

DATE SUBMITTED 9/11/2024
 SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR
 DATE ACTION REQUIRED 9/18/2024

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED (X)
 RESOLUTION ()
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING (X)
 CITY CLERK'S INITIALS ()

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT:	DISCUSSION/ACTION: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL AMENDING THE CODIFIED ORDINANCES REGARDING FOOD AND FOOD ESTABLISHMENTS AND TEMPORARY USES FOR MOBILE FOOD FACILITIES		
	<ol style="list-style-type: none"> 1. Second reading by title only of Ordinance No. 829 Amending Chapter 9 and Zoning Text Chapter 24 Section 24.11.120 (N) 2. Provide direction to staff to prepare a summary of Ordinance No. 829 for publication purposes 		
DEPARTMENT INVOLVED:	COMMUNITY DEVELOPMENT DEPARTMENT		
BACKGROUND/SUMMARY:	See attached Staff Report		
FISCAL IMPACT: N/A	ADMIN SERVICES SIGN INITIALS	<u>JMS</u>	
STAFF RECOMMENDATION: Staff recommends approval of Mobile Food Facilities Ordinance and Zoning Text Amendment.	DEPT. INITIALS	<u>[Signature]</u>	
CITY MANAGER'S RECOMMENDATION: Approved	CITY MANAGER'S INITIALS	<u>D.M. Oodt</u>	
MOTION:			
SECONDED:	APPROVED ()	REJECTED ()	
AYES:	DISAPPROVED ()	DEFERRED ()	
NAYES:			
ABSENT:	REFERRED TO:		



Staff Report

Agenda Item No. _____

To: City of Imperial Planning Commission

From: Yvonne Cordero, Planner

Date: August 28, 2024

Item: Mobile Food Truck Ordinance

Environmental: Categorically Exempt per Section 15268 for Ministerial Projects

Recommendation: Approval of Mobile Food Facilities Ordinance and Zoning Text Amendment

Background

According to the United States Census Bureau, California was one of the top three states in food truck sales reporting \$276.1 million in 2017- an increase of 79% between 2012 and 2017. This remarkable growth highlights the booming popularity and economic impact of the food truck industry within the state.

Although there has been much interest from the public, the City currently does not have regulations for mobile food facilities. The City's Zoning Code states that land uses that are not specifically listed as permitted or prohibited, unless determined to be a use similar in development characteristics, are not permitted. Because of the amount of individuals who have demonstrated interest in operating mobile food truck businesses, the City has drafted a Mobile Food Facilities Ordinance (Attachment A) that is intended to regulate mobile food businesses and protect the health and welfare of the public. The drafted ordinance aims to provide a clear and structured framework for the operation of mobile food facilities. It outlines specific guidelines and requirements to ensure that these businesses can operate safely and efficiently while minimizing potential risks to public health and safety. By establishing this ordinance, the City seeks to balance the enthusiasm for mobile food trucks with the need to maintain orderly and safe public spaces. In essence, the new Mobile Food Facilities Ordinance is a response to both the rising trend in food truck popularity and the need for coherent and enforceable regulations. It aims to facilitate the growth of the mobile food industry in a manner that benefits both entrepreneurs and the community at large.

Prior to drafting the Mobile Food Facilities Ordinance, the City held two Mobile Food Facilities Workshops on February 5, 2024 and May 22, 2024 to provide the public an opportunity to comment on the proposed ordinance. During these meetings, participants provided several key

suggestions. Participants expressed the desire for minimal fees to make it financially feasible for small business owners to enter the market. They also emphasized the importance of allowing mobile food facilities to remain stationary for extended periods, which would help vendors build a consistent customer base. Additionally, attendees requested a list of approved sites (Attachment B) and approved vendors (Attachment C) to facilitate and expedite the permitting process. There was also a call for the ordinance to allow vending in designated areas such as parks and athletic fields, and to streamline the process by issuing a single permit that would cover multiple locations.

Taking these discussions into consideration, City staff incorporated several elements from the public's feedback into the ordinance. To ensure the ordinance was practical and beneficial for vendors, City staff also consulted with the Imperial County Public Health Department. This collaboration provided valuable insights into the health regulations and application requirements, and helped establish a streamlined and collaborative process for expediting mobile food facilities' applications.

The resulting ordinance is vendor-friendly and aims to simplify the application process. It introduces a Temporary Use Permit (Attachment D) that has been designed to be affordable, eliminating any burdensome deposits that were previously required. This change makes it easier for vendors to obtain permits without significant upfront costs, thereby encouraging more entrepreneurs to start their mobile food businesses. Overall, the new ordinance reflects the community's input and aims to balance regulatory requirements with the needs and capabilities of mobile food vendors, ensuring a positive impact on both the local economy and public welfare.

Discussion

Mobile food facilities are defined as vehicles used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. The first draft of the Mobile Food Facilities Ordinance included two mobile food facility categories described in the chart below:

CATEGORY	ZONES ALLOWED	ALLOWED TO VEND ON PUBLIC RIGHT OF WAY	TIME LIMIT
Processing (i.e. Food Trucks)	Commercial and Industrial Zones	No	4 hours
Non-Processing (Ice cream trucks, paleteros)	Non-private property citywide	Yes	1 hour
Non-Processing (Ice cream trucks, paleteros)	Joshua Park, Anthony Redondo Park, Eager Park and CA Irvin Park	Yes	4 hours

Mobile Food Facility – Processing- A processing mobile food facility is any vehicle where foods are processed by cooking, frying and grilling. Processing mobile food facilities are the typical food truck and require a commissary. A commissary consists of an establishment with a licensed kitchen (as licensed by the Public Health Department) where food is prepared, stored, equipment is cleaned and stored, and waste is disposed of. Narrow streets, limited off-street parking, and open drains in the City present safety hazards for food trucks and the public as a whole. Open drains refer to drainage systems that are not covered or enclosed, including open ditches or trenches, stormwater drains, and gutters and channels. These open drains can lead to various issues, including health

and sanitation concerns due to the potential collection of debris, waste, and hazardous materials, which can cause contamination and sanitation issues. They also pose physical hazards as tripping hazards for pedestrians and can be dangerous for vehicles, especially large ones like food trucks. Additionally, open drains can become blocked with debris, leading to waterlogging and pollution, and in the event of a fire, they can complicate firefighting efforts and might exacerbate the spread of fire if flammable materials have accumulated. Furthermore, allowing mobile food processing facilities to operate on private property without stringent regulations can lead to several challenges. These challenges include ensuring that the property is suitable and safe for food truck operations, maintaining adequate sanitation standards, and preventing potential nuisances to neighboring properties. Unregulated operation on private property can also result in conflicts with existing land uses and zoning regulations, creating complications for both property owners and the city. To address these concerns, the ordinance does not allow mobile food vendors processing food to vend from the street or any city right-of-way. Instead, the ordinance requires that these types of facilities operate with a temporary use permit, which must be issued and renewed annually. Through the temporary use permit, staff would ensure that processing mobile food facilities comply with the established regulations and are monitored for adherence to safety and health standards. The Zoning Map detailing the approved zones for Mobile Food Facilities Vending is attached as *Attachment B*. The vending site shall be paved and have sufficient parking to accommodate the food truck and existing uses at the property, if any. Additionally, site furniture would be limited to portable tables and chairs. If the facility will be conducting business in one location for a period longer than one hour, a restroom must be provided within 200-feet of the site.

Mobile Food Facility – Non-Processing- Mobile food facilities that are considered “non processing” involve pre-packaged foods (i.e. chips, ice cream, and candy). Examples of these types of food vendors include ice cream trucks, and paleta carts. Ice cream trucks and paleta carts are not allowed to vend from private property and are only allowed to vend from the right of way for no more than one (1) hour.

Restrictions for all Mobile Food Categories

Restrictions have been incorporated into the ordinance to ensure aesthetic concerns are addressed. Signage will be restricted and limited, as the only signage to be allowed is required to be attached on or in the mobile food facility. Wind feathers, banners and other signage is prohibited. Vehicle signage identifying directional information is also prohibited if the vehicle with the display is not used for business activities. Sound amplifying equipment is required to comply with the noise limits established in the City Code and the selling of alcohol is also prohibited. Food vendors are also not allowed to verbally solicit pedestrians or persons in vehicles.

Vending in four of the City’s public parks (Joshua Park, Eager Park, Anthony Redondo Park and CA Irvin Park) will be allowed with authorization from the Parks and Recreation Division. It is anticipated that many vendors will want to sell from City parks, thus, a clause has been incorporated that the City reserves the right to rotate vendors on a monthly basis. This rotational system ensures that multiple vendors have the chance to operate in these prime locations, providing variety to park visitors. Allowing food vendors on the sidewalks adjacent to public parks enhances the overall experience for park visitors by providing convenient access to a variety of food options. This can make park visits more enjoyable for families, individuals, and groups who spend time at

these recreational areas. Food trucks on the sidewalks near parks can serve as a focal point for community gatherings and events, fostering a sense of community and encouraging social interaction among residents. This can also lead to increased use of park facilities and greater community participation in park programs and activities. By allowing vending in specific parks, the City can ensure that food vendors operate in a controlled and organized manner. This helps maintain cleanliness, order, and safety within the parks, while also providing a structured environment for vendors to conduct their business.

Planning Commission Recommendations

A public hearing before the Planning Commission was held on July 24, 2024. Mobile Food Facilities’ vendors spoke in favor of the long-awaited ordinance, but expressed the challenges the ordinance presented. After a lengthy discussion, the Commissioners revised:

- 1) The operating time limitations to allow vendors the additional time for setup and take down to eight hours, not to extend past 11:00 p.m.
- 2) Expanding the vending zones to include processing from the right of way citywide.
- 3) The fee structure to a one-time temporary use permit fee if the applicant maintains a current city business license without a lapse in coverage dates.
- 4) The language has been updated to replace “parking on a paved surface” with “parking on an all-weather road surface.”

Upon revising the ordinance per the Planning Commission’s instructions and from a question raised at the meeting, staff found it necessary to incorporate additional language to clarify the difference between a catering mobile food facility and a vending mobile food facility within the ordinance. This distinction is important because catering mobile food facilities typically serve pre-arranged events and may have different operational needs and regulations compared to vending mobile food facilities, which serve the general public from various locations.

The chart below summarizes the revisions made to the ordinance by the Planning Commission:

CATEGORY	ZONES ALLOWED	ALLOWED TO VEND ON PUBLIC RIGHT OF WAY	TIME LIMIT
Processing (i.e. Food Trucks)	Commercial and Industrial Zones	Yes	8 hours
Non-Processing (Ice cream trucks, paleteros)	Non-private property citywide	Yes	8 hours
Non-Processing (Ice cream trucks, paleteros)	Joshua Park, Anthony Redondo Park, Eager Park and CA Irvin Park	Yes	8 hours

Environmental Determination

Staff has reviewed the environmental compliance and determined that there is no possibility that the proposed ordinance may have a significant adverse effect on the environment. Therefore, the project was deemed exempt subject to Section 15268 of the CEQA Guidelines which pertains to ministerial projects.

Public Notification

The first public hearing scheduled for September 4, 2024, was duly noticed in the Holtville Tribune and Calexico Chronicle, newspapers of general circulation, on August 22, 2024.

Recommendation

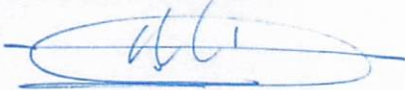
Staff recommends that the City Council ratify Mobile Food Facilities Ordinance and Zoning Text Amendment.

Attachments

- Attachment A – Mobile Food Facilities Ordinance
- Attachment B – Map of approved vending zones for Mobile Food Facilities
- Attachment C – Mobile Food Facilities approved by Imperial County Public Health
- Attachment D – Revised Planning Application incorporating a Temporary Use Permit for Mobile Food Facilities
- Attachment E – Executed Resolution PC2024-06

Prepared by: Yvonne Cordero, Planner

Respectfully submitted,



Othon Mora
Community Development Director

ATTACHMENT A

ORDINANCE NO. 829

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL AMENDING THE CODIFIED ORDINANCES REGARDING FOOD AND FOOD ESTABLISHMENTS AND TEMPORARY USES FOR MOBILE FOOD FACILITIES

The City Council of the city of Imperial does ordain as follows:

Section 1: Section 24.11.120 Temporary Use Regulations is hereby amended to include: Mobile Food Facilities

Section 2: Article IV (Food and Food Establishments) is hereby amended to include to read as follows:

Chapter 19, Article IV Mobile Food Facilities

- Section 9-26 Findings
- Section 9-27 Purpose and intent
- Section 9-28 Definitions
- Section 9-29 Public health department permit requirement
- Section 9-30 Business license requirement
- Section 9-31 Temporary permit for a mobile food facility required
- Section 9-32 Application process
- Section 9-33 Health and safety investigation and inspection
- Section 9-34 Vendor's temporary permit for mobile food facility issuance
- Section 9-35 Vendor's permit denial and renewal
- Section 9-36 Revocation
- Section 9-37 Mobile food facility regulations
- Section 9-38 Prohibited conduct for mobile food facilities
- Section 9-39 Temporary uses and special events
- Section 9-40 Public nuisance declaration.
- Section 9-41 Criminal penalties
- Section 9-42 Severability

9-26 Findings.

The City Council adopts this article based upon the following findings:

- (a) In accordance with section 12-1 of the City Code, businesses operating within the city require a city-issued business license.
- (b) Uses not specifically listed as permitted or prohibited shall be deemed to be prohibited unless determined to be a use similar in development characteristics. Mobile food vendors are currently unlisted and therefore, prohibited.

- (c) The state has enacted sections 114294-114327 of the Health and Safety Code with detailed rules and regulations pertaining to the operation of mobile food facilities. This ordinance hereby adopts all definitions and regulations stipulated in sections 114294-114327 of the Health and Safety Code, or as modified by reference. Moreover, the Division of Environmental Health of the Imperial County Public Health Department or designee will enforce sections 114294-114327 of the Health and Safety Code, as modified.
- (d) To protect the public health, safety, and welfare, it is the desire of the City Council to modify the City Code to recognize and regulate mobile food facilities consistent with the Health and Safety Code by listing said facilities in the City Code.
- (e) This article is found to be categorically exempt from environmental review pursuant to CEQA guidelines section 15061(b)(3) in that the council finds and determines that there is nothing in this article or its implementation that could foreseeably have any significant effect on the environment.

9-27 Purpose and intent.

It is the purpose and intent of this article to regulate the licensing requirements, hours of business, and location of operations for mobile food vendors in order to promote the health, safety, and general welfare of residents and businesses within the city. Mobile Food Facilities shall be authorized to operate on private property with a city-issued temporary permit for a mobile food facility issued by the City of Imperial Community Development Department. Mobile Food Facilities parked on public property shall maintain a City of Imperial business license and shall abide by all vehicle code parking regulations.

9-28 Definitions.

For the purpose of this article, the definitions set forth in California Health and Safety Code sections 114294-114327, unless otherwise set forth herein.

9-29 Public health department permit requirement.

All mobile food facilities shall receive a permit and all authorizations required by the Imperial County Public Health Department. The City shall have the discretion to not accept an application for a temporary permit for a mobile food facility until the Imperial County Public Health Department has issued all permits to the applicant.

9-30 Business license requirement.

All mobile food facilities shall be required to apply for and obtain a business license pursuant to Chapter 12 of the City Code. A business license shall be required for the mobile food business facility, and a business license certificate shall be displayed within plain view at each facility.

9-31 Temporary permit for a mobile food facility requirement.

No person shall operate or cause the operation of a mobile food facility on private property in the city without a temporary permit for a mobile food facility issued pursuant to this chapter and any other license or permit required under any other chapter of this Code. The temporary permit for a mobile food facility will be valid with a one-time temporary permit fee payment, so long as the City's annual business license remains active and without any lapse in coverage dates.

9-32 Application process.

Any person desiring to obtain a temporary permit for a mobile food facility on private property that involves processing of food shall obtain a temporary permit for a mobile food facility application from the Community Development Department. Permit issuance fees required under this chapter shall be in addition to any license, permit or fee required under any chapter of this Code.

9-33 Health and safety investigation and inspection.

At any time, the city shall have the ability to inspect and re-inspect the applicants or approved mobile food facility(ies) if it is determined that such inspection or re-inspections are necessary to ensure the health and welfare of the public.

9-34 Vendor's temporary permit for mobile food facility issuance.

The Community Development Director or designee(s), within thirty (30) days, shall grant the vendor's temporary permit for mobile food facility if the Community Development Director or designee finds that all of the following requirements have been met:

- (1) The required fees have been paid;
- (2) The application conforms to all the provisions of this chapter and other chapters of the Code;
- (3) The applicant has not knowingly made a material misrepresentation of fact in the application; and
- (4) The applicant has fully cooperated in the investigation of the application.

9-35 Vendor's permit denial and renewal.

(a) If the Community Development Director or designee finds that the requirements set forth in section 24.11.120 (N) have not been met, the Community Development Director or designee shall deny the application for a temporary permit for a mobile food facility. In the event, the application is denied by the Community Development Director or designee, written notice of such denial shall be given to the applicant specifying the basis for such denial and served through U.S. Mail to the address listed in the application. Notice of denial shall be deemed to have been served, if, in fact, it is personally served to the applicant or five (5) days after such notice is deposited in the United States mail with prepaid postage and addressed to the applicant as forth in the application.

(b) Any applicant whose application for a temporary permit for a mobile food facility has been denied by the Community Development Director or designee may submit an appeal in writing to the City Clerk within fifteen (15) days of such denial. Appeals will be heard by the City Council.

(c) The city reserves the right to terminate the temporary permit for a mobile food facility if the permittee is in violation of any federal, state or local laws.

9-36 Revocation.

(a) Any temporary permit for mobile food facility may be suspended or revoked by the Community Development Director or designee for any of the following reasons:

- (1) Falsehood of any information supplied by the permittee upon which issuance of the permit was based;
- (2) Failure of the permittee to notify the Community Development Director or designee within two (2) weeks of any change occurring subsequent to the issuance of the permit in the information supplied by the permittee upon which issuance of the permittee was based;
- (3) Failure of the permittee, or of any employees or subcontractors of the permittee, to comply with the City Code; or
- (4) Violation by the permittee, or any employee, subcontractor or independent contractor of the permittee, of any state law or municipal ordinance while in the course of conducting vending operations from mobile food facilities that process foods (e.g., cooking, frying, grilling, etc.)

(b) No such suspension or revocation shall become effective until the permit holder has been notified and acknowledged in writing of the right of such permit holder to appeal the suspension or revocation. Notification of the permit holder shall be made either by personal delivery or by certified or registered mail, return receipt requested, address to the permit holder at such permit holder's residence address as set forth on the temporary permit for a mobile food facility application. If an appeal is filed, the suspension or revocation shall be stayed and shall become effective only upon decision of the City Council. The suspension or revocation shall become effective after the timely appeal period has expired. The appeal shall be in writing and filed with the City Clerk within fifteen (15) days of effective date of suspension or revocation.

(c) No person whose permit is revoked shall be eligible to apply for a new permit for a period of one (1) year following such revocation.

9-37 Mobile food facility regulations.

(a) Each mobile food facility shall have a current public health department health inspection permit, and valid Imperial business license posted in a conspicuous location visible to the public.

(b) Regulations for mobile food facilities, processing food:

- (1) Eligible zones. Mobile food facilities that process foods for vending, which involve cooking, frying, and grilling are allowed operate on private property and from the right-of-way for a duration not to exceed eight (8) hours, and not to extend past eleven (11) p.m. Written authorization from the property owner(s) within the following zoning designations: C-1 (Commercial Neighborhood), C-2 (Commercial General), VC (Village Commercial), I-1 (General Industrial), I-2 (Rail Served Industrial) is required. Mobile food facilities that process foods involving cooking, frying, and grilling are allowed to operate from the right-of-way and on private property for contracted catering services during private social events within residential zones.
- (2) Vending from the right-of-way. Processing mobile food facilities are allowed to park and operate on the public right-of-way for no more than eight (8) hours except when the following apply:
 - a. When the posted speed limit on the public street is greater than thirty-five (35) miles per hour;
 - b. When the mobile food facility is parked in violation of any other provision of this Code, or the California Vehicle Code;
 - c. When the prospective customer is located in that portion of the street or alley which is open to vehicular traffic.
- (3) Site furniture. Tables and chairs shall be allowed within the mobile food facility's designated space as defined in the site plan. Tables and chairs shall not be permanently affixed and shall be moveable. Portable restrooms, fences, or other site furniture (permanent or otherwise) shall be prohibited.
- (4) Parking and parking lot requirements. The site where a mobile food facility is parked shall consist of an all-weather road surface with adequate lighting and parking and be maintained in a safe and clean manner at all times.
- (5) Exterior storage and refuse. Exterior storage, equipment or materials associated with the mobile food facility is prohibited, unless expressly allowed in this article. All refuse shall be removed from the vending site and properly disposed of within thirty (30) minutes of the close of vending for the day at the site. A minimum of two (2) thirty-two (32) gallon litter receptacles and one (1) thirty-two-gallon organic waste receptacle within fifteen (15) feet of the vehicle shall be provided. The receptacles will serve both employees and customers. All refuse shall be transported back to the commissary for proper disposal.

- (6) Signage. Signs placed in or on the mobile food facility are permitted. Banners, windfeathers, vehicle signs or other free-standing signage is prohibited. Vehicle signs used for the purpose of identifying an on-site business, directional information to an on-site business are prohibited if the vehicle on which the sign is displayed is not used for business activities and the primary purpose of such vehicle is the display of signs.
 - (7) Accessibility. The mobile food facility shall maintain vehicular and pedestrian circulation and access consistent with the Americans with Disabilities Act and all local and state regulations.
 - (8) Restroom requirements. Mobile food facilities that are parked and are conducting business in one (1) location for a period longer than one (1) hour must be situated within two hundred (200) feet travel distance of a legally approved restroom. Portable restrooms shall be prohibited for the use of employees or customers.
 - (9) Special events. Mobile food facilities operating as part of a special event permitted by the city shall comply with the requirements of the approved permit for that specific event.
- (c) Regulations for non-processing mobile food facilities:
- (1) Eligible zones. Non-processing mobile food facilities are those that sell pre-packaged foods. These types of mobile food facilities typically include ice cream trucks, and paleta carts. Ice cream trucks and paleta carts are not allowed to be stationary for more than eight (8) hours. Non-processing mobile food facilities selling pre-packaged foods are allowed to operate from the right-of-way citywide and on private property for contracted catering services during private social events within residential zones.
 - (2) Vending from the right-of-way. Non-processing mobile food facilities where foods are commercially pre-packaged are allowed to park and operate on the public right-of-way for no more than eight (8) hours, except when the following apply:
 - a. When the posted speed limit on the public street is greater than thirty-five (35) miles per hour;
 - b. When the mobile food facility is parked in violation of any other provision of this Code, or the California Vehicle Code;
 - c. When the prospective customer is located in that portion of the street or alley which is open to vehicular traffic.
 - (3) Site furniture. No site furniture shall be allowed.

- (4) Noise. Sound from ice cream trucks shall comply with the noise regulations of the residential zone.
- (5) Special events. Non-processing mobile food facilities operating as part of a special event permitted by the city shall comply with the requirements of the approved permit for that event.
- (6) Vending in public parks or facilities. Non-processing mobile food facilities desiring to vend from public parks or facilities are required to obtain a permit from the Parks and Recreation Division. The city reserves the right to rotate vendors on a monthly basis.
 - a. Non-processing mobile food facilities are permitted to operate on sidewalks directly adjacent to Eager Park, Anthony Redondo Park, CA Irvin Park and Joshua Park.
 - b. Non-processing mobile food facilities permitted to operate on sidewalks directly adjacent to the above-listed parks may sell goods for a duration not exceeding eight (8) hours and must not extend beyond 10:00 PM.

9-38 Prohibited conduct for mobile food facilities.

- (a) No food shall be displayed or sold from any place other than the permitted mobile food facility at any time. No additional tables shall be allowed for sales, storage, preparation or distribution in the area adjacent to the mobile food facility except when operating at an approved community event or with prior approval from the department of public health.
- (b) No person shall operate, or cause to be operated, any mobile food facility with sound amplifying equipment; unless it complies with the noise limits established in City of Imperial's General Plan Noise Element.
- (c) No lighting, except localized lighting that is used on or in the mobile food facility for the purpose of inside food preparation and menu illumination.
- (d) No signs other than those exhibited on or in the mobile food facility.
- (e) No selling or serving of alcohol.
- (f) No verbal solicitation of business from pedestrians or persons in vehicles, and no sale to persons in vehicles.
- (g) No obstruction or interference with the free flow of pedestrian or vehicular traffic, including but not limited to access to or from any parking lot, business, public building, or dwelling unit.
- (h) The mobile food vendor shall not discharge any liquid (e.g., grease, oil, water) onto or into city streets, storm drains, catch basins, or sewer facilities.

- (i) No restriction of visibility area sight distance at any driveway or intersection.
- (j) No mobile food facility operating on private property that processes foods shall be stationary for a period longer than twelve (12) hours. The mobile food facility shall be removed from the business location(s) daily and shall be stored at the commissary's location or other location approved by the city.

9-39 Temporary uses and special events.

Mobile food vending as part of a special event shall be subject to the special event permitting requirements of the Parks and Recreation Division.

9-40 Public nuisance declaration.

Any violation of this article is hereby declared to be unlawful and a public health nuisance and may be abated by the city, irrespective of any other remedy provided in this chapter.

9-41 Criminal penalties.

- (a) Any person violating any provision of this article shall be guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense per day during which any violation of this article is committed or allowed to exist.
- (b) Any individual convicted of a violation of this article shall be:
 - (1) Guilty of an infraction and punished by a fine of not less than fifty dollars (\$50.00), but not exceeding one hundred dollars (\$100.00) for the first offense.
 - (2) Guilty of an infraction and punished by a fine of not less than one hundred dollars (\$100.00), but not exceeding two hundred dollars (\$200.00) for the second offense.
 - (3) The third and subsequent offenses shall constitute misdemeanor and shall be punishable by a fine of not less than five hundred dollars (\$500.00), but not exceed one thousand dollars (\$1,000.00), imprisonment of up to six (6) months in the county jail, or both.
 - (4) Notwithstanding subsections a) and b) above, the first or second offense may be charged and prosecuted as misdemeanor.
- (c) Payment of any penalty herein shall not relieve any individuals from the responsibility of correcting the violations as found by the enforcement officer.
- (d) Any person found not in compliance with state law and/or this article is subject to citation, permit suspension/revocation, lien, or other legal action as deemed necessary by the city or public health department.

9-42 Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of this article, or the application thereof, to any person, establishment or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this article.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial,
this ____ day of September, 2024.

ROBERT AMPARANO,
Mayor

ATTEST:

KRISTINA SHIELDS,
City Clerk

CERTIFICATION

I, Kristina Shields, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. 829 had its 1st reading on September 4, 2024 and was passed by the following roll call vote:

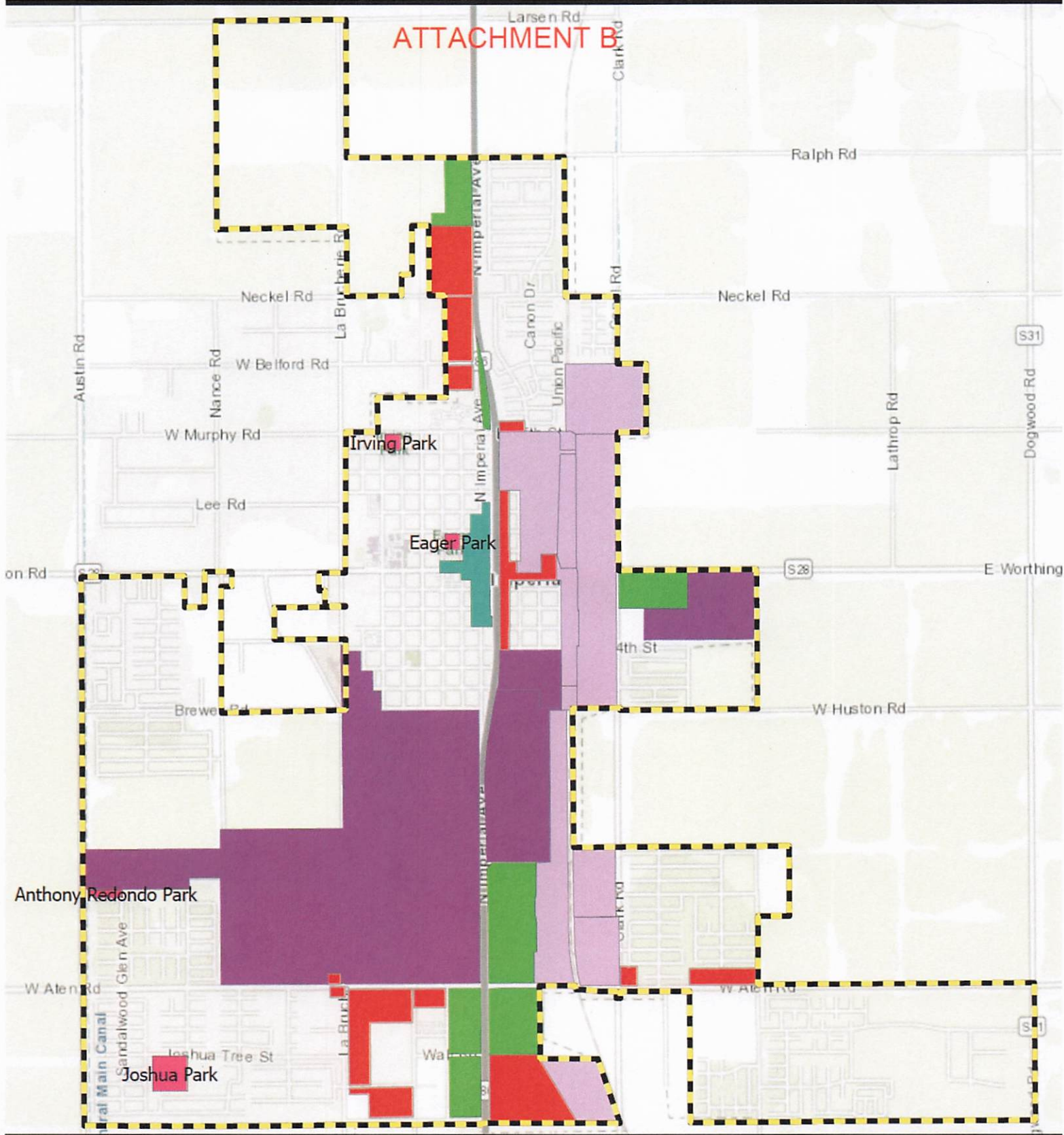
- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

I, Kristina Shields, City Clerk of the City of Imperial, do hereby certify that the foregoing Ordinance No. 829 had its 2nd reading on September ____, 2024 and was passed by the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

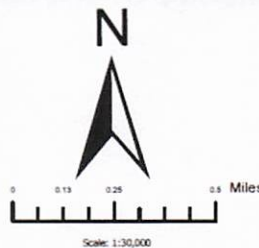
Kristina Shields, City Clerk
City of Imperial

Mobile Food Facilities Ordinance Approved Areas



Legend

- | | |
|--------------|------------------------------|
| City Limit | C-2 : Commercial General |
| Parks MFFO | I-1 : General Industrial |
| Zones MFFO | I-2 : Rail Served Industrial |
| Zones MFFO | VC : Commercial Village |





Planning Application

Community Development Department
400 South Imperial Avenue, Suite 101
Imperial, CA 92251
Phone (760) 355-1152 | Fax (760) 355-4718

Permit Number _____

Applicant/Owner Information

Applicant: _____
Contact Person: _____
Mailing Address: _____
Email: _____
Phone: _____

Owner Name(s): _____
Mailing Address: _____
Email: _____
Phone: _____

Permit Information

Administrative Review

- Lot Line Adjustment
- Parcel Map Waiver
- Downtown Architectural Permit
- Off-Site Improvements
- Temporary Use Permit
- Temporary Use Permit for Mobile Food Facility
- Other _____

Commission/Council Review

- Zoning & Code Text Amendment
- Zone Change / Pre-Zone
- General Plan Amendment
- Planned Unit Development
- Specific Plan / Specific Plan Amendment
- Variance
- Conditional Use Permit
- Land Use Classification
- Tentative Map
- Annexation
- Other _____

Project Information

Project Location (address): _____
Existing Zoning: _____
Proposed Zoning: _____

Assessor's Parcel Number(s): _____
Parcel/Lot Size: _____
Building Sq Ft: _____

Detailed Project Description (attach additional sheets if necessary): _____

Filing Fees

Every application, request for permit, or request for a planning review or service procedure to the Community Development Department shall include a fee and deposit as prescribed herein. The department shall not accept or receive any such request without the proper fee, and no fee shall be waived by the department.

Use/Cost of Consultants

The Community Development Department, at the discretion of the Community Development Director, may use or employ outside independent consultants to assist in processing applications, conduct special studies or provide expertise not available within the department.

The cost for such consultants shall be a charge against the project and is in addition to the City's fees. As consultant fees are paid, the applicant may be required to maintain the deposit at a level determined by the Community Development Director. Failure to maintain the required deposit shall result in a cessation in the processing of the subject application. The City shall return that portion of the deposit, if any, remaining at project completion. In accordance with City policy to ensure cost recovery, staff time spent on these projects will be tracked, and developers will be billed based on actual labor, material, equipment, and the indirect cost rate. The deposit amount will be maintained in a City Trust Fund account and used to pay for staff and consultant services on a time and materials basis. If the consultant's services amount exceeds the deposit, the applicant will be billed for the difference. The deposit must be maintained in the full amount as directed by the Community Development Director.

Applicant is responsible for any fees associated with the City of Imperial City Clerk's office and any department required for processing said application from the County of Imperial.

Fire Department Fees are paid and processed separately from the Community Development Department.

Indemnification Agreement

Applicant and Owner agree, as part of and in connection with each and any of the application(s), to defend, indemnify, and hold harmless the City of Imperial ("City") and its officers, contractors, consultants, attorneys, employees and agents from any and all claim(s), action(s), or proceeding(s) (collectively referred to as "proceeding") brought against City or its officers, contractors, consultants, attorneys, employees, or agents to challenge, attack, set aside, void, or annul:

- a. Any approvals issued in connection with any of the above described application(s) by City; and/or
- b. Any action taken to provide related environmental clearance under the California Environmental Quality Act of 1970, as amended ("CEQA") by City's advisory agencies, boards or commissions; appeals boards or commissions; Planning Commission, or City Council. Applicant's indemnification is intended to include, but not be limited to, damages, fees and/or costs awarded against or incurred by City, if any, and costs of suit, claim or litigation, including without limitation attorneys' fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by Applicant, City, and/or parties initiating or involved in such proceeding.

Applicant's defense and indemnification of City set forth herein shall remain in full force and effect throughout all stages of litigation including any and all appeals of any lower court judgments rendered in the proceeding.

After review and consideration of all of the foregoing terms and conditions, Applicant, by its signature below, hereby agrees to be bound by and to fully and timely comply with all of the foregoing terms and conditions.

Executed at _____ California on _____, 202 _____

Applicant

By: Signature: _____
Printed Name _____
Title: _____

Property Owner (If different from Applicant)

By: Signature: _____
Printed Name _____
Title: _____

Signatures

The undersigned hereby declare and certify that they are all the owners of the property described in this application and that the information stated above and on forms, plans and other materials submitted herewith in support of the application is true and correct to the best of our knowledge.

Applicant

By: Signature: _____
Printed Name _____
Title: _____

Property Owner (If different from Applicant)

By: Signature: _____
Printed Name _____
Title: _____

Materials to be Submitted with Application

	Application Forms	Proof of Ownership (Deed or Tax Bill)	Title Report (current within 90 days)	Tentative Map ❶	Technical Studies ❷	Vicinity Map	Site Plan ❸	Elevation Plan	Color Renderings / Color Schedule	Other ❹	Fees/Deposit
Annexation	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Conditional Use Permit	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Downtown Architectural Permit	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
General Plan Amendment	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Land Use Classification	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Lot Line Adjustment	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Parcel Map Waiver	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Planned Unit Development	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sidewalk Permit	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Sign Permit	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Specific Plan / Specific Plan Amendment	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Temporary Use Permit	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Temporary Use Permit-Mobile Food Facility	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Tentative Map	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Variance	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Zone Change / Pre-Zone	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Zoning & Code Text Amendment	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Other	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

The City of Imperial Community Development Department is digitizing all permitting processes and requests all submittals be emailed to:

communitydevelopment@imperial.ca.gov

- ❶ Electronic submittal or one (1) hard copy for in-office submittal that will be scanned and returned.
- ❷ Technical Studies may include, but are not limited to Air Quality Assessment, Biological Resources Study, Cultural Resources Study, Noise Study, and Traffic Impact Analysis. Other Technical Studies may be required based on project description and characteristics.
- ❸ Electronic submittal or one (1) hard copy for in-office submittal of the Site Plan that will be scanned and returned.
- ❹ As determined by the Planning Department depending on the project description and characteristics.

ATTACHMENT E

RESOLUTION PC2024-06

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF IMPERIAL
RECOMMENDING CITY COUNCIL APPROVAL OF THE
MOBILE FOOD FACILITIES ORDINANCE AND AMENDMENT OF SECTION
24.11.120 OF THE IMPERIAL ZONING ORDINANCE**

WHEREAS, the petition for the Mobile Food Facilities Ordinance was initiated by the City of Imperial; and

WHEREAS, a public hearing was held to establish the Mobile Food Facilities Ordinance as a permitted use in certain Commercial and Industrial zones; and

WHEREAS, the proposed ordinance conforms with the City's General Plan and other development policies; and

WHEREAS, the proposed ordinance is deemed necessary and appropriate at this time and is not likely to be detrimental to property or residents affected by such action; and

WHEREAS, a duly notified public hearing notice was published on July 11, 2024, in the Holtville Tribune, a newspaper of general circulation; and

WHEREAS, a public hearing was held by the Planning Commission on July 24, 2024, to hear testimony for and against the Mobile Food Facilities Ordinance; and

WHEREAS, the Planning Commission considered all testimony, arguments, and written comments submitted, and analyzed the information provided by staff regarding the Mobile Food Facilities Ordinance; and

WHEREAS, the proposed Mobile Food Facilities Ordinance is found to be exempt from the California Environmental Quality Act (CEQA) under Section 15268 for Ministerial Projects.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Imperial recommends approval of the Mobile Food Facilities Ordinance and amendment of Section 24.11.120 of the Imperial Zoning Ordinance as follows:

1. The foregoing recitations are true and correct; and
2. The Mobile Food Facilities Ordinance has been reviewed in accordance with the requirements set forth by the City of Imperial; and
3. Section 24.11.120 of Chapter 24 is hereby amended to read as follows:

24.11.120 (N) Mobile Food Facilities.

4. The Mobile Food Facilities Ordinance is found to be exempt from CEQA under Section 15268 for Ministerial Projects; and
5. Based on the evidence presented at the public hearing, the Planning Commission hereby **RECOMMENDS APPROVAL TO THE CITY COUNCIL** of the Mobile Food Facilities Ordinance, amendment of Section 24.11.120 of the Imperial Zoning Ordinance and its findings on July 24, 2024.
6. The City Attorney is authorized to make minor typographical changes to this Resolution that do not change the substance of this Resolution.

PASSED, ADOPTED, AND APPROVED by the Planning Commission of the City of Imperial this 24th day of July, 2024.



Planning Commission Chairperson

ATTEST:



City Clerk