



**IN THE CITY COUNCIL OF THE  
CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKDALE,  
AMENDING THE OAKDALE MUNICIPAL CODE ZONING ORDINANCE  
CHAPTER 36 (ZONING REGULATIONS) INTRODUCING SECTION 36-29  
MOBILE FOOD VENDOR AND AMENDMENTS TO SECTIONS: 36-10.5.  
(C-1), 36- 36-11.3. (C-C), 36-12.5 (C-2), 36-13.5 (L-M), 36-14.5 (M-1), 36-  
15.5 (M-2); 36-18.6 TEMPORARY USE PERMIT**

**ALSO KNOWN AS CODE TEXT AMENDMENT NO. 2021-01**

**WHEREAS**, due to the growing popularity of mobile food vendors, there has become a need for developing a Mobile Food Vendor Ordinance to address the process of setting operation standards, requirements for location, and public health and safety issues while also supporting the growing mobile food vendor industry; and,

**WHEREAS**, the proposed Code Text Amendment will establish standards and requirements related to the operations of mobile food vendors; and,

**WHEREAS**, the proposed Code Text Amendment will not be detrimental to the public health, safety, or welfare, or materially injurious to, or inharmonious with, properties or improvements in the vicinity; and,

**WHEREAS**, the proposed Code Text Amendments is consistent with the objectives, policies, general land uses, and programs specified in the City's General Plan; and,

**WHEREAS**, that the Code Text Amendment has been reviewed in accordance with the California Environmental Quality Act (CEQA) and is exempt pursuant to CEQA Guidelines Section 15061 (b)(3), - General Rule CEQA Guidelines; and,

**THE CITY COUNCIL OF THE CITY OF OAKDALE, CALIFORNIA DOES ORDAIN AS  
FOLLOWS:**

SECTION 1: The City of Oakdale Zoning Regulations, which is contained in Chapter 36 of the Oakdale Municipal Code, is hereby amended and changes, and from and after the effective date of the Ordinance, shall include the code text amendments and operation standards related to Mobile Food Vendors as contained in the following exhibits:

Exhibit A: Proposed Amendments for Sections: 36-10.5 (C-1), 36-11.3 (C-C), 36-12.5 (C-2), 36-13.5 (L-M), 36-14.5 (M-1), 36-15.5 (M-2), 36-18.6 Temporary Use Permit

Exhibit B: Proposed Section 36-29 Mobile Food Vendor Ordinance



**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

---

**EXHIBT A:**

**Amendments: Mobile Food Vendor**

**“C-1” Neighborhood Commercial**

**Section 36-10.5 Major and Minor Use Permits.**

The following uses may be conditionally permitted in the C-1 District subject to the provisions of §§ **36-20.2** through **36-20.5**.

**A. Minor Use Permits.**

1. Multi-family dwelling not to exceed five (5) units.
2. Single-family dwelling units not to exceed five (5) units or duplex dwelling units not to exceed two (2) structures.
3. State licensed day care centers (seven (7) or more children, as defined by the California State Health and Safety Code).
4. Service station with minor automobile repair.
5. Restaurant, delicatessen, or cafe, which includes the sale of beer or wine beverages by the glass if less than two thousand (2,000) square feet.
6. Nurseries and greenhouses.
7. Mobile Food Vendor located on private property, as specified in §36-29.

**B. Major Use Permits.**

1. Public and quasi-public uses appropriate to the C-1 District.
2. Social hall, lodge, fraternal organizations and clubs.
3. R-1, R-2, and R-3 District residential uses, subject to all restrictions and requirements of the residential zoning district, except as provided for in Subsection A1 and A2
4. Restaurant or cafe, which includes the sale of liquor, beer, or other alcoholic beverages by the glass, or for consumption off of the premises.
5. Drive-in restaurant, theater, convenience market with gasoline sales, fast-food restaurants, delicatessens and supermarkets.
6. Churches and religious institutions.
7. Public and private schools, technical, trade, and craft schools and studios.
8. Recreational facilities and services including health clubs, pool halls, swimming clubs, and tennis, racquetball, and handball clubs.
9. Amusement arcade pursuant to § 36-18.29.
10. Neighborhood shopping centers.
11. Mobile Food Vendor located in the public right-of-way, as specified in §36-29.
12. Any other retail business or service establishment which is determined by Planning Commission Resolution to be consistent with the purpose of this section and which will not impair the present or potential use of adjacent property.

**“C-C” Central Commercial.**



**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

---

**Section 36-11.3.1 Conditional Uses.**

A. Automotive service facilities subject to the following performance standards:

1. Hours of operation limited to 8:00 a.m. to 9:00 p.m.
2. All work shall be conducted indoors.
3. No use shall utilize equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property.
4. No outdoor storage.
5. Lighting must be of direct, cutoff design, shielded, or placed to avoid glare or nuisance to nearby residential property.

B. Churches and religious institutions.

C. Mobile Food Vendor, as specified in §36-29.

**“C-2” General Commercial.**

**Section 36-12.5 Major and Minor Use Permits.**

The following uses may be conditionally permitted in the C-1 District subject to the provisions of §§ 36-20.2 through 36-20.5.

A. Minor Use Permits.

1. Multi-family dwellings and mobile home parks not to exceed five (5) units.
2. Caretakers residence, one (1) unit not to exceed twelve hundred (1,200) square feet per commercial establishment of one (1) acre minimum lot area.
3. State licensed day care centers (seven (7) or more children, as defined by the California State Health and Safety Code).
4. Mini-warehouse facilities not to exceed twenty (20) units.
5. Printing shop, heating and air-conditioning sales and services, furniture upholstery shop, et cetera.
6. Carpenter, electrical, plumbing, or machine shop, publishing, green houses or horticultural, etc.
7. Animal hospitals, veterinary clinics and kennels, provided there are no outdoor kennels. Outdoor kennels require Major Use Permit review.
8. Mobile home display.
9. Mobile Food Vendor located on private property, as specified in §36-29.

B. Major Use Permits.

1. Public and quasi-public uses appropriate to the C-2 District.
2. Auction houses.
3. Funeral parlors or mortuaries.
4. Lumberyards.



**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

---

5. Wholesale business, storage, or warehousing, including mini-warehouses exceeding twenty (20) or more units, subject to the provisions of 36-12.6 B, 1.
6. Multiple dwellings of six (6) or more units, provided that said use shall be developed in accordance with the property development standards of the R-3 District and subject to the provisions of 36-12.6.
7. Municipal corporation yards.
8. Travel trailer parks, providing for the rent or lease of lots or spaces to owners or users of recreational vehicles for travel, recreational or storage purposes.
9. Mobile home parks with six (6) or more units subject to § 36-18.25.
10. Truck service stations.
11. Welding shops.
12. Night club, bowling alley, dance hall, roller skating rink, taverns, cocktail lounges, billiard parlors, and pool halls.
13. Hotels and motels.
14. Vehicle repair garage.
15. Amusement arcade pursuant to § 36-20.
16. Adult bookstores and theaters provided said use(s) is not located within one thousand (1,000) feet of a similar use, and not located within one thousand (1,000) feet of any public school or church.
17. Mobile Food Vendor located within the public right-of-way, as specified in §36-29.
- 17~~8~~. Any other retail business or service establishment which is determined by Planning Commission Resolution to be consistent with the purpose of this section and which will not impair the present or potential use of adjacent property.

**“L-M” Limited Industrial.**

**Section 36-13.5 Conditional Uses.**

The following uses may be permitted in the L-M Districts subject to a Use Permit provided for in § 36-20.

- A. Public and quasi-public uses appropriate to serve the L-M District.
- B. Retail commercial uses, such as restaurants and service stations, appropriate in and necessary to serve the L-M District.
- C. Caretakers residence, one unit not to exceed twelve hundred (1,200) square feet for industrial uses of one-acre minimum lot area.
- D. Airports.
- E. Industrial operations which include enameling, lacquering, rubber coating, electric or hotdip plating, which will not become offensive because of the creation of vapors, dust, odors or noise inherent to the business, which in the opinion of the Planning Commission is excessive.
- F. Dray, freight or truck yards and railroad terminals.
- G. Chemical plants.
- H. Any other light industrial establishment determined by the Planning Commission by resolution to be consistent with the purpose of this section and which will not impair the present or potential use of adjacent properties.
- I. Manufacturing biodegradable soap detergents.



**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

---

- J. Cannabis cultivation business, cannabis manufacturing business, cannabis distribution business, cannabis testing laboratory, and dispensary, as defined in § 37-2.  
Permits to establish a cannabis cultivation business, cannabis manufacturing business, cannabis distribution business, cannabis testing laboratory, or dispensary shall be located in the area highlighted on the attached maps.
- K. Mobile Food Vendor, as specified in §36-29.

**“M-1” Light Industrial.**

**Section 36-14.5 Conditional Uses.**

The following uses may be permitted in the L-M Districts subject to a Use Permit provided for in § 36-20.

- A. Public and quasi-public uses appropriate to serve the M-1 District.
- B. Retail commercial uses, such as restaurants and service stations, appropriate in and necessary to serve the M-1 District.
- C. Caretakers residence, one unit not to exceed twelve hundred (1,200) square feet for industrial uses of one-acre minimum lot area.
- D. Airports.
- E. Any other light industrial establishment determined by the Planning Commission by resolution to be consistent with the purpose of this section and which will not impair the present or potential use of adjacent properties.
- F. Cannabis cultivation business, cannabis manufacturing business, cannabis distribution business, cannabis testing laboratory, and dispensary, as defined in § 37-2.  
Permits to establish a cannabis cultivation business, cannabis manufacturing business, cannabis distribution business, cannabis testing laboratory, or dispensary shall be located in the area highlighted on the attached maps.
- G. Mobile Food Vendor, as specified in §36-29.

**“M-2” Heavy Industrial.**

**Section 36-15.5 Conditional Uses.**

The following uses may be permitted in the L-M Districts subject to a Use Permit provided for in § 36-20.

- A. Public and quasi-public uses appropriate to serve the M-2 District.
- B. Other manufacturing or industrial uses not expressly permitted in section 36-15.3.
- C. School, church, hospital and dwellings; provided, that they are accessory to and incidental to and located upon the same property as a commercial or industrial use permitted in this district.
- D. Blast furnace or coke oven, manufacture of cement, lime gypsum or plaster of paris, distillation of bones, drop forge, explosive manufacture or storage, fat rendering, fertilizer manufacture, garbage or dead animal disposal, glue manufacture, oil extraction other than petroleum products, refuse disposal, rubber treatment, rock and gravel plant, stock yards, slaughtering, smelting, storage of tin, copper, zinc, ore, rags, paper, scrap and junk, tannery, winery, wrecked cars and wrecking cars.





**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

---

- E. Retail commercial uses, such as restaurants and service stations, appropriate in and necessary to serve the M-2 District.
- F. Caretakers residence, one unit not to exceed twelve hundred square feet for industrial uses of one acre minimum lot area.
- G. Airports.
- H. Mobile Food Vendor, as specified in §36-29.

**Temporary Use Permit.**

**Section 36-18.6 Temporary Use Permit.**

Temporary Uses. A Temporary Use Permit may authorize the following temporary activities within the specified time limits, but in no event for more than twelve (12) months. Other temporary or short-term activities that do not fall within the categories defined below shall instead comply with the planning permit requirements and development standards that otherwise apply to the property.

1. Model homes. A model home or model home complex may be authorized prior to the completion of sales in a residential subdivision.
2. Certified farmers' market. A certified farmers' market may be allowed within the commercial zoning districts.
3. Temporary structures. A temporary classroom, office or similar structure, including a manufactured or mobile unit, may be approved for a maximum of one (1) year from the date of approval, as an accessory use or as the first phase of a development project. An extension of one (1) year may be granted by the Director. A temporary structure proposed for a longer time period shall comply with all provisions of this Zoning Code applicable to a permanent structure on the same site.
4. Promotional sale associated with permanent on-site use. A promotional sale is permitted for thirty (30) days at a grand opening and for ten (10) days per year thereafter.
5. Seasonal sales. Seasonal sales (i.e., Christmas trees, fireworks, pumpkins, flowers on holidays, etc.) are permitted for up to forty-five (45) days.
6. Similar temporary activities. A temporary activity (i.e., carnivals, community events, etc.) that the Director determines is compatible with the applicable zoning district and surrounding land uses.
7. Special events. The Director may approve a Temporary Use Permit for a special event in any zone for no more than twelve (12) days within any six-month period. A Temporary Use Permit is not required when the event:
  - a. Is conducted within a shopping center; or
  - b. Is in a completely enclosed building in a commercial or residential zone; or
  - c. Is in a building designed and approved for public assembly; and
  - d. Will not occur after 9:00 p.m., and will not be attended by more than one hundred (100) persons.
8. Mobile Food Vendor, as specified in Section §36-29.



**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

---

**EXHIBIT B**

**Section 36-29 Mobile Food Vendor Ordinance**

**Section 36-29 Mobile Food Vendor**

**Section 36-29.1 Purpose.**

The purpose of this chapter is to provide a clear and streamlined permitting process for mobile food vendors and to establish proper permit and regulatory procedures to ensure the health and safety of the community while at the same time promoting business in the city for residents and visitors.

**Section 36-29.2 Definitions.**

"Director" is the Public Services Director

"Food Vendor Vehicle" is a motorized vehicle or a trailer that can be pulled by motorized vehicle that is used by a mobile food vendor

"Mobile Food Vendor" is any person that operates a vending business that sells food and beverage ready for immediate consumption directly to any consumer from a food vending vehicle or trailer. This definition does not include ice cream trucks, or other moving vendors. The vendor could be the business owner, employee, or property owner.

"Sidewalk / Pushcart Mobile Food Vendor" is any person that operates a vending business that sells food from a pushcart, stand, display, pedal-driven cart, or other non-motorized conveyance.

"Public Right-of-Way" means and includes all areas legally open to public use as public streets, roadways, highways, parkways, alleys, and any other public right-of-way.

**Section 36-29.3 General Provisions**

**A. Regulation of Sale.**

1. It shall be unlawful for any person to vend, or attempt to engage in vending or operate any vehicle or conduct any business for the purpose of vending from any vehicle or conveyance parked, stopped, or standing upon any public street, alley, highway, or property, or private street, alley, or property within the City of Oakdale except in accordance with applicable provisions of this code.
2. The sale of alcohol and tobacco products is prohibited.

**B. Zoning Districts**

1. Mobile Food Vendors shall be considered a permitted use subject to the approval of a Conditional Use Permit in the following City of Oakdale zone



**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

---

districts: C-C, Central-Commercial, C-1, Neighborhood Commercial; C-2, General Commercial; L-M, Limited Industrial; M-1, Light Industrial; and M-2, Heavy Industrial except as follows:

- a. It is prohibited that any vendor park or conduct business in the public right-of-way on the following streets: Yosemite Avenue, F Street, First Avenue, Second Avenue, Third Avenue and within the L-M, Limited Industrial, M-1, Light Industrial, and M-2 Heavy Industrial districts.
2. Residential Zone Districts. A mobile food vendor may not operate within residential districts except as follows:
  - a. Public Right-of-Way. Mobile Food Vendors such as ice cream trucks or mobile pushcart vendor may circulate and stop temporarily for sales, but shall not remain stationary for more than five minutes.
  - b. Private Property. Mobile Food Vendors on private property is prohibited unless the vendor has been hired to cater at a private residence at no cost to the guests of property owner.

**C. Authority to Operate in the City.**

1. Any mobile food vendor who wishes to operate within the Oakdale City Limits shall apply for and obtain a City of Oakdale Business License and a Conditional Use Permit issued by the Public Services Director or his designee except as follows:
  - a. Public Right-of-Way. Mobile Food Vendors such as ice cream trucks who circulate in the public right-of-way and stop temporarily for sales for no longer than five minutes a City of Oakdale Business License is required.
  - b. Private Property. Mobile Food Vendors on private property are prohibited unless the vendor has been hired to cater at a private residence at no cost to the guests of property owner a City of Oakdale Business License is required.
2. Any Mobile Food Vendor to locate on Private Property a Minor Use Permit is required.
3. Any Mobile Food Vendor to locate in the Public Right-of-Way a Major Use Permit is required.
4. Any Sidewalk / Pushcart Mobile Food Vendor an Annual Temporary Use Permit is required.

**Section 36.29.4 Requirements.**

It is unlawful for any mobile food vendor to operate on Private Property unless the mobile food vendor has met the following conditions.





**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

---

1. Apply for and obtain a Minor Use Permit from the City in accordance with Sections 36-20.2 through 36-20.4 of the Municipal Code. Submittal Requirements shall include the following:
  - a. Completed City of Oakdale Uniform Application Form.
  - b. Proof of current vehicle registration and a copy of an applicable vehicle insurance policy.
  - c. Applicable Application Fees.
  - d. Four photographs (showing different exterior views) of each motorized vehicle or food trailer.
  - e. Proof demonstrating acknowledgement and consent of the property owner to permit the vendor to operate on the site, signed by the property owner as required by the Stanislaus County Department of Environmental Resources.
  - f. A Site Plan illustrating the location of all existing buildings, structures, driveways, parking spaces, and improvements, and the proposed location or areas where the mobile food vending will occur, parking areas, seating areas, structures and improvements related to the vending activity, will be located upon the site.
  - g. A signed Affidavit from the business or location providing the required restroom facilities for food service workers, stating the hours that those facilities are being made available as required by the Stanislaus County Department of Environmental Resources.
  - h. A parking analysis showing that any elimination of parking spaces does not put the property out of compliance with City Off-Street Parking Requirements.
2. A description of the proposed location of the vending business and the length of time during which it is proposed that the business shall be conducted.
3. A brief description of the nature, character and quality of the food, beverages, goods or merchandise to be sold.
4. The following may constitute grounds for denial of a permit to operate:
  - a. The vending operation or activity as proposed by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations.
  - b. Failure to obtain clearance from the Stanislaus County Environmental Health Departments.
  - c. All Use Permits will be subject to periodic review as determined by the Public Services Director.

**Section 36-29.5 Development Standards.**

The following development standards shall apply to Mobile Food Vendors requesting approval of a Conditional Use Permit from the City of Oakdale:



**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

1. Prior to the issuance of a Business License, the Mobile Food Vendor shall provide to the City Public Services Department a copy of the Stanislaus County Environmental Health Permit.
2. On-site restroom facilities shall be provided by an adjacent use to the Mobile Food Vendor location. Temporary restroom facilities such as portable restrooms shall be prohibited.
3. The Mobile Food Vendor shall not obstruct vehicular traffic, bicycle traffic, sidewalk pedestrian traffic, or accessibility to vehicles parked adjacent to the curb, and shall not create public health or safety hazards.
4. No more than one (1) sign is permitted. The sign shall not exceed ten (10) square feet and be affixed to the Mobile Food Vendor vehicle.
5. The Mobile Food Vendor shall maintain the area in which vending activities occur in a clean, safe, sanitary, and dust-controlled condition. The Mobile Food Vendor shall remove any and all evidence of vending and leave the site in a clean state at the close of each business day.
6. Signage shall be provided that prohibits loitering.
7. Mobile Food Vendor permits and licenses shall be prominently displayed on the vehicle for vending.
8. Restaurant Spacing for Food Vendors
  - a. Mobile Food Vendors shall operate within seventy-five (75) feet of the main public entrance of the partnering restaurant, during the restaurant's normal business hours, with the following exceptions:
    - i. Mobile Food Vendors operating as part of a city-approved special event.
    - ii. The mobile food vendor has written permission of the business and/or restaurant owner to operate adjacent to the existing business.

**Section 36-29.6 Operation of Mobile Food Vendors in the Public Right-of-Way – Major Use Permit Required.**

It shall be unlawful to operate a mobile food vendor in public right-of-way unless a Major Use Permit has been obtained pursuant to sections 36-20.2 through 36-20.4 of the Municipal Code. In addition to the application requirements mentioned for Mobile Food Vendors on Private Property a Mobile Food Vendor located on Public Property will be subject to the following additional Development Standards:

1. Liability Insurance – During the term of a mobile food vendor permit operating in the public right-of-way the applicant shall maintain in full force at no cost to the city a comprehensive auto and general liability insurance policy:
  - a. In an amount not less than one million dollars (1,000,000) single limit per occurrence/ two million dollars (2,000,000) aggregate





**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

---

- b. Issued by an admitted insurer or insurers as defined by the California Insurance Code
  - c. Providing that the city, its officers, employees and agents are to be named as additional insured under the policy.
  - d. Stipulating that the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder.
  - e. Providing that no cancellation, change in coverage or expiration by the insurance company or the insured shall occur during the term of the mobile food vendor permit, without thirty days written notice to the Director prior to the effective date of such cancellation or change in coverage.
  - f. In the event of a cancellation, expiration, or change of insurance coverage resulting in noncompliance with subsection (a) of this section, the vendor shall notify the city of the cancellation, expiration, or change within three business days after its effective date by submitting a written notice to the Director. The giving of notice as provided herein shall not stay the automatic suspension of the permit.
  - g. It is unlawful for any person to operate a food vending vehicle without insurance coverage in effect as required by this subsection.
  - h. Indemnify and Hold Harmless – The Mobile Food Vendor and/or vehicle owner(s) receiving Approval to operate in Public Right-of-Way shall defend, indemnify and hold harmless the City, its officers, employees and agents from and against all actions, losses, damages, liability, costs and expenses of every type and description, including, but not limited to, attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the applicant or the applicant's agents, officers or employees, directly or indirectly arising from the food vending vehicle operation.
2. The Mobile Food Vendor must comply with all city, state, and federal laws. While operating in the public right-of-way, mobile vendors shall follow all applicable traffic laws and parking regulations, including, time limits, and no-parking zones.

**Section 36-29.7 Operation of Sidewalk Mobile Food Vendors – Temporary Use Permit Required.**

It is unlawful for any mobile food vendor to operate unless the mobile food vendor has met the following conditions.

- 1. Apply for and obtain an Annual Temporary Use Permit from the City in accordance with Sections 36-18.6 of the Municipal Code. Submittal Requirements shall include the following:
  - a. Completed City of Oakdale Temporary Use Permit Application Form.



**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

---

- b. Proof of current vehicle registration and a copy of an applicable vehicle insurance policy.
  - c. Applicable Application Fees.
  - d. Provide the City a copy of the certification of completion of a County-approved food handler's course and copies of all required approvals from the County's Food Safety Program
  - e. Four photographs (showing different exterior views) of each pushcart.
  - f. Provide the Director a copy of a valid Mobile Food Permit issued by the Stanislaus County Department of Environmental Health.
  - g. A Site Plan illustrating the location of all existing buildings, structures, driveways, parking spaces, and improvements, and the proposed location or areas where the mobile food vending will occur, parking areas, seating areas, structures and improvements related to the vending activity, will be located upon the site.
- 2. A description of the proposed location of the vending business and the length of time during which it is proposed that the business shall be conducted.
  - a. In areas not zoned exclusively for residential use, all sidewalk vendors are prohibited from conducting sidewalk vending activities between the hours of 10:00 p.m. and 7:00 a.m. daily.
  - b. In areas zoned exclusively for residential use, roaming sidewalk vendors are prohibited from conducting sidewalk vending activities between the hours of 6:00 p.m. and 9:00 a.m. daily
- 3. A brief description of the nature, character and quality of the food, beverages or goods to be sold.
  - a. Sidewalk vendors shall not engage in any of the following activities:
    - i. Renting merchandise to customers;
    - ii. Displaying merchandise or food that is not available for immediate sale;
    - iii. Selling of gun, adult-oriented material, cannabis, alcohol, tobacco, or electronic cigarette products;
    - iv. Offering services such as fortune-telling, massage, and tattoos
- 4. Sidewalk Vendors shall not exceed a total length of six (6) feet, a total width of four (4) feet, or a total height, including a roof, umbrella, or awning of eight (8) feet.
- 5. Sidewalk Vendors shall not impede or obstruct ingress to or egress from any private property or any structure, parking space or loading facility.
- 6. Vending shall not cause vehicles to stop in traffic lanes or causing person to stand in traffic lanes or parking spaces.
- 7. Stationary sidewalk vending is prohibited in the following areas:
  - a. Any residential zone in the City.
  - b. On any private property without the express written consent of the owner or lessees of the property.
  - c. On any designated emergency vehicle access way.





**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

---

- d. Within twelve (12) inches of any curb face on all roads.
  - e. Within fifteen (15) feet of any entrance or exit to a building, structure or facility
  - f. Within fifty (50) feet of another sidewalk vendor;
  - g. Within twenty-five (25) feet of a:
    - i. Fire hydrant;
    - ii. Curb which has been designated as yellow or red zone, or a bus zone.
    - iii. Trash or recycling containers, bike racks, benches, bus stops, or similar public use items.
  - h. On any sidewalk where vending equipment and queuing patrons would restrict access requirements under the Americans with Disabilities Act.
  - i. Within two hundred (200) feet of a permitted farmer's market or special event during the operating hours of that farmers market or special event
8. The following may constitute grounds for denial of a permit to operate:
- a. The vending operation or activity as proposed by the applicant does not comply with all applicable laws including, but not limited to, the applicable building, zoning, housing, fire, safety, and health regulations
  - b. Failure to obtain clearance from the Stanislaus County Environmental Health Departments.

**Section 36-29.8 Exemptions**

The following are exempt from the requirements of this chapter as specified below, but must satisfy all other applicable permit requirements (e.g. business license, county health permits, etc.). Mobile food vendors are exempt from the requirements of this chapter when operated in the following manner:

- 1. The vendor is authorized to operate in conjunction with a City approved special event.
- 2. The vendor is hired to serve a private party with no retail sales to the general public.
- 3. The vendor is operating in connection with the operations of a permitted farmer's market.

**Section 36-29.9 Suspension or Revocation of License**

- 1. Any license issued under this chapter may be suspended or revoked for any of the following reasons:
  - a. Fraud or misrepresentation of the application for the license
  - b. Fraud or misrepresentation of the course of conducting the business or vending.



**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
ORDINANCE 2021-1276**

- c. Conducting the business of vending, contrary to the conditions of the license.
- d. Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety and welfare.
2. On suspension or revocation, the city shall deliver written notice to the license holder stating the action taken and the reason supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

SECTION 2. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase therefore, irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared unconstitutional or invalid.

SECTION 3. The City Clerk shall publish notice of this Ordinance as may be required by law.

The foregoing ordinance was introduced at a public hearing held the 2<sup>nd</sup> day of August, 2021, given a second reading on the 16<sup>th</sup> day of August, 2021, and upon motion by Mayor Pro Tem Smith seconded by Council Member Smith moved for the adoption of said ordinance by the following vote:


AYES:	COUNCIL MEMBERS: C. Smith, F. Smith, Chiara, Haney, Bairos	(5)
NOES:	COUNCIL MEMBERS: None	(0)
ABSTAINED:	COUNCIL MEMBERS: None	(0)
ABSENT:	COUNCIL MEMBERS: None	(0)

  
Cheryl Bairos, Mayor

ATTEST:

  
Rouzé Roberts, City Clerk

APPROVE AS TO FORM:

  
Tom Hallinan, City Attorney