

ORDINANCE NO. 14-6

AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE AND ADOPTING CLEAN UP AMENDMENTS TO THE 2012 DEVELOPMENT CODE; VOLUME 1, DATED JULY 24, 2012 (FORMERLY CHAPTER 122 (ZONING) OF THE CONCORD MUNICIPAL CODE) TO REVISE VARIOUS ARTICLES AND SECTIONS; AMENDING TITLE 12 (STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES), CHAPTER 12.50 (VENDORS), SECTION 12.50.030 (VENDING LOCATIONS; PERMITS AND BUSINESS LICENSES; VENDOR OPERATIONS), SUBSECTION (a); AND TITLE 6 (ANIMALS), CHAPTER 6.10 (KEEPING NON-COMMERCIAL ANIMALS), SECTION 6.10.020 (DEFINITIONS), AND SECTION 6.10.030 (GENERAL CONDITIONS FOR KEEPING LIVESTOCK, COMPANION ANIMALS, AND FOWL)

THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:

Section 1. Development Code, Article II (Zoning Districts - Uses and Standards), Division 2 Residential Districts (RR, RS, RL, RM, and RH)), Section 122-78 (Table 122-78.1 - Residential Districts - Allowed Uses and Permit Requirements); Office, Commercial, and Retail Services; Eating and Drinking Establishments is amended to read as follows:

Table 122-78.1 Residential Districts Allowed Uses and Permit Requirements						ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required -- - Use Not Allowed
Land Use Classifications	Permit Required by District					Additional Requirements
	RR	RS	RL	RM	RH	
Office, Commercial, and Retail Services						
Eating and Drinking Establishments						
Bar, Night Club Lounge	--	--	--	--	--	§122-621 Entertainment Uses
Food Vendor Group Site	--	--	--	--	--	§122-622 Food Vendor Group Site
Micro-Brewery/Distillery	--	--	--	--	--	§122-617 Alcoholic Beverage Sales
Micro-Brewery/Distillery, Large	--	--	--	--	--	§122-617 Alcoholic Beverage Sales
Restaurant, Full Service	--	--	--	--	--	
Restaurant, Limited Service	--	--	--	--	--	
Restaurant, w/Drive-Through	--	--	--	--	--	§122-619 Drive-Through Facilities
Restaurant, w/Live Entertainment	--	--	--	--	--	§122-621 Entertainment Uses
Tasting Room	--	--	--	--	--	§122-617 Alcoholic Beverage Sales

Section 2. Development Code, Article II (Zoning Districts - Uses and Standards), Division 3 North Todos Santos District (NTS), Section 122-103 – (Table 122-103.1 - North Todos Santos District – Allowed Uses and Permit Requirements); Office, Commercial and Retail Services; Eating and Drinking Establishments is amended to read as follows:

Table 122-103.1 North Todos Santos District Allowed Uses and Permit Requirements		ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required -- Use Not Allowed	
Land Use Classifications	Permit Required by District		Additional Requirements
	NTS		
Office, Commercial, and Retail Services			
Eating and Drinking Establishments			
Bar, Night Club Lounge	--		§122-621 Entertainment Uses
Food Vendor Group Site	--		§122-622 Food Vendor Group Site
Micro-Brewery/Distillery	--		§122-617 Alcoholic Beverage Sales
Micro-Brewery/Distillery, Large	--		§122-617 Alcoholic Beverage Sales
Restaurant, Full Service	--		
Restaurant, Limited Service	--		
Restaurant, w/Drive-Through	--		§122-619 Drive-Through Facilities
Restaurant, w/Live Entertainment	--		§122-621 Entertainment Uses
Tasting Room	--		§122-617 Alcoholic Beverage Sales

Section 3. Development Code, Article II (Zoning Districts - Uses and Standards), Division 4 Office and Commercial Districts (CO, CMX, NC, SC, and RC), Section 122-131 - (Table 131.1 – Office and Commercial Districts – Allowed Uses and Permit Requirements); Office, Commercial, and Retail Sales; Eating and Drinking Establishments is amended to read as follows:

Table 122-131.1 Office and Commercial Districts Allowed Uses and Permit Requirements							ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required - Use Not Allowed
Land Use Classifications	Permit Required by District					Additional Requirements	
	CO	CMX	NC	SC	RC		
Office, Commercial, and Retail Uses							
Eating and Drinking Establishments							
Bar, Night Club Lounge	--	UP	UP	UP	UP	§122-621 Entertainment Uses	
Food Vendor Group Site	--	MP	MP	MP	MP	§122-622 Food Vendor Group Site	
Micro-Brewery/Distillery	--	--	--	MP	MP	§122-617 Alcoholic Beverage Sales	
Micro-Brewery/Distillery, Large ⁽¹⁾	--	--	--	UP	UP	§122-617 Alcoholic Beverage Sales	
Restaurant, Full Service	--	AP	AP	UP	ZC		
Restaurant, Limited Service	--	ZC ⁽⁹⁾	ZC	AP	ZC		
Restaurant, w/Drive-Through	--	UP	UP	UP	UP	§122-619 Drive-Through Facilities	
Restaurant, w/Live Entertainment	--	--	UP	UP	UP	§122-621 Entertainment Uses	
Tasting Room	--	--	--	AP	AP	§122-617 Alcoholic Beverage Sales	

(1) Not allowed on ground floor.

- (3) Allowed to occupy up to 20% gross area of shopping center or multi-tenant building or 20% street frontage of one building.
- (5) No outdoor facilities, storage, or activities are allowed.
- (9) Requires a minimum lot size of 10,000 sq. ft.
- (10) Allowed with residential use only.
- (11) A facility which exceeds 3,000 square feet.

Section 4. Development Code, Article II (Zoning Districts - Uses and Standards), Division 4 Office and Commercial Districts (CO, CMX, NC, SC, and RC), Section 122-131 - (Table 131.1 – Office and Commercial Districts – Allowed Uses and Permit Requirements); Office, Commercial, and Retail Sales; Personal Services is amended to read as follows:

Table 122-131.1 Office and Commercial Districts Allowed Uses and Permit Requirements						ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required - Use Not Allowed
Land Use Classifications	Permit Required by District					Additional Requirements
	CO	CMX	NC	SC	RC	
Office, Commercial, and Retail Uses						
Personal Services						
General	ZC	ZC	ZC ⁽³⁾	ZC ⁽³⁾	ZC ⁽³⁾	
Improvement, Instructional	--	ZC	ZC ⁽³⁾	ZC	ZC	
Restricted	--	--	MP	MP	MP	

Section 5. Development Code, Article II (Zoning Districts - Uses and Standards), Division 5 Downtown Districts (DP, DMX, and WMX), Section 122-154 (Table 122-154.1 – Downtown Districts – Allowed Uses and Permit Requirements); Office, Commercial and Retail Uses; Eating and Drinking Establishments is amended to read as follows:

Table 122-154.1 Downtown Districts Allowed Uses and Permit Requirements					ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required -- - Use Not Allowed
Land Use Classifications	Permit Required by District			Additional Requirements	
	DP	DMX	WMX		
Office, Commercial, and Retail Uses					
Eating and Drinking Establishments					
Bar, Night Club, Lounge	AP	AP	AP	§122-621 Entertainment Uses	
Food Vendor Group Site	-	MP	MP	§122-622 Food Vendor Group Site	
Micro-Brewery/Distillery	MP	MP	MP	§122-617 Alcoholic Beverage Sales	
Micro-Brewery/Distillery, Large ⁽¹⁴⁾	UP	UP	UP	§122-617 Alcoholic Beverage Sales	
Restaurant, Full Service	ZC	ZC	ZC		
Restaurant, Limited Service	ZC	ZC	ZC		

Restaurant, w/Drive-Through	--	--	UP	§122-619 Drive Through Facilities
Restaurant, w/Live Entertainment	AP	AP	UP	§122-621 Entertainment
Tasting Room	AP	AP	AP	§122-617 Alcoholic Beverage Sales

- (1) Not allowed on ground floor.
- (2) Allowed on upper floors subject to Use Permit Approval.
- (3) Allowed to occupy up to 20 % gross area of shopping center or multi-tenant building or 20% street frontage of one building.
- (7) Allowed on ground floor subject to Minor Use Permit approval.
- (8) Allowed on upper floors subject to an Administrative Permit approval.
- (10) Allowed with residential use only.
- (14) A facility which exceeds 3,000 square feet.

Section 6. Development Code, Article II (Zoning Districts - Uses and Standards), Division 5
Downtown Districts (DP, DMX, and WMX), Section 122-154 (Table 122-154.1 – Downtown Districts – Allowed Uses and Permit Requirements); Business Park and Industrial Uses; Media Production Facility is amended to read as follows:

Table 122-154.1 Downtown Districts Allowed Uses and Permit Requirements				ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required -- - Use Not Allowed
Land Use Classifications	Permit Required by District			Additional Requirements
	DP	DMX	WMX	
Business Park and Industrial Uses				
Media Production Facility	ZC	ZC	ZC	

Section 7. Development Code, Article II (Zoning Districts - Uses and Standards), Division 6
Business Park and Industrial Districts (OBP, IBP, IMX, and HI), Section 122-177 (Table 122-177.1 – Business Park and Industrial Districts – Allowed Uses and Permit Requirements); Office, Commercial and Retail Uses; Eating and Drinking Establishments is amended to read as follows:

Table 122-177.1 Business Park and Industrial Districts Allowed Uses and Permit Requirements					ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required -- - Use Not Allowed
Land Use Classifications	Permit Required by District				Additional Requirements
	OBP	IBP	IMX	HI	
Office, Commercial, and Retail Uses					
Eating and Drinking Establishments					
Bar, Night Club, Lounge	--	--	--	--	§122-621 Entertainment Uses
Food Vendor Group Site	AP	AP	AP	--	§122-622 Food Vendor Group Site
Micro-Brewery/Distillery	MP	MP	MP	--	§122-617 Alcoholic Beverage Sales
Micro-Brewery/Distillery, Large ⁽¹¹⁾	UP	UP	UP	--	§122-617 Alcoholic Beverage Sales
Restaurant, Full Service	AP ⁽³⁾	AP ⁽³⁾	AP ⁽³⁾	--	
Restaurant, Limited Service	ZC ⁽³⁾	ZC ⁽³⁾	ZC ⁽³⁾		
Restaurant, w/Drive-Through	--	--	--	--	§122-619 Drive Through Facilities
Restaurant, w/Live Entertainment	--	--	--	--	§122-621 Entertainment
Tasting Room	AP	AP	AP	--	§122-617 Alcoholic Beverage Sales

- (1) Allowed to occupy up to 20% of: gross area of shopping center, multi-tenant building or 20% street frontage of one building.
- (2) Outdoor sales, activities, or storage allowed inside or rear yards when enclosed by an eight-foot tall masonry wall and materials do not exceed wall height.
- (5) No outdoor facilities, storage, or activities are allowed.
- (6) Allowed if occupying less than 80,000 square feet of gross floor area.
- (10) Allowed with residential use only
- (11) A facility which exceeds 3,000 square feet.

Section 8. Development Code, Article II (Zoning Districts - Uses and Standards), Division 7 Public/Quasi-Public District (PQP), Section 122-200 (Table 122-200.1 – Public/Quasi-Public District – Allowed Uses and Permit Requirements); Office, Commercial and Retail Uses; Eating and Drinking Establishments is amended to read as follows:

Table 122-200.1 Public/Quasi-Public Districts Allowed Uses and Permit Requirements		ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required -- - Use Not Allowed	
Land Use Classifications	Permit Required by District		Additional Requirements
	PQP		
Office, Commercial, and Retail Uses			
Eating and Drinking Establishments			
Bar, Night Club, Lounge	--		§122-621 Entertainment Uses
Food Vendor Group Site	AP		§122-622 Food Vendor Group Site
Micro-Brewery/Distillery	--		§122-617 Alcoholic Beverage Sales
Micro-Brewery/Distillery, Large ⁽¹¹⁾	--		§122-617 Alcoholic Beverage Sales
Restaurant, Full Service	--		
Restaurant, Limited Service	--		
Restaurant, w/Drive-Through	--		§122-619 Drive Through Facilities
Restaurant, w/Live Entertainment	--		§122-621 Entertainment
Tasting Room	--		§122-617 Alcoholic Beverage Sales

Section 9. Development Code, Article II (Zoning Districts - Uses and Standards), Division 8 Community Land Districts (OS, PR, RLC and WRC), Section 122-223 (Table 122-223.1 – Community Land Districts – Allowed Uses and Permit Requirements); Office, Commercial and Retail Uses; Eating and Drinking Establishments is amended to read as follows:

Table 122-223.1 Community Land Districts Allowed Uses and Permit Requirements					ZC - Permitted Use, Zoning Clearance AP - Administrative Permit required MP - Minor Use Permit required UP - Use Permit required -- - Use Not Allowed
Land Use Classifications	Permit Required by District				Additional Requirements
	OS	PR	RLC	WRC	
Office, Commercial, and Retail Uses					
Eating and Drinking Establishments					
Bar, Night Club, Lounge	--	--	--	--	§122-621 Entertainment Uses

Food Vendor Group Site	--	AP	--	--	§122-622 Food Vendor Group Site
Micro-Brewery/Distillery	--	--	--	--	§122-617 Alcoholic Beverage Sales
Micro-Brewery/Distillery, Large ⁽¹¹⁾	--	--	--	--	§122-617 Alcoholic Beverage Sales
Restaurant, Full Service	--	--	--	--	
Restaurant, Limited Service	--	--	--	--	
Restaurant, w/Drive-Through	--	--	--	--	§122-619 Drive Through Facilities
Restaurant, w/Live Entertainment	--	--	--	--	§122-621 Entertainment
Tasting Room	--	--	--	--	§122-617 Alcoholic Beverage Sales

Section 10. Development Code, Article IV (Development Standards), Division 3 (Parking, Loading, and Access), Section 122-390 (Parking Design Standards), Subsection (d)(5) a (Access to Landlocked Parcels) is amended to read as follows:

(5) **Access to Landlocked Parcels.** Access to landlocked parcels without direct frontage on a public or private street may be created for up to four lots or parcels if the developer or property owner records an access easement that meets the following conditions:

a. Access to one lot, serving no more than two dwelling units, shall be at least 16 feet wide, (including a travel surface of a width to be determined by the Fire District), connecting the landlocked parcel to a public or private street through an intervening lot or parcel. The easement shall provide emergency access with no parking;

Section 11. Development Code, Article V (Standards for Specific Uses), Division 1 (Standards for Specific Uses), is hereby amended to add new Section 122-634 (Food Vendor Group Sites) to read as follows:

122-634 Food Vendor Group Sites

Where allowed by Article II (Zoning Districts – Uses and Standards), Food Vendor Group Sites shall comply with the requirements of this section.

(a) **Purpose.** This Section provides standards for Food Vendor Group Sites, established on private or public property, where allowed by Article II (Zoning Districts - Uses and Standards). Food vendors can bring vitality, pedestrian activity, and spillover economic

1 activity to the surrounding areas while protecting the health, safety, convenience,
2 prosperity, and general welfare of the city and surrounding businesses. It is the intent
3 of these regulations to assure a minimum level of cleanliness, quality, and security.

4 (b) **Applicability**

5 (1) This section shall only apply to Food Vendor Group Sites, which are sites with
6 the stationary operation of one or more mobile food vendors clustered together
7 on a single private or public property site during a specified time and in
8 accordance with an approved permit. All other vendor sites and sales shall
9 comply with the provisions in Concord Municipal Code (CMC) Vendor
10 Ordinance Sections 12.50.010 through 12.50.040.

11 (2) Notwithstanding the provisions in this section, all vendors shall also comply
12 with the requirements in CMC Sections 12.50.010 through 12.50.040.

13 (c) **Definition**

14 (1) **Food Vending.** The sale of prepared foods from a food vendor unit. Food
15 vending activities may include, but are not limited to, the following:

- 16 a. The sale of food prepared off-site in a commercial kitchen and/or
17 prepared on-site within the food vendor unit kitchen, per Contra Costa
18 County Health Regulations.
- 19 b. Food ordered and served from the food vendor unit.
- 20 c. Take-out counter and space for customer queuing.
- 21 d. Prepared food served in disposable wrappers, plates, or containers and
22 sold for on-site or off-site consumption.

23 (2) **Food Vendor Unit.** A mobile truck, trailer, vendor cart, or other movable
24 wheeled equipment or vehicle from which food vending occurs.

25 (3) **Food Vendor.** A person who is engaged in food vending.

26 (4) **Food Vendor Group Site.** A site approved for a specified number of food
27 vendors, where allowed by Article II (Zoning Districts Uses and Standards), for
28 a specific duration and frequency and subject to specific conditions of approval.

1 (5) **Food Vendor Group Site Operator.** The individual directly responsible for
2 organizing and/or conducting the Food Vendor Group Site and/or the facility
3 manager, or respective designee, for the purpose of determining liability for
4 damage to City or public facilities as a result of a food vendor group site.

5 (d) **General Requirements**

6 (1) **Location.** Food Vendor Group Sites shall be located a minimum distance of
7 100 feet from the following (as measured in a straight line from the property
8 line of the Food Vendor Group Site to the nearest property line of the
9 following):

10 a. **Schools.** Any public school, unless specifically authorized by the
11 School District, indicating that the school has no objections to the
12 proposed Food Vendor Group Site locating on school grounds or within
13 100 feet of the school grounds.

14 b. **Parks.** Any public park or recreation area unless specifically authorized
15 by the City.

16 c. **Restaurants.** Any Full Service, Limited Service, or Drive through,
17 restaurant, unless specifically authorized by the restaurant.

18 d. Any Bar, Nightclub, Lounge.

19 (2) **Restrooms.** Food Vendor Group Sites shall be located within 200 feet of an
20 available functioning restroom facility, which is available for the vendors and
21 their employees, and customers, unless otherwise set forth in the permit
22 approval for the Food Vendor Group Site.

23 (3) **Hours of Operation.** Food Vendor Group Site activities shall not be conducted
24 before 7:00 a.m. or after 9:00 p.m., any day of the week, and all vendor units
25 shall be cleared from the site by 10:00 p.m., unless otherwise set forth in the
26 permit approval for the Food Vendor Group Site.

1 (4) **Site Circulation**

- 2 a. Food vendor units shall not impede circulation, block driveways, drive
3 aisles, parking, or other site improvements which are required for other
4 businesses
- 5 b. Food Vendor Group Sites shall not locate or block parking spaces which
6 serve as required parking for any other business or use on the property;
- 7 c. Each food vendor unit at a Food Vendor Group Site shall be sited in a
8 manner to insure that the customer queue maintains a minimum five feet
9 of unobstructed clear path along any public sidewalk or right-of-way
10 when the service window faces the street or sidewalk.
- 11 d. Safe and adequate parking shall be provided for customers of the Food
12 Vendor Group Site, the number of spaces and the layout shall be
13 submitted with the application for a Food Vendor Group Site.

14 (5) **Site Conditions.** The Food Vendor Group Site operator shall be responsible for
15 the improvement, maintenance, and compliance with the conditions of
16 approval, as follows:

- 17 a. Installation of improvements and maintenance of the site, adjacent right-
18 of-way, and properties within 100 feet of the site in a safe, litter free,
19 and clean manner at all times.
- 20 b. Installation of dust-proof surfacing of all areas of the site to be used by
21 vendor units and as needed for parking. Dust-proof surfacing shall be
22 defined as paving, asphaltic concrete, cement concrete, porous
23 asphalt/porous concrete or functional equivalent approved by the City
24 Engineer.
- 25 c. Installation and maintenance of adequate lighting to ensure vendor and
26 customer safety. All lighting shall be directed downwards and away
27 from adjacent properties and public streets.
- 28

- d. On-going arrangements and costs for the collection and disposal of waste and trash after each Food Vendor Group Site event.
- e. The layout of the Food Vendor Group Site shall comply with the approved permit and maintain site circulation and access consistent with the Americans with Disabilities Act (ADA).
- f. Installation, maintenance, and storage of other site amenities such as tables and chairs, portable restroom facilities, and/or temporary shade structures, as required.

(6) **Security.** The Food Vendor Group Site operator shall ensure that adequate safety and security measures are implemented.

(7) **Display and Appearance of Mobile Food Vendor Units**

- a. Each food vendor unit shall display a current business license and current health department permit in plain view, as required by the health department.
- b. Food vendor units shall be maintained in movable condition at all times.
- c. Each food vendor shall provide at least one 32 gallon trash receptacle within 15 feet of their food vendor unit.

(8) **Alcohol.** The serving or consumption of alcohol is prohibited at Food Vendor Group Sites.

(e) **Permit requirements.** Where allowed by Article II (Zoning Districts – Uses and Standards), an Administrative Permit or Minor Use Permit shall be required, in accordance with Article VII. (Permits and Permit Requirements).

(f) **Conditions of Approval.** In addition to the requirements in this section, additional conditions may be required as determined necessary to protect the public health, safety, welfare, and order, and to minimize adverse impacts upon the surrounding neighborhood and the general community. Additional conditions may be added to address noise, lighting, odors, or smoke. The following conditions shall apply to all Food Vendor Group Sites:

1 (1) No more than one Food Vendor Group Site shall be allowed on any single
2 property.

3 (2) Any exterior storage of refuse, equipment, or materials associated with the
4 Food Vendor Group Site and each food vendor unit shall be prohibited on the
5 site except during operating hours.

6 **Section 12.** Development Code, Article IX (General Terms), Division 1 (Use
7 Classifications), Section 122-1580 (Use Classifications) is amended to read as follows:
8

9 **Eating and Drinking Establishments**

10 **Bar, Night Club, Lounge.** An establishment that sells beer, wine, and distilled spirits in
11 accordance with applicable California Department of Alcoholic Beverage Control regulations,
12 and may include live entertainment.

13 **Micro-Brewery/Micro-Distillery.** A facility for the production and packaging of alcoholic
14 beverages for distribution, retail, or wholesale, on or off premises and which meets all
15 applicable California Department of Alcoholic Beverage Control regulations. Outdoor eating
16 areas shall be permitted as an accessory use to a micro-brewery/micro-distillery consistent
17 with Section 122-632, Sidewalk Cafes and Outdoor Eating Areas.

18 **Restaurant, Full Service.** A restaurant that prepares food, may include alcoholic drinks, and
19 serves seated customers who select food from a menu. Take out service is optional and may
20 not be available.
21

22 **Restaurant, Limited Service.** An establishment that prepares food or sells packaged food for
23 on-site consumption, take out, or delivery. Typically customers self-serve or are served
24 partially. This classification includes cafeterias, delicatessens, fast-food restaurants, sandwich
25 shop, pizza parlors, snack bars, takeout restaurants, and catering businesses or bakeries that
26 have a storefront restaurant component.
27
28

1 **Restaurant with Drive-Through.** A restaurant where food or coffee type beverages may be
2 purchased by motorists who remain in their vehicles during the sales transaction.

3 **Restaurant with Live Entertainment.** A full service or limited service restaurant that also
4 provides live music, a disc jockey, karaoke, dancing to live or recorded music, and/or comedy
5 or theatrical performances to patrons. This classification does not include coin-operated music
6 player machines, i.e., jukeboxes, or other recorded music.

7
8 **Tasting Room.** A facility allowing on-site tasting of alcoholic beverages and retail sales
9 directly to the public and possessing the appropriate California Department of Alcoholic
10 Beverage Control license type. The tasting room may be operated within a micro-
11 brewery/micro-distillery facility, accessory to a separate on-site use, or as a stand-alone retail
12 use. Outdoor eating areas shall be permitted as an accessory use to a tasting room consistent
13 with Section 122-632, Sidewalk Cafes and Outdoor Eating Areas.

14 **Section 13.** Concord Municipal Code Title 12 (Streets, Sidewalks, and Other Public
15 Places), Chapter 12.50 (Vendors), Section 12.50.030 (Vending locations; permits and business
16 licenses; vendor operations), subsection (a) is hereby amended to read as follows:

17 (a) *Authority to vend on public or private property.* A vendor may be permitted to operate
18 only at public and private property authorized by this section, subject to first obtaining
19 a written city permit. This section does not apply to a vendor on public property not
20 owned by the city if permission to vend has been granted by the property owner or on
21 private property where permission to vend has been granted by city permit.

22 (1) *Vendor motor vehicles.* On private property, which is not an approved Food
23 Vendor Group Site, vendor motor vehicles are allowed only at construction
24 sites. Such vehicles may stop at a construction site for no more than 30 minutes
25 without moving to a new location at least 300 feet removed therefrom. Such
26 vehicles may not return to a location where they have previously stopped to
27 vend within the previous three hours.

28 (2) *Nonmotorized carts.* Vendor carts are allowed on private property only pursuant
to a city administrative permit or minor use permit. Vendor carts are allowed on

1 construction sites only pursuant to an administrative permit. The approving
2 authority may impose reasonable conditions as provided in subsection (g)(2).
3 At construction sites on private property, vendor carts may stop for no more
4 than 30 minutes without moving to a new location at least 300 feet removed
5 therefrom. Such carts may not return to a location where they have been
6 previously stopped to vend within the previous three hours.

- 7 (3) *Vendors prohibited in Downtown Business Zoning District.* Vendors shall not
8 be permitted to operate at any publicly owned location in the Downtown
9 Pedestrian Zoning District except as authorized by section [12.50.030](#)(b)(2)
10 pursuant to a valid minor use permit.

11 **Section 14.** Concord Municipal Code Title 6 (Animals), Chapter 6.10 (Keeping
12 Noncommercial Animals), Section 6.10.020 (Definitions) is hereby amended to redefine “Fowl” to
13 read as follows:

14 (1) Any domesticated chicken, duck, goose, guinea fowl, peafowl, turkey, or pigeon, but
15 shall not include roosters, racing pigeons or pigeons classified as fancy birds kept by members
16 of recognized racing pigeon clubs, fancy/show/exotic fowl not intended for human consumption
17 or for the production of eggs for human consumption, avicultural birds, pet birds, and other
18 nonfowl birds.

19 (2) Racing pigeons and fancy birds kept by members of recognized racing pigeon clubs,
20 birds kept by aviculturalists, pet birds, fancy/show/exotic birds not meant for human
21 consumption or for the production of eggs for human consumption, and other nonfowl birds
22 shall be subject to the provisions of section [6.10.130](#) and section [6.10.140](#) of this Code.

23 **Section 15.** Concord Municipal Code Title 6 (Animals), Chapter 6.10 (Keeping
24 Noncommercial Animals), Section 6.10.030 (General conditions for keeping livestock, companion
25 animals and fowl) is amended to read Section 6.10.030 *General conditions for keeping livestock,*
26 *companion animals, fowl, and roosters.*

27 **Section 16.** Concord Municipal Code Title 6 (Animals), Chapter 6.10 (Keeping
28 Noncommercial Animals), Section 6.10.030 (General conditions for keeping livestock, companion
animals, fowl, and roosters) is hereby amended to add Subsections (c) and (d) as follows:

1 (c) It shall be unlawful for any person to maintain, keep, or board any rooster within the
2 City of Concord, to the extent such rooster is hatched or otherwise acquired on or after August 7, 2014.

3 (d) As of August 7, 2015, it shall be unlawful for any person to maintain, keep, or board
4 any rooster within the City of Concord, irrespective of when such rooster was hatched or otherwise
5 acquired.

6 **Section 17.** This Ordinance No. 14-6 shall become effective thirty (30) days following its
7 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire
8 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City
9 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,
10 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney's
11 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and
12 once within fifteen (15) days after its passage and adoption, including the vote of the
13 Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of
14 Concord.

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Timothy S. Grayson
Mayor

18 ATTEST:

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Mary Rae Lehman, CMC
21 City Clerk

22 (Seal)

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1 Ordinance No. 14-6 was duly and regularly introduced at a regular meeting of the City Council
2 of the City of Concord held on June 24, 2014, and was thereafter duly and regularly passed and
3 adopted at a regular meeting of the City Council of the City of Concord on July 8, 2014, by the
4 following vote:

5 **AYES:** Councilmembers -

6 **NOES:** Councilmembers –

7 **ABSTAIN:** Councilmembers –

8 **ABSENT:** Councilmembers -

9 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and
10 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

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13 _____
14 Mary Rae Lehman, CMC
15 City Clerk
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