

**ORDINANCE NO. 853
(AS AMENDED THROUGH 853.1)
AN ORDINANCE OF THE COUNTY OF RIVERSIDE
REGULATING MOBILE FOOD TRUCKS AND SIDEWALK
VENDING IN THE PUBLIC RIGHT OF WAY
(Incorporating Riverside County Ordinance No. 725)**

The Board of Supervisors of the County of Riverside ordains as follows:

Section 1. FINDINGS. The Board of Supervisors finds that Mobile Food Truck and Sidewalk Vending provides economic opportunities to existing and emerging new businesses, as well as promotes the general welfare by increasing public access to desired goods. The Board of Supervisors also incorporates the findings of the State that Sidewalk Vending provides important entrepreneurship and economic development opportunities to low-income and immigrant communities, increases access to culturally significant food and merchandise, and contributes to a safe and dynamic public space. Notwithstanding the economic and cultural benefit to both vendors and the local community throughout the unincorporated areas of Riverside County, Mobile Vending regulations are necessary to protect the public health, safety and welfare.

Specifically, the Board of Supervisors finds that regulating the time, place and manner of Vending by Mobile Food Trucks and Sidewalk Vendors in the Public Right-of-Way is necessary to protect motorists, pedestrians and Vending consumers traveling through and living within Riverside County from automobile traffic hazards.

Section 2. PURPOSE. Accordingly, the purpose of this ordinance is to support Mobile Vending entrepreneurship, while protecting the public health, safety and welfare by establishing regulations for Mobile Vending in the Public Right-of-Way within the unincorporated areas of Riverside County.

Section 3. AUTHORITY. This ordinance is adopted pursuant to section 22455(b) of the California Vehicle Code as related to Mobile Food Truck Vending, which expressly

authorizes a local authority to regulate the time, place, and manner and type of Vending from Vehicles upon any street for the public safety.

Additionally, pursuant to Chapter 6.2 of the California Government Code, a local authority may regulate Sidewalk Vendors so long as its program complies with sections 51038 and 51039 of Chapter 6.2.

Section 4. DEFINITIONS. As used in this ordinance:

- A. Conveyance means any trailer, Pushcart, Vehicle, or Vending Stand, with or without wheels, which may be moved from one place to another under its own power or by other means.

- B. Enforcement Officer means all of the following:
 - 1. Riverside County Transportation and Land Management Agency Director and his or her duly authorized designees;

 - 2. Riverside County Director of Code Enforcement and his or her duly authorized designees; and the

 - 3. Riverside County Sheriff and his or her duly authorized designees.

- C. Environmental Health Permit means an annual permit issued by the County of Riverside Department of Environmental Health in accordance with Ordinance No. 580.

- D. Mobile Food Truck means a licensed, motorized Vehicle, including any legally attached trailer, used in conjunction with the service of a commissary, or other permanent food facility upon which prepackaged or approved non-prepackaged food is sold, offered for sale or otherwise distributed as retail.
- E. Mobile Food Truck Vendor means a person, including an employee or agent of another, issued a Riverside County Environmental Health Permit to sale any food or beverages from a Mobile Food Truck, within the Public Right-of-Way.
- F. Mobile Vending means Vending by Mobile Food Truck Vendors and Sidewalk Vendors.
- G. Pedestrian Path means a right-of-way designed for public use by pedestrians and not intended for use by any motorized Vehicle.
- H. Public Right-of-Way means forty (40) feet from the pavement edge of any road, public street, private street, intersection, county highway or alley up to, but not within, the boundaries of the adjacent private properties.
- I. Pushcart means any pedal-driven cart, wagon, or other non-motorized vehicle, propelled by human or other non-motorized force, used to offer, display for sale, or sale any food, beverages, merchandise, goods, or wares, upon a public sidewalk.

- J. Residential Street means any public or private street within a residential district as defined within California Vehicle Code section 515.
- K. Sidewalk means a portion of a highway, other than the roadway, set apart by curbs, barriers, markings, or other delineation for pedestrian travel as defined within California Vehicle Code section 555.
- L. Sidewalk Vending Permit means a permit issued by the Riverside County Transportation Director or designee to a Sidewalk Vendor in accordance with Ordinance No. 499.
- M. Sidewalk Vendor means a person, including an employee or agent of another, who sells food or merchandise from a Pushcart, Vending Stand, or other non-motorized Conveyance, or from one's person, upon a public Sidewalk or Pedestrian Path. A Sidewalk Vendor may be one of the following:
1. Roaming Sidewalk Vendor means a Sidewalk Vendor who moves from place to place and stops only to complete a transaction.
 2. Stationary Sidewalk Vendor means a Sidewalk Vendor who vends from a fixed location.
- N. Vehicle means a motorized vehicle as defined in California Vehicle Code section 670.

- O. Vending means the offer, display for sale, or sale of any food, beverages, merchandise, goods, or wares, from a Conveyance, or from one's person.

- P. Vending Stand means any stationary, non-motorized Conveyance, showcase, rack, display, tent, stand, or structure not erected on a foundation and not exceeding 120 square feet, which is erected for the temporary purpose of selling food, goods, wares or merchandise.

Section 5. APPLICABILITY. This ordinance applies to Mobile Food Trucks and Sidewalk Vendors operating within the Public Right-of-Way in the unincorporated areas of the County of Riverside. It does not apply to the following:

- 1. Mobile Food Trucks on private property, which is regulated pursuant to Ordinance No. 348;

- 2. Vending in parks owned or managed by the County of Riverside, which is regulated pursuant to Ordinance No. 328; and

- 3. California State highways.

Section 6. MOBILE FOOD TRUCKS.

- A. Permits. It is unlawful for any Mobile Food Truck Vendor to offer or display for sale or sell any food or beverages without first obtaining an Environmental Health Permit.

- B. Mobile Food Truck Vending Regulations. A Mobile Food

Truck Vendor shall comply with the following:

1. Location.
 - a. Mobile Food Truck Vendors shall not idle or park any motorized Vending Conveyance within five hundred feet (500') of primary or secondary schools between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday, during school days.
 - b. Mobile Food Trucks shall not be located within fifteen feet (15') from any fire hydrant, internal drive aisle, emergency Vehicle route, or driveway entrance to a fire station.
 - c. Mobile Food Trucks shall not be located within fifteen feet (15') of a utility box or vault.
 - d. Mobile Food Trucks shall not otherwise be located within any area that obstructs pedestrian or vehicle traffic.
2. Ice Cream Vending. Mobile Food Trucks engaged in Vending ice cream and similar food items in residential neighborhoods shall comply with California Vehicle Code section 22456, as may be amended from time to time.
3. Hours of Operation. Mobile Food Truck Vendors shall operate in accordance with the following:

- a. In residential only areas, Mobile Food Truck Vendors may operate from sunrise to sunset.
 - b. In all other areas, Mobile Food Trucks may operate between the hours of 6:00 a.m. and 2:00 a.m.
4. Parking. Mobile Food Trucks shall not be temporarily stopped or parked in an unsafe manner, including but not limited to impeding vehicle circulation, obstructing visibility of road conditions, or hindering the safe passageway of pedestrians in the Public Right-of-Way. Additionally, Mobile Food Trucks shall not be left unattended or parked overnight in the Public Right-of-Way.
5. Restrooms. In accordance with section 114315 of the California Retail Food Code, as may be amended from time to time, Mobile Food Trucks stopped to conduct business for more than one hour, shall operate within 200 feet of an approved, readily available and functioning restroom facility. If the restroom is within a business, the Mobile Food Truck operator must submit to the County of Riverside Department of Environmental Health written permission from the business owner providing the hours the restroom facilities are being made available for use by the food service workers. Executive portable toilet facilities with handwashing stations may satisfy this requirement.

6. Noise. Mobile Food Truck Vendors shall not use sound amplifying equipment.
7. No Alcohol or Sale of Controlled Substances. Serving, selling or soliciting the sale of any alcoholic beverages or controlled substances by Mobile Food Truck Vendors is strictly prohibited.
8. Waste Disposal. Mobile Food Truck Vendors shall not dispose or caused to be disposed any oil, grease or wastewater onto or into streets, storm drains, catch basins, or sewer facilities.
9. Signs. Mobile Food Truck Vendors shall not place freestanding displays or signs within the Public Right-of-Way, which would obstruct pedestrian or vehicle traffic.
10. Trash Collection. Mobile Food Truck Vendors shall not leave any location without first picking up, removing and disposing of all trash or refuse remaining as the result of sales associated with the Vending.

C. Enforcement. It shall be unlawful for any person to engage in Mobile Food Truck Vending within the Public Right-of-Way in the unincorporated areas of the County of Riverside except in accordance with this ordinance and all applicable laws and regulations. The procedures, remedies and penalties for violation of this section of the ordinance and for

recovery of costs related to enforcement are provided for in Ordinance No. 725, which is incorporated herein by this reference.

Section 7. SIDEWALK VENDORS

A. Permits. It is unlawful for any Sidewalk Vendor to sell, display or offer for sale any food, beverage, goods, wares or merchandise without first obtaining the required permits issued by the County, which are provided herein. Additionally, all Sidewalk Vendors must carry their Sidewalk Vending Permit during operating hours.

1. Food Sidewalk Vendors. Sidewalk Vendors shall not offer or display for sale or sell any food or beverages without the following permits:

a. An Environmental Health Permit issued pursuant to Riverside County Ordinance No. 580, if required; and

b. A Sidewalk Vending Permit issued pursuant to Riverside County Ordinance No. 499.

2. Merchandise Vendors. Sidewalk Vendors shall not offer or display for sale or sell any merchandise, goods, or wares without the following permits:

a. A Sidewalk Vending Permit issued pursuant to Riverside County Ordinance No. 499; and

- b. A California seller's permit pursuant to section 6067 of the Revenue and Taxation Code, as required.

B. Sidewalk Vending Regulations. A Sidewalk Vendor shall comply with the following:

1. Location.

- a. To prevent unintended rolling or slipping hazards, a Sidewalk Vendor shall not operate a Conveyance on a Sidewalk or Pedestrian Path with a slope greater than five percent.
- b. Maintain a clearance of at least forty-eight (48) inches on all Sidewalks and Pedestrian Paths to enable all persons to freely pass.
- c. Sidewalk Vendors shall not operate within five hundred feet (500') of primary or secondary schools, between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday, during school days.
- d. Sidewalk Vendors shall not operate on the following streets:
 - i. West County:

- 1) Cajalco Road (Between Harvill Avenue & Temescal Canyon Road)
- 2) El Sobrante Road (Between Cajalco Road & La Sierra Avenue)
- 3) Gilman Springs Road (Between SH-60 & State Street)
- 4) Ramona Expressway (Between Rider Street & Warren Road)
- 5) Ramona Expressway (Between Hemet Street & SH-74)
- 6) Van Buren Blvd (Between Mocking Bird Canyon Road & Wood Road)
- 7) Van Buren Boulevard (Between Barton Road & I-215)
- 8) Grand Avenue (Between Marie Drive & Corydon Road)
- 9) Old Elsinore Road (Between Clark Street & San Jacinto Avenue)

- 10) Sage Road (Between Cactus Valley Road & SH-79)
- 11) Rancho California Road (Between Borel Road & Butterfield Stage Road)
- 12) Stetson Avenue (Between San Jacinto Street & Stanford Street)
- 13) Highway 74 (Between City of Perris to City of Lake Elsinore)
- 14) Reche Canyon Road (Between Reche Vista Drive & County of San Bernardino)
- 15) San Timoteo Canyon Road (Between City of Beaumont & Live Oak Canyon Road)

ii. East County:

- 1) Washington Street (Between Varner Road & 42nd Avenue)
- 2) Harrison Street (Between 54th Avenue and 81st Avenue)

- 3) Thousand Palms Canyon Road
(Between Ramon Road & Dillon Road)
- 4) Dillon Road (Between Palm Drive & Avenue 44)
- 5) Palm Drive (Between Varner Road & Dillon Road)
- 6) Grapefruit Boulevard (Between 66th Avenue & Airport Boulevard)

e. Sidewalk Vendors shall not obstruct vehicle or pedestrian traffic, not place items connected to the vending operation within the Public Right-of-Way that hinders such visibility, and shall not engage in vending within the following locations:

- i. Fifteen feet (15') of a curb which has been duly designated by the County as a white, yellow, blue or red zone;
- ii. Five hundred feet (500') of a freeway entrance or exit in accordance with California Vehicle Code section 22520.5, as may be amended from time to time;

- iii. Fifteen feet (15') of a fire hydrant, fire escape, pedestrian signal crossing, bus stop, driveway, or any accessible curb ramp.
 - iv. Two hundred feet (200') of a fire, police station, hospital or ambulance driveway;
 - v. Five feet (5') from the edge of a curb;
 - vi. Fifteen feet (15') of a building entrance or exit;
 - vii. Upon or within any roadway, median strip, or dividing section; and
 - viii. Upon or within eight feet (8') from the edge of the pavement.
- f. Sidewalk Vendors shall not operate within fifteen feet (15') of another Sidewalk Vendor.

2. Hours of Operation. Sidewalk Vending hours of operation shall be as follows:

- a. Both Roaming and Stationary Sidewalk Vendors may operate during the same hours as other businesses on the same street or Public Right-of-Way.

- b. Stationary Sidewalk Vendors shall not operate in residential only areas.
 - c. Roaming Sidewalk Vendors shall only operate between the hours of sunrise to sunset in residential only areas.
3. Noise. Sidewalk Vendors shall not use sound amplifying equipment.
 4. Signs. Sidewalk Vendors shall not place freestanding displays or signs within the Public Right-of-Way, which would obstruct pedestrian or vehicle traffic.
 5. Sidewalk Vending Conveyance and Equipment. At no time shall any Vending Conveyance be affixed to a building or structure, including, but not limited to street light posts or signs, parking meters, benches, trash cans, or landscaping within the Public Right-of-Way. Additionally, Sidewalk Vendors shall not store any equipment or goods upon a public sidewalk or pedestrian path when the Vending business is not in operation. Any equipment or objects left overnight in any portion of the Public Right-of-Way will be considered abandoned property, which may be seized and disposed of by the County in accordance with applicable law.
 6. No Alcohol or Sale of Controlled Substances. Serving, selling or soliciting the sale of any alcoholic

beverages or controlled substances is strictly prohibited.

7. Waste Disposal. No Sidewalk Vendor shall dispose or cause to be disposed any oil, grease or wastewater onto or into streets, storm drains, catch basins, or sewer facilities.
8. Trash Collection. Sidewalk Vendors shall provide at least one (1) visible trash receptacle for use by customers of the Vending operation. The Sidewalk Vendor shall also collect and dispose of all trash generated by the Vending operation and its customers within a 10 foot (10') radius of the Vending location.
9. Certified Farmer's Market & Swap Meets. Sidewalk Vendors shall not operate within two hundred feet (200') of Certified Farmer's Markets, as defined by Chapter 10.5 of Division 17 of the Food and Agricultural Code, as may be amended from time to time; and Swap Meets, as defined by Article 6 of Chapter 9 of Division 8 of the Business and Professions Code, as may be amended from time to time.
10. Temporary Events. Sidewalk Vendors shall not operate within two hundred feet (200') of a legally permitted temporary event, which includes events that have obtained an approved filming permit in accordance with Ordinance No. 634, or an approved

temporary event permit in accordance with Ordinance No. 348.

C. Administrative Fines.

1. Fine Amounts. Administrative fines imposed for violations of the ordinance related to Sidewalk Vendors shall not exceed the following:

a. Sidewalk Vending with a Valid Permit. A violation of this ordinance by a Sidewalk Vendor who has a valid Sidewalk Vending Permit is punishable by an administrative fine not exceeding the following amounts:

- i. One hundred dollars (\$100) for a first violation.
- ii. Two hundred dollars (\$200) for a second violation within one year of the first violation.
- iii. Five hundred dollars (\$500) for each additional violation within one year of the first violation.
- iv. Upon the fourth or subsequent violation, the County may rescind the permit issued to the Sidewalk Vendor for the term of that permit.

b. Sidewalk Vending without a Valid Permit.

Sidewalk vending without a valid Sidewalk Vending Permit is punishable by an administrative fine not to exceed the following amounts:

i. Two hundred fifty dollars (\$250) for a first violation.

ii. Five hundred dollars (\$500) for a second violation within one year of the first violation.

iii. One thousand dollars (\$1,000) for each additional violation within one year of the first violation.

iv. Upon proof of a valid Sidewalk Vending Permit issued by the County, the administrative citations set forth in this paragraph shall be reduced to amounts set forth in subsection (a.).

2. Fine Reductions and Alternatives. The notice of violation to the Sidewalk Vendor shall include the right of the Sidewalk Vendor to request an Ability-To-Pay (ATP) determination. The notice of violation shall also include instructions for requesting the ATP determination from the Riverside County Assistant TLMA Director—Community Development or designee (“Decision maker”).

- a. ATP Criteria. The Decision maker shall determine if the Sidewalk Vendor meets the criteria described in subdivision (a) or (b) of Government Code section 68632, as may be amended from time to time, when assessing the administrative fine provided in subsection C1.
 - b. Fine deduction. If the Sidewalk Vendor meets the criteria in subsection 2a above, the Decision maker shall accept, in full satisfaction, twenty (20) percent of the administrative fine.
 - c. Alternatives to Fine Payment. In lieu of collecting the administrative fine(s), the Decision maker may do any of the following:
 - i. Allow the violator to complete community service;
 - ii. Waive the administrative fines; or
 - iii. May offer an alternative disposition.
- D. Removal of Sidewalk Vending Conveyance or Vending Equipment Creating an Imminent Danger. An Enforcement Officer may immediately seize and dispose of any goods, wares, merchandise, perishable or nonperishable foods, Vending equipment, and Conveyances, but not including

Vehicles, creating an imminent danger to the health, safety or welfare of the public in accordance with applicable law.

- E. Enforcement. It shall be unlawful for any person to engage in Sidewalk Vending within the Public Right-of-Way in the unincorporated areas of the County of Riverside except in accordance with this ordinance and all applicable laws and regulations.

- F. No Criminal Penalties. A Sidewalk Vending violation or failure to pay an administrative fine pursuant to this section shall not be punishable as an infraction or misdemeanor. No person alleged to have violated the Sidewalk Vending regulations set forth in this ordinance shall be subject to arrest except when otherwise allowed by law.

Section 8. OTHER APPLICABLE LAWS. Mobile Food Truck and Sidewalk Vending operators shall comply with all applicable Federal, State, and local laws, and regulations, including, but not limited to the California Health and Safety Code, the California Retail Food Code and the California Vehicle Code.

Section 9. SEVERABILITY. If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 10. EFFECTIVE DATE. This ordinance shall take effect sixty (60) days after its adoption.

Adopted: 853 Item 15.1 of 05/01/07 (Eff: 05/31/07)

Amended: 853.1 Item 19.3 of 10/22/2019 (Eff: 12/21/2019)