



City Council Staff Report

DATE: April 6, 2011 CONSENT CALENDAR
SUBJECT: SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1785,
PROHIBITING MOBILE VENDING NEAR SCHOOLS
FROM: David H. Ready, City Manager
BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance Nos. 1785.

RECOMMENDATION:

1. Waive further reading and adopt Ordinance No. 1785, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 6.08.140 TO THE PALM SPRINGS MUNICIPAL CODE, TO PROHIBIT MOBILE VENDING NEAR SCHOOLS."

STAFF ANALYSIS:

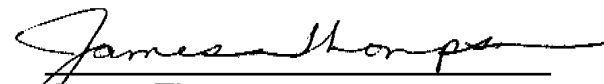
At its March 16, 2011, meeting Ordinance No. 1785 was introduced by the following vote:

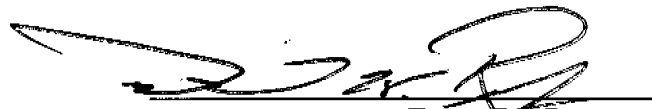
AYES: Councilmember Foat, Councilmember Hutcheson, Mayor Pro Tem Weigel, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Mills.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30-days from adoption.


James Thompson
City Clerk


David H. Ready, Esq., Ph.D.
City Manager

/kdh

Attachment: Ordinance No. 1785

PROPOSED ORDINANCE NO. 1785

**AN ORDINANCE OF THE CITY OF PALM SPRINGS,
CALIFORNIA, ADDING SECTION 6.08.140 TO THE
PALM SPRINGS MUNICIPAL CODE, TO PROHIBIT
MOBILE VENDING NEAR SCHOOLS.**

City Attorney Summary

This Ordinance prohibits mobile vending within 500 feet of schools.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

SECTION 1. Section 6.08.140 is added to the Palm Springs Municipal Code to read:

6.08.140 Mobile Vending Near Schools Prohibited.

(a) For the purposes of this section, the term "mobile vending" means the offering or soliciting for sale, or the attempted or actual sale of, foodstuffs, goods, wares, merchandise, labor, or services, by any person on foot, from a temporary structure such as a stall, tent, or table, or from a vehicle including without limitation a motor vehicle, bicycle, scooter, trailer, cart, wagon, or other form of conveyance.

(b) It shall be unlawful for any person to engage in mobile vending within 500 feet of any property line of any school serving students 18 years of age or younger, except on weekends and legal holidays.

(c) The provisions of this section shall not apply to the following:

(1) The delivery or sale of per-ordered goods or services to a private residence or business with the prior consent of the owner, occupant, lessee, or the designee of such persons, including but not limited to employees;

(2) Mobile vending on school property with the consent of school authorities;

(3) Mobile vending on private property with a valid land use permit; or

SECTION 2. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS _____ DAY OF _____, 2011.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. 1785 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on March 16, 2011, and adopted at a regular meeting of the City Council held on _____, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California