

ORDINANCE NO. \_\_\_\_\_

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING CHULA VISTA MUNICIPAL CODE CHAPTER 19.58 (USES) TO ADD SECTION 19.58.440 (MOBILE FOOD FACILITIES); AMENDING CHAPTER 8.20 (FOOD VENDORS); AMENDING CHAPTER 5.62 (VENDING VEHICLES); AMENDING CHAPTER 10.52 (STOPPING, STANDING, AND PARKING); AND AMENDING CHAPTER 5.07 (MASTER TAX SCHEDULE)

WHEREAS, mobile food facilities, provide gourmet and fast food options to city residents, workers and visitors; and

WHEREAS, mobile food facilities operating at the invitation of businesses, such as retail centers or breweries, draw customers that benefit these businesses; and

WHEREAS, mobile food facilities provide diverse dining options for the general public at permitted special events on public or private property such as festivals, street fairs and fun runs; and

WHEREAS, mobile food facilities provide an opportunity for entrepreneurs to operate small businesses, as well as for brick and mortar restaurants to expand into other locations or new markets; and

WHEREAS, California Health and Safety Code section 113700 *et seq.* (the “California Retail Food Code”) establishes local regulatory authority over mobile food facilities and allows mobile food facilities to operate in accordance with local codes, ordinances and regulations; and

WHEREAS, Section 22455 of the California Vehicle Code authorizes the City to regulate the time, place and manner of vending from mobile food facilities in the public right-of-way for public safety; and

WHEREAS, Section 114315 of the California Health and Safety Code requires a mobile food facility be operated within 200 feet of an approved and readily available toilet and handwashing facility to ensure that restroom facilities are available to mobile food facility employees whenever the mobile food facility is stopped to conduct business for more than a one-hour period; and

WHEREAS, Chula Vista Municipal Code (CVMC) Chapters 8.20 and 5.62 currently address the licensing and operation of food and non-food vending vehicles; and

WHEREAS, the creation of CVMC Section 19.58.440 (Mobile Food Facilities) is recommended to regulate mobile food facilities; and

WHEREAS, CVMC Section 5.07.030 establishes a Master Tax Schedule for business license tax purposes; and

WHEREAS, pursuant to Section 5.07.030, the applicable rate for all vending vehicles is set at \$200 per vehicle per year (foodstuffs and non-foodstuffs); and

WHEREAS, for each business license tax established in CVMC Section 5.07.030, a reference to the applicable section of the CVMC is provided; and

WHEREAS, approval of this ordinance will create a new CVMC section regulating a subset of food vending vehicles, necessitating an update to the Master Tax Schedule references; and

WHEREAS, The City Council reviewed the proposed legislative action for compliance with the California Environmental Quality Act (CEQA) and determined that the action is not a “Project” as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the action is not subject to CEQA. In addition, notwithstanding the foregoing, the City Council has also determined that the action qualifies for an Exemption pursuant to Section 15061(b)(3) of the State CEQA Guidelines; therefore, no further environmental review is required.

NOW THEREFORE the City Council of the City of Chula Vista does hereby find and ordain as follows:

That the regulation of mobile food facilities is in the interest of the health, safety and welfare of the community and that the sales of products from mobile food facilities be limited to food items subject to regulation under the California Retail Food Code, as may be amended.

BE IT FURTHER ORDAINED that Section 19.58.440 be added to the Chula Vista Municipal Code and that Chapters 5.62, 8.20 and Section 10.52.200 of the Chula Vista Municipal Code be amended as set forth below.

### **Section I.**

#### Section 19.58.440 Mobile food facilities.

##### A. Purpose

Mobile food facilities benefit the community by providing gourmet and fast food services to City residents, workers and visitors. They also provide an entrepreneurial opportunity for small businesses to operate in the City, and for brick-and-mortar restaurants to operate in different locations or markets. When operated at the invitation of a brewery or retail center, mobile food facilities draw customers that benefit these businesses. Similarly, when operated as part of a permitted special event, mobile food facilities draw customers that benefit the special event.

The City needs to protect the public by ensuring mobile food facilities are operated in a safe manner and do not create nuisances or hazards. Reasonable regulations are necessary to ensure

that mobile food facilities are operated in accordance with health, safety and traffic laws of the state and the parking ordinances of the City; do not cause public safety problems by contributing to traffic congestion or by creating pedestrian and vehicular conflicts; and do not disturb the quiet use and peaceful enjoyment of residential neighborhoods. Therefore the regulations in this section are enacted in accordance with the authority granted in Section 22455 of the California Vehicle Code and California Health and Safety Code section 114315 et seq. (the “California Retail Food Code”), as each may be amended.

## B. Definitions

1. “Authorizing Person” means a property owner, host, tenant, lessor, or manager of real property, or an agent thereof, who has responsibility for authorizing location of a mobile food facility on the property.

2. “Hosting Permit” means a permit authorizing an Authorizing Person to host a mobile food facility on their premises.

3. “Mobile food facility” A large vehicle equipped to cook and sell food as a mobile kitchen, and as defined in California Health and Safety Code section 113831, as may be amended, and also means a vehicle that operates as a food facility from which food is sold or distributed at retail.

a. “Mobile food facility” does not include a “transporter” used to transport packaged food from a facility, or other approved source, to the consumer.

b. “Mobile food facility” does not include ice cream trucks that sells pre-made, prepared, prepackaged, or unprepared vending vehicles, which are defined in Section 8.20.010 of the Municipal Code, or vehicles that deliver prepared food to subscribers.

4. “Responsible Party” is defined in Section 1.04.010 of this Municipal Code, and for purposes of this Section, also includes Authorizing Persons and Vendors.

5. The terms “street,” “highway,” and “vehicle” have the same definition as in the California Vehicle Code, as may be amended.

6. “Trailer” means an unpowered vehicle towed by another vehicle.

7. “Vending Permit” means a permit allowing a Vendor to operate a mobile food facility on private and public property.

7. “Vendor” means a person who owns, leases, manages or vends from a mobile food facility.

## C. Mobile food facilities – License tax required

Every person conducting, managing or operating a mobile food facility shall pay a tax as presently designated, or as may in the future be amended, pursuant to Master Tax Schedule Section CVMC 5.07.030. The license obtained by payment of the license tax shall identify the particular vehicle to be used and shall be kept on the vehicle, available for inspection at all times.

#### D. Mobile food facilities on private, public, and City property

Mobile food facilities may operate on nonresidential and residential private property with prior written consent of an Authorizing Person. Mobile food facilities may operate on City property with the prior written consent of the City Manager or designee, and may also operate on public streets and highways. All mobile food facilities, regardless of vending location, are subject to the Vending Permit requirements and the regulations set forth herein, as well as other applicable provisions of the Municipal Code, California law and federal law.

1. Mobile food facilities may operate as an accessory or ancillary use in all agricultural, mixed use, commercial and industrial zones, and similar zones for all Sectional Planning Area (SPA) Plans and Specific Plans upon issuance of a Vending Permit by the City Manager or designee, except where prohibited in this Municipal Code.
2. Mobile food facilities may operate at multiple nonresidential sites with a valid annual Vending Permit for each site, and written permission by an Authorizing Person representing property or business ownership, in possession of a Hosting Permit, where the mobile food facility operates.
3. Mobile food facilities may not operate in residential zones, except:
  - a) Pursuant to a block party permit issued by the City; or
  - b) When an Authorizing Person has invited a mobile food facility onto the premises of a college, school, religious institution, construction site, or other private property in a residential zone, when providing food service to patrons on such premises exclusively.
4. Mobile food facilities are prohibited from vending on vacant lots or gas service stations, and shall not be the primary use on any lot.

#### E. Private Catering

Mobile food facilities may operate as a private food and beverage caterer with a Vending Permit under the following conditions:

1. The mobile food facility shall be parked entirely on private property.
2. Service shall be limited to guests of the event host; no walk-up customers are permitted.

3. Payment transactions shall occur between the event host and the Vendor only.

#### F. Hosting Permit requirements

1. An Authorizing Person wanting to host mobile food facilities on their property shall obtain an annual Hosting Permit prior to allowing mobile food facility Vendors on their premises.

2. Payment of a fee is required for an annual Hosting Permit. The permit fee shall be as set forth in the Master Fee Schedule of the City adopted by resolution by the City Council. The City Manager shall from time to time recommend such fees to the City Council that reflect an amount to equal but not to exceed the reasonable costs of administration of the program.

#### G. Vending Permit requirements

1. All mobile food facility Vendors shall obtain an annual Vending Permit before offering food or beverages for sale at each location in Chula Vista.

2. Payment of a fee is required for an annual Vending Permit. The permit fee shall be as set forth in the Master Fee Schedule of the City adopted by resolution by the City Council. The City Manager shall from time to time recommend such fees to the City Council that reflect an amount to equal but not to exceed the reasonable costs of administration of the program.

3. The following shall be submitted with each application for a mobile food facility Vending Permit and when a Vending Permit is issued, the Vendor shall maintain the following during the permit year, and shall present the Vending Permit and any of the following, upon request, to a police officer, code enforcement officer, or any other person designated by the City to enforce this Municipal Code section:

- a. A business tax certificate (license) to operate in Chula Vista; a separate business license is required for each mobile food facility.
- b. A valid driver's license for each mobile food facility driver.
- c. Proof of commercial vehicle insurance for each mobile food facility.
- d. A commissary agreement for each mobile food facility to park, clean, and obtain supplies from a commissary that provides these services; except trailers.
- e. A health permit issued by the San Diego County Department of Environmental Health for each mobile food facility.
- f. When vending on nonresidential private property either pursuant to a special event permit or a Vending Permit, a written agreement with an Authorizing

Person authorizing the Vendor to operate a mobile food facility on the property, including days and hours of operation.

- g. When vending on private property for more than a one-hour period, a written agreement with an Authorizing Person authorizing mobile food facility employees to use toilet and handwashing facilities onsite; portable toilets and portable handwashing do not satisfy this requirement.
- h. When vending on public property or City property, an agreement to indemnify and hold harmless the City, on a form provided by the City, and a certificate of insurance naming the City of Chula Vista as an additional insured in an amount and manner determined by City at City's sole discretion.

4. A Vending Permit is non-transferrable.

#### H. Mobile food facility regulations

Vendors and Authorizing Persons are required to ensure that all mobile food facilities comply with the following regulations:

1. Only food and beverages regulated by the California Retail Food Code shall be offered for sale or distribution.
2. Litter generated by the mobile food facility Vendor or customers shall be picked up within a 25 foot radius of the mobile food facility before the mobile food facility leaves the vending location.
3. A trash receptacle and a separate recycling receptacle shall be provided for use by employees and customers; the Vendor shall remove trash and recycling receptacles before leaving the vending site.
4. Advertising shall be limited to A-frames entirely on the premises only, or advertising on or in the Mobile food facility.
5. Lighting shall be provided during hours of darkness to ensure customer safety. Lighting shall not create glare and shall be directed downward and away from adjacent properties.
6. A Mobile food facility shall be operated only on a paved level area. A paved level area means an area having a surface comprised of Decomposed Granite (DG), Asphalt/Concrete (A/C), or Concrete with a cross fall not greater than 2.0 percent.
7. The Vending Permit shall be displayed in a place on the Mobile food facility visible from outside.
8. Mobile food facilities shall be entirely self-sufficient in regards to gas, electricity, water and telecommunications.

9. All other applicable provisions of the Municipal Code and state and federal laws that regulate Mobile food facilities and commercial vehicle operations on public or private property and all traffic, parking and motor vehicle laws shall be followed.

#### I. Mobile food facility prohibitions

Vendors and Authorizing Persons are required to ensure that all mobile food facilities, except for mobile food facilities operating as part of a special event for which a special event permit has been issued by the City, shall comply with the following prohibitions:

1. No alcoholic beverages or tobacco products shall be served or sold.
2. Music or other noise shall not exceed the limits set by the provisions of Municipal Code section 19.68, Performance Standards and Noise Control.
3. All associated equipment and operations shall be self-contained within mobile food facilities. A condiment table and four belly bars of uniform size, eight chairs, and one 10' x 10' pop-up canopy are allowed adjacent to the mobile food facility. The following items, which shall include, but not be limited to: detached benches; heaters; generators; and exterior electrical cords; exterior hoses and tents; are prohibited.
4. An awning that does not exceed the square footage of the mobile food facility and that is attached, and fully supported by the mobile food facility is allowed. Such awnings shall not be tied to traffic signals, light standards, sign poles, parking meters, newspaper racks, bus stops, benches, trash receptacles or other similar fixed objects.
5. When a mobile food facility is located within 500 feet of a residential zone, operations, including set up and tear down, are allowed only between 7 a.m. and 10 p.m. weekdays and between 8 a.m. and 10 p.m. weekends.
6. A mobile food facility shall not be parked so that it: a) restricts sight distances at driveways and intersections; or b) interferes with the free flow of pedestrian or vehicle circulation and traffic, including but not limited to access to or egress from any business, public building, or dwelling unit.
7. A mobile food facility may not be operated in such a way as to occupy more than 25 percent of paved area on the property upon which it is located.
8. The maximum number of mobile food facilities permitted on a site is determined as follows:
  - a. One mobile food facility may operate on the site for every 525 square feet of paved area (at least 35 feet by 15 feet in dimension) available for vending activity, except that mobile food facilities greater than 30 feet in length require a space at least 70 feet by 15 feet.

- b. Mobile food facility vending activity at a private parking lot shall not impact on-site parking or reduce the number of parking spaces required for on-site uses while those uses are in operation.

9. Mobile food facilities shall not be located within 30 feet of an intersection when parked on a street or highway, sales shall be from the curbside only - except when parked in diagonal spaces - and pedestrian or vehicular circulation on the street, sidewalk, or parkway shall not be obstructed.

10. No person shall stop or park a mobile food facility on a public street within 500 feet of any school property boundary in the City of Chula Vista between the hours of 7:00 a.m. and 5:00 p.m. on regular school days. For purposes of this provision, "school" means all public or private schools in which instruction is given through grade 12 or in any one or more of such grades.

#### J. Exceptions to mobile food facility prohibitions

The prohibitions in Subsection I.3 shall not apply to a mobile food facility operating entirely on private property that is not open to the general public, is closed to walk-up sales to the general public, and is available for sales or service only to guests, customers or employees and is operating pursuant to a special event permit.

#### K. Vending Permit issuance

The City Manager or designee shall approve and issue a Vending Permit if all applicable sections of this Chapter are satisfied and required fees are paid. The permit is effective on the date of issuance, and is effective for one year or until the expiration of a valid business license, whichever comes first. A permit shall not be issued for a location where an enforcement action for Code violations or unlawful activity is pending.

#### L. Hosting Permit issuance

The City Manager or designee shall approve and issue a Hosting Permit if all applicable sections of this Chapter are satisfied and required fees are paid. The permit is effective on the date of issuance, and is effective for one year or until the expiration of a valid business license, whichever comes first. A permit shall not be issued for a location where an enforcement action for Code violations or unlawful activity is pending.

#### M. Enforcement of violations; appeal of Vending Permit denial or revocation

Violation of any provision of this Chapter is subject to enforcement pursuant to the provisions of Chapter 1.20 through 1.41 of this Municipal Code. For purposes of enforcement of this Section, a Responsible Party, as defined in Section 1.04.010 of this Municipal Code, also includes Vendors and Authorizing Persons. Denial or revocation of a Vending Permit may be appealed pursuant to Chapter 1.40 of this Municipal Code. If a Vendor or Authorized Person is cited for three violations within one year, no Vending Permit or Hosting Permit shall be granted the



following year. The Vendor or Authorizing Person may apply for a permit two years after the last violation.

## **Section II.**

Chapter 5.62

### **VENDING VEHICLES – NON-FOOD GOODS**

Sections:

5.62.010 Vending vehicles – License tax required.

5.62.020 Vending vehicles – Parking and stopping regulations.

5.62.010 Vending vehicles – License tax required.

Every person conducting, managing or operating a business in which vending vehicles are used, from which any goods other than foodstuffs are sold, given away, displayed or offered for sale at retail, shall pay a license tax presently designated, or as may in the future be amended, in Section 5.62.010, of the master tax schedule in CVMC 5.07.030. The license shall identify the particular vehicle to be used and shall be kept on the vehicle, available for inspection at all times. (Ord. 2408 § 1, 1990; Ord. 2081 § 1, 1984; Ord. 1801 § 13, 1978).

5.62.020 Vending vehicles – Parking and stopping regulations.

No person shall stop or park a vending vehicle on a public thoroughfare for the purpose of selling, giving away, displaying or offering for sale any non-food goods, except for a period of time sufficient to consummate an immediate sale or sales. No person shall stop, park or cause any vending vehicle to remain on any public property, except pursuant to the order of a lawful authority or for the purpose of making emergency repairs to the vehicle; in no event shall any person sell or give away any non-food good from a vending vehicle while on any public property ~~other than a thoroughfare~~. No person shall stop, park or cause a vending vehicle to remain on any private property for the purpose of selling, giving away, displaying or offering for sale any non-food good to any person other than the owner of such property or his agents, customers or employees. (Ord. 1884 § 1, 1979).

## **Section III.**

Chapter 8.20

### **FOOD VENDORS\***

Sections:

8.20.010 Vending vehicles – Definitions.

8.20.015 Vending vehicles – Mobile food facility.

8.20.020 Vending vehicles – For prepared, or prepackaged, and unprepared foodstuffs, including but not limited to, frozen desserts, drinks, ice cream, fruits, vegetables, meat, seafood, and poultry– License tax required.

8.20.025 Vending vehicles – Restrictions near school facilities.

8.20.030 Vending vehicles – Parking and stopping regulations.

8.20.040 Vending vehicles – Compliance with certain regulations required.

8.20.050 Vending vehicles – Refrigeration required.

8.20.060 Vending vehicles – Identification to be displayed.

- 8.20.070 Vending vehicles – Cleanliness required – Inspection – Certification.
- 8.20.075 Letter grades for vending vehicles.
- 8.20.080 Vending vehicles – For unprepared food – Regulations.
- ~~8.20.095 Vending Vehicles – Mobile food preparation unit – Regulations.~~
- 8.20.090 Vending vehicles – For prepared food – Regulations.
- 8.20.100 Vending vehicles – Limitations on use.
- 8.20.110 Vending machines – Operator defined.
- 8.20.120 Vending machines – Permit required – Operator responsibilities.
- 8.20.130 Vending machines – Permit required for service vehicle.
- 8.20.140 Vending machines – Location restrictions – Approval required.
- 8.20.150 Vending machines – Service room required.
- 8.20.160 Vending machines – Cleaning and sanitizing generally.
- 8.20.170 Vending machines – Outside and other equipment to be cleaned.
- 8.20.180 Vending machines – For cold carbonated beverages – Cleaning requirements.
- 8.20.190 Vending machines – For milk products – Cleaning and sanitizing requirements.
- 8.20.200 Vending machines – Refilling regulations.

\* For authority for cities to license businesses for purposes of revenue and regulation, see Gov. Code § 37101; for statutory provisions authorizing cities to enforce state laws on food handling sanitation, see Health and Safety. Code § 28690.

#### 8.20.010 Vending vehicles – Definitions.

Whenever in this chapter the following terms are used, they shall have the meanings respectively ascribed to them in this section:

A. “Prepared food vending vehicle” means a food vending vehicle from which any food or beverage product is sold, given away, displayed or offered for sale, at retail, other than an unprepared food vending vehicle, catering truck, bakery truck, or ice cream or ice cream product truck.

B. “Unprepared food vending vehicle” means a food vending vehicle from which is sold, given away, displayed or offered for sale, at retail, any raw or unprepared food or food product including, but not limited to, fruits, vegetables, produce, meats, fish, poultry or seafood.

~~C. “Mobile food preparation unit” means any vehicle or portable food service unit upon which food is prepared for service, sale, or distribution at retail. A mobile food preparation unit shall be considered a vending vehicle for purposes of this chapter.~~

DC. A vending vehicle may have more than one designation pursuant to this section. A vehicle with multiple designations must comply with all applicable provisions of this chapter and state law. (Ord. 2120 § 1, 1985; Ord. 855 § 2, 1963; prior code § 15.60).

8.20.015 Mobile food facility – A large vehicle equipped to cook and sell food as a mobile kitchen, and as defined in California Health and Safety Code section 113831, as may be amended, and also means a vehicle that operates as a food facility from which food is sold or distributed at retail, and is not a vending vehicle for purposes of Chapter 8.20, and as regulated in CVMC 19.58.440.

8.20.020 Vending vehicles – For prepared or prepackaged, and unprepared foodstuffs, including but not limited to, frozen desserts, drinks, ice cream, fruits, vegetables, meat, seafood, and poultry – License tax required.

Every person conducting, managing or operating a business in which carts, wagons or vending vehicles for prepared or prepackaged, and unprepared foodstuffs, including ice cream, are used shall pay a tax as presently designated, or as may in the future be amended, in Section 8.20.020 of the master tax schedule in CVMC 5.07.030. The license shall identify the particular vehicle to be used and shall be kept on the vehicle, available for inspection at all times. (Ord. 2408 § 1, 1990; Ord. 2081 § 1, 1984; prior code § 18.57).

8.20.025 Vending vehicles – Restrictions near school facilities.

A. No person shall stop or park a food vending vehicle on a public street within 500 feet of any school property boundary in the city of Chula Vista between the hours of 7:00 a.m. and 5:00 p.m. on regular school days.

B. “School” means all public or private schools in which instruction is given through grade 12 or in any one or more of such grades. (Ord. 2729 § 1, 1998; Ord. 2122, 1985).

8.20.030 Vending vehicles – Parking and stopping regulations.

No person shall stop or park a food vending vehicle on a public thoroughfare for the purpose of selling, giving away, displaying or offering for sale any food or beverage product except for a period of time sufficient to consummate an immediate sale or sales. No person shall stop, park or cause any food vending vehicle to remain on any public property except pursuant to the order of a lawful authority or for the purpose of making emergency repairs to the vehicle; in no event shall any person sell or give away any food or beverage product from a food vending vehicle while on any public property other than a thoroughfare. No person shall stop, park or cause a food vending vehicle to remain on any private property for the purpose of selling, giving away, displaying or offering for sale any food or beverage product to any person other than the owner of such property or his agents, customers or employees. (Ord. 855 § 2, 1963; prior code § 15.61).

8.20.040 Vending vehicles – Compliance with certain regulations required.

Food vending vehicles shall comply with all provisions of this code and other ordinances of the city regulating food vending establishments, insofar as such regulations are applicable to vending vehicles and the operation thereof. (Ord. 855 § 2, 1963; prior code § 15.62).

8.20.050 Vending vehicles – Refrigeration required.

No person shall operate, or cause to be operated, a food vending vehicle unless it is furnished with mechanical refrigeration equipment, in good working order, sufficient to maintain perishable food and beverage products at a temperature not in excess of 50 degrees Fahrenheit. Refrigeration compartments shall be kept clean, shall be constructed of tile, metal or other approved material, and shall have no seams or cracks. Food storage containers shall have no open seams. (Ord. 954 § 2, 1965; Ord. 855 § 2, 1963; prior code § 15.63).

8.20.060 Vending vehicles – Identification to be displayed.

The exterior of each vending vehicle shall display, in lettering at least three inches in height, the name, address and telephone number of the owner. A distinctive identifying number or symbol assigned by the department of public health shall be displayed on the windshield of each vending vehicle. (Ord. 954 § 2, 1965; Ord. 855 § 2, 1963; prior code § 15.64).

8.20.070 Vending vehicles – Cleanliness required – Inspection – Certification.

The interior and the exterior of every food vending vehicle and all equipment therein shall have smooth, washable surfaces and shall be maintained in good repair and in a sanitary manner. Each vending vehicle shall be inspected at least semi-annually by the health officer. Vending vehicles shall be loaded and ready for operation at the time of inspection. A certificate of inspection, valid for six months, shall be issued to vending vehicles conforming to the requirements of this code. The certificate of inspection shall specify the food products which may be sold. (Ord. 954 § 2, 1965; Ord. 855 § 2, 1963; prior code § 15.65).

8.20.075 Letter grades for vending vehicles.

A. San Diego County Code of Regulatory Ordinances. The provisions of the San Diego County Code of Regulatory Ordinances concerning permanent and mobile food facilities, at Title 6, Division 1 of the County Code, are incorporated into this code by reference and shall also be applicable to “vending vehicles,” as defined in CVMC 8.20.010.

B. Fee. All persons and businesses required to obtain a health-related permit or related service from the County of San Diego Department of Environmental Health (DEH) pursuant to this code shall pay the county the fee established in the County Code for that permit or service, including delinquent payment fees. (Ord. 3243 § 1, 2012).

8.20.080 Vending vehicles – For unprepared food – Regulations.

No person shall operate or cause to be operated an unprepared food vending vehicle without complying with all of the following regulations:

A. All tools, implements and receptacles shall be kept in a clean and sanitary condition.

B. Sufficient fly-tight containers, of metal or some other approved substance, shall be provided for the disposal of trimmings and refuse and shall be emptied and washed daily.

C. No fish, poultry or other animal shall be cleaned in a food vending vehicle, nor shall the entrails of any fish, poultry or other animal be there removed. No fish, poultry, meat or meat products shall be cut, processed or otherwise prepared in a food vending vehicle.

D. Scales and other weighing devices shall be protected from dust, dirt, flies and other vermin and contaminants.

E. Every unprepared food vending vehicle shall be inspected at least semi-annually on dates scheduled by the health officer, or more often if the health officer so requires. The vending vehicle shall be fully loaded and ready for operation at the time of such inspection. The health officer shall issue a certificate of inspection if his inspection discloses that the vehicle conforms to the requirements of this code. The certificate shall expire six months from and after the date of

its issue, and shall specify the particular food and beverage products authorized to be sold or otherwise distributed from the vehicle. (Ord. 855 § 2, 1963; prior code § 15.66).

8.20.090 Vending vehicles – For prepared food – Regulations.

No person shall operate or cause to be operated a prepared food vending vehicle without complying with all of the following requirements:

A. Every owner or operator of vending vehicles shall have a service room or other sanitary location approved by the director of public health for the preparation of food sold from vending vehicles. Only food prepared in the service room or other approved location shall be sold from a vending vehicle. Service rooms or other approved locations shall comply with regulations for food handling establishments.

B. No hot prepared food, except coffee, tea or packaged cocoa, shall be served from a vending vehicle unless the equipment used to prepare such food is approved by the director of public health.

C. Except as provided in subsection (D) of this section, no perishable food shall be sold from a vending vehicle more than 24 hours after preparation.

D. If the ~~director of public health~~ County of San Diego Department of Environmental Health certifies that an owner or operator of vending vehicles continuously maintains all perishable food intended for sale from a vending vehicle at a temperature of not more than 50 degrees Fahrenheit from the time of preparation until service to the consumer, such food may be sold for a period not exceeding 72 hours after preparation.

E. All perishable food shall show the date of preparation.

F. Vending vehicles shall dispense only single-service disposable cups, plates, forks and spoons. (Ord. 954 § 2, 1965; Ord. 855 § 2, 1963; prior code § 15.67).

~~8.20.095 Vending vehicles – Mobile food preparation unit – Regulations.~~

~~No person shall operate or cause to be operated a mobile food preparation unit without complying with all of the provisions of Health and Safety Code Section 27790, et seq., and Article 10 (commencing with Section 13600) of Title 17 of the California Administrative Code. Said operation shall comply with the following additional requirements:~~

~~A. Mechanically refrigerated display cases shall be provided for all perishable foods on display for sale in said mobile food preparation unit.~~

~~B. Vehicle ambient air temperature shall be maintained in each work area to provide reasonable comfort consistent with standards of the restaurant industry for the nature of the process and the work performed. If excessive heat or humidity is created, the owner or operator of the mobile food preparation unit shall make all feasible means to reduce such excessive heat or humidity to a degree providing reasonable comfort.~~

~~C. Mobile food preparation units shall be equipped with adequate seats with backrests for all employees to be transported in such units. Said seats shall be properly secured in place. Seats shall be not less than 15 inches or more than 19 inches above the floor, at least 10 inches deep, and at least 18 inches wide. The backrests shall extend to a height of at least 36 inches above the floor. All persons being transported in a mobile food preparation unit shall be seated in said seats while the unit is in motion.~~

~~D. Each mobile food preparation unit shall be equipped with a fully charged fire extinguisher in good condition. Drivers shall be advised of the location of the type of extinguisher used and instructed in its operation.~~

~~E. All cutting tools or tools with sharp edges carried in a mobile food preparation unit shall be placed in covered boxes or containers while the unit is in motion, and all other tools and cooking equipment shall be secured to the body of the vehicle while the unit is in motion. Tools with cutting edges protected by scabbards or similar guards shall be considered as being in containers.~~

~~F. An alternative means of exit, other than the main exit door, shall be provided in the exterior wall and in the roof of the vehicle with unobstructed passages to the outside. Such passage shall be at least 24 inches by 24 inches. The alternate means of exit shall have an interior latching mechanism which shall be operated by hand without special tools or key. Such exit shall be labeled "Safety Exit" in contrasting colors with letters at least one inch high.~~

~~G. All loads carried in a mobile food preparation unit shall be secured against dangerous displacement either by properly piling or securing in a manner as to prevent shifting, toppling or otherwise becoming unstable.~~

~~H. No cooking or food preparation shall be done while the mobile food preparation unit is in motion.~~

~~I. A headquarters shall be established for all mobile food preparation units, and said units shall be stored at such headquarters when not in use.~~

~~J. The storage area shall be equipped with an electrical outlet to provide auxiliary power for refrigeration units on each mobile preparation unit.~~

~~K. The headquarters parking area for mobile food preparation units shall be paved with a paving material such as concrete or asphalt. The surface of the paving shall slope to a drain and shall not pond water. Said surface shall be kept in good repair. The storage area shall contain a liquid waste dump station, and there shall be installed a concrete apron surrounding the waste receptor for a distance of 10 feet in each horizontal direction, sloping to the drain.~~

~~L. Waste water shall not be permitted to flow into the street from the headquarter's parking area.~~

~~M. An approved waste dump station shall be provided at each headquarters.~~

~~N. Lights shall be provided for the parking area to provide at least two footcandles of illumination when measured 30 inches above the pavement.~~

~~O. Mobile food preparation units which do not properly control food temperature, which lack running water, which have a defective liquid waste collection tank or which otherwise are unable to operate in a sanitary manner so as to pose an immediate danger to the public health may be removed from operation by order of the health officer or his designated representative.~~

~~P. The health officer shall be granted access to inspect mobile food preparation units during operating hours and at the headquarters during hours of loading, food preparation, and cleaning. (Ord. 2120 § 2, 1985).~~

8.20.100 Vending vehicles – Limitations on use.

Food vending vehicles shall be used for no purpose other than those purposes permitted by this chapter, unless the health officer has approved in writing some other proposed use of such vehicle. (Ord. 855 § 2, 1963; prior code § 15.68).

8.20.110 Vending machines – Operator defined.

“Operator” means the person who furnishes, installs and services the vending machine. (Ord. 855 § 2, 1963; prior code § 15.71).

8.20.120 Vending machines – Permit required – Operator responsibilities.

No operator shall maintain, conduct, manage or operate any vending machine unless a permit for such machine has been issued by the health officer and unless such permit is valid and unexpired. The applicant for a permit shall designate in writing the products to be vended, and permits shall be valid only for those products listed on the permit. Unless it appears to the health officer that the vending machine will at all times be maintained in a clean and sanitary condition, and that all products of the machine will reach the consumer in a clean and wholesome condition, he shall deny the application for the permit. If the permit is granted, the operator shall be responsible for the proper operation and maintenance of the vending machine and for complying with the requirements of this division and of state laws and regulations in connection therewith. The name and address of the operator shall be posted conspicuously on the vending machine. (Ord. 855 § 2, 1963; prior code § 15.70).

8.20.130 Vending machines – Permit required for service vehicle.

No operator shall use a vehicle to service vending machines, or allow such use, unless the health officer has issued a permit for such vehicle. (Ord. 855 § 2, 1963; prior code § 15.72).

8.20.140 Vending machines – Location restrictions – Approval required.

The operator shall furnish the health officer with the location of any vending machine installed, sufficiently soon so that within 72 hours subsequent to such installation the health officer may inspect the vending machine and the location. If the location of the machine is not approved by the health officer, the vending machine shall be removed immediately and not operated until the location thereof is rendered acceptable. Each vending machine shall be located so that sanitary facilities, fixtures and receptacles for emptying waste containers and for performing required sanitation are readily accessible. The area around the vending machine shall be maintained clean

and free of accumulated paper cups and wrappers, spillage, and other waste material and trash. Approved trash receptacles shall be provided by the machine operator, proximate to vending machines, whenever required by the health officer. (Ord. 855 § 2, 1963; prior code § 15.73).

8.20.150 Vending machines – Service room required.

All operators shall establish within the city a service room or rooms, which shall be used only for cleaning, storing and maintaining vending machines, supplies and sanitized parts. All cleaning and sanitizing of vending machine parts which come in contact with food, food products or liquids dispensed by a vending machine shall be done in the service room previously approved by the health officer. The service room shall meet all the requirements of this title relative to food handling establishments. (Ord. 855 § 2, 1963; prior code § 15.74).

8.20.160 Vending machines – Cleaning and sanitizing generally.

Vending machines dispensing liquids shall be cleaned not less frequently than three times each week, and machines dispensing unwrapped nonliquid food products shall be cleaned not less frequently than once each month, except as hereinafter noted in the manner set forth in CVMC 8.20.170 through 8.20.200. (Ord. 855 § 2, 1963; prior code § 15.75).

8.20.170 Vending machines – Outside and other equipment to be cleaned.

The following general regulations apply to all vending machines. The operator shall clean the outside of the machine, and any vending stage, door, chute, drip plate and waste can. Used cup and trash containers shall be emptied and cleaned. Parts shall be wiped with a cleaned moist cloth which has been dipped in a solution containing not less than 200 parts of active chlorine per million parts, or in some such other approved sanitizing agent or material. (Ord. 855 § 2, 1963; prior code § 16.76(A)).

8.20.180 Vending machines – For cold carbonated beverages – Cleaning requirements.

In addition to the servicing required by the general regulations, machines dispensing cold carbonated beverages shall be serviced as follows: Not less frequently than once each 60 days, all contact parts of the machine shall be cleaned by removing, washing and disinfecting all tanks, valves, faucets, pipe lines and water filters. Interior water filter and conditioning elements shall be taken to the service room for servicing; properly sanitized replacements may be transported under sanitary conditions from the service room and installed while the other water filter and conditioning elements are being serviced. Water filters and water conditioning devices shall be of a type which permits periodic cleaning and replacement. (Ord. 855 § 2, 1963; prior code § 15.75(B)).

8.20.190 Vending machines – For milk products – Cleaning and sanitizing requirements.

In addition to the servicing required by the general regulations, machines dispensing milk and milk products shall be serviced as follows: Fluid milk or cream shall be removed from the machine and discarded daily, and fresh products added. Canned evaporated milk may be dispensed for 72 hours before discarding; provided, that throughout this period the temperature of such milk is maintained at not more than 50 degrees Fahrenheit. All parts and appurtenances of vending machines that come in contact with fluid milk or milk products shall be removed daily and cleaned and sanitized. Vending machines that dispense nonliquid milk or nonliquid



cream products shall be sanitized not less frequently than three times each week. (Ord. 855 § 2, 1963; prior code § 15.75(C)).

8.20.200 Vending machines – Refilling regulations.

Vending machines, in locations for which the health officer has not issued a food handling establishment permit, shall be refilled only by substituting for the empty container one which was cleaned, sanitized and filled in the service room. The emptied container shall be transported to the service room for cleaning and sanitizing. (Ord. 855 § 2, 1963; prior code § 15.75(D)).

**Section IV.**

Chapter 10.52

STOPPING, STANDING AND PARKING\*

10.52.200 Peddlers and vendors – Parking permitted when – Time limit.

Except as otherwise provided in this chapter, no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables, meats, seafood, or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street within this city, except that such vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed 10 minutes at any one place. The provisions of this section shall not apply to persons delivering such articles upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution, or a mobile food facility as defined in Section 19.58.440 of this Municipal Code. (Ord. 973 § 1, 1966; prior code § 19.10.15(A)).

**Section V.**

Chapter 5.07

MASTER TAX SCHEDULE

The following is hereby added to the matrix of Section 5.07.030 Master Tax Schedule of the CVMC:

Section:

5.07.030 Master tax schedule.

|                  |                               |                              |
|------------------|-------------------------------|------------------------------|
| <u>19.58.440</u> | <u>Mobile Food Facilities</u> | <u>\$200.00/year/vehicle</u> |
|------------------|-------------------------------|------------------------------|

**Section VI. Severability**

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase

of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

**Section VII. Construction**

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

**Section VIII. Effective Date**

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

**Section XIX. Publication**

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by:

Approved as to form by:

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Kelly Broughton, FSLA  
Development Services Director

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Glen R. Googins  
City Attorney