

ORDINANCE NO. 809 (2001)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEPORT
REGULATING MOBILE CATERING BUSINESSES IN THE CITY OF LAKEPORT,
AND REPEALING ORDINANCE NO. 592 (80), AND ORDINANCE NO. 634 (84),
IN THEIR ENTIRETY, AND ALSO REPEALING SECTION 9,
UNLAWFUL PARKING - PEDDLERS, VENDORS
OF ARTICLE II, ORDINANCE NO. 356 (58)**

THE CITY COUNCIL OF THE CITY OF LAKEPORT DOES ORDAIN AS FOLLOWS:

WHEREAS, the City of Lakeport has enacted and enforced regulations limiting the “stopping for business time” for mobile catering units and mobile vendors since 1958, and

WHEREAS, the mobile catering regulations are designed to ensure that this type of business activity is transient and that the mobile units move from place to place and that they not be allowed to operate in a permanent location, and

WHEREAS, the mobile catering regulations protect the public health, safety and welfare of the community and in particular site built permanent restaurants which have invested heavily in their buildings, fixtures and infrastructure, and

WHEREAS, the mobile catering regulations are designed to reduce the potential for an unfair business advantage on the part of the mobile catering units over site built restaurants,

NOW THEREFORE,

Section 1: General Provisions:

1.1 The purpose of this ordinance is to enact regulations to regulate mobile catering businesses within the City of Lakeport.

Section 2: Definition:

2.1 Mobile catering means any retail sales of food stuffs conducted out of a motor vehicle, wagon or other mobile business unit.

Section 3: Permit:

3.1 A person shall be required to obtain a mobile catering business license prior to engaging in the mobile catering business in the City of Lakeport.

3.2 Prior to the issuance of any mobile catering business license, the applicant for such a license shall furnish to the City of Lakeport, proof of compliance with all applicable State and County Health Department regulations and provide the City with copies of all required certificates or clearances.

Section 4: Regulations:

4.1 Mobile caterers shall be legally parked at all times when stopped to do business in the City of Lakeport. The term “legally parked” as used in this ordinance shall mean a location where the mobile catering unit does not:

A. Obstruct or interfere with the free flow of pedestrian traffic. In no case shall any mobile catering unit occupy any portion of a public sidewalk.

B. Obstruct or interfere with the free flow of vehicular traffic.

C. Obstruct or interfere with the free flow of pedestrian traffic to or from any business, public building, or private residence.

D. Conflict with the California Vehicle Code or other City of Lakeport Parking Regulations.

E. Create a safety hazard.

4.2 Mobile caterers shall not stop for business for more than **one (1) hour** in any one location. The term "location" as used in this subsection shall be defined as the distance of at least one (1) city block from the last location occupied by the mobile catering unit. Mobile caterers shall not stop to conduct business in or on a street adjacent to **any designated City Park facility**, unless authorized by written consent approved in advance by the Lakeport City Council for a limited time frame only.

4.3 The City Council shall revoke a mobile catering permit after two (2) convictions for violations of this ordinance in any twelve (12) month period. The City Council shall, prior to any revocation, hold a noticed hearing and allow the mobile caterer to show good cause why his or her permit should not be revoked.

Section 5: Infraction:

5.1 Violation of any of the provisions of this ordinance shall constitute an infraction punishable by a fine not to exceed fifty dollars (\$50.00) for a first violation; a fine not to exceed one hundred dollars (\$100.00) for a second violation of the same provision within one year; and a fine not to exceed two hundred fifty dollars (\$250.00) for each additional violation of the same provision within one year.

Section 6: All ordinances or parts of ordinances or resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict and no further.

Section 7: **Ordinance No. 592 (80) regulating mobile catering business in the City of Lakeport, as well as Ordinance No. 634 (84), amending Ordinance No. 592 (80) are hereby repealed in their entirety.**

Section 8: All of **Section 9, Unlawful Parking – Peddlers, Vendors, under Article II, Stopping Standing and Parking, of Ordinance No. 356 (58) is hereby repealed.** Except as modified herein all other existing provisions of Ordinance No. 356 (58), not having been amended or repealed, remain in effect.

Section 9: Within fifteen (15) days of its passage this ordinance shall be published at least once in the Lake County Record-Bee, a newspaper of general circulation, printed and published in the City of Lakeport.

This ordinance was introduced before the City Council of the City of Lakeport at a regular meeting thereof on the 4th day of June, 2001, and passed its first reading by the following vote:

AYES:	Council Members DeRezendes, Knoll, Lamkin, and Mayor Rumfelt
NOES:	None
ABSTAINING:	None
ABSENT:	Council Member Bruns

This ordinance was duly enacted by the City Council of the City of Lakeport at a regular meeting thereof on the 18th day of June, 2001, by the following vote:

AYES:	Council Members DeRezendes, Knoll, Lamkin, Bruns, and Mayor Rumfelt
NOES:	none
ABSTAINING:	none
ABSENT:	none

ROBERT RUMFELT, MAYOR

ATTEST:

APPROVED AS TO FORM:

BARBARA L. SARAO,
DEPUTY CITY CLERK

STEVEN J. BROOKES,
CITY ATTORNEY