

ORDINANCE NO. 90-027

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF JUN 5 1990

AN ORDINANCE AMENDING SECTIONS 42.103, 42.109, AND 42.110 OF THE SACRAMENTO CITY CODE, RELATING TO FOOD VENDING VEHICLES, AND DECLARING SAID ORDINANCE TO BE AN EMERGENCY ORDINANCE TO TAKE EFFECT IMMEDIATELY

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Sections 42.103, 42.109, and 42.110 of the Sacramento City Code are hereby amended to read as follows:

Section 42.103 Vehicle Permit Issuance and Denial.

- (a) A food vending vehicle permit shall be issued by the director upon receipt of a complete application, as specified in Section 42.102, and after the director has:
 - (1) Physically inspected the food vending vehicle to ensure compliance with Vehicle Code equipment requirements or the director may accept proof of a valid current Sacramento County Special Business License for operating a mobile food vending vehicle in lieu of an inspection; and
 - (2) Determined that the business location and vehicle storage location, if within the City of Sacramento, comply with applicable zoning regulations and other codes.
- (b) All food vending vehicle permits shall expire on April 30 of the calendar year following the date of issuance unless sooner revoked. Application for renewal shall be filed between March 1 and March 31 for the permit period beginning the succeeding May 1.
- (c) A food vending permit shall authorize the operation of a single food vending vehicle and shall not be transferable to any other vehicle.

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- (d) A food vending vehicle permit shall be denied by the director if he finds any of the following grounds:
- (1) The applicant knowingly made a false statement of fact required to be revealed in the permit application.
 - (2) The information required by section 42.102 is false or incomplete.
 - (3) A person with 10% or more financial interest in the operation of the food vending vehicle has been convicted of a crime, and the time for appeal has elapsed, irrespective of the entry of a subsequent order under Penal Code Section 1203.4; or has done any act involving dishonesty, fraud, deceit, or moral turpitude with intent to substantially benefit him or herself, or another, or substantially injure another, or having the effect of substantially injuring another.

Provided, however, that the permit shall be denied upon any of the ground specified in this subsection (3) only if, in the opinion of the chief of police, contained in a recommendation to the director, the crime or act is substantially related to the qualifications, functions or duties of a food vending vehicle owner or owner of a business which operates food vending vehicles or has substantial contact with minors. However, no person shall be denied a permit solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under the State Penal Code Sections 4852.01, et seq., or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed to evaluate the rehabilitation of a person when considering a petition under Penal Code Section 4852.01, et seq.

Section 42.109 Driver Permit Issuance and Denial.

- (a) Except as provided in subsection (c) hereof, a food vending vehicle driver permit shall be issued by the director:
- (1) Upon receipt of a complete application, as specified in Section 42.108; and
 - (2) After fingerprinting of the applicant by the police department, if the director so requires; and

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- (3) After submission of four recent dated portrait photographs one to be attached to the application, one to be attached to the driver permit if issued, and two for the use of the police department.
- (b) All permits shall expire on April 30 of the calendar year following the date of issuance unless sooner revoked. A permit shall not be transferable. Application for renewal shall be submitted between March 1 and March 31 for the year beginning the succeeding May 1.
- (c) A food vending vehicle driver permit shall be denied by the director if he finds any of the following grounds:
 - (1) The applicant knowingly made a false statement of fact required to be revealed in the permit application;
 - (2) Failure to comply with the requirements of Section 42.109;
 - (3) The information required by Section 42.108 is false or incomplete;
 - (4) The applicant has been convicted of a crime, and the time for appeal has elapsed, irrespective of the entry of a subsequent order under Penal Code Section 1203.4; or has done any act involving dishonesty, fraud, deceit, or moral turpitude with intent to substantially benefit him or herself, or another, or substantially injuring another; or has a physical or mental disability or incapacity, or takes medication, uses alcohol or any controlled substance as defined in the state's Health and Safety Code.

Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection (4) only if, in the opinion of the chief of police, contained in a recommendation to the director, the crime, act, disability, incapacity or impairment from a substance consumed is substantially related to the qualifications, functions or duties of a food vending vehicle driver. However, no person shall be denied a permit solely on the basis that he has been convicted of a felony if he has obtained a certificate of rehabilitation under State Penal Code Sections 4852.01, et seq., or that he has been convicted of a misdemeanor if he has met all applicable requirements of the criteria of rehabilitation developed to evaluate the rehabilitation of a person when considering a petition under Penal Code Section 4852.01, et seq.

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Section 42.110 Unlawful Activities.

- (a) It shall be unlawful for any person to operate a food vending vehicle for compensation with knowledge that the food vending vehicle is not authorized by a valid permit or that grounds for revocation or suspension of said permit pursuant to Section 42.111 exist.

- (b) It shall be unlawful for any food vending vehicle driver or person in the business of operating a food vending vehicle to do any of the following:
 - (1) Operate a food vending vehicle for food vending purposes between the hours of 8:00 p.m. of one day and 5:00 a.m. of the following day during the months of April, May, June, July, August, September and October;
 - (2) Operate a food vending vehicle for food vending purposes between the hours of 6:00 p.m. of one day and 5:00 a.m. of the following day during the months of January, February, March, November and December;
 - (3) Fail to display a valid vehicle permit and permit decal, issued pursuant to this article;
 - (4) Transfer or sell a vehicle permit to a vehicle other than that identified in the permit application;
 - (5) Fail to carry on his or her person for display upon the request of any peace officer or a city official or employee authorized to enforce this article, a valid driver permit, issued pursuant to this article;
 - (6) Transfer or sell a driver permit to any person other than the person identified in the permit application;
 - (7) Broadcast any sound from any food vending vehicle which can be heard more than five (5) feet from such vehicle without first filing a registration statement with the police department and obtaining a license to broadcast according to the provisions of City Code Sections 25.22, et seq.

- (c) Notwithstanding the provisions of paragraphs (1) and (2) of subsection (b) hereof, a food vending vehicle may be operated during the hours proscribed by said paragraphs (1) and (2) if the vehicle stops only on private property which is used for non-residential

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purposes, with the permission of the occupant of the property, for the primary purpose of selling food to employees of the business located on the private property and to the employees of other nearby businesses.

SECTION 2.

This ordinance is an emergency ordinance to take effect immediately. The ground for the emergency is the need to have revised regulations authorizing acceptance of Sacramento County business licenses in effect immediately so that mobile food vendors already licensed by the County may renew their City vehicle permits promptly without unnecessary expense and investigation.

ENACTED: JUN 5 1990

EFFECTIVE JUN 5 1990

ATTEST:

Valerie A. Burrows
CITY CLERK

Arvo Puden
MAYOR

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