

ORDINANCE NO. 1080

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER AMENDING CHAPTER 5.04 OF THE LANCASTER MUNICIPAL CODE BY ADDING ARTICLES V AND VI, CONCERNING THE REGULATION OF SIDEWALK VENDORS AND FOOD TRUCK OPERATORS

WHEREAS, Senate Bill No. 946 (“SB 946”) became effective on January 1, 2019, and provides that cities may not regulate sidewalk vending except in accordance with its provisions which are codified in Government Code sections 51036 through 51039; and

WHEREAS, among other things, SB 946 provides that a local authority that elects to adopt a sidewalk vending program cannot require, among other things, a sidewalk vendor to operate within specific parts of the public right-of-way, except when that restriction is directly related to objective health, safety, or welfare concerns, and cannot restrict sidewalk vendors to operate only in a designated neighborhood or area, except as specified in state law; and

WHEREAS, SB 946 prohibits punishment for street vending-related violations unless it is through a civil fine; and

WHEREAS, SB 946 recognizes, however, that “California has an interest in the regulation of traffic ... whether in ensuring the appropriate flow of traffic or in ensuring the safety of pedestrians on the road or the sidewalk,” and acknowledges that there are regulations that are directly related to objective health, safety, or welfare concerns the city may adopt, which include, but are not limited to, regulations concerning hours of operation, sanitation, sidewalk access, health and vendor permits, compliance with other generally applicable laws, registration requirements, and interference with other special events or permitted activities; and

WHEREAS, SB 946 only applies to sidewalk vending in public rights-of-way, therefore private rights-of-way and property are still subject to private and local control; and

WHEREAS, the City Council desires to exercise its authority under SB 946 to establish a Sidewalk Vendor Permitting and Regulatory Program for the City of Lancaster (the “City”). The provisions of this Chapter allow the City to encourage small business activities by removing total prohibitions on Sidewalk Vending and providing regulation and enforcement of unpermitted Sidewalk Vending Activities to respond to the objective needs and circumstances of the City and protect the health, safety and welfare of the Sidewalk Vendors themselves, as well as the general public; and

WHEREAS, the City Council expressly finds that regulating food trucks is also necessary in order to protect public health, safety, and welfare, while accommodating commercial uses that generally promote an active and social pedestrian environment with appropriate areas of the City of the Lancaster; and

WHEREAS, adopting an ordinance will provide clarity regarding time, place and manner regulations to ensure public access and safety within the community.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES ORDAIN AS FOLLOWS:

Section 1. Article V of Chapter 5.04 (“Sidewalk Vendors”) is hereby added to the Lancaster Municipal Code to read as set forth in Exhibit “A” attached hereto and incorporated herein by reference. The City Council expressly finds that the operation and location limitations set forth in Article V of Chapter 5.04 are necessary to protect public health, safety and welfare.

Section 2. Article VI of Chapter 5.04 (“Food Truck Operators”) is hereby added to the Lancaster Municipal Code to read as set forth in Exhibit “B” attached hereto and incorporated herein by reference.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Lancaster hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

I, Andrea Alexander , City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the ____ day of _____, 2021, and placed upon its second reading and adopted at a regular meeting of the City Council on the ____ day of _____, 2021 by the vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

ANDREA ALEXANDER
City Clerk
City of Lancaster

R. REX PARRIS
Mayor
City of Lancaster

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF ORDINANCE
CITY COUNCIL

I, _____, _____ City of
Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance
No. 1080, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____
day of _____, _____.