

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE AMENDING SECTIONS OF CHAPTER 12 OF
THE CITY CODE REGARDING FOOD VENDING VEHICLES

WHEREAS, the City Council has adopted Ordinance No. 83-14, which has been codified as Chapter 12 of the City Code;

WHEREAS, said Ordinance pertains to Food and Food Establishments;

WHEREAS, Sections 12.50 through 12.56 of the City Code provide regulations regarding Food Vending Vehicles;

WHEREAS, the City Council provided direction on August 31, 2011 to amend the applicable sections of Chapter 12 to allow for the preparation of food products on prepared food vending vehicles;

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Oceanside City Code Sections 12.54 through 12.63 are removed in their entirety and Sections 12.52 and 12.53 are amended to read as follows:

Sec. 12.52. – Parking and stopping.

No person shall stop or park a food vending vehicle on a public street for the purpose of selling, giving away, displaying or offering for sale any food or beverage product except for a period of time not to exceed (1) one hour on any one block on a street with a posted speed limit of 25 MPH or less provided the food vending vehicle is not stopped or parked within (500) five hundred feet of licensed restaurant establishments, schools, public park concession stands, or approved Special Event. No tables, chairs, or other food preparation equipment may be used outside of a food vending vehicle, other than allowed by a Special Events Permit issued pursuant to Chapter 30A of this Code.

No person shall stop, park or cause any food vehicle to remain on any public property, except pursuant to the order of a lawful authority or for the purpose of making emergency repairs to the vehicle; in no event shall any person sell or give away any food or beverage project from a food vending vehicle while such repairs are being made. No person shall stop, park or cause a food vending vehicle to remain on any private property for the purpose of

1 selling, giving away, displaying or offering for sale any food or beverage product to any
2 person other than the owner of such property or his agents, customers or employees; in no event
3 shall any person stop, park or cause a food vending vehicle to remain on any vacant lot or
4 undeveloped parcel of land for the purpose of selling, giving away, displaying or offering for
5 sale any food or beverage product, other than allowed by a Special Events Permit Chapter 30A
6 of this Code. Water flush toilet facilities for the use of food service personnel shall be available
7 within (100) feet of the vehicle whenever it is stopped to conduct business on private property
8 or allowed by a Special Events Permit Chapter 30A of this Code for more than a one-hour
9 period.

10 **Section 12.53 – Licensing and inspection.**

11 The provisions of this chapter and other city, county and state laws and regulations relative to
12 health and sanitation apply to all food vending vehicles. All food vending vehicles are required
13 to obtain an annual Business License inspection. Prepared food vehicles operating as Mobile
14 Food Facilities within the city are subject to the established Business License fees for
15 restaurants.

16 **SECTION 2. Severability.**

17 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be
18 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
19 shall not affect the validity of the remaining portions of this Ordinance. The City Council
20 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each
21 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more
22 sections, subsections, clauses or phrases be declared invalid or unconstitutional.

23 **SECTION 3.** The City Clerk of the City of Oceanside is hereby directed to publish this
24 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
25 days after its passage in the North County Times, a newspaper of general circulation published
26 in the City of Oceanside.

27 This ordinance shall take effect and be in force on the thirtieth (30th) day from and after
28 its final passage.

1 INTRODUCTION at a regular meeting of the City Council of the City of Oceanside,
2 California, held on the ___ day of _____, 2011, and, thereafter,

3 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
4 Oceanside, California, held on the ___ day of _____, 2011, by the following vote:

5 AYES:

6 NAYS:

7 ABSENT:

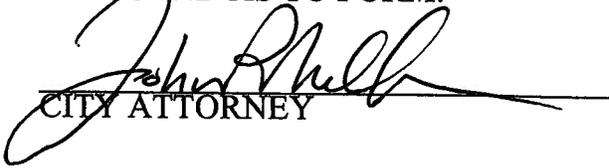
8 ABSTAIN:

9
10 MAYOR, CITY OF OCEANSIDE

11 ATTEST:

12 APPROVED AS TO FORM:

13 CITY CLERK

14 
15 CITY ATTORNEY

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