

ORDINANCE NO. 2019-465

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA ADDING CHAPTER 10.40 TO TITLE 10 OF THE BIG BEAR LAKE MUNICIPAL CODE, RELATING TO MOBILE FOOD VENDORS

WHEREAS, the City of Big Bear Lake, California (“City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, pursuant to the police powers delegated to it by the California Constitution, the City has the authority to enact laws which promote the public health, safety, and general welfare of its citizens; and

WHEREAS, vehicles that produce, prepare, cook, and carry food products for purposes of retail sale on the public streets pose special danger to the public health, safety, and welfare of children and residents in the City;

WHEREAS, the retail sale of food on public streets from vehicles can cause dangerous conditions on the City’s roads and streets through the congregation of large crowds; and

WHEREAS, the City has the authority to regulate the type of vending, and the time, place, and manner of vending from vehicles upon the street in order to promote public safety;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 10.40 is hereby added to Title 10 of the Big Bear Lake Municipal Code to read:

“Chapter 10.40 -- Mobile Food Vendors In The Public Right of Way

This Chapter is adopted pursuant to the authority granted to the City by Section 22455 of the California Vehicle Code, which permits local authorities to regulate the type of vending and the time, place, and manner of vending from vehicles upon the street in order to promote public safety.

10.40.010 – Definitions

- A. Mobile Food Vendor: A person or business that operates or assists in the operation of a vending vehicle.
- B. Vending Vehicle: Any self-propelled, motorized device or vehicle by which any person or property may be propelled or moved upon a highway or street—excepting a device moved exclusively by human power—or which may be drawn or towed by a self propelled,

motorized vehicle, from which food or food products are sold, offered for sale, displayed, bartered, exchanged, or otherwise given.

- C. Special Event Permit: A permit issued pursuant to Chapter 17.13 of the Big Bear Lake Municipal Code.

10.40.020 – Regulations

A mobile food vendor may locate its vehicle in the public right-of-way as long as the mobile food vendor adheres to the following time, place, and manner restrictions:

- A. The vehicle is in full compliance with all parking and California Vehicle Code provisions which apply to the location at which it is parked.
- B. The vending vehicle does not obstruct pedestrian or vehicular traffic in any manner.
- C. No mobile food vendor shall operate a vending vehicle:
 - 1. Within ten (10) feet from the outer edge of any entrance of any business during the hours that such business is open to the public. This prohibition may be waived with the written consent of such business. For purposes hereof, the term “entrance” includes but is not limited to doors, vestibules, driveways, outdoor dining area entries, and emergency exits.
 - 2. Within twenty-five (25) feet of any street intersection controlled by a traffic light, crosswalk, or stop sign.
 - 3. Within twenty-five (25) feet of a bus stop.
 - 4. Within three hundred (300) feet of the nearest property line of any property in which a public building is located, between the hours of 7:00 a.m. and 5:00 p.m. of any school day. For purposes of this Chapter, “public school” shall be defined as a school governed or operated by a unified school district or other similar public entity. This prohibition may be waived for special events for which the City issues a permit, or by written permission of the Bear Valley Unified School District or any other entity which operates the applicable school.
 - 5. Within the immediate vicinity of an event held pursuant to a Special Event Permit.
- D. The mobile food vendor must be in compliance with Health and Safety Code Section 114315(a), in that the facility shall be operated within 200 feet travel distance of an available toilet and hand washing facility when it is stopped to conduct business for more than a one hour period.
- E. The mobile food vendor shall keep the vending area litter free. The mobile food vendor must remove litter caused by its products from any public and private property within a twenty-five (25) foot radius of the vending vehicle’s location.
- F. The mobile food vendor shall not discharge any liquid (e.g. water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the mobile food vendor.

- G. Vending is prohibited on the exposed street and/or traffic side of the vending vehicle.
- H. No amplified music is permitted.
- I. A vending vehicle may not stand or park in the public right-of-way between the hours of 10:00 p.m. and 8:00 a.m. in commercial and industrial zones, and between 7:00 p.m. and 10:00 a.m. in residential zones. The vending vehicle shall comply with the California Vehicle Code at all times.
- J. The mobile food vendor shall have a valid business license issued by the City.
- K. The mobile food vendor shall have a valid permit issued by the San Bernardino County Department of Environmental Health Services. All required County Health permits must be in the possession of the mobile food vendor at all times during which it operates within the City.
- L. All food products sold or provided from the vending vehicle shall comply will all applicable food labeling requirements established by the State of California.
- M. All mobile food vendors' vending vehicles shall be inspected and approved by the Big Bear Fire Department prior to issuance of its initial business license and from time to time thereafter in the discretion of the Big Bear Fire Department. At a minimum, all cooking equipment producing grease laden vapors shall be protected by a UL 300 listed automatic fire extinguishing system. A Class K fire extinguisher shall be provided within each vending vehicle at an accessible location. All fire protection equipment shall be properly maintained and serviced at intervals required by the California Fire Code.
- N. The mobile food vendor shall maintain insurance, as deemed acceptable in the reasonable discretion of the City, and provide to the City written certification thereof, against liability for death or injury to any person and damage to property as a result of ownership, operation, or use of its mobile food facilities. The City Council may adopt insurance requirements as set by resolution. In addition, the vendor shall indemnify, defend and hold the City harmless from any claims arising out of or related to the vendor's ownership, operation, or use of its mobile food facilities, except as otherwise permitted by applicable law.
- O. The mobile food vendor shall comply with all applicable state, county and local laws.

SECTION 2. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that anyone or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

SECTION 4. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute

passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

SECTION 5. CEQA. This Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines, as it is not a “project” and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. 14 Cal. Code Regs. § 15378. The Community Services Director shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

ORDINANCE PASSED AND APPROVED on this 13th day of May 2019 by the following vote.

AYES: Herrick, Caretto, Putz
NOES: None
ABSTAIN: None
ABSENT: Jackowski, Jahn



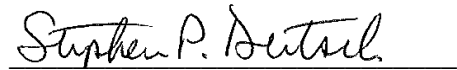
Randall Putz, Mayor

ATTEST:



Erica Stephenson, City Clerk

APPROVED AS TO FORM:



Stephen P. Deitsch, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF BIG BEAR LAKE)

I, Erica Stephenson, City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of the said City is five; that the foregoing Ordinance No. 2019-465 is a full, true and correct original of Ordinance No. 2019-465 of the City of Big Bear Lake, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA ADDING CHAPTER 10.40 TO TITLE 10 OF THE BIG BEAR LAKE MUNICIPAL CODE, RELATING TO MOBILE FOOD VENDORS

was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of said Council on the 13th day of May, 2019, and that the same was so passed and adopted by the following vote:

AYES: Herrick, Caretto, Putz
NOES: None
ABSTAIN: None
ABSENT: Jackowski, Jahn

I do hereby further certify that pursuant to the provisions of Section 36933 of the Government Code of the State of California that the foregoing Ordinance No. 2019-465 was duly and regularly published according to law and the order of the City Council and circulated within said City.



Erica Stephenson, City Clerk