



## Town Council Agenda Report

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Date: September 24, 2019 Item No. 8  
To: Honorable Mayor and Town Council  
Subject: DISCUSSION AND POSSIBLE ACTION REGARDING AN AMENDMENT TO THE TOWN OF APPLE VALLEY MUNICIPAL CODE REGARDING STREET/FOOD VENDORS AND MASSAGE ESTABLISHMENTS  
From: Douglas Robertson, Town Manager  
Submitted by: Carol Miller, Assistant Community Development Director  
Budgeted Item:  Yes  No  N/A

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### **RECOMMENDED ACTION:**

Receive and provide direction.

### **SUMMARY:**

Recently there has been a noticeable increase in food carts and sidewalk vendor and massage establishment activity. The following briefly gives background on the difficulties that Code Enforcement, Finance, and Development staff experience as a result of obsolete or inadequate regulations and a request for action.

#### Sidewalk Vendors, including food

More and more vendors can be seen on vacant lots and on sidewalks in neighborhoods and commercial locations, primarily food vendors. Since January 1, 2019, Senate Bill 946 has limited what local jurisdictions can do about attempting to regulate sidewalk vendors and has prohibited jurisdictions from treating it as a criminal matter. In fact, a jurisdiction is prevented from outright prohibiting them and can only regulate their activities based on public health, safety, and welfare considerations. The Town of Apple Valley's current municipal code sections in Title 5 Business Regulations, prohibits "solicitors" except for those that are going door to door for later delivery of goods or services. Additionally, and as a result, the Apple Valley Development code is silent and does not address the food or sidewalk vendor with the exception of Mobile Food Facilities such as food trucks and mobile food carts.

#### Massage Establishments

Similarly, the Town has a fair number of massage establishments, large and small, that are regularly changing ownership and personnel. Other jurisdictions, including those

nearby, have experienced similar activity that is often indicative of criminal conduct such as human trafficking, sex trade, prostitution, and money laundering. Unfortunately, massage establishments are not well regulated in the Town's municipal code and are listed in the Development Code as Adult Entertainment Businesses in conflict with Government Code section 51034(c)(2) thereby invalidating the remaining few massage establishment regulations in the current code. Additionally, a permit to operate which could otherwise establish operating guidelines, violations, penalties, and fees is not required.

In either case, without appropriate and adequate regulations for food and sidewalk vendors and massage establishments, there is a potential for substantial harm to the Town's residents and the better way of life. In the opinion of staff, action is required as it relates to drafting an ordinance that is specifically crafted to address the health and safety hazards that are potentially posed by such activities. After further discussion on the matter and direction from Town Council, staff is prepared to move forward with drafting an ordinance including any recommended language or provisions.

**Fiscal Impact:**

Not Applicable

**Attachments:**

None