

### **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.