

1 **ORDINANCE NO. 2480**

2 **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHICO**
3 **AMENDING CHAPTER 14.60 OF THE CHICO MUNICIPAL CODE RELATING**
4 **TO THE USE OF CITY STREETS AND SIDEWALKS FOR SALES OF FOOD,**
5 **CUT FLOWERS, AND BEVERAGES**

6 **WHEREAS**, the Chapter 14.60 of the Chico Municipal Code (CMC) allows the
7 sale or vending of food, cut flowers, and beverages on City of Chico (City) streets and
8 sidewalks upon issuance of a permit; and

9 **WHEREAS**, the issuance of certain vending permits has caused unsafe conditions,
10 primarily in the Central Business District, for the public and public safety personnel; and

11 **WHEREAS**, the City now desires to amend Chapter 14.60 of the CMC to address
12 these safety concerns.

13 **NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Chico:

14 **Section 1.** That Section 14.60.070 of the Chico Municipal Code (CMC) is hereby
15 amended as follows:

16 **14.60.070 Permits authorizing sales of food, cut flowers, and beverages from city**
17 **streets, sidewalks and parking lots.**

18 The director may, by a permit issued in the manner hereinafter provided by this
19 chapter, authorize the sale of food, cut flowers, and beverages on and from all city streets
20 and/or that portion of the city sidewalks and parking lots within the central business
21 district; except as follows:

- 22 A. A permit issued by the director shall not authorize the sale of food, cut flowers, and
23 beverages on and from a city street, sidewalk or parking lot within 300 feet of the
24 exterior boundaries of any private or public school, save and except the campus of
the California State University, Chico;

1 B. A permit issued by the director shall not authorize the sale of food, cut flowers, and
2 beverages on and from a city street, sidewalk or parking lot within 200 feet of a city
3 park or playground other than a park or playground within the central business
4 district; and

5 C. A permit issued by the director shall not authorize the sale of food, cut flowers, and
6 beverages from a place and during the times subject to an exclusive franchise granted
7 by ordinance adopted by the city council in the manner hereinafter provided by this
8 chapter except to the extent expressly authorized by such franchise.

9 D. A permit issued by the director shall not authorize the sale of food, cut flowers, and
10 beverages from a place and/or under conditions as to constitute a health and safety
11 risk or impediment to the travel of pedestrians, bicyclists, public safety vehicles, and
12 other motorists.

13 **Section 2.** That CMC Section 14.60.100 is hereby amended as follows:

14 **14.60.100.1 Action on applications for permits - Denial of application.**

15 A. Grounds for Denial. The director shall deny an application for a permit authorizing
16 the sale of food, cut flowers, and beverages on and from a city street, sidewalk or
17 parking lot if and only if the director determines that the equipment to be used by the
18 applicant to store, convey, prepare and serve such food, cut flowers, and beverages is
19 unsafe and would present a danger to the general public using the city streets,
20 sidewalks or parking lots, or would unreasonably block or obstruct the city streets,
21 sidewalks or parking lots.

22 B. The director may also deny an application for a permit authorizing the sale of food,
23 cut flowers, and beverages on and from a city street, sidewalk or parking lot if the
24 permittee has been served notice of repeated violations of any permit restrictions,

1 operating in a manner constituting a health and safety risk, or operating in a manner
2 as to impede the travel of pedestrians, bicyclists, public safety vehicles or other
3 motorists.

4 C. Notice of Denial. Where the director determines to deny an application for a permit
5 authorizing the sale of food, cut flowers, and beverages on and from a city street,
6 sidewalk or parking lot, the director shall promptly cause a notice of such
7 determination to be served on the applicant. In such notice the director shall state the
8 reasons for the determination not to approve the application and shall set forth the
9 right of the applicant to appeal such determination to the city council in the manner
10 provided for by Title 2 of this code.

11 **Section 3.** That CMC Section 14.60.110 is hereby amended as follows:

12 **14.60.110 General conditions of permits - Comprehensive liability insurance.**

13 As a condition precedent to the issuance of a permit authorizing the sale of food, cut
14 flowers, and beverages on and from a city street, sidewalk or parking lot, the permittee shall
15 obtain, provide proof of and, at all times following issuance of a permit, maintain in full
16 force and effect, automobile liability, commercial general liability, or other insurance
17 policies with the limits, deductibles, and conditions as required by the city's administrative
18 services director.

19 **Section 4.** That CMC Section 14.60.120 is hereby amended as follows:

20 **14.60.120 General conditions of permits - Operations restrictions.**

21 As a further condition on the issuance of a permit authorizing the sale of food, cut flowers,
22 and beverages on and from a city street, sidewalk or parking lot, the permittee shall conduct
23 and carry out such sales only during the following times and in the following manner:
24

- 1 A. Signs advertising the food, cut flowers, and beverages to be sold shall be securely
2 affixed to the vehicle or other equipment used to store, convey, prepare and serve the
3 food, cut flowers, and beverages and shall conform to any size requirements provided
4 for in Title 19 of this code.
- 5 B. Noise produced by any audio equipment or other device used to attract attention to the
6 place where the food, cut flowers, and beverages is being sold shall not exceed the
7 noise limits prescribed by state laws and regulations or Title 9 of this code.
- 8 C. Equipment used to store, convey, prepare and serve the food, cut flowers, and
9 beverages to be sold shall be maintained and operated in a safe and sanitary manner
10 and in a manner which does not unreasonably obstruct or interfere with the use of a
11 city street, sidewalk or parking lot.
- 12 D. The person authorized to sell food, cut flowers, and beverages pursuant to such permit
13 shall not operate in such matter where operations result in the impediment of travel
14 for pedestrians, bicyclists, public safety vehicles, and other motorists.
- 15 E. Between the hours of 6:00 a.m. to 2:30 a.m. of the following day, sales of food or
16 beverages shall not occur within 20 feet of any entrance to or exit from premises for
17 which a license has been issued pursuant to Division 9 of the Business and
18 Professions Code authorizing the sale or distribution of alcoholic beverages.
- 19 F. The person authorized to sell food, cut flowers, and beverages pursuant to such permit
20 shall be responsible for maintaining that portion of any street, sidewalk or parking lot
21 within 50 feet of the place at which such person is engaged in such sales free of any
22 litter or refuse attributable to the sale of food, cut flowers, or beverages.
- 23 G. Sales of food, cut flowers, and beverages in a parking lot at the times authorized by
24 this chapter shall only be made from a vehicle lawfully parked in such parking lot.

1 **Section 5.** That CMC Section 14.60.130 is hereby amended as follows:

2 **14.60.130 Special conditions of permits.**

3 When acting on a permit authorizing the sale of food, cut flowers, and beverages on and
4 from a city street, sidewalk or parking lot, the director may condition issuance of such
5 permit on compliance with any special requirements which the director determines are
6 necessary to ensure that the equipment used to store, convey, prepare, sell, or serve the food,
7 cut flowers, and beverages is maintained and operated in a safe and sanitary manner and in a
8 manner that does not unreasonably obstruct or interfere with the use of a city street,
9 sidewalk or parking lot. The director may also condition issuance of such permit on
10 compliance with any special requirements which the director determines are necessary to
11 ensure that the operation of such equipment used to store, convey, prepare, sell, or serve the
12 food, cut flowers, and beverages does not contribute to activity which constitutes a health
13 and safety risk, or impedes the travel of any pedestrian, bicyclists, public safety vehicle or
14 other motorist.

15 **Section 6.** That CMC Section 14.60.150 is hereby amended as follows:

16 **14.60.150 Revocation or Suspension of permits.**

17 A. Grounds for Revocation or Suspension. The director may revoke or suspend a permit
18 authorizing the sale of food, cut flowers, and beverages on and from a city street,
19 sidewalk or parking lot if the director has found that: (i) the permittee is selling food,
20 cut flowers, and beverages on and from a city street, sidewalk or parking lot contrary
21 to the terms and conditions of such permit or is in violation of any other state or city
22 law or regulation applicable thereto; (ii) the permittee has been served with a notice
23 by the director advising the permittee of the violation and requiring correction
24 thereof within a reasonable time as set forth therein; and (iii) the permittee has not

1 corrected the violation within the time set forth in such notice. However, the director
2 may revoke or suspend a permit without first serving the permittee with notice of the
3 violation in the manner provided herein in any case in which the permittee has been
4 served with two other notices of violation by the director within the preceding 12-
5 month period.

6 B. Notice of Revocation or Suspension. Where the director determines to revoke or
7 suspend a permit authorizing the sale of food, cut flowers, and beverages on and
8 from a city street, sidewalk or parking lot, the director shall cause a notice of the
9 revocation or suspension to be served on the permittee. In such notice the director
10 shall state the reasons for the determination to revoke or suspend the permit and shall
11 set forth the right of the person to whom the permit was issued to appeal such
12 determination to the city council in the manner provided for by Title 2 of this code.

13 **Section 7.** The City Council finds and determines that the enactment of this Ordinance is
14 not a project under the California Environmental Quality Act (CEQA) (Cal Pub. Resource
15 Code §§ 21000 et seq.) in that the activities described in the Ordinance are a continuing
16 administrative activity of the City involving general policy and procedure making and
17 organizational or administrative activities of governments that will not result in direct or
18 indirect physical changes in the environment. (State CEQA Guidelines, Cal. Code of Regs.,
19 Title 14, § 15378.) Therefore, no environmental assessment is required or necessary.

20 **Section 8.** If any part of this Ordinance, or its application to any individual, entity, or
21 circumstance, is held to be invalid, the remainder of the Ordinance, including the
22 application or provision to other persons or circumstances, shall be not be affected and shall
23 continue in full force and effect. To this end, the provisions of this Ordinance are severable.

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1 **Section 9.** The City Clerk shall attest to the passage and adoption of this Ordinance, and
2 shall cause same to be posted as required by law, and this Ordinance shall take effect thirty
3 (30) calendar days after its adoption.

4 **THE FOREGOING ORDINANCE** was adopted by the City Council of the City of
5 Chico at its meeting held on May 3, 2016, by the following vote.

6 AYES: Coolidge, Fillmer, Ritter, Schwab, Stone, Morgan, Sorensen

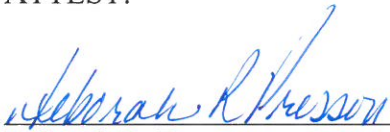
7 NOES: None

8 ABSENT: None

9 DISQUALIFIED: None

10 ABSTAIN: None

11 ATTEST:

12 
13 _____
14 Deborah R. Presson
15 City Clerk

APPROVED AS TO FORM:

16 
17 _____
18 Vincent C. Ewing, City Attorney*

19 *Approved pursuant to The Charter of
20 the City of Chico § 906(E)

21
22
23
24 DATE _____ AGENDA 5/3/16 COUN _____
ADD INFO _____ CM _____ ACM _____ CA _____
ASD _____ CC _____ CDD _____ COP _____ FC _____
PWD 1 RM _____ OTHER Herman &
Deputy City Clerk