

ORDINANCE NO. 1656-NS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS AMENDING THE THOUSAND OAKS MUNICIPAL CODE REPEALING IN ITS ENTIRETY TITLE 5, CHAPTER 23 AND ADDING TITLE 5, CHAPTER 23 ADOPTING LICENSING AND OPERATING REGULATIONS FOR VENDING ON PUBLIC PROPERTY AND AMENDING SECTION 4-3.415 MODIFYING REGULATIONS CONCERNING COMMERCIAL VENDING VEHICLES NEAR SCHOOLS

The City Council of the City of Thousand Oaks does hereby ordain as follows:

Part I

Title 5, Chapter 23 of the Thousand Oaks Municipal Code, is hereby repealed and replaced in its entirety:

Part II

Title 5, Chapter 23 of the Thousand Oaks Municipal Code is added to read as follows:

CHAPTER 23. VENDING ON PUBLIC PROPERTY

Sec. 5-23.01 Purpose and Findings

a) Purpose. Sections 53036-53039 of the California Government Code confers upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The requirements set forth in this chapter are intended to protect the public's health, safety, and welfare by ensuring that vendors on public property provide safe and sanitary conditions for consumers and the general public, are adequately insured, are properly licensed with other agencies, and employ persons that do not pose a threat to customers and the general public. This chapter is adopted pursuant to the City's police powers for the purpose of regulating vending on public property.

b) Findings.

1. The provisions set forth in this chapter ensure that the important Goals and Policies of the City Council are upheld;

2. Maintaining the requirement of a background check for street vendors and extending this requirement to sidewalk vendors allows the City to continue to meet its commitment to public safety;

3. Maintaining restrictions on street vending and operating noise-making devices in residential zones and extending these restrictions to sidewalk vendors protects the quality of life of City residents and minimizes disruption to the quiet enjoyment of residential property;

4. Maintaining traffic and safety conditions for street vendors and imposing similar requirements to sidewalk vendors ensures the safety of residents and street and sidewalk vendors and minimizes impact to public streets and the public right-of-way; and

5. Maintaining the prohibition of street vending within five hundred (500) feet of any public school between the hours of 7:00 a.m. and 4:00 p.m. on the days the public school is in session and expanding this requirement to sidewalk vending promotes public safety and minimizes impact to the public right-of-way and traffic.

Sec. 5-23.02. Definitions.

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this chapter. Words and phrases not defined by this chapter have the meaning set forth elsewhere in this Code, the California Business and Professions Code, California Vehicle Code, or California Government Code.

a) "Goods or Merchandise" shall mean items and products of every kind and description, including all food, produce, and beverage items.

b) "Human Powered Device" shall mean any device moved by human power, including, but not limited to, a pushcart, wagon, bicycle, tricycle, pedal-driver cart, other nonmotorized conveyance, or other wheeled container or mechanism, or from one's person.

c) "Owner" shall mean any person or entity owning, or otherwise controlling the operation of any business or activity involving Vending on Public Property.

d) "Public Property" shall mean any real property, public easement, public street, street median, alley, parkway, public sidewalk, or other interest therein owned, held, leased, operated or otherwise controlled by the City.

e) "Roaming Sidewalk Vendor" shall mean a Sidewalk Vendor who moves from place to place and stops only to complete a transaction.

f) "Sidewalk Vendor" shall mean a person who vends Goods or Merchandise upon a public sidewalk from a structure, stand, display, showcase, rack, or Human Powered Device.

g) "Special Event" shall mean a City permitted event including, but not limited to, carnivals, sporting events, fairs, art shows, and/or cultural events.

h) "Stationary Sidewalk Vendor" shall mean a Sidewalk Vendor who vends from a fixed location.

i) "Street Vendor" shall mean a person who drives a vehicle for the purposes of Vending on a public street.

j) "Vend" or "Vending" shall mean any act of hawking, operating noise-making devices to attract attention to the vendor, or the displaying, selling, or offering for sale of any displayed Goods or Merchandise to the public from any carrying device, box, bag, stand, Human Powered Device, or from a vehicle.

Sec. 5-23.03. Vendor Permit Required; Fees.

a) A Street Vendor that operates in the City shall obtain a valid Street Vendor Permit issued by the City pursuant to this chapter.

b) A Sidewalk Vendor that operates in the City shall obtain a valid Sidewalk Vendor Permit issued by the City pursuant to this chapter.

c) Fees for such permits shall be established by resolution of the City Council.

d) It shall be unlawful to Vend on Public Property without a valid, City-issued Street Vendor or Sidewalk Vendor Permit unless such Vending activity is authorized under Title 9 of this Code.

e) The City may impose a penalty for violation of this chapter pursuant to Section 1-2.201. The Responsible Person may file a request for an ability-to-pay determination of the penalty amount.

Sec. 5-23.04. Application for Street Vendor Permit.

a) The applicant for a Street Vendor Permit shall submit to the Finance Director a completed application form together with fees for the permit and such licenses, certificates, and documents. This shall include an application and fees for a business tax certificate if applicable.

b) The application form for a Street Vendor Permit shall require the following:

1. The full true name and any other names used by the applicant;
2. Proof that the applicant is at least eighteen (18) years of age;
3. The present address and telephone number of the applicant;
4. Driver's license number or identification number;
5. Social security number, individual taxpayer identification number, or municipal identification number;
6. Each residence and business address of the applicant for the five (5) years immediately preceding the date of the application, and the inclusive dates for such address;
7. Applicant's height, weight, and color of eyes and hair;
8. One (1) photograph of the applicant at least two inches by two inches taken within four (4) months preceding the date of the application;
9. The business license or permit history of the applicant, including whether such applicant has ever had any license or permit issued by any agency or board, city, county or state revoked or suspended, or has had any professional or vocational license or permit revoked or suspended and the reason(s) for the revocation(s);
10. All criminal arrests and statement of the dates, places, and disposition of any convictions from said arrests;
11. Completed, City provided live scan request form signed by live scan operator;

12. Completed, City provided traffic and parking regulations page signed by Street Vendor;

13. The vehicle identification number and license number of each vehicle operated by a Street Vendor;

14. A valid Department of Motor Vehicles registration for each vehicle showing that each vehicle is registered as a commercial vehicle;

15. Proof of insurance as required by 5-23.08(b) of this Code;

16. Proof of a valid California Department of Tax and Fee Administration seller's permit; and

17. Proof of a valid Health Permit issued by the County in accordance with Part 7 of the California Health and Safety Code, if Vending food.

Sec. 5-23.05. Application for Sidewalk Vendor Permit.

a) The applicant for a Sidewalk Vendor Permit shall submit to the Finance Director a completed application form together with fees for the permit and such licenses, certificates, and documents. This shall include an application and fees for a business tax certificate if applicable.

b) The application form for a Sidewalk Vendor Permit shall require the following:

1. The full true name and any other names used by the applicant;
2. Proof that the applicant is at least eighteen (18) years of age;
3. The present address and telephone number of the applicant;
4. Driver's license number or identification number;
5. Social security number, individual taxpayer identification number, or municipal identification number;
6. Each residence and business address of the applicant for the five (5) years immediately preceding the date of the application, and the inclusive dates for such address;
7. Applicant's height, weight, and color of eyes and hair;

8. One (1) photograph of the applicant at least two inches by two inches taken within four (4) months preceding the date of the application;

9. The business license or permit history of the applicant, including whether such applicant has ever had any license or permit issued by any agency or board, city, county or state revoked or suspended, or has had any professional or vocational license or permit revoked or suspended and the reason(s) for the revocation(s);

10. All criminal arrests and statement of the dates, places, and disposition of any convictions from said arrests;

11. Completed, City provided live scan request form signed by live scan operator;

12. Completed, City provided Vending location regulations page signed by Sidewalk Vendor;

13. Proof of insurance as required by 5-23.09(a)(2) of this Code;

14. Proof of a valid California Department of Tax and Fee Administration seller's permit; and

15. Proof of a valid Health Permit issued by the County in accordance with Part 7 of the California Health and Safety Code, if Vending food.

Sec. 5-23.06. Grant or Denial of Vendor Application.

a) The Finance Director shall refer to the Chief of Police a completed application for a Street Vendor Permit or a Sidewalk Vendor Permit.

b) After receipt of a report from the Department of Justice and Federal Bureau of Investigation, the Chief of Police shall direct the Finance Director to grant or deny the application for a Street Vendor Permit or Sidewalk Vendor Permit. The Chief of Police shall direct the Finance Director to deny the application on any of the following grounds:

1. The applicant is under the age of eighteen (18) years;

2. The applicant does not submit one or more of the items required by the application form; and/or

3. The applicant for a Street Vendor Permit or Sidewalk Vendor Permit was convicted of any of the following crimes, or of an attempt or conspiracy to commit any of the following crimes, as defined in the California Penal Code, and such conviction indicates that the applicant may pose a danger to the public if granted a permit: murder, mayhem, kidnapping, robbery, assault with intent to

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commit a felony, assault, battery, rape, arson, burglary, possession of burglarious instruments or deadly weapons, or any crime for which the applicant is required to register as a sex offender pursuant to California Penal Code, Section 290.

Sec. 5-23.07. Notice to Applicant.

a) The Finance Director shall give written notice to the applicant for a Street Vendor Permit or a Sidewalk Vendor Permit that the application is granted or denied.

b) A Street Vendor Permit shall include the name of the permittee, a photograph of the permittee, the name of the Street Vendor Business, a statement that the permit is subject to the conditions imposed by Section 5-23.08 and the requirement that the permittee return the permit to the Finance Director upon termination of the permittee's employment.

c) A Sidewalk Vendor Permit shall include the name of the permittee, a photograph of the permittee, the name of the Sidewalk Vendor Business, a statement that the permit is subject to the conditions imposed by Section 5-23.09 and the requirement that the permittee return the permit to the Finance Director upon termination of the permittee's employment.

d) If the application is denied, the Finance Director shall include in such notice a statement of the grounds on which the application is denied.

Sec. 5-23.08. Conditions of Street Vendor Permit.

Every person to whom a Street Vendor Permit is issued shall:

a) Display the City-issued decal for the current calendar year on a conspicuous location on the vehicle for Street Vending visible to the general public;

b) Obtain general liability insurance and automobile insurance for each vehicle and keep in force during the term of the permit, public liability and bodily injury insurance, issued by a California admitted insurance carrier or an insurance carrier with an A.M. Best rating of A-VII or better. The insurance policy shall be endorsed to state that coverage may not be suspended, voided, canceled or reduced in coverage or limits without fifteen (15) days' prior written notice to the Finance Director. The insurance policy shall insure the Street Vendor and shall name the City as an additional insured of such vehicle against loss by reason of injury or damage that may result to persons or property from the negligent operation or defective construction of such vehicle, or from violation of this chapter or of any other law of the State or the United States. The insurance policy shall be in the sum as determined by the City. The City may accept insurance that does not meet the foregoing criteria or require insurance that exceeds the foregoing criteria

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if the City determines that such insurance will provide adequate protection, based on, but not limited to, factors such as whether the applicant belongs to a risk retention group satisfactory to the City; whether the applicant's operating risks are less than or more than standard risks; and whether the required insurance is reasonably available to a qualified applicant;

c) Obtain and keep in force during the term of the permit, workers' compensation insurance, covering all employees of the business;

d) Comply with the Federal Americans with Disabilities Act of 1990 and amendments thereto, and state disability rights laws;

e) Comply with the following conditions, if using signs:

1. Sign shall be placed on a vehicle displaying Goods or Merchandise for sale. This shall not apply to signs permanently affixed to a vehicle;

2. Sign shall not exceed three (3) square feet; and

3. No free-standing sign shall be placed on a public street or sidewalk.

f) Notify the Finance Director immediately when any vehicle not described in the application for the permit is placed in service for Street Vending;

g) Possess a valid City Business Tax Certificate if Owner of the Street Vendor Business or self-employed;

h) Immediately report a lost or stolen permit to the Finance Department;

i) Return the permit to the Finance Director immediately on termination of employment or self-employment. A Street Vendor Permit shall become void upon termination of employment or self-employment;

j) Maintain a clean selling area and properly dispose of all trash generated by his/her operation. Each Vending area must be cleared of all merchandise, vehicles, or other items which belong to or are used by the Street Vendor when not in use by the Street Vendor;

k) Maintain each vehicle in safe operating condition, good repair, clean, and sanitary condition;

l) Comply with Section 415 of Article 4 of Chapter 3 of Title 4 of this Code regarding vending near schools;

m) Comply with the California Retail Food Code as codified in Part 7 of California Health and Safety Code 113.700 et. Seq., if Vending food;

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n) Not Vend within five hundred (500) feet of an area designated for a Special Event;

o) Not Vend in a park owned or operated by the City if the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire;

p) Not Vend upon a street median;

q) Not Vend within one hundred (100) feet of the nearest curb on the cross street of any intersection of two or more public streets, if there is no curb then one hundred (100) feet of the edge of the pavement of the cross street;

r) Not Vend within five hundred (500) feet of any freeway on-ramp or off-ramp as defined in the Vehicle Code;

s) Not attempt to reserve any street or public parking area exclusively for themselves or their customer parking;

t) Not occupy more than thirty (30) feet of parallel parking area on a street;

u) Not Vend during peak traffic hours and specified days and/or times as determined by the Public Works Director due to traffic safety concerns, parking shortages, repairs or needs for the street as listed on traffic and parking regulations page;

v) Not Vend upon any specific street, or portion thereof, which as a result of the limited parking, limited line of sight, traffic control impacts, high traffic flow is designated by the Public Works Director as unsafe for Vending as listed on parking and parking regulations page;

w) Not Vend or operate any noise-making device in a residential zone, except between the hours of 9:00 a.m. and 5:00 p.m., Pacific Standard Time, and between 9:00 a.m. and 7:00 p.m., Pacific Daylight Savings Time. No vendor shall remain in any one location for more than four (4) hours; and

x) Not allow any person to use or duplicate their permit. If a permit is found to be used by another individual, it shall be considered of a violation of this Code, unless previously reported as lost or stolen as indicated in this Section.

Sec. 5-23.09 Conditions of Sidewalk Vendor Permit.

a) Every person to whom a Sidewalk Vendor Permit is issued shall:

1. Display the City-issued decal for the current calendar year on a conspicuous location on the Human Powered Device or Vending device visible to the general public;

2. Obtain general liability insurance and keep in force during the term of the permit, public liability and bodily injury insurance, issued by a California admitted insurance carrier or an insurance carrier with an A.M. Best rating of A-VII or better. The insurance policy shall be endorsed to state that coverage may not be suspended, voided, canceled or reduced in coverage or limits without fifteen (15) days' prior written notice to the Finance Director. The insurance policy shall insure the Sidewalk Vendor and shall name the City as an additional insured against loss by reason of injury or damage that may result to persons or property from the negligent operation or defective construction of the Sidewalk Vending device, or from violation of this chapter or of any other law of the State or the United States. The insurance policy shall be in the sum as determined by the City. The City may accept insurance that does not meet the foregoing criteria or require insurance that exceeds the foregoing criteria if the City determines that such insurance will provide adequate protection, based on, but not limited to, factors such as whether the applicant belongs to a risk retention group satisfactory to the City; whether the applicant's operating risks are less than or more than standard risks; and whether the required insurance is reasonably available to a qualified applicant;

3. Obtain and keep in force during the term of the permit, workers' compensation insurance, covering all employees of the business;

4. Comply with the Federal Americans with Disabilities Act of 1990 and amendments thereto, and state disability rights laws;

5. Comply with the following conditions, if using signs:

i. Sign shall be placed on a Human Powered Device displaying Goods or Merchandise for sale. This shall not apply to signs permanently affixed to a vehicle;

ii. Sign shall not exceed three (3) square feet; and

iii. No free-standing sign shall be placed on a public street or sidewalk.

6. Notify the Finance Director immediately when any Vending device not described in the application for the permit is placed in service for Sidewalk Vending;

7. Possess a valid City Business Tax Certificate if Owner of the Sidewalk Vendor Business or self-employed;

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8. Immediately report a lost or stolen permit to the Finance Department;

9. Return the permit to the Finance Director immediately on termination of employment or self-employment. A Sidewalk Vendor Permit shall become void upon termination of employment or self-employment;

10. Maintain a clean selling area and properly dispose of all trash generated by his/her operation. Each Vending area must be cleared of all merchandise, vehicles, or other items which belong to or are used by the Sidewalk Vendor when not in use by the Sidewalk Vendor;

11. Comply with the California Retail Food Code as codified in Part 7 of California Health and Safety Code 113.700 et. Seq., if Vending food;

12. Not Vend from any structure, stand, display, showcase, rack, ground placed display, or Human Powered Device which exceeds fifteen (15) square feet, and also not exceed a linear distance greater than five (5) feet, on any one side;

13. Not occupy space on any sidewalk or path of travel in such a way that would impede upon the required sidewalk width or path of travel requirement pursuant to the federal Americans with Disabilities Act of 1990 (Public Law 101-336) and other disability access standards;

14. Not vend within five hundred (500) feet of an area designated for a Special Event;

15. Not vend upon a street median;

16. Not vend within one hundred (100) feet of the nearest curb on the cross street of any intersection of two or more public streets, if there is no curb then one hundred (100) feet of the edge of the pavement of the cross street;

17. Not vend within five hundred (500) feet of any freeway on-ramp or off-ramp as defined in the Vehicle Code;

18. Not Vend within five hundred (500) feet of the property line of any public school between the hours of 7:00 a.m. and 4:00 p.m. on the days the public school is in session, unless approved by the City Engineer;

19. Not allow any person to use or duplicate their permit. If a permit is found to be used by another individual, it shall be considered of a violation of this Code, unless previously reported as lost or stolen as indicated in this Section; and

20. Shall not Vend or operate any noise-making device in a residential zone, except between the hours of 9:00 a.m. and 5:00 p.m., Pacific Standard Time, and between 9:00 a.m. and 7:00 p.m., Pacific Daylight Savings Time. No vendor shall remain in any one location for more than four (4) hours.

b) In addition to the requirements imposed by this Section, Stationary Sidewalk Vendors shall be prohibited from Vending in a park owned or operated by the City if the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or Goods or Merchandise by the concessionaire.

Sec. 5-23.10 Annual Permit Renewal.

a) Street and Sidewalk Vendor Permits shall continue in effect for the remainder of the calendar year in which they are issued, unless revoked or modified as provided in Section 5-23.11; provided, however, that Street and Sidewalk Vendor Permits shall automatically become void on termination of employment or self-employment as a Vendor on Public Property. A Street Vendor or Sidewalk Vendor Permit issued in the last quarter of a calendar year shall continue in effect for the remainder of the calendar year in which it is issued, and for the next calendar year, subject to the foregoing provisions regarding revocation, modification and automatically becoming void.

b) Permittees shall submit to the Finance Director applications to renew Street Vendor and Sidewalk Vendor Permits for following calendar years, together with fees for the renewal and any changes in the information provided in the initial application or a previous renewal application. In addition, an applicant shall submit a new photograph, evidence that required insurance will be in effect for the new calendar year, and a valid Health Permit, if applicable.

c) The Finance Director shall refer to the Chief of Police completed applications for renewal of Street Vendor and Sidewalk Vendor Permits. The Chief of Police and the Finance Director shall process and grant or deny the applications for renewal as provided in Section 5-23.06. Conditions on renewed permits shall be as provided in Sections 5-23.08 and 5-23.09.

d) Applications for renewal of Street Vendor and Sidewalk Vendor Permits shall be submitted by December 1 of each year to allow sufficient time for processing before the current permit expires on December 31.

Sec. 5-23.11. Revocation, Suspension or Modification of a Vendor Permit.

a) A Street Vendor or Sidewalk Vendor Permit may be revoked or suspended or additional conditions imposed thereon for failure of the permittee to comply with applicable laws, regulations and conditions, based on matters occurring after the permit is issued or on matters not considered at the time of

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issuance of the permit that would have authorized denial of the permit or the imposition of conditions on the permit.

b) The Chief of Police may file with the Finance Director a written request for revocation, suspension or modification of a Street Vendor or Sidewalk Vendor Permit, stating facts showing that the permittee has not complied with applicable laws, regulations or permit conditions, has had a subsequent arrest, or poses a danger to public safety, and recommending that the permit be revoked or suspended or in what respect the permit should be conditioned.

c) On receiving the request, the Finance Director shall mail to the permittee a notice that the permit is recommended for revocation, suspension or conditioning in a specific manner and stating the reasons for that recommendation. The notice shall inform the permittee that the recommendation will be adopted and the permittee will be deemed to concur with the recommendation if the permittee does not make a written request for a hearing in the manner provided in Section 5-23.12.

d) The procedures for appealing, rendering a decision and seeking judicial review of the decision shall be as provided in Section 5-23.12 of this Code.

Sec. 5-23.12. Appeals.

a) Any person denied approval or renewal of a Street Vendor or Sidewalk Vendor Permit under this chapter or whose permit has been suspended, revoked or conditioned may appeal. Such appeal must be in writing and must be filed with the City Manager or designee not more than fourteen (14) days following the mailing of the notice of denial, suspension, revocation, or conditioning sent to the applicant to the address listed by the applicant pursuant to this chapter. The written appeal must contain all reasons and documentary support why the denial, revocation, suspension, or conditioning should be overturned. Any successful appeal will result in approval or reinstatement of an approval and refund of any fines collected by the City.

1. The City Manager shall not accept an appeal, and no hearing shall be held, unless the appellant has paid a filing fee, in an amount set by resolution of the City Council, to defray the cost of such appeal. Any appeal without the timely payment of fees shall be considered to be untimely.

2. The scope of the appeal hearing pursuant to this section shall be limited to those issues raised by the appellant in the written appeal, as submitted pursuant to this section.

b) **City Manager action.**

1. Upon receipt of a timely filed appeal, the City Manager or designee shall set the matter for hearing which shall be held not fewer than ten (10) calendar days nor more than thirty (30) calendar days from the date of the appeal request. The hearing may be continued from time to time upon the mutual consent of the parties.

2. The appellant shall be provided with notice of the time and place of the appeal hearing, as well as a copy of all relevant materials at least seven (7) calendar days prior to the hearing.

3. At the time of such hearing, the City Manager shall review the records and files relating to the decision.

4. In conducting the hearing, technical rules relating to evidence and witnesses shall not apply. Any relevant evidence may be admitted if it is material and if it is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule which might make admission of such evidence improper over objection in civil actions. Hearsay evidence may be admissible if it is the sort upon which reasonable persons are accustomed to rely in the conduct of serious affairs. The rules of privilege shall be applicable to the extent they are permitted in civil actions. Irrelevant, collateral, and repetitious testimony shall be excluded.

5. In the case of denial of an initial permit application the appellant shall have the burden of proving that he or she meets the requirements for issuing the permit in the first instance; in the case of the conditioning, revocation or denial of a permit renewal, the City shall have the burden in proving that grounds exist for revoking or failing to renew a permit.

6. Based upon the evidence presented at the hearing, the City Manager shall determine whether the decision should be affirmed, modified or reversed.

7. The City Manager's decision shall be communicated in writing to the appellant within seven (7) calendar days after the close of the hearing and submission of the matter to the City Manager for decision. The City Manager's decision shall state whether the decision is affirmed, modified or reversed and shall state the reasons therefor.

8. The decision of the City Manager shall include notice that the decision is final and conclusive, that judicial review may be sought therefrom pursuant to California Civil Procedure Code § 1094.5, and that any action filed in the Superior Court shall be filed within ninety (90) days following the City Manager's notice pursuant to California Civil Procedure Code § 1094.6.

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Sec. 5-23.13. Regulations: Vending on private property.

It is unlawful for any person to Vend, or to stop and operate any vehicle or Human Powered Device in the act of Vending, on any private property in any zone except in accordance with all applicable provisions of this Code, and in compliance with the development conditions imposed on the subject private property. Nothing in this chapter prohibits food catering truck vendors from serving owners, workers, employees, of ongoing businesses or at construction sites when such Vending is conducted and occurs on private property in a commercial or industrial zone and off of the public street, parkway or sidewalk, or from serving construction workers on private property in an uninhabited residential development project in a residential zone.

Sec. 5-23.14. Exceptions.

This chapter shall not be applicable to:

- a) Any nonprofit organization, or person acting for it, with respect to the sale of any Goods or Merchandise constituting or making a statement carrying a religious, political, philosophical or ideological message relevant to the purpose of the organization;
- b) The sale of newspapers, periodicals, pamphlets, booklets, or other constitutionally protected material;
- c) Farmers markets, art shows, Special Events, street fairs and craft shows approved and designated by the City; and/or
- d) Those delivery activities of any business with a fixed place of business which only delivers its products, services or Goods or Merchandise to a specified address in response to a customer request, order or invoice previously made to that fixed place of business.

Part 3

Title 4, Chapter 3, Article 4, Section 415 of the Thousand Oaks Municipal Code, is hereby amended to read as follows:

Sec. 4-3.415. Commercial vending vehicles near schools.

Prohibited during certain hours. No person operating or controlling a vehicle designed for, or intended to be a vehicle for, the selling of any merchandise consisting of food or other commodity may stop or park within five hundred (500) feet of the property line of any public school between the hours of 7:00 a.m. and 4:00 p.m. on the days the public school is in session, unless approved by the City Engineer. A written request shall be evaluated by the City Engineer or designee

and only approved if determined that no hazard to persons or property or interference with traffic will result.

Part 4
(Uncodified)
Severability

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it being hereby expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

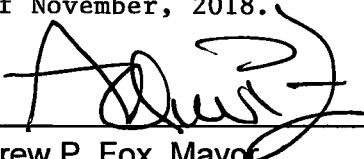
Part 5
(Uncodified)
Continuation

Amendment herein of any provision of Chapter 23 of Title 5 of the Thousand Oaks Municipal Code will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this ordinance's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this ordinance.

Part 6
(Uncodified)
Effective Date

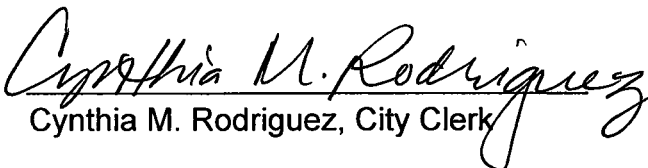
This Ordinance shall take effect on January 1, 2019.

PASSED AND ADOPTED this 27th day of November, 2018.



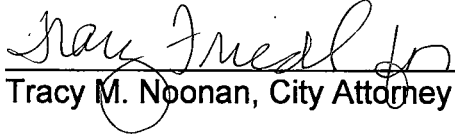
Andrew P. Fox, Mayor
City of Thousand Oaks, California

ATTEST:

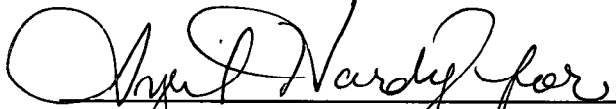


Cynthia M. Rodriguez, City Clerk

APPROVED AS TO FORM:


Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:


Andrew P. Powers, City Manager

CERTIFICATION

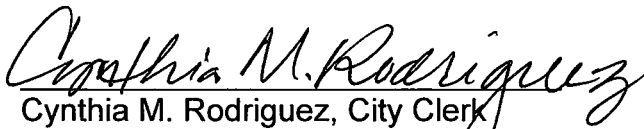
STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF THOUSAND OAKS)

I, CYNTHIA M. RODRIGUEZ, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Ordinance No. 1656-NS that was introduced by said City Council at a regular meeting held November 13, 2018 and adopted by said City Council at a regular meeting held November 27, 2018 by the following vote:

- AYES: Councilmembers Bill-de la Peña, Price, Adam, McCoy, and Mayor Fox
- NOES: None
- ABSENT: None

I further certify that said Ordinance No. 1656-NS was published as required by law in the VENTURA COUNTY STAR, a newspaper of general circulation printed and published in said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.


Cynthia M. Rodriguez, City Clerk
City of Thousand Oaks, California

November 28, 2018
Date Attested