

ORDINANCE NO. 1086

AN ORDINANCE OF THE CITY COUNCIL OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING SECTION 4-7.01, AMENDING SECTION 5-21.04, DELETING CHAPTER 2 OF TITLE 6, AND DELETING AND RESTATING CHAPTER 28 OF TITLE 5 OF THE SAN JUAN CAPISTRANO MUNICIPAL CODE RELATED TO SIDEWALK VENDING REGULATIONS FOR VENDORS UPON PUBLIC SIDEWALKS AND IN CITY PARKS

WHEREAS, the City of San Juan Capistrano, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, Article XI, section 7 of the California Constitution grants the City broad discretionary power to "make and enforce within its limits all local police, sanitary, and other ordinances and regulations not in conflict with general laws"; and

WHEREAS, pursuant to the police powers delegated to it by the California Constitution, the City has the authority to enact laws which promote the public health, safety, and general welfare of its citizens, including sidewalk vending, as long as these are consistent with SB 946; and

WHEREAS, in 2018, the California Legislature passed SB 946 which prohibits cities from regulating sidewalk vendors, except in accordance with the provisions of SB 946; and

WHEREAS, SB 946 applies to both charter and general law cities; and

WHEREAS, SB 946 authorizes the implementation of regulations that are directly related to objective health, safety, or welfare concerns, and that do not restrict sidewalk vendors to operate only in a designated neighborhood or area, except as specified; and

WHEREAS, the permit requirements proposed are consistent with SB 946, as they are reasonable, related to objective health, safety, and welfare concerns, and are based upon compliance with other generally applicable laws including the Americans with Disabilities Act and the City's general encroachment permit requirements for work and/or activities in the public right of way; and

WHEREAS, the standards imposed on stationary sidewalk vendors requiring a minimum path of sidewalk accessible travel are necessary to comply with the Americans with Disabilities Act and maintain minimum safe access along public sidewalks; and

WHEREAS, SB 946 explicitly stated that the legislation did not affect the applicability of Part 7 (commencing with Section 113700 of Division 104 of the Health and Safety Code, otherwise known as the California Retail Food Code, to a sidewalk vendor who sells food; and

WHEREAS, standards for maintaining access to building entrances, and not blocking driveways, fire hydrants, parking areas and building storefront windows are

necessary to guard the health and safety of patrons, drivers, vendors and existing business owners and promote fire suppression and law enforcement practices that allow the City's safety personnel to observe activities within buildings and maintain access for public safety; and

WHEREAS, the City Council finds and determines that a requirement for encroachment permits promotes public health, safety, and welfare by assuring that the public is not responsible for the activities of private vendors and provides for the orderly administration and maintenance of the public access ways for the benefit of the community, while at the same time allowing reasonable accommodation and cooperative flexibility for providing necessary utility and other convenience services to the community; and

WHEREAS, the City Council finds that public and private persons who maintain and/or install encroachments in the public way bear a responsibility to help preserve the public way and to contribute to the administrative and liability costs incurred by the community and caused by such encroachments; and

WHEREAS, the City Council finds that, unless properly regulated, sidewalk vending poses a unique risk to the health, safety, and welfare of the public, including, but not limited to, impacts to traffic, pedestrian safety, mobility, unsanitary conditions involving food preparation, risks to children, and consumer protection; and

WHEREAS, the inherent nature of sidewalk vending and the ability of such vendors to be located on public sidewalks and paths and move quickly from place to place in the community, including near and within parks, schools, and other places frequented by children, warrants imposing certain regulatory measures to protect the health, safety, and welfare of the community and the safety of children; and

WHEREAS, the City Council finds that for privacy reasons, sidewalk vendors shall be prohibited from vending within one hundred (100) feet of any restroom in any City park; and

WHEREAS, the City Council finds that to further park patrons' safety, but in no way guaranteeing park patrons' safety, sidewalk vendors in City parks shall be prohibited from vending within one hundred (100) feet of any sports field or court (e.g., baseball field, basketball court, etc.) while it is actively being used for sports in order to minimize the possibility of injuries sustained from errant balls as a result of being distracted by vendors and not paying attention to errant balls or other sports equipment; and

WHEREAS, the City Council finds that in order to preserve the scenic nature of City parks, and in order to protect the natural landscape of City parks, all food and/or merchandise vendors, whether stationary or roaming, shall be prohibited in any areas of City park outside of the paved pedestrian pathways; and

WHEREAS, SB 946 continues to authorize cities to prohibit sidewalk vendors in areas located within the immediate vicinity of a permitted certified farmers' market and a permitted swap meet, as specified, and to restrict or prohibit sidewalk vendors within the

immediate vicinity of an area designated for a temporary special permit issued by a city; and

WHEREAS, the City Council finds that due to unique geographic and historical characteristics of the City that prevent stationary sidewalk vendors from operating in certain parts of the City without detrimentally affecting the public health, safety and welfare; and

WHEREAS, the City Council finds that in the older portions of the City where historical sidewalk construction is incapable of supporting both pedestrian traffic and sidewalk vendors due to high pedestrian traffic volumes, insufficient sidewalk widths, and varying sidewalk/curb heights, specifically in the historical downtown area depicted on the attached Exhibit A, incorporated herein by this reference, stationary sidewalk vendors shall be prohibited; and

WHEREAS, all other legal prerequisites to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO DOES ORDAIN AS FOLLOWS:

SECTION 1. CEQA. This ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Regulation 15308, as this ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this ordinance will result in the enhancement and protection of public parks, sidewalks and walkways in the City, and will not result in cumulative adverse environment impacts. It is therefore exempt from the provisions of CEQA.

SECTION 2. Section 4-7.01 of the San Juan Capistrano Municipal Code is hereby amended to read as follows:

**"Sec. 4-7.01. Purpose and intent.**

The City Council expressly finds that vehicles in which products are carried for the purposes of retail sale on public or private streets or alleys pose special dangers to the public health, safety and welfare of children and residents in the City of San Juan Capistrano. It is the purpose and intent of the City Council, in enacting this chapter article, to provide responsible companies and individuals who engage in the operation of vending vehicles with clear and concise regulations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety, and welfare of the community. Due to the impacts that unrestricted vending can have on the peaceful use and enjoyment of city streets and residences adjacent to those streets and the need to preserve the residential character of neighborhoods and the impacts on Code Enforcement staff in the enforcement of vending regulations, the number, location, and other operational standards for vendors are provided. Any vendors selling products on city sidewalks and/or city parks shall comply with Chapter 28 of Title 5 of this Code."

SECTION 3. Chapter 2 (Food Handling) of Title 6 of the San Juan Capistrano Municipal Code is hereby deleted in its entirety and marked as "Reserved."

SECTION 4. Section 5-21.04 of the San Juan Capistrano Municipal Code is hereby amended to add a new subsection (q) to state as follows:

"Sec. 5-21.04. Rules and regulations applicable in City parks and facilities.

The Following rules and regulations apply in all City parks unless expressly stated otherwise elsewhere in this title:

...

(q) Vendors selling food and/or merchandise, whether stationary or roaming, shall not be allowed to vend in any areas of City Parks outside of the paved pedestrian paths. For vendors selling upon paved pedestrian paths in City Parks, such vendors shall comply with the regulations contained in Chapter 28 of Title 5 of this Code."

SECTION 5. Chapter 28 of Title 5 of the San Juan Capistrano Municipal Code is hereby deleted in its entirety and amended to read, in full, as follows:

**"CHAPTER 28. – REGULATION OF SIDEWALK VENDING.**

**Sec. 5-28.01. - Purpose.**

The City finds that the vending of prepared or pre-packaged foods, goods, and/or wares at semi-permanent locations on public sidewalks and rights-of-way may pose unsafe conditions and special dangers to the public health, safety, and welfare of residents and visitors. The purpose of this Chapter is to implement regulations on both roaming and stationary sidewalk vending that protect the public health, safety, and welfare of the community while complying with the requirements of general state law, as amended from time to time, to promote safe vending practices, prevent safety, traffic, and health hazards, and preserve the public peace, safety, and welfare of the community.

**Sec. 5-28.02. - Definitions.**

For purposes of this article the following definitions apply:

A. "Certified Famers' 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.

B. "City" means the City of San Juan Capistrano.

C. "Facility Use Permit" means a permit issued by the City to use a City-owned facility that is open to the public for rental or use.

D. "Fire station" means any facility where fire engines and other fire equipment of the City's fire services are located.

E. "Finance Director" means the Finance Director of the City of San Juan Capistrano or his/her designee.

F. "Park" means a public park or open space owned by the City.

G. "Pedestrian path" means a paved path maintained by the City used for pedestrian travel that provides public access between two points other than a sidewalk.

H. "Roaming sidewalk vendor or vending" means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

I. "Sidewalk" means that portion of a public highway, or other public roadway, set apart by curbs, barriers, markings or other delineation that is paved, specifically designed for pedestrian travel by the general public.

J. "Sidewalk vendor or vending" means a person who sells, offers to sell, operates, engages in or carries on a food or merchandise vending business 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 public pedestrian path.

K. "Stationary sidewalk vendor or vending" means a sidewalk vendor who vends from a fixed location.

L. "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.

### **Sec. 5-28.03. - Permits Required.**

A. All stationary and roaming sidewalk vendors shall obtain a sidewalk vending permit from the City's Finance Department prior to engaging in any sidewalk vending activities. The following information shall be required in order to obtain a sidewalk vending permit:

1. Name, current mailing address, and phone number of the vendor; and
2. If the vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal; and
3. A description of the merchandise/goods to be offered for sale, and the days/hours of sales; and
4. A copy of the California seller's permit with the sales tax number issued by the California Department of Tax and Fee Administration to the vendor; and

5. A copy of the vendor's social security card with the number; or a copy of the valid California Driver's license or California Identification card issued to the vendor; or a copy of the individual taxpayer identification number issued to the vendor.

a. Any such identification number(s) or license(s) collected shall not be available to the public for inspection and shall remain confidential and not be disclosed except as required to administer the permit or licensure program or comply with a state law or state or federal court order.

6. If preparing or selling food, a copy of the County Health Department permit issued to the vendor and/or pushcart vehicle; and

7. If the vendor proposes to be a stationary sidewalk vendor, a description or site plan map of the proposed location(s) where vending will take place, showing that the stationary sidewalk vending location maintains a minimum of forty-eight inches (48") of sidewalk accessible route area, in compliance with the Americans with Disabilities Act; and

8. If the vendor proposes to be a stationary sidewalk vendor, a copy of an encroachment permit issued by the City's Public Works Department with no encroachment permit fee required; and

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

**Sec. 5-28.04. - Review of Permit Application; Decision.**

A. Upon acceptance of a properly completed and filed sidewalk vendor permit application, the Finance Director shall conduct a preliminary investigation to determine compliance with this Chapter and shall make such determination within no more than forty-five (45) days of acceptance to approve or deny the application. The Finance Director or his/her designee shall provide the applicant with written notice of his or her decision to the address indicated in the application.

B. The Finance Director may deny an application for a permit if he or she makes any of the following findings:

1. The applicant has made one or more material misstatements in the application for a permit.

2. The applicant does not have a valid social security card, California Driver's license or California Identification card; or a copy of the individual taxpayer identification number issued to the vendor.

3. The applicant's vending operation, as described in the application, is inconsistent with the standards, conditions, and requirements of this Chapter.

4. It is determined that the applicant does not possess all federal, state, and local permits and licenses necessary to engage in the activity in which he or she seeks to engage.

C. If the application is denied, the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is denied and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form.

D. If the Finance Director approves the applicant's permit, he or she shall endorse his or her approval on the application and shall deliver the permit to the applicant.

E. Exemptions. A sidewalk vending permit shall not be required for the following activities:

1. The sale of agriculture products on sidewalks or pedestrian pathways on the site where the product is grown.

2. Vending from food trucks and other motorized vehicles on public streets or alleys in accordance with Chapter 7 of Title 4 of this Code.

3. City-sponsored and/or City-approved special events including, but not limited to, a Certified Farmers' Market, Swap Meet, street fairs, parades, festivals and outdoor concerts. Vendors contracted for these events shall be exempt from the provisions of this Chapter.

F. Term of permit. A sidewalk vending permit issued pursuant to this Chapter shall automatically expire one (1) year from the date issued, unless an earlier expiration date is noted on the permit.

G. Transferability. A sidewalk vending permit shall not be transferable to any other entity or person and is valid only as to the original applicant for the term stated.

**Sec. 5-28.05. - Stationary Sidewalk Vending Locations and Standards.**

A. Stationary sidewalk vending is prohibited in any area zoned for residential use or containing a residential land use designation as shown in an approved Specific Plan, Comprehensive Development Plan or by the latest zoning map of the City of San Juan Capistrano.

B. Stationary sidewalk vending shall be prohibited on any sidewalks within the historical downtown area depicted on the attached Exhibit A, incorporated herein by this reference.

C. Except for the prohibited areas identified in Section 5-28.05.A and B, stationary sidewalk vendors may operate in non-residential zones of the City, including mixed use zones, provided they meet the following standards:

1. The sidewalk vendor is duly licensed and meets all requirements of Section 5-28.02; and
2. The sidewalk vendor is located on a sidewalk or pedestrian path that is paved in concrete; and
3. The sidewalk vendor's operation allows a minimum of forty-eight inches (48") of accessible path of travel, without obstruction, along the public sidewalk or paved pedestrian path; and
4. The sidewalk vending is conducted between the hours of 5:00 AM and 12:30 AM of every day; and
5. The sidewalk vendor maintains the vending area in a clean, orderly, and sanitary condition; and
6. The sidewalk vendor location does not block entrances to private and public buildings, driveways, parking spaces, drive aisles or building windows; and
7. No vending shall occur within one hundred (100) feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway or police station driveway; and
8. No shade structures shall be permitted in conjunction with the vending activities if within twenty-five feet (25') of a driveway apron, defined as that portion of a regularly established driveway lying between a property line and any curb, the purpose of which is to provide access from the roadway across the curb, parkway, and sidewalk to the property fronting thereon or abutting thereto; and
9. The vendor shall not attach or connect to any water lines, electrical lines, or gas lines during vending operations, except those that are part of the vending cart; and
10. Exterior storage or display of refuse, equipment, materials, goods, wares, or merchandise not displayed for sale is prohibited; and
11. No vending shall occur within one hundred (100) feet of an event held pursuant to subsection 5-28.4(E)(3), a Facility Use Permit or Special Activities Permit within one hour before or after the time such event is taking place; and
12. No vending shall occur within five hundred (500) feet of the entrance to any school; and
13. To protect and maintain traffic visibility along City streets, no vending shall occur within one hundred (100) feet of a traffic signal support post, one hundred (100) feet of a freeway on-ramp or off-ramp or within one hundred (100) feet of a street intersection's triangular area formed by connecting the following three points: the point where the projection of an intersection's curb lines meet, a point measured 100 feet along one curb line from said intersecting point, and a point measured 100 feet along the other

curb line from said intersecting point; the City Engineer may increase the intersection sight distance visibility based on the roadway geometrics and speed; and

14. No sound amplification equipment or live entertainment may be used in conjunction with any sidewalk vendor sales; and

15. When asked, all vendors shall produce a copy of the City vending permit issued to them and, for vending requiring a County Health Department permit, a copy of the County Health Department permit; and

16. Vending shall not be conducted within any public or private street or alley.

#### **Sec. 5-28.06. - Sidewalk Vending in Parks**

A. Sidewalk vending of food or merchandise by stationary vendors shall be prohibited in any City Park with a concession stand operated by a vendor under exclusive contract with the City selling similar food or merchandise.

B. In any City Park without a concession stand operated by a vendor under exclusive contract with the City selling similar food or merchandise, all sidewalk vendors, whether stationary or roaming, shall meet the applicable standards contained in Section 5-28.05.

C. Sidewalk vending of food or merchandise by roaming vendors in any City Park with a concession stand operated by a vendor under exclusive contract with the City selling similar food or merchandise shall meet the applicable standards contained in Section 5-28.05.

D. Aside from the prohibited vending activity identified in Section 5-28.06.A, stationary and roaming sidewalk vendors may only operate along the sidewalks and paved pedestrian paths of City parks or other City owned property, provided they meet all the applicable standards contained in Section 5-28.05 and the additional following standards:

1. The sidewalk vendor shall cease operations one (1) hour prior to the close of the park; and

2. The sidewalk vendor location does not block access to any park equipment, playing field or park amenity; and

3. The sidewalk vendor does not vend within one hundred (100) feet of a field or court that is actively being used for sports (e.g., baseball field while baseball being played); and

4. The sidewalk vendor does not vend within one hundred (100) feet of a restroom entrance, playground, or play equipment.

#### **Sec. 5-28.07. - Roaming Sidewalk Vending Outside of Parks.**

A. Roaming sidewalk vendors shall meet the applicable standards contained in Section 5-28.05 and the additional following requirements:

1. Vending in residential areas shall only occur between the hours of 8 AM and 8 PM; and
2. Vending shall not be conducted within any public or private street or alley.

**Sec. 5-28.08. - Suspension; Rescission.**

A. A sidewalk vendor permit issued under this Chapter may be suspended or rescinded by the Finance Director, at their discretion, after four instances of vending in violation of the standards contained this Chapter.

B. Notice of the suspension or rescission of a sidewalk vendor permit issued under this Chapter shall be mailed, postage prepaid, to the holder of the sidewalk vendor permit at his or her last known address.

C. No person whose street vending permit has been revoked pursuant to this Chapter shall be issued a street vending permit for a period of two (2) years from the date revocation becomes final. **Sec. 5-28.09. - Appeals to City Manager.**

A. In the event that any applicant or permittee desires to appeal from any order, rescission, or other ruling of the Finance Director made under the provisions of this Chapter, such applicant or any other person aggrieved shall have the right to appeal such action or decision to the City Manager within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application. An appeal shall be taken by filing with the Finance Department a written appeal statement setting forth the grounds for the appeal. No appeal fee is required. The filing of the appeal shall stay the enforcement of any decision suspending or rescinding the permit. The Finance Director shall transmit the written statement to the City Manager within ten (10) days of its filing and payment of the appeal fee, and the City Manager shall set a time and place for a hearing on appeal. A hearing shall be set not later than sixty (60) days from the date of filing of the applicant's written appeal statement with the police department. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of suspension or rescission at least five (5) days prior to the date set for the hearing. At the hearing, the permittee and the City shall be entitled to legal representation and may present relevant evidence, testify under oath, and call witnesses who shall testify under oath. The City Manager shall not be bound by the traditional rules of evidence in a hearing, except that hearsay evidence may not be the sole basis for the decision of the City Manager. The City Manager may continue the hearing as deemed necessary. The decision of the City Manager, or his or her designee, on the appeal shall be final and binding on all parties concerned.

B. In lieu of having the City Manager conduct the appeal hearing, the City Manager may appoint a neutral hearing officer to conduct the proceedings.

**Sec. 5-28.10. – Penalties for Violations.**

A. It is unlawful for any person to violate any provision or fail to comply with any requirements of this article. A violation of this article shall be punished by:

1. An administrative fine not exceeding \$100 for a first violation.
2. An administrative fine not exceeding \$200 for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding \$500 for each additional violation within one (1) year of the first violation.

B. A violation of vending without a sidewalk vending permit, may, in lieu of the penalties set forth in subsection (A), set forth above, be punished by:

1. An administrative fine not exceeding two hundred fifty (\$250) dollars for a first violation.
2. An administrative fine not exceeding five hundred dollars (\$500) for a second violation within one (1) year of the first violation.
3. An administrative fine not exceeding one thousand dollars (\$1,000) for each additional violation within one (1) year of the first violation.

C. If an individual is subject to subsection (B), set forth above, for vending without a sidewalk vending permit, upon the individual providing proof of a valid permit issued by the City, the administrative fines set forth in this Chapter shall be reduced to the administrative fines set forth in subsection (A), respectively.

D. The proceeds of any administrative fines assessed pursuant to this Chapter shall be deposited in the treasury of the City.

E. Failure to pay an administrative fine assessed under this article shall not be punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized in this article shall not be assessed.

F. Any violation of this article shall not be punishable as an infraction or misdemeanor, and any person alleged to have violated any provisions of this article shall not be subject to arrest except when otherwise permitted under law.

G. When assessing an administrative fine pursuant to this article, the adjudicator shall take into consideration the person's ability to pay the fine. The City shall provide the person with notice of his or her right to request an ability-to-pay determination and shall make available instructions or other materials for requesting an ability-to-pay determination. The person may request an ability-to-pay determination at adjudication or while the judgment remains unpaid, including when a case is delinquent or has been referred to a comprehensive collection program.

1. If the person meets the criteria described in subdivision (a) or (b) of Government Code section 68632, the City shall accept, in full satisfaction, twenty (20) percent of the administrative fine imposed pursuant to this article.

2. The City may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

H. A person who is currently serving, or who completed, a sentence, or who is subject to a fine, for a conviction of a misdemeanor or infraction for sidewalk vending, whether by trial or by open or negotiated plea, who would not have been guilty of that offense under SB 946 had SB 946 been in effect at the time of the offense, may petition for dismissal of the sentence, fine, or conviction before the trial court that entered the judgment of conviction in his or her case.

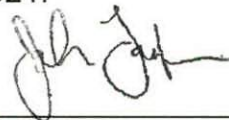
I. Nothing contained herein shall be construed to impede the City's or County's ability to enforce County Health Department codes and regulations."

SECTION 6. If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

SECTION 7. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within fifteen (15) days of adoption in a newspaper of general circulation printed and published within the City of San Juan Capistrano, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with California Government Code Section 36933.

SECTION 8. The City Clerk shall certify the adoption of this Ordinance and cause it, or a summary of it, to be published as required by law.

APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Juan Capistrano this 20<sup>th</sup> day of April 2021.



\_\_\_\_\_  
JOHN TAYLOR, MAYOR

ATTEST:



\_\_\_\_\_  
MARIA MORRIS, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF SAN JUAN CAPISTRANO )

AFFIDAVIT OF POSTING

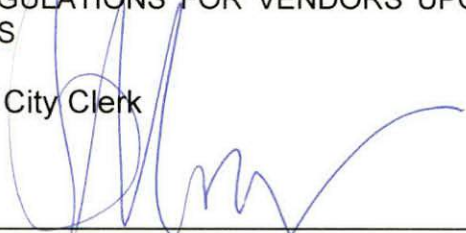
I, **MARIA MORRIS**, declare as follows:

That I am the duly appointed and qualified City Clerk of the City of San Juan Capistrano; that in compliance with State laws, Government Code section 36933(1) of the State of California.

On the 21<sup>st</sup> day of April 2021, I caused to be posted a certified copy of **Ordinance No. 1086**, adopted by the City Council on April 20, 2021, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING SECTION 4-7.01, AMENDING SECTION 5-21.04, DELETING CHAPTER 2 OF TITLE 6, AND DELETING AND RESTATING CHAPTER 28 OF TITLE 5 OF THE SAN JUAN CAPISTRANO MUNICIPAL CODE RELATED TO SIDEWALK VENDING REGULATIONS FOR VENDORS UPON PUBLIC SIDEWALKS AND IN CITY PARKS

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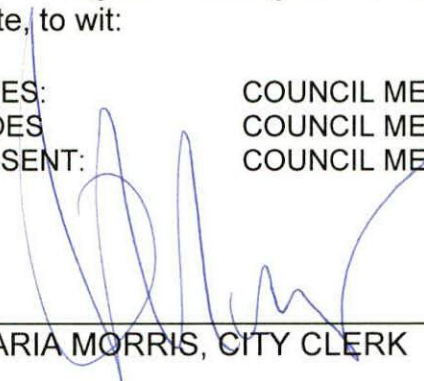


\_\_\_\_\_  
MARIA MORRIS, CITY CLERK  
San Juan Capistrano, California

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF SAN JUAN CAPISTRANO )

I, **MARIA MORRIS**, City Clerk of the City of San Juan Capistrano, do hereby certify that the foregoing is a true and correct copy of **Ordinance No. 1086** which was regularly introduced and placed upon its first reading at the Regular Meeting of the City Council on the 6<sup>th</sup> day of April 2021 and that thereafter, said Ordinance was duly adopted and passed at the Regular Meeting of the City Council on the 20<sup>th</sup> day of April 2021 by the following vote, to wit:

AYES: COUNCIL MEMBERS: Bourne, Farias, Hart, Reeve and Mayor Taylor  
NOES: COUNCIL MEMBERS: Reeve  
ABSENT: COUNCIL MEMBERS: None

  
\_\_\_\_\_  
MARIA MORRIS, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF SAN JUAN CAPISTRANO )

**AFFIDAVIT OF POSTING**

I, **MARIA MORRIS**, declare as follows:

That I am the duly appointed and qualified City Clerk of the City of San Juan Capistrano; That in compliance with State laws, Government Code section 36933(1) of the State of California, on the 6<sup>th</sup> day of April 2021, at least 5 days prior to the adoption of the ordinance, I caused to be posted a certified copy of the proposed ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING SECTION 4-7.01, AMENDING SECTION 5-21.04, DELETING CHAPTER 2 OF TITLE 6, AND DELETING AND RESTATING CHAPTER 28 OF TITLE 5 OF THE SAN JUAN CAPISTRANO MUNICIPAL CODE RELATED TO SIDEWALK VENDING REGULATIONS FOR VENDORS UPON PUBLIC SIDEWALKS AND IN CITY PARKS

This document was posted in the Office of the City Clerk

  
\_\_\_\_\_  
MARIA MORRIS, CITY CLERK  
San Juan Capistrano, California