

ORDINANCE NO. 25-

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO REPEALING CHAPTER 11, ARTICLE V AND AMENDING CHAPTER 16, ARTICLE VIII REGARDING SIDEWALK VENDING AND MOBILE VENDING AND AMENDING CHAPTER 29 OF THE EL CENTRO CITY CODE UPDATING ZONING REGULATIONS FOR MOBILE VENDING

WHEREAS, THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA, FINDS THAT:

1. The City of El Centro, California (“City”) is a municipal corporation, duly organized under its Charter and laws of the State of California;
2. The El Centro Municipal Code (“City Code”) presently contains regulations regarding the operation of mobile vendors operating on sidewalks, private property, parks and public property and the City now intends to amend those regulations to allow vending in the public right of way as required by state law, including for charter cities;
3. Mobile vending allows for entrepreneurial and economic opportunities for the residents, provides access to desired goods to the general public, and contributes to a safe and dynamic public space;
4. The purpose of this ordinance is to combine the provisions regarding sidewalk vending and mobile vending so that those regulations are in the same portion of the City Code;
5. The inherent nature of vending from local streets and sidewalks poses objective health, safety and welfare concerns specifically within the City that support the City’s imposition of regulatory measures, as follows:
  - a. Vending provides a safety issue with vendors blocking access for those who are disabled, or have children in strollers, thus violating the Americans with Disabilities Act;
  - b. Vendors may block bicycle and other right of way creating safety concerns;
  - c. Visual obstruction caused by mobile vending that impairs traffic safety, maintenance and improvements to public rights of way for public use;
  - d. Unsanitary conditions resulting from food preparation and consumption that leave litter on public streets, sidewalks and parks that attract vectors raise serious health concerns;
  - e. In some cases, vending in parks may intrude into public use and enjoyment of those parks; and
  - f. Recently, mobile food vendors have been operating illegally by vending on private property without the consent of property owner and without a health permit.
6. The provisions of this ordinance, as revised, established regulations on the operation mobile vendors directly related to such objective health safety, or welfare concerns;

7. Regulations for vending in areas zoned exclusively residential are further supported by concerns regarding traffic, noise and establishment of a permanent commercial operation so that only roaming sidewalk vendors are permitted;
8. The provisions of this ordinance do not apply to the charitable door-to-door canvassing or solicitation on private property, which includes the sale of goods only for charitable purposes. Such actions may require a separate permit.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CENTRO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 11, Article V “Mobile Food Facilities” is repealed in its entirety.

Section 2. Chapter 16, Article VIII “Sidewalk Vending” is repealed in its entirety and readopted to read as follows:

## ARTICLE VII. MOBILE VENDORS

### Sec. 16-274. Definitions.

For the purpose of this article, the following words and phrases shall have the following meanings:

*City* means the City of El Centro.

*City park(s)* means those areas of the City designated as parks including their associated parking areas. City parks do not include sidewalks, streets, or roadways that are adjacent to such facilities in the right-of-way.

*City facilities* as used here does not include parks but City administrative buildings and infrastructure facilities (such as City Hall, the Water Treatment Plant and Public Works Yard), all public safety facilities (such as police and fire stations), recreational buildings, arts and cultural buildings, and associated restrooms, snack bars, gathering and parking area, or City owned, leased, or managed facilities.

*Community event* means an event that is of civic, public or educational in nature, including City festivals and other public gatherings approved by the City, as defined in Health and Safety Code Section 113755, as now adopted or hereafter amended.

*Food* means items intended primarily for consumption by human beings.

*Goods or Merchandise* means any item that is not food or a food product which can be sold and immediately obtained from a sidewalk vendor. Items for rent, subscription plans, and other services shall not be considered goods or merchandise.

*Mobile food facility* means any vehicle used in conjunction with a commissary or other permanent food facility (as defined in Health & Safety Code Section 113831(a) upon which food is sold or distributed at retail, but does not include a vehicle used to transport packaged food from a food facility or other approved source to the consumer. Mobile food facility includes a compact mobile food operation.

*Mobile Food Facility permit* means a permit to operate a mobile food facility issued by the Public Health Department.

*Mobile vendor* or *vendor* means any person who vends from a vending cart, from one's person, or from a vending vehicle, and includes an employee or agent of a vendor. Also includes sidewalk vendors as defined in this section.

*Mobile vendor's permit* or *vendor's permit* means a permit issued by the City authorizing the holder thereof to engage in the business of mobile vending.

*Public Health Department* means the Division of Environmental Health of the Imperial County Public Health Department.

*Roadway* means a parking lane of a street, where a vehicle may legally park.

*Roaming sidewalk vendor* means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

*Sidewalk vendor* means a person who sells food or merchandise from a pushcart, stand, display, pedal-drive cart, wagon, showcase, rack, or other non-motorized conveyance, or from his/her person, upon a public sidewalk or other public path, and includes a roaming sidewalk vendor and stationary sidewalk vendor as well as solicitor, peddler or itinerant vendor but excludes those selling or soliciting on private property solely for charitable property .

*Stationary sidewalk vendor* means a sidewalk vendor who vends from a fixed location.

*Street* means that portion of the public right-of-way or public easement for the purposes of vehicle travel or parking.

*Vend* or *vending* means offering goods or food of any kind for preparation or sale from any location.

*Vehicle* or *Vending vehicle* means any motorized vehicle, motorized device, or trailer that is propelled or drawn by a motorized vehicle and that may be propelled or move upon a highway.

*Vending cart* means any pushcart, stand, display, pedal drive cart, wagon, showcase, rack or other non-motorized conveyance used for vending, that is not a vehicle as defined in the California Vehicle Code.

#### **Sec. 16-275. Public Health Department permit required.**

- a) All vendors operating Mobile Food Facilities in the City in any capaCity must obtain all required permits from the Public Health Department.
- b) Nothing in this article shall prevent the City from denying any permit application for any Mobile Food Facility if, in the opinion of the Public Health Department or City, such Mobile Food Facility poses a real potential risk to the health, safety or welfare of the public as set out herein.

#### **Sec. 16-276. Business license and sellers permit required.**

- a) All vendors shall be required to apply for and obtain a business license pursuant to Chapter 16 of the City Code. All such vendors shall carry a business license certificate that can be readily inspected upon request by a City official or any other authorized person.

- b) A valid and current California Department of Tax and Fee Administration sellers permit will be required of all vendors before they can obtain a business license. Vendor sales shall be subject to sales tax in a manner required by state law.

**Sec. 16-277. Mobile Vendors Permit required.**

In addition to procuring a business license as set forth in Section 11-87, all vendors shall obtain a mobile vendor's permit issued pursuant to this chapter and any other license or permit required under any other chapter of this Code.

**Sec. 16-278. Mobile Vendor Permit application process.**

Any person desiring to obtain a mobile vendor permit shall submit an application to the Community Development Department. Prior to submitting such application a nonrefundable fee, as established by resolution of the City Council, shall be paid to the City to defray, in part, the cost of the City investigation and report required by this chapter. Permit issuance fees required under this chapter shall be in addition to any license, permit or fee required under any chapter of this Code. After an application permit has been filed with the Community Development Department, there shall be an investigation made by the Community Development Director or designee (hereafter "Community Development Director.").

Neither the filing of an application for a permit, nor the payment of an application fee, shall authorize the vending, operation or management of a mobile vending operation until such permit has been granted or renewed. Each applicant for a permit to conduct business as a mobile vendor shall furnish the following information:

- a) The full true name under which the business will be conducted.
- b) The full true name and any other names used by the applicant.
- c) The present residence and business address and telephone numbers of the applicant.
- d) A description of the merchandise the vendor will vend.
- e) If the vendor is operating a mobile food facility or vending food, a valid copy of their required health permit(s) issued by the Public Health Department.
- f) The number of any vehicles to be owned, operated, or controlled by the applicant and the make(s), model, body styles, years, state license plate numbers, and names and addresses of the registered and/or legal owners of each vehicle.
- g) A photograph of any vehicle(s) showing the logo, color scheme, insignia, and any other distinguishing characteristics of the applicant's vehicles.
- h) Whether the applicant intends to operate as a stationary sidewalk vendor, vend from private property, a roaming sidewalk vendor, or operate a vending vehicle in the public right of way,
- i) The type of pushcart, stand or other equipment used for vending when a vehicle is not.
- j) The full and true names, addresses and telephone numbers of all persons employed or intended to be employed, or with whom the applicant has contracted, leased or intends to contract with as a driver operator of the applicant's vending vehicles, and in addition, all of the following and shall not be available for public inspection and shall only be disclosed to administer the program or in response to a court order:

- 1) California driver's license or identification card;
  - 2) Social security number or other identification number; and
  - 3) Date of birth.
- k) If the vendor is an agent of an individual, company, partnership or corporation, the name and address of the principal of that entity.
  - l) When any change occurs regarding the written information required by this subsection, prior to or after issuance of a permit, the applicant shall give written notification of such change to the Community Development Director within fifteen (15) days of such change.
  - m) When there is a change in ownership, the applicant shall give written notification of such change to the Community Development Director within fifteen (15) days of such change.
  - n) Nothing in this section precludes the City from inspecting and re-inspecting the vending cart or vehicle if it is determined that such inspection or re-inspections are necessary to ensure the health and welfare of the public.

**Sec. 16-279. Mobile Vendor Permit issuance.**

The Community Development Director within thirty (30) days after receiving a complete application, shall grant the vendor's permit if the Community Development Director finds that all of the following requirements have been met:

- a) The required fees have been paid;
- b) The application conforms in all respects to the provisions of this chapter and other chapters of the Code and state law.
- c) The applicant has not knowingly made a material misrepresentation of fact in the application;
- d) The applicant has fully cooperated in the investigation of the application;
- e) The applicant has not failed to pay any previous administrative fines, complete any community service and/or complete any other alternative disposition associated with a previous violation of this chapter;
- f) A vendor operating in a City park also must obtain permit from the Community Services Department.
- g) A vendor operating on a public sidewalk must obtain an encroachment permit from the Public Works Department.
- h) A vendor operating on private property, shall obtain the consent of the property owner and obtain a temporary use permit from the Community Development Department.

**Sec. 16-280. Mobile Vendor Permit denial and renewal.**

- a) If the Community Development Director finds that the requirements set forth in this article have not been met, after an opportunity to meet those requirements, the Community Development Director shall deny the application for a vendor's permit. In the event the application is denied by the Community Development Director, written notice of such denial shall be given to the applicant specifying the basis for such denial. Notice of denial shall be deemed to have been served, if, it is personally served to the applicant or when deposited in the United States Mail with prepaid postage and addressed to the applicant at his/her residence address as set forth in the application.

- b) Any applicant whose application for a mobile vendor permit has been denied by the Community Development Director may submit an appeal in writing to the City clerk within fifteen (15) days of such denial. Appeals will be heard by the Planning Commission in the manner as in City Code Section 29-353. The decision made by the Planning Commission may be appealed to the City Council. All appeals shall be subject to any applicable appeal fee as approved by resolution. The applicant may request that the appeal fee be waived if the vendor meets the ability-to-pay determination described in California Government Code Section 62632(a) or (b).
- c) Vendor permits shall expire 12 months after issuance. Applicants may apply for a permit renewal prior to the expiration of their vendor permit. A request to renew a vendor's permit shall be made with the same application, fee, and documentation required for a new application at the time of renewal.
- d) The City reserves the right to terminate the Vendor's permit if the permittee is in violation of any federal, state or local laws, including but not limited to these provisions.

#### **Sec. 16-281. Revocation.**

- a) Any vendor's permit may be suspended or revoked by the Community Development Director for any of the following reasons:
  - 1) False information supplied by the permittee upon which issuance of the permit was based;
  - 2) Failure of the permittee to notify the Community Development Director 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, federal or state law; or
  - 4) Violation by the permittee, or any employee or anyone under the permittee's supervision, of any state law or municipal ordinance while in the course of conducting operations under the permit.
- b) 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.

#### **Sec. 16-282. Mobile Vendor Requirements – All**

All mobile vendors shall comply with the following standards and conditions:

- a) Vendors shall maintain at all times while vending a valid mobile vendor's permit, business license, and any other permit(s) or licenses(s) required by the City or other governmental agencies. Food vendors shall in addition, maintain a valid health permit from the Public Health Department. All required permits specified in this section shall be placed on display in plain view by the public.
- b) No vendor may use sound amplifying equipment in a manner that violates the noise limits established in Section 17.1-4 of the City Code.
- c) No lighting may be used except localized lighting that is used by the vendor for visibility after dark.

- d) No vendor operating on the sidewalk, street, or other public right-of-way shall vend within 50 feet of another food vendor, restaurant or food vending establishment. This restriction does not apply to food vendors operating on private property.
- e) No vendor shall vend within 200 feet of a permitted certified farmers' market, a swap meet, or an area designated for a special event permit. This prohibition shall be limited to the operating hours of the farmers' market or swap meet, or the limited duration of the temporary special event.
- f) No vendor shall vend within 300 feet of the nearest school property line, between the hours of 7:00 a.m. and 5:00 p.m., each day that school is in session
- g) The vendor shall maintain sanitary conditions as determined by the City, including but not limited to collection and disposal of litter.
- h) Vendor shall not discharge any liquid (e.g., grease, oil, water) onto or into City streets, storm drains, catch basins, or sewer facilities.
- i) Signage shall be limited only to the goods and merchandise offered and shall only be displayed upon the vending vehicle, vending cart or person. Banners, wind feathers or free-standing signage is prohibited.
- j) No vending of alcohol, tobacco, drugs, cannabis, firearms, weapons, spray cans, or pornography.
- k) No verbal solicitation of business from pedestrians or persons in vehicles, and no sales to persons in vehicles.
- l) 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.
- m) No obstruction of required visibility triangle at any driveway or intersection as established in Section 29-143(11) of the City Code.
- n) Vendors utilizing cooking or other heat generating equipment shall have a certified fire extinguisher or other acceptable fire suppression equipment while operating.
- o) The vendor shall maintain vehicular and pedestrian circulation and access consistent with the Americans with Disabilities Act and all local and state regulations.
- p) The vendor shall not allow loitering around his/her vending area.

#### **Sec. 16-283. Sidewalk Vendor Operating Requirements**

- a) No sidewalk vendor shall operate in the following locations:
  - 1) Within a radius of twenty (20) feet from any street intersection;
  - 2) Within a radius of ten (10) feet of any driveway or driveway apron;
  - 3) Upon or within any roadway, parking lane, median strip, or dividing section;
  - 4) Within a radius of eight (8) feet from entrance or exit of a building.
- b) Sidewalk vendors must at all times provide a clearance of not less than five (5) feet on all sidewalks or pedestrian areas so as to enable persons to freely pass while walking, running, or using mobility assistance devices. No sidewalk vendor shall vend in a manner that blocks or obstructs the free movement of pedestrians or vehicles.

- c) Sidewalk vendors may not vend on public property or facilities except for parks as provided herein.
- d) No sidewalk vendor shall block or impede access to bicycle racks, bus stops, parking meters, electric charging stations, required accessibility routes, curb ramps, trash enclosure areas or trash bins, fire hydrants, fire call boxes, or other emergency facilities.
- e) No sidewalk vendor shall distribute any item from the vending cart in a manner that causes any person to stand in the street.
- f) Sidewalk vendors shall not offer, provide, rent, or sell a service that is defined as neither merchandise or food.
- g) Roaming sidewalk vending is permitted between the hours of 8:00 a.m. and 10:00 p.m., daily, except as follows:
  - 1) In residential areas, roaming sidewalk vendors shall only vend between the hours of 8:00 a.m. and 7:00 p.m. daily. A resident who does not wish to be contacted by such vendors, peddlers or solicitors may post a statement or notice to the effect that they are requested not to enter the premises or contact the resident.
  - 2) In nonresidential areas, the limit on hours of operation shall not be more restrictive than the hours of operation of other businesses or uses on the same street.
- h) A stationary sidewalk vendor may stay in one (1) location only for two (2) sequential hours and must move more than one thousand (1000) feet in any direction.
- i) Stationary sidewalk vendors shall obtain an encroachment permit pursuant to Section 23-3 of the City Code, and must operate exclusively from the location and for the time periods designated by the encroachment permit.
- j) Sidewalk vendors shall comply with all applicable state and local laws, including without limitation state food preparation, handling, and labeling requirements; fire codes and regulations; noise standards; and the Americans with Disabilities Act of 1990 and other disability access standards (both state and federal).
- k) No vending cart shall become a permanent fixture on the vending site or be considered an improvement to real property. The cart must be moved/removed after time frame for vending and following requirements for movement next day.
- l) Stationary sidewalk vendors shall not vend in areas that are zoned exclusively residential.
- m) No vendor may store materials or equipment around his or her vending area.
- n) Stationary sidewalk vendors shall maintain a clearly designated trash receptacle in the immediate vicinity of the vending cart, marked with a sign requesting use by patrons. Prior to leaving any vending location, the vendor shall pick up, remove, and dispose of all trash generated by the vending operations within a 25 foot radius of the vending location. Vendors may not utilize solid waste receptacles belonging to other businesses without consent from that business. Vendors may not utilize solid waste receptacles belonging to the City, County, or other public agency.



**Sec. 16-284. Mobile vendor operating on private property requirements.**

- a) Mobile vendors operating on private property must have the prior written consent of the property owner and shall obtain a temporary use permit pursuant to Chapter 29, Article IV, Division 5
- b) Mobile Vendors shall not operate on private property with the following zoning designations: RR (Rural Residential), R1 (Single Family Residential), R2 (Variable family Residential), or R3 (Multiple Family Residential). With the exception of residential zoned parcels with a valid conditional use permit for a non-residential use and operating in the hours between the hours of 8:00 a.m. to 8:00 p.m.
- c) No mobile vendor operating on private property shall be stationary for a period longer than twelve (12) hours.
- d) Tables and chairs shall be allowed within the mobile vendor's designated space on private property 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.
- e) The site where a vendor is parked shall consist of a paved surface with adequate parking and maintained in a safe and clean manner at all times.
- f) 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 within fifteen (15) feet of the vehicle shall be provided. The receptacles will serve both employees and customers.
- g) The vendor shall install signage indicating that loitering is not permitted and customers may only remain on the lot for up to thirty (30) minutes after receiving their food. The vendor shall enforce the no-loitering rule. The serving or consumption of alcohol shall be prohibited at vending sites.
- h) No lighting, except lighting that is used for the purpose of inside food preparation and menu illumination.
- i) Signs placed in or on the mobile food facility are permitted. Banners, windfeathers, vehicle signs or other free standing signage is prohibited.
- j) The vendor shall maintain vehicular and pedestrian circulation and access consistent with the Americans with Disabilities Act and all local and state regulations.

**Sec. 16-285. Vendor vehicle operating on a public street requirements**

- a) In addition to any other equipment required by law, each vending vehicle shall be equipped with the following:
  - 1) A convex mirror mounted so that the driver can see the area in front of the truck that is blocked by the truck's hood; and
  - 2) A back-up alarm audible for a distance of at least 100 feet.
- b) Only vending vehicles authorized to operate on a City street, shall be allowed to operate in the public right of way.

- c) Vending vehicles are allowed to park and operate on the public right-of-way for no more than two (2) hours, between the hours of 6:00 a.m. and 12 a.m. except when the following apply:
  - 1) When the posted speed limit on the public street is greater than thirty-five (35) miles per hour;
  - 2) When the vending vehicle is parked in violation of any other provision of this Code, or the California Vehicle Code;
  - 3) When the prospective customer is located in that portion of the street or alley which is open to vehicular traffic;
  - 4) When the vending vehicle is located in portion of the right-of-way missing curb, gutter and sidewalks;
  - 5) When located within 50 feet from a corner;
  - 6) When located within fifteen (15) linear feet of a fire hydrant, fire escape, bus loading zone, other loading zone, handicapped parking space or pedestrian access ramp;
  - 7) When located within 300 feet of the nearest property line of any property on which a school building is located, between the hours of 7:00 a.m. and 5:00 p.m., each day that school is in session; and
  - 8) No overnight parking on the street except at the vendor's residence or business location when overnight parking is allowed by law.
- d) Vending is prohibited on the following streets and roads:
  - 1) 4<sup>th</sup> Street between Adams Avenue and the southern City limits;
  - 2) 8<sup>th</sup> Street between Interstate 8 and State Street;
  - 3) Adams Avenue between 4<sup>th</sup> Street and Imperial Avenue;
  - 4) Imperial Avenue;
  - 5) Main Street between 4<sup>th</sup> Street and the eastern City limits;
  - 6) Dogwood Avenue;
  - 7) Where on-street parking is not parallel to the sidewalk; and
  - 8) Where on-street parking is prohibited.
- e) Vending is prohibited on the following streets unless within a designated area indicated by a street sign:
  - 1) 8<sup>th</sup> Street and Aurora Drive adjacent to Bucklin Park;
  - 2) Waterman Avenue between Cruickshank Drive and southernmost driveway entrance to First Responders Park; and
  - 3) Lotus Avenue between Adams Avenue and Main Street.
- f) Vending is prohibited from the street side and food or goods shall not be distributed to parked or moving vehicles.
- g) Vending vehicles shall be maintained and possess at all times while vending proof of liability insurance in the amount required by the City.

- h) 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.
- i) 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.
- j) Signs placed in or on the mobile food facility are permitted. Banners, windfeathers, or other free standing signage is prohibited on the public right-of-way.
- k) Vending vehicles operations shall maintain a clearly designated trash receptacle in the immediate vicinity of the vending vehicle, marked with a sign requesting use by patrons. Prior to leaving any vending location the vendor shall pick up, remove, and dispose of all trash generated by the vending operation within 25 feet from the vending location.

**Sec. 16-286. Vendors operating in City parks.**

- a) There shall be no vending at public facilities or parks except in the following facilities with a valid Parks and Recreation permit:
  - 1) Bucklin Park;
  - 2) Stark Field;
  - 3) Debbie Pitman Park;
  - 4) Frazier Field;
  - 5) Carlos Aguilar Park;
  - 6) McGee Park
  - 7) Gomez Park;
  - 8) Swartwout Park; and
  - 9) First Responder's Park
- b) In addition to all other requirements, vendors desiring to vend in City parks and public facilities must obtain prior written consent for such vending by obtaining a permit from the Parks & Recreation division pursuant to City Code Section 19-40.
- c) The City reserves the right to restrict vending within a park with an exclusive concessionaire agreement.
- d) No vendor may vend in a City park during any scheduled event, whether it is a City event or a private event for which a special event permit or park facilities use permit has been obtained.
- e) In addition to the requirements of this article, any vendor operating in a City park is subject to the rules and regulations for activities and vending within that park.
- f) No vendor may operate on a sports field whether or not that field is in use.
- g) A vendor may vend in a park only during the hours such park is open.

**Sec. 16-287. Temporary uses and special events.**

Vendors operating in conjunction to an outdoor market, community event, or other event permitted through a Temporary Use Permit or Special Event Permit shall be subject to the requirements and conditions of that permit.

**Sec. 16-288. 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.

**Sec. 16-289. Administrative citations.**

- a) A violation of the requirements of this article is punishable only by administrative citations, as follows: one hundred dollars (\$100.00) for the first violation; two hundred dollars (\$200.00) for a second violation within one (1) year of the first violation; and five hundred dollars (\$500.00) for each additional violation within one (1) year of the first violation.
- b) The City may revoke the vendor's business license and mobile vendor's permit for the remaining term upon a fourth or subsequent violation and the vendor may be denied a subsequent business license or mobile vendor's permit.

**Sec. 16-290. Administrative fine reduction.**

- a) At the time of service of an administrative citation pursuant to Section 16-290, the City shall provide the vendor with notice of the right to request an ability-to-pay determination and shall provide instructions for how to do so.
- b) Notwithstanding the time frames set out in Chapter 18, Article XI of the City Code regarding administrative citations, any vendor served with a citation under Section 16-288 may request an ability-to-pay determination at any time while the citation remains unpaid.
- c) The City will accept twenty (20) percent of the administrative fine as full payment when the vendor applying for the ability-to-pay determination meets the criteria described in California Government Code Section 62632(a) or (b).

**Sec. 16-291. 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.

Section 4. Table 29-225(i) in Section 29-225 of Chapter 29, Zoning, is hereby amended to update reference to mobile food facility regulations, to read as follows

| Temporary Use                                   | Time Duration  | Frequency of Use | Limitations |
|---|--|------------------|-------------|
| (i) Mobile food facilities on private property. | See mobile vendor definitions requirements in chapter 16, article VIII. Mobile food facilities operating as part of a special event permitted by the City shall comply with the requirements of the approved special event permit. |                  |             |

Section 5. This Ordinance shall take effect thirty (30) days from and after its adoption. Within fifteen (15) days after adoption, it shall be published once in a newspaper, published and circulated within the City of El Centro, California.

INTRODUCED at a regular meeting of the City Council of the City of El Centro, California, held on the      day of      2025.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the      day of      , 2025.

CITY OF EL CENTRO

By \_\_\_\_\_  
Sonia Carter, Mayor

ATTEST:

By \_\_\_\_\_  
Norma Wyles, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

By \_\_\_\_\_  
Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA    )  
COUNTY OF IMPERIAL    ) ss  
CITY OF EL CENTRO      )

I, Norma Wyles, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Resolution No. 25-      was duly and regularly adopted at a regular meeting of the City Council of the City of El Centro, California, held on the      day of      2025, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

By \_\_\_\_\_  
Norma Wyles, City Clerk