

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, ADDING SECTION 19-17 TO THE SONOMA COUNTY CODE TO PROHIBIT MOBILE VENDING NEAR SCHOOLS

The Board of Supervisors of the County of Sonoma, State of California, ordains as follows:

SECTION I. Section 19-17 is added to the Sonoma County Code, to read:

Sec. 19-17. Mobile vending near schools prohibited.

(a) Mobile vending defined. For the purposes of this section, “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 (such as a motor vehicle, bicycle, scooter, trailer, cart, wagon, or other form of conveyance).

(b) Violation. 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) Exceptions. The provisions of this section shall not apply to the following:

(1) The delivery or sale of pre-ordered goods or services to a private residence or business with the prior consent of the owner, occupant, lessee, or the designee of said 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 use permit; or

(4) Mobile vending for the purpose of fundraising for nonprofit tax exempt organizations.

(d) Penalty for violation. Any person violating or causing the violation of the provisions of this section shall be guilty of a misdemeanor. Except where other penalties are specified, each offense may be punished by a fine of not less than one hundred dollars

(\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment.

SECTION II. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION III. This ordinance shall be and the same is hereby declared to be in full force and effect from and after thirty (30) days after the date of its passage and shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Supervisors voting for or against the same, in *The Press Democrat*, a newspaper of general circulation published in the County of Sonoma, State of California.

In regular session of the Board of Supervisors of the County of Sonoma introduced on the ____th day of _____, 2009, and finally passed and adopted this ____th day of _____, 2009, on regular roll call of the members of said Board by the following vote:

SUPERVISORS:

BROWN ____ **KERNS** ____ **ZANE:** ____ **CARRILLO:** ____ **KELLEY:** ____

AYES ____ **NOES** ____ **ABSTAIN** ____ **ABSENT** ____

WHEREUPON, the Chair declared the above and foregoing ordinance duly adopted and

SO ORDERED.

Chair, Board of Supervisors
County of Sonoma

ATTEST:

Chris Thomas, Clerk of the
Board of Supervisors