CITY OF PALMDALE
ORDINANCE NO. 1606

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMDALE TO PROMOTE PUBLIC
HEALTH, SAFETY AND WELFARE BY DELETING, AMENDING, AND ADDING SELECT
PROVISIONS OF THE PALMDALE MUNICIPAL CODE RELATED TO SIDEWALK VENDING, MOBILE
FOOD VENDING, AND FOOD FACILITY REGULATIONS TO STREAMLINE AND ENSURE
CONSISTENCY WITH STATE LAW

WHEREAS, Section VII of Article XI of the California Constitution provides that a City may make
and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict
with general laws;

WHEREAS, the City Council finds it necessary to update, consolidate, and streamline the Palmdale
Municipal Code ("PMC") periodically to comply with recent state law enactments and decisions and to
achieve more efficient enforcement of code violations to promote public health, safety, and welfare;

WHEREAS, in light of recent state law enactments and decisions as well as recent efforts to ensure
more efficient enforcement of the Palmdale Municipal and other laws which the City is empowered to
enforce, the City Council has identified amendments, adoptions, and/or deletions to be made to the
Palmdale Municipal code relating to regulations on street vendors; and other related provisions;

WHEREAS, recent California Senate Bill 946—codified in Government Code sections 51036 to
51039—limited local authorities' ability to regulate street vendors, including methods of enforcement, and
as a result, the City Council has identified key changes to its current enforcement scheme in the PMC to
comply with the new law;

WHEREAS, the City wishes to ensure that the PMC's provisions for sidewalk vending, other forms
of mobile vending including food truck and ice cream truck vending, and regulation of food facilities are
consistent with State law for accuracy of enforcement and transparency for the public; and

WHEREAS, said amendments, adoptions, and/or deletions of the Palmdale Municipal Code are
permitted by law, including the California Constitution, Government Code, and Civil Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALMDALE HEREBY ORDAINS AS
FOLLOWS:

SECTION 1: Section 8.04.105 of Title 8 of the Palmdale Municipal Code is hereby repealed and
deleted in its entirety; however such repeal shall not affect or excuse any violation of said Section that
occurred prior to the effective date of this Ordinance, nor shall such repeal impede, deter, impact, or negate
any administrative, civil, or criminal enforcement of any violation of said Section that occurred prior to the
effective date of this Ordinance.

SECTION 2: Section 5.04.590 of Title 5 of the Palmdale Municipal Code is hereby amended to
read as follows:

5.04.590 Sidewalk Vending.

(A) Definitions. As used in this Section, the terms listed below shall have the following meaning assigned
to them:

(1) "Cart" means a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other
nonmotorized conveyance.
(2) "Certified Farmers' Market" means a location operated in accordance with Chapter 10.5 (commencing with Section 47000) of Division 17 of the Food and Agricultural Code and any regulations adopted pursuant to that chapter.

(3) "Roaming Sidewalk Vendor" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

(4) " Sidewalk Vendor" means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path. Sidewalk vendors include roaming sidewalk vendors and stationary sidewalk vendors.

(5) "Stationary Sidewalk Vendor" means a sidewalk vendor who vends from a fixed location.

(6) "Swap Meet" means a location operated in accordance with Article 6 (commencing with Section 21660) of Chapter 9 of Division 8 of the Business and Professions Code, and any regulations adopted pursuant to that article.

(7) "Vend" or "Vending" means operating as a sidewalk vendor.

(B) Applicability. The requirements of this chapter shall not apply to the following persons:

(1) Persons delivering goods, wares, merchandise, or food upon order of, or by agreement with, a customer from a store or other fixed place of business or distribution.

(2) Persons selling goods, wares, merchandise, or food from a motorized vehicle, including food trucks and ice cream trucks.

(C) Business License and Special Business Permit Required.

(1) No person shall operate as a sidewalk vendor without first obtaining, and at all times maintaining, a valid City business license in accordance with Section 5.04.050 and related sections of Chapter 5.04 of Title V, and complying with all requirements of the business license, unless such person qualifies for an exemption under Chapter 5.04 of Title V of this code.

(2) No person shall operate as a sidewalk vendor without first obtaining, and all times maintaining, a special business permit in accordance with this Section 5.04.590 of Title V, and complying with all requirements of the permit.

(3) The special business permit shall be valid for one year unless revoked or suspended prior to expiration. An application to renew a special business permit under this section shall be made not less than thirty days prior to the expiration of the current permit. A valid business license shall be applied for or renewed concurrently with the special business permit each year.

(4) A separate business license and special business permit shall be required for each cart.

(D) Requirements for Permit Application. An application for a special business permit for sidewalk vending shall include all of the following, to the extent applicable:

(1) The name, address, and telephone number of the applicant and each person who will operate the cart.

(2) A photo identification of the applicant and each person who will operate the cart.
(3) A description of the cart, including the dimensions of the cart, and a photograph of the cart.

(4) A complete list of the food or merchandise to be sold.

(5) If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal.

(6) The vendor’s California seller’s permit number (California Department of Tax and Fee Administration sales tax number).

(7) A City of Palmdale business license.

(8) A copy of any license or permit required from any other state or local agency that is required by law, including, but not limited to, a copy of any required permit from the county health department, if required.

(9) A certification by the applicant that to his or her knowledge and belief, the information contained in the application is true.

(E) Identification Numbers; Confidentiality. Notwithstanding any other requirement in this code, an applicant for a business license or special business permit to operate as a sidewalk vendor shall not be required to submit a social security number for the issuance of such license or permit. In lieu of an otherwise required social security number, the City shall accept a California driver’s license or identification number, an individual taxpayer identification number, or a municipal identification number along with the permit application, which must be provided at the time of application. Identification numbers submitted under this Section shall not be made available to the public for inspection, shall be treated as confidential, and shall not be disclosed except as required to administer the license or permit program or to comply with a state law or state or federal court order.

(F) Operational Standards.

(1) Each cart used by a sidewalk vendor must display a valid special business permit sticker at all times, which shall be issued by the City.

(2) All sidewalk vendors shall comply with the terms and conditions of the special business permit and shall not sell any food or merchandise that was not listed in the special business permit application.

(3) No stationary sidewalk vendor may operate in any residential zone; however, roaming sidewalk vendors shall not be prohibited from operating in such zones.

(4) In order to preserve the peace, safety, and tranquility of residential neighborhoods, no roaming sidewalk vendor may operate in any residential zone earlier than sunrise or later than sunset.

(5) In order to prevent obstructions of the public right-of-way, the total display area footprint of the cart, including the cart itself and any accompanying display, signage, or related items, shall not exceed a length of 72 inches, a width of 54 inches, or a height, including roof, awning, or canopy, of 78 inches.

(6) In order to prevent obstructions of the public right-of-way, no sidewalk vendor may set up or allow the use of an additional structure, including a table, crate, carton, or rack, to increase the
selling or display capacity of the cart unless such items are explicitly allowed in the special business permit obtained by the sidewalk vendor.

(7) In order to preserve sanitary conditions in all public rights-of-way, all sidewalk vendors shall provide a trash receptacle for customers and must ensure proper disposal of customer and vendor trash. The trash receptacle must be large enough to accommodate customer trash without resort to existing trash receptacles located on any block for use by the general public. A sidewalk vendor may not dispose of customer trash in existing trash receptacles on sidewalks.

(8) In order to preserve sanitary conditions in all public rights-of-way, all sidewalk vendors shall maintain a clean and trash-free area, including a sanitized and neat appearing cart, within a 10-foot radius around the vendor’s cart during hours of operation and shall ensure that such area is clean and trash-free before relocating or closing.

(9) In order to prevent damage to public property and prevent obstructions of the public right-of-way, no cart may be chained or fastened to any pole, sign, tree, or other object in the public right-of-way.

(10) In order to preserve the safety of the public, and prevent misuse of carts, no cart may be left unattended at any time.

(11) In order to preserve the safety of the public, to prevent misuse of carts, and to prevent obstructions of the public right-of-way, no cart may be stored, parked, or left overnight on any public street or right-of-way, or in any public park or other public property.

(12) In order to preserve the safety of vehicular travelers, no sidewalk vendor may solicit business from or conduct business with persons in motor vehicles.

(13) In order to preserve the safety of vehicular travelers and pedestrians, and to preserve public peace and welfare, no cart may be outfitted with any equipment, signage, or mechanism that endangers or detracts from the health, safety, or welfare of the public by causing an excessive distraction to motorists or interfering with nearby residences, business, or pedestrians, including but not limited to, sound amplification, flashing lights, smoke, steam, bubbles, gas-powered generators, or excessive fumes.

(14) In order to preserve the safety of vehicular travelers and pedestrians, any cart operated before sunrise or after sunset, or in location with insufficient lighting, shall be equipped with sufficient lighting or reflectors to alert pedestrians and vehicular travelers to the presence of the cart.

(15) In order to prevent obstructions of the public right-of-way, all signage related to the vending operation shall be affixed to the cart, or otherwise, shall be in compliance with the zoning code.

(G) Location of Carts. In order to ensure access to public rights-of-way by pedestrians and emergency personnel, and avoid interference with vehicular traffic, certified farmers’ markets, swap meets, and City-permitted special events, sidewalk vendors shall not operate in the following areas of the public right-of-way:

(1) Any area other than a public sidewalk or pedestrian path.

(2) Within 15 feet of a fire hydrant, fire call box, or other emergency facility.

(3) Within 10 feet of an entrance to or emergency exit of any building or business during the hours that the building or business is open to the public.
(4) Within 15 feet of the outer edge of a driveway or driveway apron.

(5) Within 15 feet of a transit stop.

(6) Adjacent to any marked loading zone or bus zone.

(7) Within 5 feet of a curb return.

(8) Any location that would impede entering or exiting a parked vehicle.

(9) Any location that impedes the flow of pedestrian traffic by reducing the clear space to less than 4 feet or impedes access to or the use of abutting property, including, but not limited to, residences and places of business.

(10) Within 100 feet in any direction of the nearest vendor or concessionaire participating in a certified farmers’ market or swap meet during the operating hours of the certified farmers’ market or swap meet.

(11) Within 100 feet of a City-permitted special event, including but not limited to, parades, concerts, and movie filmings, unless vendor has received a permit to vend as part of the event. For moving events, vending shall be prohibited within 100 feet of any portion of the approved event route. For stationary events, vending shall be prohibited within 100 feet of the parcel boundary for the location of the event.

(12) Within 200 feet of any public or private school grounds between 7:00 a.m. and 4:00 p.m. on school days, and during any other time when in use and creating high vehicular traffic, such as uses for major sporting events.

(13) Upon or within any roadway, median strip, or dividing section.

(14) Any public sidewalk location when the straight path would not allow for 48 inches, or as the law updates, of clear width walking space of any sidewalk to be in compliance with Americans with Disabilities Act (ADA) regulations.

(15) Any public sidewalk where there is a 180 degree turn path for sidewalk ramps and corner curbs when the location would not allow for 42 inches approaching the turn, 48 inches at the turn, and 42 inches leaving the turn, or as the law updates, of clear width walking space of any sidewalk to be in compliance with ADA regulations.

(H) Special Requirements for the Sale of Food. All sidewalk vendors that prepare or sell food must be in compliance with all county and State permitting and licensing requirements for the preparation or sale of food.

(I) Penalties. For purposes of this Section, "sidewalk vending program" refers to the provisions of Sections 5.04.590(F) through 5.04.590(H) and Section 8.24.210, inclusive, and the requirement to obtain a special business permit pursuant to Section 5.04.590(O)(2).

(1) A violation of any provision in Sections 5.04.590(F) through 5.04.590(H) and Section 8.24.210, inclusive, may only be punished 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.

(d) Rescission of the sidewalk vendor’s special business permit for the term of that permit upon the fourth violation or subsequent violations.

(2) Vending without a special business permit may be punished by the following:

(a) An administrative fine not exceeding two hundred fifty dollars ($250) for a first violation.

(b) An administrative fine not exceeding five hundred dollars ($500) for a second violation within one year of the first violation.

(c) An administrative fine not exceeding one thousand dollars ($1,000) for each additional violation within one year of the first violation.

(3) Upon proof of a valid special business permit, an administrative fine imposed under Section 5.04.590(l)(2) shall be reduced to the respective administrative fine set forth in Section 5.04.590(l)(1).

(4) No other fines, fees, assessments, or financial conditions shall be imposed for violation of the sidewalk vending program other than those imposed by Section 5.04.590(l)(1) and (2).

(5) Notwithstanding any other provision of this code, neither a violation of the sidewalk vending program as codified in Sections 5.04.590(F) through 5.04.590(H) and Section 8.24.210, inclusive, nor a failure to pay an administrative fine, imposed by Section 5.04.590(l)(1) or (2) shall be punishable as an infraction or misdemeanor.

(6) Any person who receives an administrative fine under Section 5.04.590(l)(1) or (2) shall have the right to request an ability-to-pay determination.

(a) The City shall give any such person written notice of his or her right to request an ability-to-pay determination as well as instructions and other materials for requesting an ability-to-pay determination at the time that the administrative fine citation is issued.

(b) A right-to-pay determination may be requested at any time following the issuance of the administrative fine citation until the fine is paid, including when payment of the fine is delinquent or has been referred to a collection program.

(c) Upon receipt of a request for an ability-to-pay determination, the City manager or his or her designee shall determine whether such person meets the criteria described in subdivision (a) or (b) of Section 68632 of the Government Code. The determination of the City manager or his or her designee shall be final.

(d) If the person meets the criteria described in subdivision (a) or (b) of Section 68632 of the Government Code, the City shall reduce the fine to twenty percent (20%) of the amount of the fine originally imposed.

(7) The City manager may, in his or her discretion, allow a person who receives an administrative fine under Section 5.04.590(l)(1) or (2) to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.
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(8) Nothing in the chapter shall be construed to limit the City's ability to enforce, or remedies for enforcing, laws of general applicability or other provisions of this code against sidewalk vendors, or to take any other enforcement actions against sidewalk vendors that are not prohibited by state or federal law, or which are allowed by this code.

SECTION 3: Section 5.04.150 of Title 5 of the Palmdale Municipal Code is hereby amended to read as follows:

(A) No person shall commence, conduct or purport to commence or conduct the following business activities without a valid business permit:

(1) Adult-oriented businesses;
(2) Ambulances and ambulance drivers;
(3) Billiards;
(4) Bingo;
(5) Carnivals and concessions;
(6) Dance halls and dances;
(7) Entertainment;
(8) Introductory services;
(9) Fortunetelling;
(10) Game arcades;
(11) Gun dealers;
(12) Health clubs;
(13) House and street numbering;
(14) Hypnotist;
(15) Locksmith;
(16) Massage establishments and massage technicians;
(17) Motion picture theater;
(18) Pawnbrokers and secondhand dealers;
(19) Sidewalk vending;
(20) Reserved;
(21) Private patrol service;
(22) Family entertainment center;
(23) Swap meet;
(24) Taxicabs and taxicab drivers;
(25) Tobacco/smoking product retailer;
(26) Tow trucks;
(27) Mobile vending.

+ Indicates that such business activity is subject to insurance or bond requirements.
° Indicates that such business activity requires a permitted manager pursuant to PMC 5.04.050.

(B) The regulations pertaining to specified businesses or business activities requiring a business permit are set forth in Article II of this chapter commencing with PMC 5.04.400.

SECTION 4: Section 5.04.190 of Title 5 of the Palmdale Municipal Code is hereby amended to read as follows:

5.04.190 Reserved

SECTION 5: Section 5.04.600 is hereby added to Title 5 of the Palmdale Municipal Code, and is to read in its entirety as follows:
5.04.600 MOBILE VENDING

(A) Purpose and intent.
It is the City's responsibility to promote the health, peace, safety, welfare and convenience of all persons in regards to their use and enjoyment of public lands. The City Council finds it necessary to regulate mobile vending for this purpose while ensuring that all such regulations comport with applicable law.

Reasonable regulations are necessary to ensure that mobile vending is operated in accordance with health, safety and traffic laws of the state and the parking ordinances of the City; do not cause public safety problems by contributing to traffic congestion or by creating pedestrian and vehicular conflicts; and do not disturb the quiet use and peaceful enjoyment of residential neighborhoods. The regulations in this Section are enacted to ensure consistency with State law, including Section 22455 of the California Vehicle Code related to ice cream truck vending and California Health and Safety Code Section 114315 et seq. (the "California Retail Food Code") for food handling, as each may be amended.

(B) Definitions. As used in this Section, the terms listed below shall have the following meaning assigned to them:

(1) "Food establishment" means any restaurant or grocery store with a permanent store front location.

(2) "Goods or merchandise" means and includes items and tangible things and products of every kind and description, including any food, produce, and/or beverage items.

(3) "Human powered device" means any device moved by human power, including, but not limited to, any pushcart, wagon, bicycle, tricycle, or other wheeled device or conveyance.

(4) "Ice cream truck" means any motor vehicle requiring license from the California Department of Motor Vehicles which is used to vend at retail:

   (a) Prepackaged frozen dairy or water-based food products; or

   (b) Soft-serve or hand-dipped frozen dairy or water-based products; irrespective of whether or not the ice cream truck carries other prepackaged food products.

(5) "Mobile food truck" means a motorized vehicle or mobile food unit that should be licensed by the Department of California Department of Motor Vehicles (whether licensed or not), designed and equipped to prepare, or serve, and sell food, and temporarily stored in a location where food items are sold to the general public.

(6) "Pedestrian Solicitor" means a person vending goods or merchandise from their person without the use of a vehicle.

(7) "Person" means any natural person, firm, partnership, association, corporation, or other entity of any kind or nature.

(8) "Public property" means any real property, or interest therein, owned, leased, operated, or otherwise controlled by the City other than a street, alley, parkway, or sidewalk.

(9) "Vehicle" means a motorized vehicle or mobile food unit that should be licensed by the Department of California Department of Motor Vehicles (whether licensed or not), designed and
equipped to prepare, or serve, and sell food, and temporarily stored in a location where food items are sold to the general public as well as any trailer or other similar apparatus that can be attached to a motorized vehicle whether attached at the time of vending or not, and shall not include any human powered device and shall include an ice cream truck and mobile food truck.

(10) "Vehicle Operator" means any person or entity owning a ten percent or greater interest in, or operating or otherwise controlling, any business involving the vending of goods or merchandise from a vehicle.

(11) "Vend" or "Vending" means the sale or offering for sale of any goods or merchandise to the public by a vehicle operator or pedestrian solicitor on a public street, private street open to the public, or other public property.

(12) "Vendor" means any pedestrian solicitor or any vehicle operator, and/or any employee, independent contractor, or other person acting on behalf of or for the benefit of a pedestrian solicitor or vehicle operator, who engages in the act of vending.

(C) Applicability. This Section is intended to apply to all vending at any locations within the City. However, it does not apply in the following circumstances:

(1) Sidewalk vending described in Section 5.04.590 of Title 5 of the Palmdale Municipal Code if all legal requirements therein are met.

(2) Contractual or other private arrangement between a vendor and an individual or entity that wishes to have food catered to a specific location on private land and which is not open to the public subject to the following: the vendor shall possess and at all times display in conspicuous view upon their vehicle in connection with a vehicle operator or upon their person in connection with a pedestrian solicitor, a copy of the contractual document or other private arrangement detailing the terms of the agreement along with the name and contact information of the individual or entity that agreed to have food catered on private lands.

(3) Any person delivering any goods or merchandise by vehicle where such goods or merchandise have been ordered in advance for such delivery from any business located at a permanent location.

(4) Any person vending where such person has been authorized to engage in such activity by a permit, lease, real property license, agreement, or other entitlement issued by the City, state or federal government for such purpose.

(5) Any person exempted from the provisions of this chapter by any local, state or federal law, regulation or statute.

(D) Vehicle operator and pedestrian solicitor permits.

Any person desiring to obtain a vehicle operator's permit to conduct or otherwise operate the business of vending goods or merchandise from a vehicle pursuant to this chapter shall file an application with the business license division of the finance department. Such application shall be accompanied by a nonrefundable application fee in such amount as established by resolution of the City Council. Any such permit shall be valid for one year from date of issuance. The permit may be renewed annually, subject to filing of a new application and payment of a new application fee.
(1) Vehicle Operator. Each permit applicant for a vehicle operator permit shall furnish the following information and documentation in the application:

(a) The street address where the office of the business is or will be located;

(b) The full, true name under which the business will be conducted;

(c) The full, true name and any other names used by the applicant along with a copy of a corresponding California driver’s license or identification number, an individual taxpayer identification number, or a municipal identification number. Identification numbers submitted under this Section shall not be made available to the public for inspection, shall be treated as confidential, and shall not be disclosed except as required to administer the permit program or to comply with a state law or state or federal court order;

(d) The present residence and business addresses and telephone numbers of the applicant, each ten percent or greater owner of the business, and all persons who will act as a vendor for the applicant, whether as an employee, contractor, or otherwise;

(e) A detailed description of the goods or merchandise which the applicant will vend;

(f) The make, body style, year, VIN number, state license plate number, names and addresses of each registered and legal owner of each vehicle and a copy of a valid vehicle registration for the subject vehicles;

(g) A description of the logo, color scheme, insignia, and any other distinguishing characteristics identifying applicant’s business that will appear on each vehicle;

(h) The name, residential address, and telephone number of the applicant and individuals primarily responsible for managing the day to day operation of the vending business and/or performing any vending on behalf of the operator along with an email and cellular number for such individuals;

(i) Evidence of compliance with the insurance requirements of the Vehicle Code as to each vehicle; and

(j) The details of any known contractual or other private arrangement between a mobile food truck and an individual or entity that wishes to have food catered to a specific location on private land and which is open to the public. If this Section is applicable, the permit application shall include the name and contact information of the individual or entity that wishes to have food catered on private lands as well as a copy of the contractual document or other private arrangement detailing the terms of the agreement.

(2) Pedestrian Solicitor. Each permit applicant for a pedestrian solicitor permit shall furnish the following information and documentation in the application:

(a) The street address where the office of the business is or will be located;

(b) The full, true name under which the business will be conducted;

(c) The full, true name and any other names used by the applicant along with a copy of a corresponding California driver’s license or identification number, an individual taxpayer identification number, or a municipal identification number. Identification numbers submitted under this Section shall not be made available to the public for inspection, shall
be treated as confidential, and shall not be disclosed except as required to administer the permit program or to comply with a state law or state or federal court order;

(d) The present residence and business addresses and telephone numbers of the applicant, each ten percent or greater owner of the business, and all persons who will act as a vendor for the applicant, whether as an employee, contractor, or otherwise;

(e) A detailed description of the goods, merchandise, or services which the applicant will vend; and

(f) The name, residential address, and telephone number of the applicant and individuals primarily responsible for managing the day to day operation of the vending business and/or performing any vending on behalf of the pedestrian solicitor along with an email and cellular number for such individuals.

(j) The details of any known contractual or other private arrangement between a pedestrian solicitor and an individual or entity that wishes to have food catered to a specific location on private land and which is open to the public. If this Section is applicable, the permit application shall include the name and contact information of the individual or entity that wishes to have food catered on private lands as well as a copy of the contractual document or other private arrangement detailing the terms of the agreement.

(3) The business license division shall be authorized to investigate the truth of the facts set forth in the application. Each application shall be approved or denied within a reasonable amount of time.

(4) Permit Denial. Any permit applied for under the provisions of this chapter may be denied for any of the following causes:

(a) One of the departments or officers performing a review of the permit renewal application has recommended denial of, or the imposition of additional conditions upon, such permit.

(b) If the City finds that the applicant knowingly made any false, misleading or fraudulent statements of material fact in the application for the permit.

(c) The applicant has been convicted of any violation of this code, any code adopted and incorporated by the City into this code, the California Penal Code, the Health and Safety Code, the Business and Professions Code, or any other State or Federal law.

(d) Failure to comply with the requirements of this Section or other provisions of the code by the applicant and/or the vehicle operator or pedestrian solicitor in connection with any property, business, or other dealing with the City.

(e) Fees, fines, or other penalties owing the City that are due and payable by the applicant and/or the vehicle operator or pedestrian solicitor in connection with any property, business, or other dealing with the City.

(5) Appeal Procedure. Written notice of denial, setting forth the grounds for denial, shall be served on the applicant. Any person aggrieved by a denial of a permit pursuant to this Section may appeal such denial to the City manager or designee pursuant to the procedures set forth in Section 5.04.340. To seek an appeal, said person must submit a written request for an administrative hearing with a statement of why the denial did not merit any of the grounds for denial under subdivision (D)(4) of this Section to the City clerk within ten days after service of notice of the City
manager's decision or designee. Upon receipt of a timely appeal, the aggrieved party shall be given notice of a hearing and a hearing shall be held pursuant to Sections 5.04.340–360.

(6) Each permittee shall notify the business license division, in writing, within 10 business days of any change in the required application information under subdivision (D)(1) and (D)(2) of this Section.

(E) Suspension and revocation of permit.

(1) Any vehicle operator's permit or pedestrian solicitor's permit may be temporarily suspended or revoked by the business license division for any of the following reasons:

(a) Provision of false information on the permit application.

(b) Failure of the permittee to notify the business license division within ten business days of any change in the information supplied by the permittee upon which issuance of the permit was based, occurring subsequent to the issuance of the permit.

(c) There is substantial evidence of a violation by the permittee, any employee, subcontractor of the permittee, or any other person acting on the permittee's behalf, of this chapter or any other local, state, or federal law constituting a misdemeanor or felony while in the course of conducting vending operations pursuant to the permit.

(d) While in the course of vending, driving of a vehicle by a vendor not possessing a valid driver's license, or operation of a vehicle found by police inspection to be unsafe and in violation of the Vehicle Code.

(e) The permittee no longer operates in accordance with the information and documentation supplied in connection with the vehicle operator permit application set forth in Section 5.04.600(D)(1).

(f) The permittee no longer operates in accordance with the information and documentation supplied in connection with the pedestrian solicitor permit application set forth in Section 5.04.600(D)(2).

(g) The permittee has been convicted of any violation of this code, any code adopted and incorporated by the City into this code, the California Penal Code, the Health and Safety Code, the Business and Professions Code, or any other State law.

(h) Fees, fines, or other penalties owing the City that are due and payable by the applicant and/or the vehicle operator or pedestrian solicitor in connection with any property, business, or other dealing with the City.

(2) Appeal Procedure. Written notice of suspension or revocation, setting forth the grounds for suspension or revocation, shall be served on the offending permittee. The notice shall advise the permittee of the right to file a written appeal. Any person aggrieved by a suspension or revocation of a permit pursuant to this Section may appeal such denial to the City manager or designee pursuant to the procedures set forth in Section 5.04.340. To seek an appeal, said person must submit a written request for an administrative hearing with a statement of why the suspension or revocation did not merit any of the grounds for suspension or revocation under subdivision (E)(1) of this Section to the City clerk within ten days after service of notice of the City manager's or designee's decision. Upon receipt of a timely appeal, the aggrieved party shall be given notice of a hearing and a hearing shall be held pursuant to Sections 5.04.340–360.
(3) No person whose permit is revoked shall be eligible to apply for a new permit for a period of one year following such revocation.

(4) Notices required or permitted to be served pursuant to this Section may be served personally, or by mailing by certified or registered mail with proof of delivery at the residential address of record, or by licensed courier or delivery service with proof of personal delivery, or in any other manner provided by law.

(F) Conditions and prohibitions. It is unlawful for any pedestrian solicitor or vehicle operator to sell or offer for sale any goods, merchandise, or services upon any public street or private street open to the public, except in accordance with all applicable provisions of this Code, all state and federal laws and regulations, the terms of their city-issued permit, and in compliance with each of the following requirements:

(1) Information Made Available to the Public and City.

(a) Each vendor shall possess and at all times display in conspicuous view upon their person or upon each vehicle, as the case may be, the actual business name and telephone number, and a City business certificate issued pursuant to Title 5.

(b) Each vendor shall possess and display upon request by any potential customer or City representative, a vehicle operator’s permit or pedestrian solicitor’s permit issued pursuant to this chapter, or a full, true and correct copy thereof.

(c) Each vendor causing the sale of or offering for sale any produce or other food item for which a food handling permit or other health permit from the county health department required by law shall possess and present such required permits. Vendors must at all times display such required permits in conspicuous view upon such vehicle or have on their immediate person ready to present at all times.

(d) Each vendor who enters into a contractual or other private arrangement with an individual or entity that agrees to have food catered to a specific location on private land and which is open to the public shall possess and at all times display in conspicuous view upon their person or vehicle a copy of the contractual document or other private arrangement detailing the terms of the agreement along with the name and contact information of the individual or entity that agreed to have food catered on private lands.

(e) Each vendor shall possess and wear upon their person a City-issued badge, issued in connection with this Chapter.

(2) Location.

(a) Vending is permitted only on public streets or private streets open to the public, and is not permitted in or upon any alley, parkway, sidewalk, or other kind of public property. Further, vending with a vehicle is not permitted in residential zones unless said vending is approved by the City in such zone in connection with a validly issued special event permit or temporary use permit, pursuant to Section 17.27.030, prior to engaging in any residential vending.

(b) No vending shall be permitted within 50 feet of any intersection of two or more streets or any location that may impede a sidewalk or pedestrian traffic.

(c) No vending shall be permitted within 1,000 feet of the front entrance of any public or private elementary, junior high, or high school.
(d) No vending shall be permitted within 1,000 feet of the front entrance of any food establishment.

(e) No vending shall be permitted on City streets with a speed limit at or above 45 miles per hour.

(f) No vending shall be permitted at any public park unless the vending occurs as part of a City-sponsored function and the vendor has applied for and received a written endorsement on the operator permit expressly authorizing such vending.

(g) No vehicle shall be parked, stopped, or left standing in any manner which blocks or impedes vehicular access to any driveway or restricts the free movement of other vehicles upon the public street.

(h) No vending shall be permitted until the vehicle has been brought to a complete stop and lawfully parked adjacent to the curb.

(i) No vendor shall operate in any manner which blocks or impedes vehicular access to any driveway or restricts the free movement of other vehicles upon the public street.

(j) Vehicle vending shall be only by means of a vehicle duly registered and licensed by the state with an unladen weight of less than 6,000 pounds.

(k) All vending must ensure the safe and proper disposals of fats, oils, and greases ("FOGs") and be in compliance with applicable disposal regulations, including Los Angeles County Code (LACC), Title 20, Division 2, other laws, regulations, and ordinances concerning proper disposal of FOGs and other industrial wastes and health and safety State, local, and Federal laws.

(3) Sanitation and Trash.

(a) Each vehicle shall be equipped with a trash receptacle of a size adequate to accommodate all trash and refuse generated by vending therefrom.

(b) Each vendor shall pick up and deposit in the trash receptacle on the vehicle all paper, cups, wrapper, litter, or other refuse of any kind that was a part of the goods or merchandise supplied from the vehicle and which has been left or abandoned within 50 feet of such vehicle on any public property, other than in a trash receptacle provided for such purposes. No person shall dispose of any trash or refuse from vending operations in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of the vendor or operator.

(c) Each pedestrian solicitor shall operate within 100 feet of a trash receptacle.

(4) Operation – Hours, Amplified Sounds, Equipment, Prohibited Sales.

(a) Vending is permitted only between sunrise and sunset in residential zones.

(b) Any use of amplified sound-making devices, to advertise, draw attention to, or announce the presence of a vendor, shall also comply with all applicable noise and sound regulations effective within the City.
(c) No vending under this Section may utilize chairs, tables, or other equipment unless City approval is given through an issued permit under this Section.

(d) It is unlawful for any vendor to sell any item or thing which is otherwise prohibited from being sold within the City, including, but not limited to, any goods or products not identified in the application for a vehicle operator’s permit or pedestrian solicitor’s permit.

(5) Additional Regulations on Ice Cream Truck Vending.

(a) Safety and Sanitation,

(i) Each vendor shall ensure that the standard warning flashers shall be in operation immediately upon the vehicle stopping to vend and cease operation as the vehicle begins to move after vending.

(ii) Each vendor shall have signs painted or mounted on the front and back of each vehicle using black four-inch tall letters on a yellow background with a black one-inch border around each sign. The sign on the front and back of each vehicle shall read “CHILDREN CROSSING” and be eight inches high by forty-eight inches wide. An additional sign or signs shall be painted or mounted on the rear of each vehicle above the first sign and shall read “WARNING” in English, Spanish, and Vietnamese, using the same size letter and paint requirements.

(iii) Each ice cream truck vendor shall pick up and deposit in the trash receptacle on the ice cream truck all paper, cups, wrapper, litter, or other refuse of any kind that was a part of the goods or merchandise supplied from the vehicle and which has been left or abandoned within 50 feet of such vehicle on any public property, other than in a trash receptacle provided for such purposes. No person shall dispose of any trash or refuse from vending operations in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of the vendor or operator.

(iv) Each vendor shall have any other safety equipment and follow any other requirements mandated by the California Vehicle Code.

(b) Operation – Hours, Amplified Sounds, Location, Required Sales.

(i) Hours. Ice cream truck vending is permitted only between sunrise and sunset.

(ii) Amplified sound use by ice cream truck vendors. Any use of amplified sound-making devices, to advertise, draw attention to, or announce the presence of such vendor, shall also comply with all applicable noise and sound regulations effective within the City in addition to the following:

1) No person shall use, play or employ any sound, outcry, amplifier, loudspeaker, or any other instrument or device for the production of sound from an ice cream truck when the ice cream truck is stationary.

2) No person shall use, play or employ any sound, outcry, amplifier, loudspeaker, or any other instrument or device for the production of sound from an ice cream truck after sunset, whichever occurs first.
(3) No person shall use, play or employ any sound, outcry, amplifier, production loudspeaker, or any other instrument or device for the of sound from an ice cream truck in such a manner to create a disturbance of the peace.

(c) Location.

(i) No vending from such vehicle shall be permitted on City streets with a speed limit above 25 miles per hour.

(ii) No person shall stop to vend from an ice cream truck within 200 feet of another ice cream truck that has already stopped to vend.

(d) Prohibited sales. Ice cream truck vendors shall only sell frozen or refrigerated desserts, confections, or novelties commonly known as ice cream, or prepackaged candies, prepackaged snack foods, or soft drinks.

(G) Special Events. Nothing in this Section shall affect the city’s ability to host, sponsor, allow, or authorize special events approved for vending purposes or with vending components.

**SECTION 6:** Section 8.24.210 of Title 8 of the Palmdale Municipal Code is hereby amended to read as follows:

(B) No stationary sidewalk vendor may operate in a City-owned or City-operated park if the operator of the park has signed an agreement for concessions that exclusively permits the sale of food or merchandise by the concessionaire.

**SECTION 7:** Chapter 8.46 is hereby added to Title 8 of the Palmdale Municipal Code, and is to read in its entirety as follows:

**Chapter 8.46**

**REGULATION OF FOOD FACILITIES**

Sections:
8.46.010 Purpose and intent.
8.46.020 Definitions.
8.46.030 Right of inspection.
8.46.040 City inspection to identify immediate public health or safety hazards.
8.46.050 Storage and reclamation process.
8.46.060 Violations and penalties.
8.46.070 Public nuisance declared.
8.46.080 Right to administrative hearing.
8.46.090 Severability.

**8.46.010 Purpose and intent.**
The purpose of this chapter is to protect the public health, safety, and general welfare by regulating food facilities.

**8.46.020 Definitions.**
As used in this chapter, the terms listed below shall have the meaning assigned them:
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(A) "Enforcement Officer" means the Los Angeles County Director of the Department of Environmental Health or the City of Palmdale Senior Code Enforcement Officer, and their respective designees.

(B) "Equipment" means any utensil, tool, pot, vessel, container, or other implements used in a hawking or vending operation or activity and any cart, pushcart, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance.

(C) "Food" means any substance intended for human consumption sold or otherwise provided by a food facility.

(D) "Food Facilities" means a food facility as defined in Section 113789 of the California Health and Safety Code. These are commonly referred to as restaurants, markets, delis, cafeterias, mobile food facilities, mobile support units, vending machines, and certified farmers’ markets. This definition also includes commercial food establishments.

(E) "Food Preparation" means food preparation as defined in Section 113791 of the California Health and Safety Code.

(F) "Imminent Health Hazard" means significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that can cause food infection, food intoxication, disease transmission, vermin infestation, or hazardous condition that requires immediate correction or cessation of operation to prevent injury, illness, or death as defined in Section 113810 of the California Health and Safety Code.

(G) "Permit" means the document issued by the Los Angeles County Department of Health that authorizes a person to operate a food facility as defined in Section 113851 of the California Health and Safety Code.

(H) "Responsible Party" means the legal owner or the person from whose possession equipment or food was impounded.

8.46.030 Right of inspection.
Pursuant to California Health and Safety Code Section 114390, the enforcement officer shall have the right to inspect any food facility, or any facility suspected of being a food facility, during the food facility's hours of operation or at any other reasonable time.

8.46.040 City inspection to identify imminent health hazards.
(A) The enforcement officer through the City may inspect each food facility at regular intervals to ensure no facility or establishment presents an imminent health hazard. All food facilities shall comply with those requirements set forth in the California Retail Food Code, as amended and appearing in California Health and Safety Code Sections 113700, et seq.

(B) In the event the enforcement officer through the City identifies conditions presenting an imminent health hazard, the enforcement officer may:

   (1) Temporarily suspend the permit and order immediate closure of a food facility pursuant to Health and Safety Code Section 114409 whenever the enforcement officer reasonably believes the facility or establishment presents an imminent health hazard; and/or

   (2) An enforcement officer may impound equipment or food found to be, or suspected of being, unsanitary or in such disrepair that food or equipment may become contaminated or adulterated pursuant to Health and Safety Code Section 114393 or otherwise presents an imminent health hazard.
(C) Whenever a permit is suspended pursuant to Section 8.46.040(B)(1) as the result of an imminent health hazard, the enforcement officer shall issue to the permitholder a notice setting forth the acts or omissions with which the permitholder is charged, specifying the pertinent code section, and informing the permitholder of the right to a hearing.

(D) Whenever equipment is impounded pursuant to Section 8.46.040(B)(2) as a result of an imminent health hazard, the enforcement officer shall tag the equipment and shall issue a receipt for impound setting forth the imminent health hazard and providing details for reclamation.

(E) Whenever food is impounded pursuant to Section 8.46.040(B)(2) as a result of an imminent health hazard, the enforcement officer may destroy the food upon determination that storage would be unsanitary. If the enforcement officer determines that storage of the food is feasible, the enforcement officer may tag the food and shall issue a receipt for impound setting forth the imminent health hazard and providing details for reclamation.

8.46.050 Storage, reclamation, and disposition process.

(A) Whenever equipment or food is impounded pursuant to Section 8.46.040(B)(2), the enforcement officer shall move the impounded equipment or food to a designated place of storage at the City through the Code Enforcement Division. The City shall maintain a record of the date and manner of coming into possession of the impounded equipment or food, adequate description of the same, and the dates of storage and disposition of the equipment or food.

(B) The impounded equipment or food will be stored and made available for release for a period of 30 days from the date the equipment or food was impounded, after which time, if not claimed, it may be subject to disposition as provided in this chapter or as otherwise provided by law. Upon expiration of that initial 30 day period, the City shall provide one final notice if the responsible party does not seek reclamation pursuant to subdivision (1) of this Section.

(1) Reclamation. During the 30 day holding period pursuant to Subdivision (B) of this Section, the responsible party may repossess the equipment or food provided he or she presents to the City’s Code Enforcement Division the receipt of impoundment and provides proof of ownership or otherwise provides proof of ownership by, among other methods, describing the location and date when the equipment or food was impounded from public area, and providing reasonably specific and detailed description of the personal property as well as photographic identification, as defined in Section 1.04.100. If ownership cannot be determined to the satisfaction of the Code Enforcement Division, the City may refuse to return the equipment or food until ordered to do so by a court of competent jurisdiction; however, the impounding agency shall continue to hold the equipment or food until such determination is made.

(2) Disposition other than reclamation. If no responsible party seeks reclamation during the 30 day holding period pursuant to Subdivision (B) of this Section, the City may determine how to dispose of the impounded equipment or food pursuant to the following process:

(a) 60 Day Final Notice. Upon expiration of the 30 day holding period pursuant to Subdivision (B) of this Section, the Code Enforcement Division will issue a 60 Day Final Notice to the responsible party providing details for reclamation and notice of disposition after expiration of the 60 day final notice period.

(b) City Disposition After Expiration of 60 Day Final Notice. Upon expiration of the 60 day final notice period, any remaining equipment or food not claimed may be appropriated to the City upon order from the City manager or designee that the equipment or food can be used for a public use. Any equipment or food not appropriated to the City may be sold at
a public auction or disposed of in such a manner as deemed appropriate by the City manager or designee.

(C) The City shall not be required to undertake any search for, or return, any impounded equipment or food stored other than provided in this Section.

8.46.060 Violations and penalties.
It is unlawful to have any immediate health hazard upon any food facilities within the City and is punishable as set forth in PMC Chapter 1.12 as a misdemeanor, consistent with Health and Safety Code Section 114395.

8.46.070 Public nuisance declared.
In addition to other penalties provided by law, any condition caused or permitted to exist in violation of any provision of this code shall be deemed a public nuisance and may be abated as such by the City enforcement officers as provided in PMC Chapter 8.36, irrespective of any other remedy hereinabove provided. Each day such condition continues shall constitute a new and separate offense.

8.46.080 Administrative hearing.
(A) Request for hearing.

(1) The owner or other responsible person who was issued a notice pursuant to Section 8.46.040(C) may contest the enforcement officer's permit suspension by filing a timely and complete request for an administrative hearing on a City-approved form with the Office of the City Clerk, 38300 Sierra Highway, Palmdale, CA 93550, within 15 calendar days from the issuance date of the notice. Failure to file a request for a hearing in the office of the City Clerk within the required period shall have waived the right to a hearing and admitted that the permit suspension was reasonable and justified. If that event, the permit suspension by the enforcement officer is final.

(2) A request for a hearing shall state: the date and number of the notice; the address or location of the business; the name, address, telephone and any facsimile numbers, where the person requesting the hearing may be contacted; a statement explaining why he or she believes that the permit suspension was unwarranted.

(B) Timing of hearing.

(1) The hearing will be conducted within 15 days of the date a timely and complete request is received by the office of the City Clerk. The City Clerk or his or her designee will notify the persons requesting the hearing in writing by first class mail of the date, time and place set for the hearing at least 5 calendar days prior to the date of the hearing. Service of this notice is deemed complete at time of mailing. The failure to receive a properly addressed notice of hearing shall not invalidate any hearing, City action or proceeding conducted pursuant to this chapter.; and the date and signature of the person requesting the hearing.

(C) Hearing procedures.

(1) At least 3 City business days prior to the date set for the hearing, the enforcement officer and the persons requesting the hearing (or their representatives) shall ensure that a copy of all reports, statements or pictures or other evidence they wish to be considered in connection with the hearing is exchanged so that such information may be considered by the Hearing Officer and all parties to the hearing (by the enforcement officer to each person requesting the hearing and by each person requesting the hearing to the City Clerk). Such exchange is to occur by first class mail. However, if the parties agree, the enforcement officer and the person requesting a hearing may exchange copies of their evidence via email...
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In addition to or in lieu of first class mail. Failure to receive such documents shall not invalidate any hearing, City action or proceeding conducted pursuant to this Chapter.

(2) The Hearing Officer designated or appointed by the City Manager or his or her designee shall hear all requests for hearings pursuant to this Chapter in accordance with the procedures established herein.

(3) The person requesting a hearing may appear at the hearing in person or by written declaration executed under penalty of perjury. Said declaration and any documents in support thereof shall be tendered to and received by the office of the City Clerk at least three City business days prior to the hearing. If such person fails to attend the scheduled hearing and does not submit a written declaration in a timely manner, he or she shall be deemed to have waived the right to a hearing. In such an instance, the Hearing Officer shall issue an order and judgment in favor of the City.

(4) At the hearing, the hearing officer shall accept reliable evidence from any person if such evidence bears on the issue of whether suspension of the permit was proper as stated in the notice. The hearing officer is authorized to take testimony and is authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure Section 2093(a). The City may issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony at the hearing.

(5) Administrative hearings are informal and formal rules of evidence and discovery do not apply. The City bears the burden of proof to establish, by competent evidence, the existence of circumstances warranting permit suspension, by a preponderance of evidence. The person requesting the hearing and the enforcement officer (or their representatives) shall have an opportunity to present evidence and witnesses and to cross-examine witnesses. A person requesting the hearing may bring an interpreter to the hearing, provided there is no expense to the City therefor. The Hearing Officer may question any person who presents evidence or who testifies at any hearing.

(6) Hearings may be continued once at the request of a person requesting the hearing or the enforcement officer who issued the notice and order to abate. The Hearing Officer may also continue the hearing for cause.

(D) Hearing decision.

1. Based upon the evidence regarding the suspension of the permit submitted in connection with the hearing, the Hearing Officer shall determine whether the permit suspension was warranted. As soon as is practicable following the close of such hearing, and no later than 14 business days following the close of the hearing unless cause exists therefor, the Hearing Officer shall render a written decision on the matter. If the permit suspension is upheld, the Hearing Officer shall issue an order. The Hearing Officer shall promptly give written notice to the person requesting the hearing and any other interested person who requests, in writing, notice of such decision, including a copy of the order. The order issued by the Hearing Officer shall be deemed a final order and may be judicially reviewed pursuant to California Code of Civil Procedure Section 1094.6. There is no right to an appeal to the City Council.

8.46.090 Severability.
In any provision, clause, sentence or paragraph of this chapter, or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this chapter which can be given effect without the invalid provision or application and, to this end, the provisions of this chapter are hereby declared to be severable.

SECTION 8: Section 10.04.120 of Title 10 of the Palmdale Municipal Code is hereby repealed and deleted in its entirety.
SECTION 9: Section 3.44.230, subdivision A, of Title 3 of the Palmdale Municipal Code is hereby amended to read as follows:

(A) The name, home address, telephone number, and Social Security number of the applicant. In lieu of providing a Social Security number, the applicant can provide any of the following: a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number of the applicant. If the applicant is a corporation, the name shall be exactly as set forth in its articles of incorporation. Additionally, there shall be included the names, addresses and telephone numbers of all directors, any stockholder holding 10 percent or more of the shares of the corporation, and the name, home address and telephone number of an officer who is duly authorized to accept service of legal process. If the applicant is a partnership, the names, home addresses and telephone numbers of each general partner shall be stated. If one or more of the partners is a corporation, the provisions of this subsection pertaining to a corporate applicant shall apply to that partner;

SECTION 10: Nothing in this Ordinance shall be construed to affect any suit in any court and related liabilities, nor shall anything in this Ordinance be construed to affect or excuse any violation of or criminal, civil, or administrative process, proceeding, or agreement concerning the codes repealed in existence prior to the effective date of this Ordinance.

SECTION 11: If any section, subsection, paragraph, sentence, clause or phrase of these provisions of the Palmdale Municipal Code is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of the provisions of the Palmdale Municipal Code. The City Council declares that it would have adopted these provisions of the Palmdale Municipal Code, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

SECTION 12: This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 13: The City Clerk, or her duly appointed deputy, shall attest to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this ordinance, the ordinance, or a summary of the ordinance, along with the names of the City Council members voting for and against the ordinance, shall be published in a newspaper of general circulation in the City of Palmdale.

SECTION 14: The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

PASSED, APPROVED and ADOPTED this 15th day of March, 2023.

Laura Bettencourt, Mayor

William P. Cuney, III, Interim City Attorney

Rochelle Scotti, Acting City Clerk
I, Rochelle Scott, Acting City Clerk of the City of Palmdale, California, do hereby certify that the foregoing Ordinance was duly introduced, passed, approved, and adopted by the City Council of the City of Palmdale at a regular meeting of said Council held on the 15th day of March, 2023 effective on the 14th day of April, 2023 by the following roll call vote:

AYES: Bettencourt, Alarcón, Bishop, Loa, Ohlsen

NOES: Non

ABSTAIN: None ABSENT: None

Date: March 23, 2023

Rochelle Scott, Acting City Clerk