

**COUNTY OF SONOMA
AGENDA ITEM
SUMMARY REPORT**

Clerk of the Board Use Only
Meeting Date **Held Until**
 / / / /
Agenda Item No: **Agenda Item No:**
 _____ _____

Department: County Administrator / County Counsel

() **4/5 Vote Required**

Contact: Lori Norton Anne Keck / David Hurst	Phone: (707) 565 3345 (707) 565 3735	Board Date: 09/29/09
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Deadline for Board Action:

AGENDA SHORT TITLE: Mobile Vending Ordinance

REQUESTED BOARD ACTION:

Introduce an ordinance, adding section 19-17 to the Sonoma County Code, to prohibit mobile vending near schools located in the unincorporated area.

CURRENT FISCAL YEAR FINANCIAL IMPACT

<u>EXPENDITURES</u>		<u>ADD'L FUNDS REQUIRING BOARD</u>	
Estimated Cost	\$	Contingencies	\$
		(Fund Name:)	
Amount Budgeted	\$	Unanticipated Revenue	\$
		(Source:)	
Other Avail Approp.	\$	Other Transfer(s)	\$
(Explain below)		(Source:)	
Additional Requested:	\$	Add'l Funds Requested:	\$
Explanation (if required):			

Prior Board Action(s): The Board has not taken any related actions.

Alternatives - Results of Non-Approval: The Board could direct staff to amend or not to adopt the proposed ordinance. Since it is a new ordinance there would be no change in existing conditions. However, an issue of concern raised by members of the community would remain unaddressed.

Background:

On March 19, 2009, at a meeting of the Joint City and County Roseland Subcommittee, during the public comment period, representatives of the Roseland School District and parents of children attending schools in the District, asked for assistance in regulating mobile vendors around school sites. A number of concerns related to the mobile vendors were expressed. They include:

- Sale of unhealthy and unregulated food products raising concerns about health and food safety;
- Potential sale of other products not legal for sale to minors (cigarettes, alcohol and other drugs, etc.);
- Unsafe conditions resulting from children darting in and out of cars and crossing streets to reach mobile vendors; and
- Conduct of some of the mobile vendors raising concerns that school children might be subject to inappropriate verbal comments and other forms of harassment.

The City of Santa Rosa has an ordinance restricting mobile vending. The County does not have such an ordinance thus has no way to regulate mobile vendors around school sites in the unincorporated area.

Proposed Ordinance

To respond to the request for assistance, County Counsel evaluated a number of similar ordinances and engaged various county department stakeholders in a discussion of how best to address the concern. A draft of the proposed ordinance was circulated to School District representatives and other community stakeholders. Input from these stakeholders was incorporated into the proposed ordinance which is narrowly focused to address the specific issue identified. The proposed ordinance includes the following provisions:

- Makes mobile vending, within 500 feet of any property line of any school serving students 18 years of younger, except on weekends and legal holidays, an enforceable violation;
- Provides limited exceptions such as mobile vending on school property with the consent of school authorities or mobile vending on private property with a valid use permit; and
- Establishes penalties to include a fine ranging from \$100 - \$500, imprisonment of up to 60 days, or both for each violation of the ordinance.

If adopted by the Board, the ordinance will take effect 30 days after the date of passage. The ordinance will only apply to mobile vending near schools in the unincorporated area of the County.

Attachments: Proposed Ordinance

On File With Clerk:

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote: