

STAFF REPORT

DATE: July 22, 2026

TO: Planning Commission

FROM: Dara Dungworth, Principal Planner
Eric Lee, Senior Planner

SUBJECT: Mobile Vending Ordinance Workshop

Staff Recommendation

Staff recommends the Planning Commission hold a public workshop; and:

- Discuss a proposed ordinance amendment and requirements related to mobile vending (Attachment 1).

Purpose

This workshop is intended to introduce the general topic of mobile vending to the Planning Commission and to gather feedback. Planning Commission comments will inform an ordinance amendment for mobile vending requirements that staff is currently developing. When it is ready, the ordinance amendment will be formally presented to the Planning Commission for a recommendation to City Council. This workshop is for informational purposes and no formal action is required.

Background

In recent years, mobile vending has become a common feature in communities throughout California. The spread of this business model has resulted in the need to establish standards and processes for the regulation of mobile vendors in order to provide a clear path for mobile vendors to operate legally and safely and to support the economic development opportunities they create, while addressing potential concerns of the community, local businesses, and residents.

For the purposes of this discussion and as provided in the draft ordinance, mobile vendors constitute both food vendors and non-food vendors. The key element is that mobile vending involves some type of mobile transport or conveyance that can be easily moved and located. As a general rule, a mobile vendor is not permanently located in a fixed location though the specific details may vary.

Additionally, this discussion of mobile vending applies solely to mobile vendors operating on private property. Due to their location on private property, the activity would fall under Chapter 40 (Zoning) of the Davis Municipal Code (DMC). This amendment specifically does not address the category of sidewalk vendors. A related but separate ordinance for sidewalk vendors operating in the public right-of-way will also

move forward concurrently with the mobile vending ordinance when it is presented to City Council.

The sidewalk vending ordinance will be located in DMC Chapter 28 (Peddlers, Solicitors and Transient Vendors) and does not require Planning Commission review. Both ordinances include amendments to DMC Chapter 19 (Licenses) to address associated licensing requirements and fees, which will also be part of the program package that City Council will consider.

Staff is working to ensure that there is consistency between Chapter 40 Zoning for Mobile Vending and Chapter 28 Sidewalk Vending and to create a single, transparent program combining both types of vending that provides a streamlined permitting process.

Proposed Amendments

A preliminary draft ordinance is included as Attachment 1 for initial Planning Commission review and discussion. The proposed ordinance consists of the following sections:

- Section 1. This section includes the purpose and findings.
- Section 2. This section adds mobile vendors to Chapter 19 for collection of permit license fees on vendors and establishes an annual permit fee for licensed vendors.
- Section 3. This section adds definitions related to mobile vending to Article 40.01.
- Section 4. This section establishes a new section for mobile vending in Article 40.26.
 - It specifies their location on private property.
 - It addresses operational requirements and limits sound amplification devices, lists the various health and permitting requirements, and addresses cooking equipment, obstructions, public access, storage, signage, trash, and various other health and safety-related standards.
 - It prohibits mobile vendors in residential areas, within 500 feet of schools, or in proximity to established outdoor markets and special events.
 - It details the process and requirements to obtain a Mobile Vending Permit, including expiration and renewals, permit modifications, insurance requirements, violations, and appeal process.

Staff welcomes Planning Commission feedback on any of the above sections.

Potential Issues for Planning Commission Discussion

Staff has also identified the following questions for possible Planning Commission discussion. Feedback on these items will help to inform the contents of the ordinance.

1. Location Restrictions. The draft ordinance prohibits mobile vending in residential zones or within 500 feet of schools or within the immediate vicinity of a permitted certified farmers' market or permitted swap meet. This proposed language is consistent with the draft language of Chapter 28 Sidewalks. The draft ordinance also prohibits any mobile vending on properties that are vacant, unimproved, or are stand-alone parking lots.
 - Does the Planning Commission concur with these location restrictions?
2. Co-location Restrictions. The draft ordinance does not currently propose a restriction that would prohibit a proposed co-location of a mobile vendor on a property with an existing (non-residential) use, of any type. As an example, there would be no restriction on a mobile food vendor co-locating on the property of a restaurant. The application materials will require the property owner's signature, so it would be confirmed the owner had vetted the mobile tenant in relation to their existing tenant's operation and made a business decision to have both food vending uses on their single property. Therefore, it would be the property owner's prerogative whether to have complementary or competing businesses as tenants. However, the City could choose to restrict mobile vendors from co-locating on properties that already contain a similar or competing business. For example, the City of Woodland prohibits Mobile Vendors from co-locating at gas stations.
 - Does the Planning Commission support including co-location restrictions in the Code? And if so, in what way(s)?
3. Mobile Vendor Maximum. The draft ordinance does not currently propose a maximum number. However, the City may choose to limit the number of mobile vendors allowed. For example, the City of Woodland ordinance limits the number of mobile vendors to a maximum of 13 vendors.
 - Does the Planning Commission support the limitation on the number of mobile vendors? If so, what methodology should be considered for determining what the maximum number of mobile vendors should be?
 - Should there be considerations based on the type of vendor (food and non-food) or location (e.g., downtown or shopping centers or other non-residential areas)?
4. Location of Approved Commissary. The draft ordinance does not currently propose a location restriction for a food vendor's approved commissary. All food vendors will be required to obtain a Yolo County Environmental Health 'Food Service Establishment Permit' that includes approval of a commissary from which

the mobile food vendor must operate. However, the City may choose to require that the approved commissary be located in the City of Davis or within Yolo County, or not have any such restriction. For example, the City of Woodland ordinance limits the location of the approved commissary to within the City limits.

- Does the Planning Commission support a location restriction for the approved commissary?
5. Mobile Vending in Mixed Use Zones. The draft ordinance does not currently allow mobile vending in mixed use zones. However, the City may choose to allow mobile vending in mixed use zones, on properties where there either is or is not a commercial use in addition to a residential use.
- Does the Planning Commission support mobile vending in mixed use zones whether or not there is a commercial use on the property?

Next Steps

Following this workshop to obtain Planning Commission and public input, staff will finalize the draft ordinance. When a final draft is ready, it will be scheduled for a Planning Commission hearing for a recommendation to City Council. It is expected that there will be minor corrections and clarifications as the ordinance is further refined. Any new substantial provisions or significant changes to this preliminary draft will be called out when the final draft is presented to the Planning Commission.

Public Notice and Public Outreach

Notice of this public meeting has been provided as required. As of the publication of the meeting agenda, no public comments were received on the item.

Staff presented an information item on Mobile and Sidewalk Vending to the newly formed City/Chamber of Commerce/Davis Downtown Business Association 2x2x2 Committee. Prior to the Mobile and Sidewalk Vending program and ordinances being presented to City Council, Staff will contact the members of the public who corresponded with the Chief of Police earlier this year regarding the proposed Sidewalk Vending Ordinance. Staff will continue to respond to public inquiries about both mobile and sidewalk vending ordinances. After this workshop, there will be two public hearings, one at each of the Planning Commission and City Council at which the public may provide formal comments on the program and proposed ordinances.

When the Mobile Vending Ordinance (Chapter 40 amendments) is brought back to Planning Commission for a recommendation to City Council, the notice of public hearing will be provided as required. When the program and ordinances are brought forward to City Council, that public hearing will also be noticed as required.

Attachments

1. Preliminary Draft Ordinance for Mobile Vending

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ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAVIS TO AMEND SECTION 40.01.010 TO ADD DEFINITIONS, ADD SECTION 40.26.XXX TO CHAPTER 40 AND AMEND CHAPTER 19.XX.XX OF THE DAVIS MUNICIPAL CODE PERTAINING TO REGULATION OF MOBILE VENDORS

WHEREAS, the City seeks to implement mobile vending regulations to provide a transparent and streamlined licensing and permitting process and impose reasonable operational requirements for mobile vending on private property in the City to protect the health, safety, and welfare of the community; and

WHEREAS, the City recognizes the cultural and economic value of mobile vending and seeks to support lawful vending activity in a manner that helps to activate the commercial districts, prevents incompatible uses in non-commercial districts, protects public safety, preserves pedestrian access, and maintains the orderly use of private property; and

WHEREAS, the City seeks to support lawful mobile vending activity while ensuring public safety, pedestrian accessibility, traffic circulation, and the protection of public infrastructure; and

WHEREAS, the City finds that the regulations set forth herein are directly related to objective health, safety, and welfare concerns, including but not limited to the health, safety and welfare of vendors, their prospective customers, pedestrians, those protected by the Americans with Disabilities Act, those operating motor vehicles in rights-of-way adjacent to private property, and the public at large and are no more restrictive than necessary to address such concerns.

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

SECTION 1: Purpose and Findings.

- (a) The purpose of this Ordinance is to regulate mobile vending on private property providing a clear path to compliance while protecting the health, safety, and welfare of the public.
- (b) Prohibiting mobile vending in residential neighborhoods is necessary for the welfare of the residents of the City. Allowing mobile vendors to operate on private property in a residential neighborhood would subject the residents to increased noise and traffic, which may be appropriate in commercial areas, but will interfere with the peace and quiet that residents should enjoy while in their homes.

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- (c) Prohibiting mobile vending within 500 feet of schools is necessary to protect the health and safety of the K-12 school students because if vendors operate closer, there is a danger that school children may run into traffic and be injured or killed trying to reach the vendor. Furthermore, at the end of each school day, when children leave in large numbers at or around the same time, occupying a nearby private property could cause students to move into the street, subjecting themselves and the occupants of oncoming traffic to greater risks of injury.
- (d) Prohibiting the use of flashing lights and/or animated devices by mobile vendors will reduce unusual visual distractions to the public and protect the health, safety, and welfare of bicyclists, motorists, and pedestrians.
- (e) Requiring vendors to be present, in close proximity, at all times while food, drink or merchandise is on display ensures that the handling and healthiness of food and drinks complies at all times with all requirements in the Health Department permit.
- (f) The regulations set forth herein are directly related to objective health, safety, and welfare concerns, including but not limited to the health, safety and welfare of vendors, their prospective patrons, pedestrians, those protected by the Americans with Disabilities Act, those operating motor vehicles or bicyclists in rights-of-way adjacent to private property, and the public at large.

SECTION 2. Davis Municipal Code Section 19.04.090 is hereby amended to add a new subsection defining mobile and sidewalk vendors and establishing an initial and annual permit fee for mobile and sidewalk vendors to read as follows:

(m) Mobile and Sidewalk Vendors. Any person engaged in the business of selling goods, wares, merchandise, or food from a mobile food facility or a mobile vending facility on private property (i.e., “mobile vendor”) or from a mobile vending conveyance (e.g. pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance) located on a public sidewalk or right-of-way (i.e., “sidewalk vendor”) shall pay an initial mobile and sidewalk vending permit application and annual renewal processing fee in an amount established by resolution of the City Council and set forth in the City’s Master Fee Schedule, as that schedule may be amended from time to time. Such mobile and sidewalk vendors shall be exempt from the general annual registration tax under §19.04.020. A mobile and sidewalk vending permit also serves as a valid business license pursuant to Chapter 19 of this Code.

SECTION 3. Davis Municipal Code Section 40.01.010 Definitions is hereby amended to add the following:

Commissary. A food facility that services mobile food facilities, compact mobile food operations, or vending machines where any of the following occur (1) food, containers, or supplies are stored; (2) food is prepared or prepackaged for sale or service at other locations; (3) utensils are cleaned; (4) liquid and solid wastes are disposed, and/or potable water is obtained.

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Compact Mobile Food Operation. A mobile food facility that operates from an individual or from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance.

Mobile Food Facility. Any vehicle or trailer, used in conjunction with an approved commissary, from which food is sold or distributed for retail sale. Does not include a “transporter” used to transport packaged food from a food facility, or other approved source, to the consumer.

Mobile Vending Conveyance. Any vehicle, trailer, cart, stand, wagon, or other motorized or nonmotorized, movable facility used for vending food or non-food merchandise.

Mobile Vending Facility. Any mobile vending conveyance from which non-food merchandise is sold.

Semi-Permanent Mobile Vendor. A Mobile Food Facility or a Mobile Vending Facility that has received Conditional Use Permit and Design Review entitlement approvals pursuant to Article 40.30 Conditional Use Permit and Article 40.31 Site Plan and Architectural Approval to vend from a fixed location on a developed private property. May require site improvements including but not limited to a paved parking location, on-site electrical and water hook-ups, installation of a grease interceptor, modification to or installation of an on-site trash enclosure, and compliance with other City, County or State regulations.

Stationary Mobile Vendor. A mobile vendor who vends from a fixed location on private property. Includes stationary Compact Mobile Food Operations, Mobile Food Facilities, and Mobile Vending Facilities.

SECTION 4. Davis Municipal Code Section 40.26. is hereby amended to read as follows:

40.26.XXX Vending on Private Property.

- (a) No person, either for themselves or any other person, shall engage in mobile vending on private property without a valid mobile vending permit issued pursuant to this chapter.
- (b) A mobile vendor shall operate only on developed private property.
- (c) To protect the welfare of residents and visitors to the City from an accumulation of excessive noise in commercial and other areas, no mobile vendor shall use any sound amplification device without obtaining the required permit pursuant to Chapter 24 of this Code.
- (d) No mobile vendor shall sell food or drinks on any private property without first obtaining all of the following:

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- (1) A mobile vending permit pursuant to Section 40.26.XXX, which also serves as a valid business license pursuant to Chapter 19 of this Code;
 - (2) If applicable, a Yolo County Environmental Health Department permit;
 - (3) If applicable, a valid California Department of Tax and Fee Administration seller's permit that designates "City of Davis" as a location or sublocation on the permit; and
 - (4) Such other permits as may be required by State or local law.
 - (5) Upon demand of a City employee authorized to enforce this chapter, a person operating a vending conveyance shall present the mobile vending permit and, if applicable, a Yolo County Environmental Health Department permit that is in effect for the permit holder on the specific property.
 - (6) All mobile vending permits are the property of the City and each shall authorize the operation of a single specific mobile vendor. It is unlawful for any person to sell or transfer, or attempt to sell or transfer, any mobile vending permit.
- (e) No mobile vendor shall sell merchandise on any private property without first obtaining all of the following:
- (1) A mobile vending permit pursuant to section 40.26.XXX, which also serves as a valid business license pursuant to Chapter 19 of this Code.
 - (2) If applicable, a valid California Department of Tax and Fee Administration seller's permit that designates "City of Davis" as a location or sublocation on the permit.
 - (3) Such other permits as may be required by State or local law, including but not limited to, if applicable, a second-hand dealer permit issued pursuant to Article 4 of Chapter 9 of Division 8 of the California Business and Professions Code for the sale of secondhand goods.
 - (4) Every permittee, upon receipt of a mobile vending permit, shall maintain the permit with the conveyance for which it is issued at all times of operation.
 - (5) Upon demand of a City employee authorized to enforce this chapter, a person operating a vending conveyance shall present the mobile vending permit and, if applicable, a Yolo County Environmental Health Department permit that is in effect for the permit holder on the specific property.
 - (6) All mobile vending permits are the property of the City and each shall authorize the operation of a single specific mobile vendor. It is unlawful for any person to sell or transfer, or attempt to sell or transfer, any mobile vending permit.
- (f) For public safety reasons, including pedestrian, bicycle, vehicular, public and vendor safety, a mobile vendor shall not be located on the property such that visibility of and access to any of the following is blocked or impeded:
- (1) any freeway on-ramp or off-ramp.
 - (2) any marked or unmarked crosswalk.

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- (3) any fire hydrant.
 - (4) any bus stop sign, marked bus zone or transit shelter.
 - (5) any driveway or other vehicle entrance.
 - (6) another mobile or sidewalk vendor.
- (g) For public safety reasons, including pedestrian, public, and vendor safety, a mobile vendor shall not operate in such a manner that the vendor, the vendor's conveyance, the vendor's display, the vendor's goods, or any combination thereof:
- (1) Reduces the clear space for pedestrian and other public use path to a width of less than 4 feet or impedes public use of the sidewalk or right-of-way as required by the Americans with Disabilities Act or any other disability access standards.
 - (2) Impedes access to or the use of abutting property, including, but not limited to, residences and places of business.
 - (3) Impedes emergency responder access to any abutting property.
- (h) Mobile vendors shall not use any portable cooking equipment, gas-fueled appliance, or any open flame unless approved and permitted by the City of Davis Fire Marshal and the Yolo County Environmental Health Department. Permitted mobile vendors shall comply with the following:
- (1) While the portable cooking equipment is in operation by a mobile vendor:
 - (A) It shall be kept at least 15 feet from any permanent structure and at least 30 feet from any flammable landscaping.
 - (B) It shall not be left unattended.
 - (C) The mobile vendor shall not smoke or vape while the equipment is in operation.
 - (2) Mobile vendors shall regularly clean the portable cooking equipment to remove grease and food buildup.
 - (3) Mobile vendors shall:
 - (A) Use only propane, natural gas, or butane cylinder tanks.
 - (B) Use or store only two propane, natural gas, or butane tanks of 20 gallons or less.
 - (C) Store tanks in an upright position during use and positioned in such a way as to prevent falling, tipping, and tampering.
 - (D) Disconnect all tanks when not in use.
 - (E) Use only tanks with a shut-off valve and a pressure regulator, having hoses of a type approved for use by the manufacturer with the equipment.
 - (F) Test all connections to the tank for potential leaks using soap and water before each use.
 - (4) Mobile vendors shall comply with the following fire extinguisher requirements:

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- (A) Keep an easily accessible, properly charged and maintained 10 BC-rated fire extinguisher on the conveyance at all times and be familiar with its proper use. Mobile vendors shall ensure the extinguisher has been serviced within the last year and has a valid California State Fire Marshal service tag attached.
 - (B) Mount the extinguisher securely to the vending equipment or conveyance.
 - (C) Locate the extinguisher away from the actual cooking area.
- (i) A mobile vendor shall be in possession of a valid City mobile vending permit and valid Yolo County Environmental Health Department permit, if applicable, at all times they are vending. The mobile vending permit shall be prominently displayed in a publicly visible location at all times while vending.
 - (j) A mobile vendor shall maintain a clean and trash-free area on the private property, on adjacent private properties, and on adjacent public property at all times.

A mobile vendor shall immediately clean up any food, packing, grease or other fluid or item related to their mobile vending activities which fall, land and/or are disposed of on the sidewalk or other public property, or on any private property at the request of the private property owner, their agent, or anyone lawfully occupying the property.

When departing the private property used for vending, the mobile vendor shall remove all their property and any trash or debris from the location. No trash or refuse generated by mobile vending activities shall be disposed of in public trash receptacles or other private trash receptacles without the permission of the person or business that received the receptacle pursuant to Chapter 32 of this Code.

- (k) No source of fuel, pushcart, stand, table, display, cooking device, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance shall be chained or fastened to any building, pole, sign, tree, or other object on the private property, a sidewalk, or the public right-of-way, or be left unattended.
- (l) In the event of a traffic collision, medical emergency, police emergency, gas leak, natural disaster, fire, on-site construction or related work on a capital improvement project, or any other emergency situation, the City may temporarily require mobile vendors to cease operations if doing so is necessary to protect their or the public's health and safety.
- (m) No mobile vendors shall use any electrical, flashing, wind-powered, or animated signs. Signs shall not exceed three (3) square feet, and no freestanding signs shall be placed in the public right-of-way or sidewalk.
- (n) The use of tents or other canopies solely on the private property may be permitted as approved by the Fire Marshall.

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- (o) The mobile vending of services requiring professional licensure, involving physical contact, is prohibited.
- (p) Mobile vendors shall not move or block access to any bicycle rack, fire lane or driveway.
- (q) The sale of dangerous weapons, alcohol, cannabis, adult-oriented material, tobacco products, electronic cigarettes or products that contain nicotine or hemp, or any product used to smoke/vape nicotine, hemp or cannabis, by mobile vendors is prohibited.
- (r) The use of an electrical outlet or power source that is owned by the City, or any other entity, other than the mobile vendor's own co-located battery source is prohibited. Cords, wires, and attachments shall not interfere with pedestrian or vehicular movement and shall constitute a tripping hazard.
- (s) Mobile vending shall be done in such a manner that it does not require or encourage customers to interfere with or obstruct public rights-of-way, pedestrian pathways, or traffic.
- (t) A mobile vendor shall follow all other applicable local, State, and/or federal laws when vending.

Vending in Residential Areas.

Mobile vendors are prohibited in all residential zones.

Vending Near Schools.

No mobile vendor shall operate on private property located within 500 feet of any school property from 7:00 a.m. to 4:00 p.m. when school is in session or during the period of time scheduled for graduation ceremonies, and for one hour before and after such graduation ceremonies.

Prohibition of Vending During Farmers' Markets, Swap Meets and Special Events.

No mobile vendor shall operate in areas located within the immediate vicinity of a permitted certified farmers' market or a permitted swap meet, including nearby parking lots used to accommodate the event, during the limited operating hours of that certified farmers' market or swap meet.

Mobile Vending Permits.

- (a) The Community Development Department shall oversee mobile vending permits.
- (b) Application. To obtain or renew a mobile vending permit, a mobile vendor must provide the following as part of the application:
 - (1) A California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of a social security number. Any number collected shall not be available to the public

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for inspection, is confidential, and shall not be disclosed except as required to administer the permit or licensure program or comply with a State law or State or federal court order.

- (2) The name, address, email and telephone number of the applicant and of the property owner.
 - (3) A description of the food or merchandise offered for sale.
 - (4) If unpackaged food products or food preparation is intended to occur on site, proof of a valid Yolo County Environmental Health Permit and any other permits required by the Yolo County Environmental Department, such as food handler cards, will be required.
 - (5) Proof of a valid State Department of Tax and Fee Administration Seller's Permit and additional licenses from State or local agencies to the extent required by law.
 - (6) A certification by the mobile vendor that, to their knowledge and belief, the information contained on the form is true and correct.
 - (7) If the mobile vendor is an agent of an individual, company, partnership, or corporation, the name, business address, email and phone number of the principal.
 - (8) Payment of an application or renewal fee, which shall be established by resolution of the City Council, set forth in the City's Master Fee Schedule, as the schedule may be amended from time to time
 - (9) A dimensioned site plan that depicts the existing improvements on site including but not limited to all structures, flatwork, trees and tree planters, curb and gutter, sidewalks, and adjacent public-right-of-way.
 - (10) Other objective information deemed reasonably necessary by the Director to protect public health, safety, or welfare.
 - (11) The name and contact information of all persons that will be working at the mobile vending location.
- (c) Grounds for denial of mobile vending permit.
- The Director may deny issuance of a mobile vending permit if they determine that one or more of the following circumstances exist:

- (1) The application received is incomplete, filed late, or not responsive to the requirements of this article.
- (2) The application contains a false or misleading statement or omission of a material fact.
- (3) The applicant, any agent, any registered owner of the business, or any person with a financial interest in the mobile vending operations, including the private property owner, has any unpaid administrative penalties imposed pursuant to this article.
- (4) Within 12 months before the date the application was filed, the applicant, any agent, registered owner, private property owner or any person with a financial interest in the sidewalk vending operations of the permit, has had a permit revoked.

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- (5) The applicant has not paid the applicable business license fees and/or vending permit fees.
 - (6) If food products will be vended, the applicant has not obtained a valid Yolo County Environmental Health Permit and any other such permits they may require.
 - (7) The proposed mobile vending operations are determined by the City to be inconsistent with the provisions of this code or constitute an immediate threat to public health, safety, or welfare, including documented ADA obstruction, fire hazards, or other violations.
- (d) Mobile vending permits are not transferable.
- (e) A person whose permit is revoked may not renew their permit for one year from the date it is revoked.
- (f) A permittee 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 permittee or the permittee's agents, officers, or employees, arising from mobile vending.
- (g) Pursuant to Davis Municipal Code Chapter 1, Article 1.02, a Code Compliance Administrator is charged with enforcing this article and other laws related to mobile vending activities. A Code Compliance Administrator shall be permitted, at any time a mobile vendor is operating in the City, to inspect a mobile vendor's operation and its vended food and goods for compliance with local or State laws and regulations.

Permit Expiration and Renewal

- (a) All mobile vending permits shall expire one year from their date of issuance. Any corresponding City business license shall coincide and expire concurrently with the mobile vending permit. Applications for renewal shall be filed not less than 60 days before their date of expiration.
- (b) If a timely and complete application for renewal is filed, the permit's expiration shall be stayed until a decision on the renewal application is issued. The Community Development Director shall either approve or deny the renewal of the permit within 30 calendar days of receipt of the complete application. The Director may extend the time for consideration of the application for up to an additional 30 calendar days upon written notice to the applicant. The failure of the Community Development Director to timely act shall constitute approval of the renewal of the permit.

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(c) Complete applications for Mobile Vending Permit renewal require the following:

- (1) Completed Mobile Vending Permit Renewal Form.
- (2) Copy of current Yolo County Environmental Health permit, if applicable.
- (3) Proof of a valid State Department of Tax and Fee Administration Seller's Permit and additional licenses from State or local agencies to the extent required by law.
- (4) Payment of the nonrefundable renewal fee in an amount set by resolution of the City Council.

(d) Upon application for Mobile Vending Permit renewal, an inspection of the mobile vending operation may be required to verify compliance, at the discretion of the Director.

(e) Failure to timely submit a renewal application prior to expiration of the permit shall result in permit expiration. Should a mobile vending permit expire without receiving an approved renewal, the permit holder shall be required to submit a complete new application for a mobile vending permit.

(f) If the operations of the mobile vendor have significantly changed from those permitted by the approved mobile vending permit, the permit holder shall be required to submit a complete new application for a mobile vending permit, as determined by the Community Development. A complete application includes payment of the nonrefundable application fee in an amount set by resolution of the City Council

Permit Modification

- (a) Operational change includes operational hours, number of days or scheduled days, number of employees, type of product being sold (e.g., addition of food products to non-food vending), new vending conveyance, location change on the same property, etc.
- (b) If the operations of the mobile vendor have significantly changed from those permitted by the approved mobile vending permit, up to and including the property on which the mobile vendor is permitted to operate, the permit holder shall be required to submit a complete new application for a mobile vending permit, as determined by the Community Development Director. A complete application includes payment of the nonrefundable application fee in an amount set by resolution of the City Council

Violations

- (a) An administrative citation may be issued for any violation of this article pursuant to Davis Municipal Code Chapter 1, Article 1.02. Any appeal for receiving an administrative citation issued pursuant to this article may be appealed under the provisions of Davis Municipal Code Chapter 1, Article 1.02.

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(b) Fines

- (1) A violation of this article relating to the mobile vending program is punishable only by the following:
 - (A) An administrative fine not exceeding one hundred dollars (\$100) for a first violation.
 - (B) An administrative fine not exceeding two hundred dollars (\$200) for a second violation within one year of the first violation.
 - (C) An administrative fine not exceeding five hundred dollars (\$500) for each additional violation within one year of the first violation.
 - (2) The City may rescind or revoke a permit issued to a mobile vendor for the term of that permit upon the fourth violation or subsequent violations.
- (c) The proceeds of an administrative fine assessed pursuant to this section shall be deposited in the treasury of the City of Davis.
- (d) Failure to pay an administrative fine pursuant to section shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in subsection (1) or (3) shall not be assessed.

(e) Ability to Pay

- (1) When assessing an administrative fine pursuant to this section, the adjudicator shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of their right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.
- (2) If the person meets the criteria described in subdivision (a) or (b) of Section 68632 of the California Government Code, the City shall accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to this section.
- (3) The City may also allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

Agents

- (a) A permittee is responsible for the mobile vending activities of its agent.

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- (b) Notwithstanding any other provision of this article to the contrary, no agent shall engage in mobile vending in violation of the provisions of this article and, in addition to the permittee, is subject to the fines and penalties under this article.

Appeals

- (a) Appeal to city manager or designee.

- (1) Any applicant or permittee who desires to appeal a denial of a mobile vending permit or had their mobile vending permit revoked, may appeal the decision by submitting a written appeal to the city manager within ten (10) calendar days from the date of service of the notice of denial or revocation. The written appeal shall contain:
 - (A) A brief statement in ordinary and concise language of the specific decision or condition protested, together with any material facts claimed to support the contentions of the appellant;
 - (B) A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested action should be reversed or otherwise set aside;
 - (C) The signatures of all parties named as appellants and their official mailing addresses; and
 - (D) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- (2) Any applicant or permittee who has submitted a complete written appeal for a denial or revocation of a mobile vending permit will be notified of the time and place set for the hearing on the appeal pursuant to Section 1.02.060(b) of the City of Davis Code of Ordinances. Any additional City Compliance Administrator or enforcement officer report regarding the appeal will be made available to the applicant or permittee pursuant to Section 1.02.060(c) of the City of Davis Code of Ordinances.
- (3) The hearing officer for the appeal will be determined pursuant to Section 1.02.080 of the City of Davis Code of Ordinances.

- (b) Hearings.

- (1) The hearing will be held pursuant to Section 1.02.090 of the City of Davis Code of Ordinances, except there will be no appeal fee required for the appeal of a revoked or denied mobile vending permit.
- (2) The hearing officer's decision will be made pursuant to Section 1.02.100 of the City of Davis Code of Ordinances. The final decision shall inform the appellant that the decision is a final decision and that the time for judicial review is governed by California Code of Civil Procedure Section 1094.6.

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Copies of the decision shall be delivered to the appellant within ten (10) business days following the conclusion of the hearing.

- (3) Any notices or reports required to be given or provided under this section shall be given pursuant to Section 1.02.140 of the City of Davis Code of Ordinances.

Severability

If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same or a summary thereof to be published as required by law.

SECTION 6. This Ordinance shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage and adoption.

INTRODUCED on the ____ day of ____, 2026, and PASSED AND ADOPTED by the City Council of the City of Davis on this ____ day of ____, 2026, by the following vote:

AYES:

NOES:

Donna Neville
Mayor

ATTEST:

Zoe S. Mirabile, CMC
City Clerk