temporary special permit" means a permit issued by the City for the temporary use of, or encroachment on, the sidewalk or other public property, including, but not limited to, an encroachment permit, special event permit, or temporary event permit, for purposes including, but not limited to, farmers' markets, swap meets, filming, fireworks show, parades, athletic events, public assemblies, carnivals, fairs, walks, runs and marathons, festivals, shows, seasonal or holiday events and outdoor concerts or performances.

"Trail" means a paved pathway (which may consist of decomposed granite) designed to be used primarily by bicyclists, horses and other modes of transportation including Class 1 (off street) trails and riding and hiking trails as denoted in the general plan other than primarily for pedestrian travel.

"Vend" or "vending" means to barter, exchange, sell, offer for sale, display for sale, or solicit offers to purchase food or merchandise. Vend and vending does not include the offering of services.

"Vendor" or "vending cart" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance used for vending that is not a vehicle as defined in the vehicle code.

10.50.030 Permit Required.

- A. No person, for either themselves or any other person, shall engage in any mobile vendor activities within the City without first applying for and receiving a business license from the City's Finance Department, and a Mobile Vending Permit from the City's Community and Economic Development Department in accordance with this chapter.
- B. A Mobile Vending Permit is not required for a certified farmers' market, swap meet, or any activity or event authorized by a temporary special permit.

10.50.040 Permit Application.

Every person, prior to engaging in, conducting, or carrying on the business of mobile vending, shall file an application with the Community and Economic Development Department on a form approved by the City Manager or designee. Such an application shall be accompanied by a nonrefundable application permit fee if such a fee is adopted by the resolution of the City Council, and shall contain, at a minimum, identifying information about the applicant and business, the items that will be sold, the location of the mobile vending, including the location for fixed mobile vending and the route for roaming mobile vending, hours of operation, and other information deemed necessary to determine compliance with Chapter."

10.50.050 Investigation and Action Upon Permit Application.

- A. Determination of Completeness. The Director shall, within 30 calendar days of application submission, review the submission of any application for a Mobile Vending Permit to determine if the application contains all of the requisite information set forth in Section 10.50.040. Any application that is missing required information or that is not accompanied by the requisite fee shall be deemed incomplete and shall not be processed by the Director. In such case, the Director shall issue a notice of incompleteness to the applicant specifying the information that is missing resulting in the incomplete application. Failure of the applicant to submit the missing information within 30 calendar days of the notice of incompleteness shall be deemed an administrative withdrawal of the Mobile Vending Permit application by the applicant.
- B. Notwithstanding the provisions of this code, the Director shall approve the issuance of a Mobile Vending Permit unless the Director determines that any of the following disqualifications exist:

1. The applicant has failed to submit any of the information, documentation, or fees required pursuant to Section 10.50.040;
2. The applicant does not possess all federal, state, and/or local permits, licenses, certificates, and/or approvals required to engage in the activity subject to the permit;
3. The applicant has made one or more materially false, misleading, fraudulent, misstatements or misrepresentations in the application or supplemental information;
4. The applicant's proposed vending activity, as described in the application, is inconsistent with the standards, conditions, prohibitions, and requirements set forth in this chapter;
5. The applicant has failed to demonstrate an ability to conform to the standards, conditions, prohibitions, or requirements set forth in this chapter;
6. The conduct of the mobile vendor will interfere with traffic or pedestrian movement, or interfere with or endanger the public peace or rights of nearby residents to the quiet and peaceable enjoyment of their property, which would result in a detriment to the public peace, health, safety, or general welfare;
7. The conduct of the mobile vendor will unduly interfere with normal governmental or City operations, threaten to result in damage or detriment to public property;
8. The conduct of such mobile vending activity will constitute a fire hazard, even after all proper safety precautions are taken;
9. The conduct of such mobile vending activity will require the diversion of police officers to properly police the area of such activity as to interfere with normal police protection for other areas of the City;
10. The applicant has had a Mobile Vending Permit revoked within the previous year;
11. The applicant has not paid all previous administrative fine(s), completed all community service, or completed any other alternative disposition associated in any way with a previous violation of this chapter;

10.50.060 Denial of Mobile Vending Permit.

- A. If a Mobile Vending Permit is denied pursuant to this chapter, the applicant shall be notified in writing of the denial of the permit, along with the grounds for denial. The notice shall also advise the applicant of the ability to appeal the denial in the manner set forth in Section 10.50.150(C). Notice shall be mailed to the applicant at the address listed in the application.

10.50.070 Term of Permit and Renewal.

- A. A Mobile Vending Permit issued pursuant to this chapter shall automatically expire one year from the date issued unless an earlier expiration date is noted on the permit.

- B. **Renewal of Permit.** Any applicant who has been issued a Mobile Vending Permit and seeks to continue mobile vending must renew the Mobile Vending Permit, before the Mobile Vending Permit has expired, through the same application process described in Section 10.50.040. A renewal is effective when approved by the Director, not when the application is submitted. Unless timely renewed, any Mobile Vending Permit issued pursuant to this chapter shall expire and become null and void at the end of its term.
- C. **Renewal of Permit After Revocation.** Any applicant whose Mobile Vending Permit is revoked may not renew their permit or apply for a new permit within one year from the date the permit is revoked.

10.50.080 Permit Non-Transferable.

- A. A Mobile Vending Permit issued pursuant to this chapter shall not be transferable to any other entity or person.
- B. Any change in ownership, sidewalk operation or vending activity of an issued Mobile Vending Permit requires the filing of a new permit application under this chapter.

10.50.090 Conditions and Restrictions Imposed on Permit; Health and Safety Justification.

- A. Mobile vendors shall adhere to all operating conditions and requirements set forth in this chapter, and all restrictions, limitations, and operating requirements set forth in this chapter shall constitute conditions upon any Mobile Vending Permit issued pursuant to this chapter.
- B. The conditions, restrictions and operating requirements set forth in this chapter are intended to protect the health and safety of vendors, their patrons, and the general public for reasons including, but not limited to:
 - 1. Reducing exposure to pedestrian versus vehicle contact;
 - 2. Ensuring better visibility of drivers entering or exiting driveways;
 - 3. Protecting access to public rights-of-way by disabled persons to comply with the Americans with Disabilities Act;
 - 4. Ensuring safe pedestrian pathways in areas commonly utilized by pedestrians;
 - 5. Preventing the appearance of "marketplace" vending on sidewalks which is more likely to generate crowding on public sidewalks that would impede pedestrians and disable use of sidewalks;
 - 6. Reducing the chance pedestrians will enter vehicular rights-of-way or block the entrance or exit of a business;
 - 7. Reducing the danger that school children will enter into traffic and be injured or killed trying to reach a vendor;
 - 8. Reducing unnecessary or unanticipated slowing of vehicles approaching onramps, immediately adjacent to curb and sidewalk, or exiting freeway off-

- ramps where drivers are merging into oncoming traffic, all of which are likely to cause accidents;
9. Reducing the possibility that drivers will be distracted in their line of sight by a vendor in the way of oncoming traffic;
 10. Causing visual distraction to the driving public;
 11. Causing excessive noise that disturbs the peace;
 12. Eliminating litter, refuse and food waste from the public rights-of-way; and
 13. Reducing the likelihood of contamination deposited into the City's storm drain system.

10.50.100 General Mobile Vendor Operating Requirements.

The following operating requirements and prohibitions shall constitute conditions of any Mobile Vending Permit:

- A. Sidewalk vendors shall operate in compliance with all applicable federal, state, county, and City laws, ordinances, and regulations.
- B. Stationary sidewalk vendors shall display a City-issued Mobile Vending Permit and business license on the street-side portion of the City-approved vending cart. The applicant who has been issued a Mobile Vending Permit shall always be at the approved location while conducting vending activities except as permitted by law for reasonable time away due to rest, restroom, and meal breaks.
- C. Roaming mobile vendors shall display a City-issued Mobile Vending Permit and business license on the City-approved vending cart; or if no vending cart is utilized, a roaming sidewalk vendor shall keep the City-issued Mobile Vending Permit and business license upon their person in a conspicuous manner at all times while conducting vending activities. The applicant who been issued a Mobile Vending Permit shall always be at the approved areas or route while conducting vending activities except as permitted by law for reasonable time away due to rest, restroom, and meal breaks.
 1. Roaming mobile vendors shall move continuously except when necessary to complete a sale. Notwithstanding the foregoing, the roaming mobile vendors shall immediately move when necessary to provide access to the sidewalk to avoid impeding the flow of pedestrian or other traffic.
 2. Roaming mobile vending within any residential areas of the City is prohibited daily between the hours of eight p.m. (8:00 p.m.) and eight a.m. (8:00 a.m.) of the following day.
- D. Mobile vendors shall comply with all applicable laws relating to the employment of minors. Any minor assisting with or engaged in vending shall be accompanied by a mobile vendor with a valid vending permit. Any and all actions of the minor related to vending, including any violations committed by the minor, are attributable to the sidewalk vendor.

- E. No stationary sidewalk vendor shall vend, and no roaming sidewalk vendor shall stop to make sales within the number of feet designated below from the nearest portion of the following locations:
1. Within 25 feet of a fire hydrant or connection, fire lane, fire call box, or other emergency facility;
 2. On any designated emergency vehicle accessway;
 3. Within three feet of the edge of any curb including areas of the curb to provide for unobstructed access for loading and unloading, parking space, access ramp designed for individuals with disabilities, public utility providers, deliveries, police, fire or other essential service activities;
 4. Within 25 feet of a bus stop, taxi stand, bus bench, or bus shelter;
 5. Within 25 feet of any entrance, fire escape or emergency exit of any business during the hours that the business is open to the public or to persons having or conducting lawful business therein;
 6. Sidewalk vendors shall not engage in sidewalk vending activities within 25 feet of another sidewalk vendor;
 7. Within 500 feet of any permitted certified farmers' market, permitted swap meet, or an area designated for use pursuant to a temporary special permit, during the operating hours or duration of the certified farmers' market, swap meet, or temporary special permit;
 8. Upon any sidewalk that is within 100 feet of the nearest property line of any property on which a school, a place of worship, or a child day-care facility is located;
 9. Upon any sidewalk that is within 100 feet of the nearest property line of any property on which a private and post-secondary education, college or university building or campus is located;
 10. Within or on any median strip or dividing section of any street;
 11. Within any landscaped area or on an unpaved surface;
 12. Within 25 feet of any active encroachment permit issued and displayed during the time and dates listed in the permit;
 13. Within 25 feet of any outdoor dining or patio area of a business;
 14. Within any public property that does not meet the definition of a sidewalk or pathway including, without limitation, any alley, median, trail, street, roadway, parking lot, or parking structure;
 15. Within any private property without having first obtained current and valid permits and licenses from the City for such activity and received express written consent of the property owner or lessee of the property;
- F. Mobile vendors shall not vend in a manner that blocks or obstructs the free movement of pedestrians on sidewalks and must maintain a minimum of three feet of accessible path of travel, without obstruction, along the sidewalk upon which the vendor is vending so as to enable persons to freely pass while walking, running, or using mobility assistance devices.

- G. Mobile vendors shall not block any entrances to buildings, driveways, parking spaces, or windows.
- H. Mobile vendors shall not vend to customers in vehicles unless said vehicles are lawfully parked and shall not cause vehicles to stop in traffic lanes or persons to stand in traffic lanes.
- I. Mobile vendors that sell food shall maintain a trash container in or on their mobile vending station and shall not empty their trash into public trash cans. The size of the vendor's trash container shall be considered when assessing the total size limit of a stationary mobile vending. Mobile vendors shall not leave any location without first picking up, removing, and disposing of all trash or refuse from their operation, and returning the site to the condition present at the time the mobile vendor arrived.
- J. Mobile vendors shall maintain the area immediately surrounding the vending area in a clean and sanitary condition. Prior to leaving any vending location, the mobile vendor shall pick up, remove, and lawfully dispose of all byproducts (including fats, oils, and grease) and litter generated by the vending operation (whether by the vendor or customer) within 25 feet of the vending location. Mobile vendors shall not cause, permit, or suffer any litter, food, or other discarded or abandoned object to be thrown, deposited, or left in or upon any street, sidewalk, gutter, storm drain, inlet, catch basin, or other drainage structure, or upon any public or private land in the City.
- K. Vending carts shall not be left unattended on the public right-of-way at any time.
- L. Mobile vendors engaged in the vending of food or beverages shall have hand sanitizer located in a conspicuous location readily available for use by customers.
- M. All food and merchandise shall be stored either inside or affixed to the mobile vendor station or carried by the mobile vendor. Food and merchandise shall not be stored, placed, or kept on any public property. If affixed to the mobile vendor station, the overall space taken up by the mobile vendor station shall not exceed the size requirements provided in this chapter.
- N. Roaming mobile vendors shall not use any portable cooking equipment, gas-fueled appliance, or any open flame unless approved and permitted by the Director, San Rafael City Fire Department and/or Marin County Environmental Health Services.
- O. Mobile vendors who vend any food, beverage, or liquid product must implement the following practices:
 - 1. Possess spill kits that are comprised of paper towels, cloth towels, cat litter, or sand at all times while vending;
 - 2. Remove all spill materials from the public right-of-way and sidewalks once the spilled material is absorbed off the ground;
 - 3. Capture and prevent spills leaving the area and moving into the surrounding streets from entering the stormwater conveyance system, including curbs, gutters, and storm drains;
 - 4. Properly dispose of grease, either by hiring and utilizing an on-site grease collector or collection system, or at an acceptable facility; and

5. Ensure that any water or rinse residue used for vending activities (e.g., cooler water, ice, food preparation water) is not disposed in the curbs, gutters, streets, drains, or on any public property.
- P. Mobile vendors shall ensure that all customer queuing, waiting areas, or lines do not block, hinder, or interfere with the free flow of pedestrian or vehicular traffic along, over, or across public property, and otherwise comply at all times with the location-related restrictions set forth in this chapter relative to sidewalk vending activities.
- Q. During an urgent or emergency public safety event or incident, including, but not limited to, a traffic accident, crime scene, medical emergency, gas leak, natural disaster, fire, on-site construction, sidewalk or road work or related work on a capital improvement project, the City may temporarily require the mobile vendors to relocate to another location or area if doing so is necessary to protect the public health, safety, or welfare.
- R. Mobile vendors may only use an umbrella or temporary covering for shade or protection from sun or rain over the vending cart, and it shall not exceed eight feet in height nor five feet in diameter. Furthermore, the use of such an umbrella or temporary covering shall be fire rated as flame-resistant as approved by the San Rafael Fire Department for any vending activities while an approved heating element or portable cooking equipment is in use.
- S. Notwithstanding any specific requirements, conditions or prohibitions contained in this chapter, mobile vending is prohibited at any location, public property or area where the operation of mobile vending activities creates a reasonable danger to the health, safety or general welfare of the public or property.
- T. Mobile vendors shall present, upon request, a valid government-issued photo identification, California driver's license or identification card, Mobile Vending Permit, business license, and other applicable license or permit, to any City official including a City code compliance officer, building inspector, police officer, firefighter, fire prevention specialist or examiner, Marin County health inspector authorized to enforce this chapter including to ensure the safe operation and any heating elements or portable cooking equipment used to prepare food, as well as to any person to whom they are vending.

10.50.110 Stationary Mobile Vendor Operating Requirements.

In addition to the general operating requirements set forth in Sections 10.50.100, 10.50.120 and 10.50.130, stationary mobile vendors shall comply with the following operating requirements and prohibitions, and each of these operating requirements and prohibitions shall constitute conditions of any Mobile Vending Permit for a stationary sidewalk vendor.

- A. Stationary sidewalk vending activity is prohibited from operating or establishing in any residential areas of the City, defined as zoning districts R, DR, MR, and HR

under San Rafael Municipal Code Section 14.04.020 et seq., or within the Downtown Precise Plan area.

- B. Stationary mobile vendors may vend on private property under the following conditions:
1. The applicant provides written authorization from the property consenting to vending activity on their property.
 2. The applicant complies with the requirements of [San Rafael Municipal Code \(SRMC\) Section 14.17.130 \(Temporary Uses\)](#), including obtaining complying with any performance standards or conditions attached to the approval of the temporary use permit.
- C. Any vending cart used in the vending activity shall be removed from the sidewalk each day at the close of business.
- D. Stationary mobile vendors shall not cause, allow, or suffer the placement of chairs, fences, shade structures, umbrellas, other furniture not used to display merchandise, rugs, towels, or fabric of any kind upon the sidewalk in conjunction with the vending operation (whether for the display of goods or any other reason).
- E. Stationary mobile vendors shall not cause, allow, or suffer the erection or placement of any signs upon the sidewalk or a vending cart, unless allowed or approved pursuant to Chapter 14.19.
- F. Stationary mobile vendors shall not attach or use any water lines, electrical lines, or gas lines located on public property or owned by the City, or belonging to any other entity or person, during the vending activity.
- G. No vending cart may exceed an overall height of five feet, a total width of five feet, and a total length of five feet. It may not include attachments such as balloons, streamers, ribbons, or pinwheels.
- H. Vending activities shall only occur on sidewalks or pathways where it is possible to maintain a minimum of three feet of accessible path of travel, without obstruction, along the sidewalk upon which the vendor is vending.
- I. Vendors shall only use any portable cooking equipment or heating element as approved by the Director, San Rafael City Fire Department and/or Marin County Environmental Health Services. The following additional conditions apply:
1. The equipment shall be kept at least 20 feet from any permanent structure and at least 30 feet from any dry grass, grain, brush, or forested area;
 2. The equipment shall not be unattended;
 3. No vendor shall smoke or vape or allow any person to smoke or vape within 20 feet;
 4. The vendor shall regularly clean the portable cooking equipment to remove grease and food buildup;
 5. The equipment shall only use propane, natural gas, or butane cylinder tanks;
 6. The vendor shall use or store only propane, natural gas, or butane tanks of 20 gallons or less, with a limit of two 20-gallon tanks on a conveyance;

7. Tanks shall be stored in an upright position during use and positioned in such a way as to prevent falling, tipping, and tampering;
 8. Tanks shall be disconnected while the conveyance is in transit or not in use;
 9. Only tanks with a shut-off valve and a pressure regulator, having hoses of a type approved for use by the manufacturer with the equipment are allowed;
 10. All connections to the tank shall be tested for potential leaks before each use using soap and water; and
 11. Any conveyance that stores a tank shall have two ventilation openings on opposite sides at the cylinder valve level and at least one ventilation opening at the floor level. Each opening shall be a minimum of 10 square inches, screened with a minimum 16 mesh and shall vent to the exterior of the conveyance.
- J. Stationary mobile vendors shall comply with the following fire extinguisher requirements:
1. An easily accessible, properly charged and maintained 2A-10BC-rated five pound fire extinguisher shall be kept at the vending cart at all times and be familiar with its proper use. Stationary sidewalk vendors shall ensure the extinguisher has been serviced within the last year and has a valid California State Fire Marshal service tag attached;
 2. Deep-fat fryers or woks with cooking oil capacity of six inches depth or greater using combustible cooking media, vegetable or animal oils or fats, shall be provided with a Class K fire extinguisher;
 3. The extinguisher shall be mounted securely to the vending cart or equipment; and
 4. The extinguisher shall be located away from the cooking area but within reasonable reach to prevent the spread of fire.

10.50.120 Operating Requirements for Mobile Vendors Within a Park.

Mobile vendors shall comply with the following operating requirements and prohibitions, and each of these operating requirements and prohibitions shall constitute conditions of any Mobile Vending Permit for a sidewalk vendor within a park.

- A. Mobile vendors are prohibited from operating within any portion of a City park for which the City has signed an agreement for concessions that exclusively permits the sale of merchandise or food by the concessionaire.
- B. Mobile vendors operating within a City park shall comply with all operating requirements and prohibitions set forth in Sections 10.50.100, 10.50.110 and 10.50.130.
- C. Roaming sidewalk vendors shall not vend within 50 feet of any portion of a park for which the City has signed an agreement for concessions that exclusively permits the sale of merchandise or food by the concessionaire.
- D. Mobile vendors shall not vend in the following locations within a park:

1. Within 25 feet of any field, court, or pitch that is primarily designed for use in a sporting activity (including, but not limited to, baseball field, softball field, basketball court, tennis court, soccer pitch, volleyball court, pickleball court, horseshoe pits, lawn bowling and handball court), while said area is in use;
 2. Within 25 feet of any playground, recreational water features, or exercise area, while said area is in use;
 3. Within 25 feet of any restroom facilities;
 4. Within 25 feet of any community building or structure, indoor gym, dance rooms, meeting rooms, arts and craft rooms, banquet halls, lounge, shaded structures, patios, awnings, gazebos, BBQ stations, picnic pavilion, picnic tables, recreation rooms, dog park, and bandshells;
 5. Within 25 feet of any abutting residential parcel adjacent to a park.
- E. Mobile vending within any park is prohibited daily between the hours of eight p.m. (8:00 p.m.) and eight a.m. (8:00 a.m.) of the following day.
- F. Notwithstanding Section 10.50.100(E)(18), mobile vendors of merchandise may conduct mobile vending on unpaved portions of a park, so long as the vendor adheres to all other mobile vendor operating requirements and park regulations. Mobile vendors of food may not conduct mobile vending on unpaved portions of a park.

10.50.130 Prohibited Activities.

The following activities are prohibited, which are directly related to objective of health, safety, and welfare concerns, including, but not limited to, health, safety and welfare of vendors, their prospective patrons, pedestrians, those protected by the Americans with Disabilities Act, those operating motor vehicles at intersections and in rights-of-way adjacent to sidewalks, and the public at large. Mobile vendors shall not:

- A. Sell or offer to sell services, or engage in or offer to engage in any type of rental activity, including the rental of any goods or services;
- B. Display merchandise or food that is not available for immediate sale;
- C. Utilize outdoor wood burning ovens, charcoal barbecues;
- D. Utilize gasoline or kerosene;
- E. Utilize portable generators unless approved by the Director, San Rafael Fire Department and/or Marin County Environmental Health Services;
- F. Except as otherwise specified in this chapter, conduct sidewalk vending activities between the hours of eight p.m. (8:00 p.m.), and eight a.m. (8:00 a.m.) of the following day, with the exception that sidewalk vending in nonresidential areas may operate during hours consistent with the hours of operation of the businesses on the same street block;
- G. Utilize a motorized mobile vending cart;
- H. Use any flashing lights or any other animated devices. Mobile vendors shall only utilize the minimum amount of luminaires necessary for the safe operation of sidewalk vending activities as determined by the City;

- I. Sell, use, or vend any of the following:
 1. Live animal(s),
 2. Adult-oriented material depicting, describing, or relating to specified anatomical areas or specified sexual activities,
 3. Alcoholic beverages, cannabis, marijuana, or tobacco products that contain nicotine or any product used to smoke (or "vape") nicotine or marijuana,
 4. Weapons, including knives, guns, or explosive devices; airsoft guns, paintball guns, BB devices or imitation firearms,
 5. Pharmaceuticals,
 6. Illegal or counterfeit merchandise, or
 7. Any other merchandise or products prohibited by local, state and federal laws;
- J. Utilize sound in violation of any City noise standard.
- K. Allow a vending cart or other accessory equipment to touch, lean against or be affixed or fastened at any time to any building, structure or above-ground structure, including, but not limited to, poles, trees, lampposts, parking meters, mailboxes, traffic signals, fire hydrants, benches, bus shelters, newsstands, trashcans, waste receptacles, or traffic barriers located in the public right-of-way;
- L. Set up a customer seating area, such as, but not limited to, equipment, tables, chairs, tents, or canopies;
- M. Enter private property to solicit at any dwelling, including, but not limited to, a house, apartment, duplex, condominium, gated community, or business without explicit permission of the property owner or their designee.

10.50.140 Violations and Penalties.

- A. By Persons With a Current and Valid Permit. A violation of this chapter, by a sidewalk vendor who has a current and valid Mobile Vending Permit issued by the City pursuant to this chapter, is punishable by an administrative citation under this code, in the following amounts:
 1. An administrative fine not exceeding \$100.00 for a first violation;
 2. An administrative fine not exceeding \$200.00 for a second violation within one year of the first violation; and
 3. An administrative fine not exceeding \$500.00 for each additional violation within one year of the first violation.
- B. By Persons Without a Current and Valid Permit. Any person engaged in mobile vending without a current and valid Mobile Vending Permit issued pursuant to this chapter is punishable by an administrative citation pursuant to Chapter 1.44 of this code, in the following amounts:
 1. An administrative fine not exceeding \$250.00 for a first violation;
 2. An administrative fine not exceeding \$500.00 for a second violation within one year of the first violation; and
 3. An administrative fine not exceeding \$1,000.00 for each additional violation within one year of the first violation.

4. Upon proof of a valid permit issued by the City, pursuant to this chapter, the administrative fines set forth in this subsection B shall be reduced to the administrative fines set forth in subsection A of this section, or any successor sections, if such conduct would still constitute a violation of this chapter.
- C. The Director may revoke a permit issued to a sidewalk vendor for the term of that permit upon the fourth violation or subsequent violations.
- D. A violation of this chapter shall not be punishable as an infraction or misdemeanor and a person alleged to have violated any provision of this part shall not be subject to arrest except when otherwise permitted under law. Further, failure to pay an administrative citation issued pursuant to this chapter shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized herein shall not be assessed.
- E. Any administrative citation issued pursuant to this chapter shall be accompanied with notice of and instruction regarding the citee's right to request an ability-to-pay determination. When assessing administrative citations pursuant to this chapter, the administrative hearing officer shall take into consideration the person's ability to pay the fine. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
- F. If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, or any successor sections, the City shall accept, in full satisfaction, 20% of an administrative citation imposed pursuant to this chapter.

10.50.150 Ability-to-Pay Determination and Appeals.

- A. Ability-to-Pay Determination. Any person issued an administrative citation pursuant to this chapter may request a determination on the person's ability to pay the administrative fine. The person may request an ability-to-pay determination at any time prior to payment of the fine, including when a fine is delinquent or has been referred to a comprehensive collection program.
 1. The Director or hearing officer shall reduce the fine to 20% of the total if the citee meets either of the following criteria:
 - a. The citee is receiving public benefits under Government Code Section 68632(a), or any successor section; or
 - b. The citee has a monthly income which is 200% or less of the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services.
- B. Appeal of Administrative Citation. Any person issued an administrative citation pursuant to this chapter shall have the right to appeal the issuance of the administrative citation in accordance with and the time limits set forth in Chapter 1.44 of this code.

1. Notwithstanding the provisions of Chapter 1.44 of this code, upon the submission of proof of a valid permit issued by the City pursuant to this chapter, any administrative fine imposed upon a mobile vendor who did not have a valid permit at the time the administrative citation was issued shall be reduced in accordance with Section 10.50.140(B)(4).
2. If the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, or any successor section, the hearing officer shall accept, in full satisfaction, 20% of the administrative fine imposed pursuant to this chapter.
3. The hearing officer may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

C. Appeal of Denial or Revocation of Mobile Vending Permit.

1. Any person who has been denied a Mobile Vending Permit or who has had a Mobile Vending Permit revoked by the Director or designee, or has had their mobile vending cart, food, equipment, utensils, goods or merchandise (collectively classified as "items") impounded pursuant to this chapter may appeal such determination to the hearing officer, by filing a request for an appeal with the City Clerk, and paying an appeal fee as set by resolution of the City Council, within 21 calendar days of service of the notice of such denial, revocation . The request for an appeal shall contain, at a minimum, the following:
 - a. The name, current mailing address, and telephone number of the appellant;
 - b. As applicable, the date of denial or rescission by the Director or designee, ;
 - c. A statement as to all grounds for appeal in sufficient detail to enable the hearing officer to understand the nature of the controversy; and
 - d. The signature of the appellant under penalty of perjury as to the contents of the request for appeal.
2. An appeal shall be scheduled for a hearing before the hearing officer within 30 calendar days of the filing of the appeal unless both the appellant and the hearing officer consent to a later date.
3. The hearing officer shall give notice in writing to the appellant of the time and location of the appeal hearing. At the hearing, the hearing officer shall review the record of the decision for denial of a Mobile Vending Permit or revocation of a Mobile Vending Permit by the Director and hear testimony of the appellant, if any, the applicant, and any other interested party. The appeal shall be reviewed and determined on a de novo basis.

D. After the hearing, the hearing officer shall affirm, modify, or reverse the original denial or revocation t. When a denial or revocation is modified or reversed, the hearing officer shall state the specific reasons for modification or reversal. .

Decisions on appeals shall be rendered within 30 calendar days of the close of the hearing. The hearing officer shall mail notice of a decision to the appellant. Such notice shall be mailed within five working days after the date of the decision to the appellant. The decision of the hearing officer shall be final.

DIVISION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

This Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to the “common sense exemption” in Section 15061(b)(3) of Title 14 of the California Code of Regulations, since it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment.

DIVISION 3. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council of the City of San Rafael hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

DIVISION 4. EFFECTIVE DATE OF ORDINANCE.

This Ordinance shall be published once, in full or in summary form, before its final passage, in a newspaper of general circulation, published and circulated in the City of San Rafael, and shall be in full force and effect on December 3, 2025. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those Council members voting for or against same, in a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance.

THE FOREGOING ORDINANCE was first read and introduced at a regular meeting of the San Rafael City Council on the 20th day of October 2025, and was passed and adopted at a regular meeting of the San Rafael City Council on the 3rd day of November 2025 by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

Attest:

Kate Colin, Mayor

LINDSAY LARA, City Clerk

SUMMARY OF ORDINANCE NO. 2053

ESTABLISHMENT OF MOBILE VENDING PROGRAM

This Summary concerns a proposed Ordinance of the City Council of the City of San Rafael, designated as Ordinance No. 2053 which will add Chapter 10.50, "Mobile Vending Permit Program" of the City of San Rafael Municipal Code. Ordinance No. 2053 is scheduled for adoption by the San Rafael City Council at its regular meeting of November 3, 2025. The City Clerk has been directed to publish this Summary pursuant to City Charter and California Government Code section 36933(c)(1).

SUMMARY OF AMENDMENT TO MUNICIPAL CODE

This Ordinance would amend the San Rafael Municipal Code by adding Chapter 10.50, "Mobile Vending Permit Program" to regulate mobile vending within the City of San Rafael by establishing a permitting process with time, place, and manner restrictions for mobile vendors consistent with state law.

For a complete copy of the text of the Ordinance amending the Municipal Code, please contact the City Clerk's Office at city.clerk@cityofsanrafael.org or by phone at (415) 485-3066. Copies of the Ordinance containing this Municipal Code amendment are also available for public review at the San Rafael City Clerk's office, 1400 Fifth Avenue, 2nd Floor, Room 209, Monday through Thursday from 9:00 a.m. to 4:00 p.m., and on Fridays by appointment only.

/s/ _____
LINDSAY LARA, City Clerk
San Rafael City Clerk
Dated: October 24, 2025

Proposed Mobile Vending Ordinance – City of San Rafael

The purpose of this document is to provide a high-level summary of the City of San Rafael's proposed Mobile Vending Ordinance. For more information, please review the Ordinance in its entirety. You may read the staff report and draft of the Mobile Vending Ordinance: [here](#).

I. Permit Requirements

To legally operate as a mobile food vendor in the City, individuals must obtain the following approvals.

A. Required Permits and Approvals

Permit Type	Issued By	Purpose
Mobile Vending Permit	City of San Rafael	Authorizes vendor to operate on sidewalks or public right-of-way
Business License	City Finance Department	Required for any person operating a business in the City
County Health Permit	Marin County Environmental Health Services	Required if food or beverages are sold

B. Permit Application Requirements

Applicants must submit:

- Name and contact information
- Description of items to be sold
- Proposed operating locations and hours
- Proof of business license and health permit (if selling food or beverages)

C. Permit Validity and Renewal

- Permits are valid for one year.
- They are non-transferable and cannot be sold, leased, or shared.
- Vendors must renew permits prior to the expiration date.

II. Operating Requirements

The Ordinance contains operating requirements designed to protect public health, public safety, and maintain accessibility for pedestrians.

A. Prohibited Items & Activities

Activity	Description
Unpermitted Vending	Operating without a valid City mobile vending permit and business license
Obstruction of Pathways	Blocking sidewalks, crosswalks, fire hydrants, driveways, or accessible ramps
Selling Prohibited Goods	Alcohol, cannabis, tobacco, vaping products, firearms, fireworks, pharmaceuticals, drug paraphernalia, or adult materials
Food Safety Violations	Selling food without a County Health Permit, improper food storage, or handling
Open Flames Without Approval	Use of propane, grills, or heating devices without proper authorization
Leaving Equipment Unattended	Carts, tables, or equipment may not be left in public spaces after hours
Amplified Sound or Visual Nuisance	No use of loudspeakers, music, flashing lights, or generators that disturb the public
Discharge of Waste	Dumping grease, gray water, trash, or food waste into storm drains or public property
Stationary Vending in Prohibited Areas	Includes residential zones, narrow sidewalks, near school entrances, in front of commercial entrances, near bus stops
Using Public Furniture or Infrastructure	Vendors may not attach items to streetlights, signs, benches, trees, or City infrastructure

B. Location Restrictions

The Ordinance contains rules requiring specific distances from sensitive areas, that include, but are not limited to:

- 25 feet from fire hydrants, bus stops, another vendor, and emergency exits of businesses when in operation
- Stationary vendors are only allowed in commercial and industrial zones
- Vending in City parks is prohibited unless in designated vending zones

C. Hours of Operation

- Vending is limited to 8:00am to 8:00pm, except in non-residential zones vendors may take place during the same hours that businesses operate on the same street block.

III. Enforcement and Consequences

- The Ordinance establishes a graduated administrative penalty system.
- Violations are civil (not criminal), and in compliance with 2019 California Senate Bill (SB) 946.
- Fines escalate with repeat violations:
 - **\$100** – First violation
 - **\$200** – Second violation (within one year)
 - **\$500** – Third and subsequent violations
- A permit may be suspended or revoked after repeated violations.
- Vendors have the right to appeal citations or permit denials.

IV. Key Compliance Messages

- **Education first:** The City will provide outreach and permit assistance before initiating full enforcement.
 - **Accessibility is mandatory:** Compliance with the Americans with Disabilities Act (ADA) is legally required.
 - **Health and safety matter:** Food vending without proper equipment and sanitation poses serious risks.
 - **Permitting protects vendors:** Formal permitting helps vendors avoid fines and operate legally.
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Propuesta de ordenanza sobre venta ambulante – Ciudad de San Rafael

El propósito de este documento es proporcionar un resumen de alto nivel de la Ordenanza sobre Venta Móvil propuesta por la ciudad de San Rafael. Para obtener más información, revise la Ordenanza en su totalidad. Puede leer el informe del personal y el borrador de la Ordenanza sobre Venta Móvil: [aquí](#).

I. Requisitos para la obtención del permiso

Para operar legalmente como vendedor ambulante de alimentos en la ciudad, las personas deben obtener las siguientes autorizaciones.

A. Permisos y autorizaciones necesarios

Tipo de permiso	Concedido por	Función
Permiso para venta ambulante	Ciudad de San Rafael	Autoriza al vendedor a operar en aceras o vías públicas
Licencia comercial	Departamento de Finanzas de la Ciudad	Requerido para cualquier persona que opere un negocio en la ciudad
Permiso sanitario del condado	Servicios de Salud Ambiental del Condado de Marin	Obligatorio si se venden alimentos o bebidas

B. Requisitos para solicitar el permiso

- Los solicitantes deben presentar:
- Nombre e información de contacto
- Descripción de los artículos que se venderán
- Ubicaciones y horarios de operación propuestos
- Prueba de licencia comercial y permiso sanitario (si se venden alimentos o bebidas)

C. Validez y renovación del permiso

- Los permisos tienen una validez de un año.
- No son transferibles y no se pueden vender, alquilar ni compartir.
- Los vendedores deben renovar los permisos antes de la fecha de vencimiento.

II. Requisitos operativos

La Ordenanza contiene requisitos operativos diseñados para proteger la salud pública, la seguridad pública y mantener la accesibilidad para los peatones.

A. Artículos y actividades prohibidos

Actividad	Descripción
Venta ambulante no autorizada	Operar sin un permiso válido de venta ambulante de la ciudad y una licencia comercial
Obstrucción de vías	Bloqueo de aceras, cruces peatonales, hidrantes, entradas de vehículos o rampas de accesibilidad
Venta de productos prohibidos	Alcohol, cannabis, tabaco, productos de vapeo, armas de fuego, fuegos artificiales, productos farmacéuticos, parafernalia relacionada con drogas o material para adultos
Infracciones de seguridad alimentaria	Venta de alimentos sin permiso sanitario del condado, almacenamiento o manejo inadecuado de alimentos
Fuego abierto sin autorización	Uso de propano, parrillas o dispositivos de calefacción sin la autorización adecuada
Dejar el equipo desatendido	No se pueden dejar carritos, mesas o equipamiento en espacios públicos después del horario laboral
Sonido amplificado o molestias visuales	No se permite el uso de altavoces, música, luces intermitentes o generadores que molesten al público
Descarga de desechos	No se permite arrojar grasa, aguas residuales, basura o residuos alimenticios en los desagües pluviales o en la propiedad pública
Venta ambulante en zonas prohibidas	Incluye zonas residenciales, banquetas angostas, cerca de entradas a escuelas, frente a entradas a comercios, cerca de paradas de autobús
Uso de mobiliario público o infraestructura	Los vendedores no pueden colocar artículos en postes de luz, letreros, bancos, árboles o infraestructura de la ciudad.

B. Restricciones de ubicación

La ordenanza contiene normas que exigen distancias específicas desde zonas sensibles, entre las que se incluyen, entre otras:

- 25 pies desde hidrantes, paradas de autobús, otros vendedores y salidas de emergencia de negocios en funcionamiento
- Los vendedores fijos solo están permitidos en zonas comerciales e industriales
- Está prohibido vender en parques de la ciudad, salvo en las zonas designadas para la venta

C. Horario de funcionamiento

- La venta ambulante está limitada a las 8:00 a. m. a las 8:00 p. m., excepto en las zonas no residenciales, donde los vendedores pueden operar durante el mismo horario en que lo hacen los negocios de la misma cuadra.

III. Aplicación y consecuencias

- La ordenanza establece un sistema de sanciones administrativas graduales.
 - Las infracciones son civiles (no penales) y cumplen con el proyecto de ley 946 del Senado de California (SB) de 2019.
 - Las multas aumentan con las infracciones repetidas:
 - **100 \$:** primera infracción
 - **200 \$:** segunda infracción (en el plazo de un año)
 - **500 \$:** tercera infracción y sucesivas
 - El permiso puede suspenderse o revocarse tras infracciones repetidas.
 - Los vendedores tienen derecho a apelar las citaciones o denegaciones de permisos.
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IV. Mensajes clave sobre el cumplimiento

- **La educación es lo primero:** La ciudad proporcionará información y asistencia para la obtención de permisos antes de iniciar la aplicación plena de la ley.
 - **La accesibilidad es obligatoria:** El cumplimiento de la Ley de Estadounidenses con Discapacidades (ADA) es un requisito legal.
 - **La salud y la seguridad son importantes:** La venta de alimentos sin el equipo y las condiciones sanitarias adecuadas supone un grave riesgo.
 - **Los permisos protegen a los vendedores:** La obtención de permisos formales ayuda a los vendedores a evitar multas y a operar legalmente.
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