

ORDINANCE O2024-01

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MANTECA, STATE OF CALIFORNIA, AMENDING
CHAPTER 10.70, MOBILE FOOD VENDORS

WHEREAS, on July 18, 2023 and August 15, 2023, respectively, the City Council approved the first and second reading of Chapter 10.70 of the Manteca Municipal Code to permit Mobile Food Vendors (i.e., food trucks) in the City of Manteca, subject to the rules, regulations, and procedures set out therein; and

WHEREAS, City staff has reviewed the current ordinance, and offers amendments to Chapter 10.70 to account for the role of Development Services and permit food trucks in the Central Business District; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS FOLLOWS:

SECTION 1: Manteca Municipal Code Chapter 10.70 is hereby amended to read as follows:

Chapter 10.70 - Mobile Food Vendors

WHEREAS, the California Vehicle Code Section 22455 allows municipalities to regulate mobile food vending in order to protect public safety, and Article XI, Section of the California Constitution extends to municipalities the police power to regulate mobile food vending in furtherance of public health and welfare; and

WHEREAS, mobile food vending and catering trucks create the potential for safety hazards, such as, but not limited to, encouraging pedestrians to cross mid-block to purchase food; and

WHEREAS, the act of looking for prospective customers while operating a mobile food truck and/or mobile vending vehicle makes the operator less attentive to pedestrian and vehicular traffic, and when done on public roadways, poses traffic and safety risks to the public, which the City seeks to prevent; and

WHEREAS, mobile food vendors who fail to park their vehicles correctly while doing business attract perspective clients onto public roadways or public rights-of-way, creating a further traffic and public safety hazard; and

WHEREAS, the City has an important and substantial public interest in providing regulations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety, and welfare of the community; and

NOW, THEREFORE, the City Council of the City of Manteca, California, does hereby establish and ordain as follows:

10.70.010 Purpose.

The City of Manteca (the "City") finds that allowing mobile food vendors to operate, subject to practical regulations and limitations, is beneficial to persons living and working within the City. This article recognizes the unique physical and operational characteristics of mobile food vending, establishes standards for mobile food vending operations and promotes practices that serve the health, safety, and welfare of the public. This Chapter shall also set out violations and penalties for failure to abide by the sections and terms set out herein.

10.70.020 Definitions.

The following words, terms, and phrases, when used in this Chapter 10.70, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food for purposes of this Chapter means and refers to any substance as defined by Section 113781 of the California Health and Safety Code, defined as a raw, cooked, or processed edible substance, ice, beverage, an ingredient used or intended for use or for sale in whole or in part for human consumption, and chewing gum.

Mobile Food Vendor under this chapter shall mean any person that sells, or causes or allows another, whether as an employee or as an independent contractor leasing or renting equipment, to sell any food or drinks by means of a motorized or non-motorized vehicle, such as a catering truck, motorized cart, food truck, canteen truck, and/or ice cream truck or other itinerant method. It also includes a non-motorized vehicle which is not self-propelled or which cannot be moved by a person pushing or pulling such non-motorized vehicle. Where one person employs another person to sell food or drinks or where one (1) person leases or rents equipment or a vehicle to another person to allow them to sell food or drinks, both individuals shall be considered mobile food vendors. Mobile Food Vendor shall not mean (A) any person/entity operating under a special event agreement with and/or through the City of Manteca or (B) a "sidewalk vendor" as defined by Government Code Sections 51036 to 51039 (SB 946) or an ordinance adopted by the City of Manteca regarding sidewalk vendors.

Mobile Food Vendor Permit means a permit issued by the City for the operation of a Mobile Food Service Vehicle, and may be set out below as a V1, V2, V3, V4, and V5 permit. It does not include and/or cover a business license, which is a separate and distinct legal document, but is also required for a Mobile Food Vendor to conduct

business is Manteca.

Mobile Food Vendor Vehicle includes, but is not limited to a catering truck, motorized cart, food truck, canteen truck, and/or ice cream truck, and includes, but is not limited to any portable unit that is a motorized, non-motorized, or mobile vehicle and is intended for use in the operation and/or sale of Edible Food Products.

Operator(s) means any person operating or permitted to operate as a Mobile Food Vendor within the City of Manteca.

10.70.030 Generally.

- A. It is a violation to operate a Mobile Food Vehicle at any location except in compliance with the requirements of this article. This shall not include City property. The City Manager (or designee), the Director of Recreation, and/or the Director of Development Services may promulgate such rules that apply to City property and/or City events.
- B. Operators must comply with all federal, state, county, and City licensing and permitting regulations and all business tax, sales tax, and other tax requirements, including those set out in this Chapter.
- C. The City Manager is hereby authorized to promulgate rules and regulations supplemental to the provisions herein for the purpose of carrying out the administration and enforcement of such provisions, including, but not limited to ability and authority to set out a moratorium on issuing permits.
- D. Any distance requirements set out in this Chapter shall be measured by the closest point of the Mobile Food Vendor Vehicle to the closest point of a restaurant or other business, establishment, and/or building.

10.70.040 Locations and Hours of Operation – Private Property.

The City of Manteca has determined that based on the size and population of the City, the City will only issue thirty (30) active permits at a time to operate on private property within City limits, excluding special events and City events. This number of active, issued permits may be adjusted at the discretion of the City Manager, provided, nothing herein shall take away a permit from a Mobile Food Vendor during a twelve (12) month permit term.

- 1. A Mobile Food Vendor with a current Mobile Food Vendor Permit (as set out herein) may operate on private property as a permitted use under Chapter 17 (zoning) of this Code, in the Central Business District (CBD) (subject to the restrictions below), Commercial Mixed Use (CMU), Business Industrial Park (BIP), General Commercial (GC), Commercial Manufacturing (CM), and M1 (Light Industrial) Zones, subject to the following conditions:

- i) *Permission.* Mobile Food Vendors selling to the public from private property must have a Mobile Food Vendor Permit as set out below.
- ii) *Unimproved properties.* Regardless of any agreement with the owner of the property, a Food Truck may not operate on an unimproved parcel. For purposes of this section, a parcel is considered “improved” if it contains a building that may be occupied pursuant to applicable building codes, and if the site meets all applicable development standards for the pertinent Zoning District as detailed in Manteca Municipal Code Title 17. Notwithstanding the above, up to three (3) Mobile Food Vendor Vehicles may be permitted to operate at an active, licensed, and permitted construction site within the City of Manteca, so long as the Mobile Food Vendor(s) has the appropriate Mobile Food Vendor Permit.
- iii) *Maximum number of Mobile Food Vendor Vehicles.* No more than three (3) Food Trucks may operate at any location, provided, however, Properties within the Central Business District (CBD) Zoning District are limited to more than one (1) Mobile Food Vendor at any given time.
 - a. Properties within the Central Business District (CBD) Zoning District are limited to no more than one (1) Mobile Food Vendor at any given time.
- iv) *Placement on lot.* Mobile Food Vendors, including any canopies, signage, equipment, and seating areas, may not occupy more than three (3) parking spaces per Mobile Food Vendor Vehicle. Mobile Food Vendor Vehicles not parked within designated parking spaces shall not block fire lanes, designated traffic lanes, sidewalks, roads, and/or ingress or egress to or from a building or street. The City may issue a citation for failure to abide by these rules and restrictions.
 - a. Mobile Food Vendor Vehicles (i.e., food trucks) located within the Central Business District (CBD) Zoning District shall position the totality of their operation behind (i.e., in the back of) the primary business structure. Operation in the front or side parking areas (or any space in front of or to the side of the property), or in the public right-of-way is strictly prohibited. Moreover, only businesses who are a brewery/winery/tasting room (as defined by the Alcoholic Beverage Control (ABC) or consistent with MMC Section 17.24.020(E)(27) or a Bar/Tavern (as defined in MMC Section 17.24.020(E)(4) may have a Mobile Food Vendor on their property within the CBD.

- v) *Hours of operation.* Mobile Food Vendors may operate beginning at 7:00 a.m. and ending at 10:00 p.m. unless otherwise restricted by the Operator's Mobile Food Vendor Permit or by the property owner. The City Manager may elect to extend the hours of operation on a weekend, including a Friday evening.
- vi) *Restriction/Prohibited Use.* These restrictions shall not apply to use and/or operations on City property.
- vii) *Operations in Residential Zones.* A Mobile Food Vendor may not operate within any residential zones except as follows:
 - a. On properties for nonresidential uses, such as schools and religious assembly facilities, with prior written authorization from the property owner and the City Manager (or their designee). After three (3) hours, the Mobile Food Vendor must move to a new location that is not less than three hundred feet away; or
 - b. On properties where the Mobile Food Vendor has been hired to cater at a private residence at no cost to the guests of the property owner (with a limit of one (1) Mobile Food Vendor per property), provided that the Mobile Food Vendor does not cause and/or create a nuisance and/or in other way violate the Municipal Code. A Mobile Food Vendor shall be limited at a private residence for a period of four (4) hours.

10.70.050 Operating Requirements.

Mobile Food Vendor Vehicle requirements.

- A. In addition to abiding by all applicable sections of the California Health and Safety Code and the California Vehicle Code, the Mobile Food Vendor Vehicles must meet the following requirements:
 - 1) *Design and construction.* Mobile Food Vendor Vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not compatible with the purpose for which the vehicle has been designed and constructed.
 - 2) *Licensing.* Mobile Food Vendor Vehicles must be licensed and equipped in accordance with the rules and regulations of all local (including City of Manteca and County of San Joaquin), state, and federal agencies having jurisdiction over such vehicles. The preparation and sale of Food from Mobile Food Vendor Vehicles must comply with all applicable local, state,

and federal laws and regulations. The City shall request proof of the proper and appropriate licensing prior to issuing any permits as set out herein.

B. Right-of-way.

C.

- 1) Mobile Food Vendor Vehicles may not operate, stop, stand, or park in any area of the right-of-way that is intended for use by vehicular travel or public vehicular parking, except in the event of a street closure for a special event.
- 2) Mobile Food Vendor Vehicles, may not operate, stop, stand or park that in any way violates the applicable provisions of Title 10 (Vehicles and Traffic) of this Municipal Code, as amended, or otherwise impedes the flow of traffic, interferes with ingress or egress to or from any property or presents an unsafe condition for patrons, pedestrians or other vehicles.
- 3) No Mobile Food Vendor Vehicle shall cause and/or impede pedestrian access such that it would violate the Americans with Disability Act ("ADA") or any equivalent state law.

D. Business access. No Mobile Food Vendor Vehicle may operate in a location that:

- 1) Impedes the ingress to or egress from another business or otherwise causes undue interference with access to another business; or blocks or impedes in anyway the lawfully placed signage of another business; and/or
- 2) Prevents access to another business by emergency vehicles.

E. Pedestrians. If adjacent to a sidewalk, the components of a mobile food service vehicle's operations, including signage, seating areas and patron queue may not reduce the clear pedestrian path of travel on the sidewalk to less than three feet or in any way violate the ADA. All awnings or canopies of the vehicle shall be at least six feet, eight inches above the sidewalk.

F. Distance between Vehicles. A Mobile Food Vendor Vehicle may not operate within three (3) feet of any other Mobile Food Vendor Vehicle.

G. Safety and fire prevention. All cooking, heating and electrical equipment and all cooking practices must comply with applicable safety regulations, including applicable fire and electrical codes and any other safety requirements imposed by the City's Fire Marshal and the County's Environmental Health Department. No cooking equipment other than a heating apparatus compliant with applicable safety regulations may be used in a canteen truck. All Mobile Food Vendor

Vehicles must be equipped with fire extinguishers that are inspected annually and certified as meeting National Fire Protection Association standards. **No power cord, cable, water hook-up, or equipment shall be extended across any public street, sidewalk, and/or other public property.**

- H. **Noise.** No sounds that are prohibited by Chapter 9, Section 9.52.030 or 9.52.040 or Chapter 17.58 of this Code may be produced by a Mobile Food Vendor's operations.
- I. **Support methods.** No Mobile Food Vendor may use stakes, rods, or any other method of support that must be drilled, driven, or otherwise fixed into or onto asphalt, pavement, curbs, sidewalks, and/or buildings.
- J. **Spills.** To prevent discharges into waterways, drainage systems or public sewer systems, each Mobile Food Vendor shall comply with all storm-water regulations of the City of Manteca and County of San Joaquin, and all regulations regarding prohibited discharges to public sewers. In addition, each vehicle shall have a spill response plan to contain and remediate any discharge from the vehicle.
- K. **Waste collection.** The immediate area around a Mobile Food Vendor Vehicle operation (a radius of fifty (50) feet) must be kept neat, clean, and orderly at all times. By operating a Mobile Food Vendor Vehicle in a given area, the Operator assumes responsibility for the cleanliness of that area and the area immediately surrounding the operations (not less than 50 feet from all parts of the Mobile Food Vendor Vehicle) regardless of the occurrence or source of any waste in the area. During each period of operation at a location, the Operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the Mobile Food Vendor Vehicle. All trash receptacles must be emptied when full, and all waste must be removed prior to departure of a mobile food service vehicle from a location. Any waste collected by the Operator-provided trash receptacles or other waste produced by Mobile Food Vendor Vehicle operations will not be disposed of in any City-owned waste receptacles.
- L. **Pedestrian service only.** Mobile Food Vendors shall serve pedestrians only. Drive-through, drive-in, and/or vehicular service is strictly prohibited.
- M. **Signage.** Signage for each Mobile Food Vendor shall be limited to signs on the exterior or interior of the vehicle and one (1) "sandwich" (or food) board sign. All signs on the exterior of the vehicle shall be secured and shall not project more than six (6) inches from the vehicle. One sandwich board sign may be placed outside the mobile food service vehicle, provided that the base of a sandwich board sign must be placed no further than two (2) feet beyond the mobile food service vehicle. Sandwich board signs shall not exceed twelve (12) square feet per side and shall not obstruct or impede pedestrian or vehicular traffic.
- N. **Alcohol, Tobacco, and Cannabis sales.** Mobile Food Vendors may not sell alcoholic beverages, tobacco-based products, and/or cannabis-based products.

A violation of this subsection (m) shall lead to an immediate revocation of any permit and business license.

- O. **Insurance.** Mobile Food Vendors must maintain all motor vehicle and other required insurance coverage required by applicable state and federal laws and regulations. In the event the required coverage is not properly maintained, permission to operate will be immediately revoked.
- P. **Exterior cooking equipment.** Any food preparation equipment outside of the Mobile Food Vendor Vehicle shall not obstruct vehicular or pedestrian traffic, and the use and operation of such equipment shall not create safety hazards for the public. Food shall not be served to customers directly from any outside food preparation equipment. Any smoker or other exterior equipment that generates heat shall be surrounded with at least three traffic safety cones.

10.70.60 Mobile Food Vendor Permits.

- A. **Required.** The City Manager (or their designee) shall oversee the issuance, suspension, and revocation of Mobile Food Vendor Permits. A Mobile Food Vendor Permit authorizes the holder only to engage in the vending of products from a Mobile Food Vendor Vehicle in compliance with this Municipal Code and as specified on the permit. The Mobile Food Vendor Permit must be prominently displayed when the Mobile Food Vendor Vehicle is in operation. **In addition to acquiring a Mobile Food Vendor Permit under this Chapter**, an Operator must also acquire a business license with the City of Manteca (a separate and distinct, legal document).
- B. **Application.** In order to obtain a Mobile Food Vendor Permit, a Mobile Food Vendor Operator must complete an application form provided by the City. The City Recreation Development and/or City Development Services Department (in conjunction with the Manteca Police Department and/or the City Finance Department, if necessary), shall review and approve all applications. The application shall include the following information:
 - 1) Name and address of the owner of the Mobile Food Vendor Vehicle, and proof of ownership.
 - 2) Name and address of the Operator of the Mobile Food Vendor Vehicle, and proof of a valid vehicle license to operate the vehicle (if the owner and Operator of the Mobile Food Vendor Vehicle are not the same, the owner must provide the City a notarized letter granting permission for the operator to operate the Mobile Food Vendor Vehicle).
 - 3) Color photographs of the exterior (front, side, and back) of the vehicle in its final condition and with all markings under which it will operate.

- 4) A copy of the vehicle license and registration form reflecting the vehicle identification number (VIN) of the vehicle.
- 5) A copy of the applicable San Joaquin County Health Department/Environmental Health Department license or permit.
- 6) A copy of the operator's business license with the City of Manteca.
- 7) A certificate of insurance coverage, including required motor vehicle insurance coverage and other required insurance.
- 8) To the extent applicable (i.e., if a Mobile Food Vendor wishes to operate on private property), a notarized agreement between the Operator and private property owner explicitly allowing the Operator to be on private property only subject to the terms and conditions of this Chapter. To be clear, the agreement must be between the Operator and the owner of the private property – permission and/or agreement from a tenant shall not suffice.
- 9) A signed acknowledgement that the Operator has read this Chapter and will comply with all applicable requirements herein.
- 10) Any additional information required by the City Manager as set out by City Council resolution.
- 11) Submittal of an application for a Mobile Food Vendor Permit will require a payment for the application in the amount of \$200.00 (subject to City procedures), provided that for any Mobile Food Vendor Vehicle previously found to be operating within the city without a permit, the application payment shall be \$300.00.
- 12) An applicant shall also be required to submit a site plan along with the application that shall be reviewed by a City Planner (as well as possibly a City Engineer). The City reserves the right to deny an application based on the site plan proposed by the applicant.
- 13) Each Mobile Food Vendor Permit holder shall have an ongoing duty to provide the City with notice of any change in writing to any of the information submitted with its permit application, including current photographs of the mobile food service vehicle in the event of any change in the appearance of or signage on the vehicle, within ninety-six (96) hours (four (4) days) following such a change.

C. **Issuance.** A Mobile Food Vendor Permit may be issued upon verification that an application has been completed in accordance with the requirements of this section, except that no such permit will be issued to an Operator whose permit is currently suspended or has been revoked within the preceding twenty-four

(24) months, or to any person who intends to operate the same mobile food service vehicle for which the Operator's permit is currently suspended or has been revoked within the preceding twenty-four (24) months, or as otherwise set out herein. If the Development Services Director (or any City Planner/City employee) denies the application, such denial shall be in writing and provided to the applicant within thirty (30) days of receipt of the application.

- D. **Expiration.** All Mobile Food Vendor Permits shall last for a period of twelve (12) months, beginning on July 1, and expiring the following year on June 30. A Mobile Food Vendor Permit may be renewed for the next 12-month period, provided that all applicable requirements are met and the permit is not currently suspended or has not been revoked within the preceding 12 months. The fee for renewal shall be the same as the application fee for a new Mobile Food Vendor Permit.
- E. **Transferability.** A Mobile Food Vendor Permit may not be transferred except as part of the sale of a controlling interest in a business holding the permit or a sale of substantially all of the assets of a business holding the permit, and is approved by writing by the City after receiving in notice in writing. The Operator of the Mobile Food Service Vehicle shall notify the City within ten (10) days of any such sale and shall update any information that has been changed since the submittal of the application for the Mobile Food Vendor Permit.
- F. **Types of Permits.** Mobile Food Vendor permits shall be designated and defined as follows:
- V1 – Allows a Mobile Food Vendor to operate on all types of private property, subject to the terms and conditions set out herein;
 - V2 – Allows a Mobile Food Vendor to operate ONLY at active, permitted construction sites;
 - V3 – Allows a Mobile Food Vendor to operate ONLY on City of Manteca property;
 - V4 – Allows a Mobile Food Vendor to operate ONLY in a residential zone; or
 - V5 – Allows a Mobile Food Vendor to operate in all areas set out in V1 through V4 (provided, however, that a V5 permit requires an additional, annual processing fee of \$200, as staff will need to further review to ensure that the Mobile Food Vendor shall be in compliance with this Chapter, including Recreation Department review, site plan review by Development Services, and potential review by other departments, including, but not limited to Finance or the Police Department; in addition, the issuance of a V5 permit is included within the limit of V1 permits set out in section 10.70.040).

10.70.070 Enforcement.

- A. **Citation.** Each of the following circumstances constitute a violation of this Chapter, for which a citation may be issued by a duly authorized officer of the city:
- 1) Operation of a Mobile Food Service Vehicle without a current, valid permit and/or operation of Mobile Food Service Vehicle in an improper location, address, and/or zone, provided further that each day and each separate location at which a Mobile Food Service Vehicle is operated without a current, valid permit shall be considered a separate violation.
 - i) The first violation shall be subject to a \$100 fine.
 - ii) The second violation within a twelve (12) month period shall be subject to a \$250 fine, as well as other penalties set out in this Chapter.
 - iii) The third violation within a twelve (12) month period shall be subject to a \$500 fine, as well as other penalties set out in this Chapter.
 - iv) Following the third violation within a twelve (12) month period, the fine shall be set to \$500 for each violation and/or a misdemeanor, as well as other penalties set out in this Chapter.
 - 2) Continuation of temporary Mobile Food Service Vehicle operations beyond the time period authorized by the City and/or special event shall be subject to a \$100 fine for each instance, as well as other penalties set out in this Chapter.
 - 3) Failure to comply with any other provision of this Chapter, with an initial fine set at \$100; a second fine within a twelve (12) month period shall be \$250; and the third and additional fines within a twelve (12) month period shall be \$500 per incident.
 - 4) Nothing herein precludes the City from citing to, fining, and/or noticing violations for violations of this Chapter and/or other provisions of the Municipal Code related to the operations and/or ownership of a Mobile Food Service Vehicle.
 - 5) Confiscation. In connection with suspension or revocation of a Mobile Food Vendor Permit or violations of this chapter, the City may confiscate property used in connection with vending upon a determination that confiscation of the property is necessary to protect the public health, safety, or welfare, at a cost to the Operator, property owner, and/or

Mobile Food Vendor Vehicle owner. As part of citation for a violation set out in this Chapter, state law, and/or another violation of the Municipal Code, the City shall first issue a warning (which shall constitute a notice) prior to confiscating any property under this Chapter.

B. Responsibility for violations. City duly authorized employees may, at their discretion in consideration of the situation, cite any of the individuals or entities listed below for any violation of the provisions of this article:

- 1) The Operator of a Mobile Food Vendor Vehicle;
- 2) The owner of the property on which a Mobile Food Vendor Vehicle is operated;
- 3) The owner of the Mobile Food Vendor Vehicle; and/or
- 4) The entity or organization hosting the Mobile Food Vendor.

C. Suspension of permit. A Mobile Food Vendor Permit shall be suspended by the City if:

- 1) Two (2) violations of this article have occurred within a twelve (12) month period in conjunction with the Mobile Food Vendor for which the permit has been issued.
- 2) The Operator of a Mobile Food Vendor Vehicle fails to maintain a current, valid vehicle registration, health department permit, business license, and/or proof of required motor vehicle insurance coverage.

D. Revocation of Permit. A Mobile Food Vendor Permit shall be revoked by the City:

- 1) Two (2) violations of this article have occurred within a (six) 6-month period, or three (3) violations within a twelve (12) month period.
- 2) A mobile food service vehicle is operated in an unlawful manner so as to constitute a breach of the peace, results in a criminal violation and/or misdemeanor, and/or otherwise threatens the health, safety, or general welfare of the public, or constitutes a public nuisance.
- 3) The City determines and/or it is discovered that any information is false and/or misleading on the application for a permit under this Chapter or any subsequent, related communications with the City.
- 4) As determined in the discretion of the Fire Marshal, Director of Development Services, or Chief of Police, provided, written notice is provided to the Operator and owner of the property within four (4) days

after the determination is made setting out the reasons of the revocation.

E. Reinstatement.

- 1) **Suspended permit.** An Operator may be reinstated from a suspended Mobile Food Vendor Permit by taking such actions as may be necessary to correct a mobile food service vehicle's noncompliance and paying a reinstatement fee of \$750.00 to offset the City's cost of enforcement measures, inspections, and compliance.
- 2) **Revoked permit.** An Operator whose mobile food vendor permit has been revoked may apply for a new permit after six (6) months from the date of revocation, provided the operator has taken such actions as may be necessary to correct a mobile food service vehicle's noncompliance. The Operator shall pay a permit reinstatement fee of \$750.00 to offset the City's cost of enforcement measures, inspections and compliance verifications.
- 3) No permit will be issued to any person who intends to operate the same Mobile Food Vendor Vehicle for which the Operator's permit is currently suspended or has been revoked within the preceding twelve (12) months.
- 4) **Notice.** Notice of the suspension or revocation of a Mobile Food Vendor Permit shall be issued to the operator in writing by the City representative within five (5) business days of the decision. The City shall send a copy of the notice to the address on file to all interested parties, included the Operator and Owner. An electronic copy shall also be submitted via electronic mail.

10.70.080 Appeals.

- A. **Filing.** The denial, suspension, and/or revocation of a Mobile Food Vendor Permit, and/or the confiscation of any property may be appealed by filing a written notice of appeal, establishing the grounds for the appeal, consistent with Chapter 1.10 of the Municipal Code. The fee for filing an appeal shall be \$250.
- B. **City Manager's Review** When an appeal is filed with the city manager as set forth herein, the City Manager (or her/his designee) may request such additional information from the Operator and City staff as may be deemed necessary. At the City Manager's discretion, the appeal may be decided based on the written information and documentation submitted, or a hearing may be scheduled with the Operator and City staff. The City Manager's (or designee's) decision shall be issued in writing, based on a

written summation of the pertinent facts, and shall be final. The City Manager may reverse the denial, suspension or revocation of a permit, or may reduce the waiting period required for reinstatement of a revoked permit if it is determined that the Operator has taken reasonable steps to mitigate the violations leading to the revocation and to prevent future violations.

- C. **Refunds.** There shall be no refund of an application fee for a Mobile Food Vendor Permit that has been denied. There shall be no refund of a reinstatement fee for a suspended or revoked permit unless the City Manager determines on appeal that the Permit Administrator acted in error in suspending or revoking the permit.
- D. **Appeal of Fines.** As set out in this Chapter, the appeal of any fines issued by the City for a violation of this Chapter shall be subject to the applicable provisions of Chapter 1.10 of the Municipal Code.

10.70.090 – CEQA Exemption.

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 Director of Development Services or their designee shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

10.70.095 – Severability

Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 2: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Manteca, a municipal corporation

MAYOR: 
GARY SINGH

ATTEST: 
CASSANDRA CANDINI-TILTON
CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN } SS:
CITY OF MANTECA }

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 16th day of January, 2024, and had its second reading and was adopted and passed during the public meeting of the City Council on the 6th day of February, 2024, by the following vote:

AYES: Breitenbucher, Halford, Morowit, Nuño, Singh

NOES: None

ABSENT: None

ABSTAIN: None

ATTEST: 
CASSANDRA CANDINI-TILTON
City Clerk