



City of Sacramento Law and Legislation Committee

COMMITTEE MEMBERS:

LAUREN HAMMOND, Chair (D-5)

SANDY SHEEDY (D-2)
Councilmember

STEVE COHN (D-3)
Councilmember

ROBBIE WATERS (D-7)
Councilmember

CITY STAFF:

Shirley Concolino
City Clerk

Patti Bisharat
Government Affairs

Yvette Rincon
Legislative Analyst

Joe Robinson
Deputy City Attorney

*City Hall
915 I Street, 1st Floor – Council Chambers*

June 20, 2006 – 12:30 P.M.

The Law and Legislation Committee is a Standing Committee, a permanent committee of the City Council established to consider subjects of a particular class. Its purpose is to review state and federal legislation affecting the City and proposed changes to municipal ordinances in order to make recommendations to the full City Council.

NOTICE TO THE PUBLIC

You are welcomed and encouraged to participate in this meeting. Public comment is taken (3 minutes maximum) on items listed on the agenda when they are called. Public Comment on items not listed on the agenda will be heard at the end of the meeting as noted on the agenda. Comments on controversial items may be limited and large groups are encouraged to select 3-5 speakers to represent the opinion of the group.

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Government Code 54950 (The Brown Act) requires that a brief description of each item to be transacted or discussed be posted at least 72 hours prior to a regular meeting. The City posts Agendas at City Hall as well as offsite meeting locations.

The order of Agenda items are listed for reference and may be taken in any order deemed appropriate by the legislative body. The Agenda provides a general description and staff recommendations; however, the legislative body may take action other than what is recommended. Full staff reports are available for public review on the City's website and include all attachments and exhibits. "To Be Delivered" and "Supplemental" reports will be published as they are received. Hard copies are available at the Office of the City Clerk. (25 cents per page)

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AGENDA

Tuesday June 20, 2006

City Hall

915 I Street - First Floor Council Chamber

All items listed are heard and acted upon by the Law and Legislation Committee unless otherwise noted.

Call to Order

Roll Call

Consent Calendar

All items listed under the Consent Calendar are considered and acted upon by one motion. A member of the legislative body or staff may request an item be removed for separate consideration.

1. Approval of Minutes for June 8, 2006.

Location: (Citywide)

Recommendation: Approve Committee minutes for June 8, 2006.

Contact: Yvette Rincon, Legislative Analyst, (916) 808-5827, City Manager's Office.

2. Law and Legislation Log

Location: (Citywide)

Recommendation: Approve legislative log

Contact: Yvette Rincon, Legislative Analyst, (916) 808-5827, City Manager's Office.

Staff Reports

Staff reports include oral presentations including those recommending receive and file. Each speaker is limited to a maximum of 3 minutes.

3. Mobile Food Vendor Ordinance

Location: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee forward the attached ordinance regulating Mobile Food Vending to the City Council for adoption.

Contact: Brad Wasson, Revenue Manager, 808-5844
Russell Fehr, Finance Director, 808-5832

Public Comments- Matters Not on the Agenda

4. To be announced

Adjournment

5. To be announced

LAW AND LEGISLATION COMMITTEE
Preliminary Calendar
As of June 14, 2006

DISCLAIMER: The following information is tentative as to dates and subjects.

July 18, 2006

Amend City Code Regarding Animal Control – **General Services Dept.**

Amending Ordinance Sections 8.04.430 and 8.96.360 Relating to Liens – **Code Enforcement**

Solid Waste and Recycling Facility Fee – **Solid Waste Department**

An Ordinance Relating to Bi-Directional Amplification Devices in Newly Constructed Buildings–
Police Dept

August 1, 2006

Front yard Landscaping – **Code Enforcement**

PENDING ORDINANCES/REPORTS:

Report Back on Contract Standards – **Finance/Procurement Department**

Report Back on Representation of Neighborhood Associations - **Development Svcs/NSD**

Contractual Conflict of Interest of City Employees – **Finance Department**

Drug & Gun Free Zones and Creation of Civil Exclusion - **Police**

Illegal Dumping Vehicle Impound Ordinance – **Utilities Department**

Housing Trust Fund Nexus Study - **Development Svcs**

Amend Ordinance Regarding Reward Program – **Utilities Department**

Amend Tree Ordinance – **Parks & Rec**

Public Financing of Campaigns – **City Clerk**

Report Back on Rental Inspection Pilot Program – **Code Enforcement**

Report Back on City Infill Housing Project – **Development Svcs**

Amend Ordinance Relating to Recycling Centers – **Development Svcs**

Discussion paper on Truancy/Daytime Curfew for Teens – **Police Department**

Discussion paper on Trespassing Ordinance – **Code Enforcement & Police**

Amendments to Update Development Services Code – **Development Svcs**

Alcohol Use Permit Processing Ordinance – **Police Department**

Amendments to Marina Ordinance – **Convention Culture & Leisure**

R Street Urban Design Plan and SPD Amendments - **Development Svcs**

Ordinance to Regulate Valet Parking – **Transportation Dept.**

AB 777 Relating to Tax Credits and Motion Picture Production – **City Manager's Office**

Discussion Paper on an Ordinance to implement the Disease Prevention Project – **City
Manager's Office**

Report Back on City-wide Sign Ordinance and A-Frame Signs - **Development Svcs**

Tot Lot Ordinance – **Parks Department**



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

1

915 I Street, Sacramento, CA 95814-2671

Consent
June 20, 2006

Honorable Members of the
Law and Legislation Committee

Subject: Approval of Minutes – June 8, 2006

Location/Council District: All

Recommendation: Approve the minutes for the Committee meeting of June 8, 2006.

Contact: Yvette Rincon, Legislative Analyst - 808-5827

Presenters: None

Department: City Manager's Office

Division: Legislative Affairs

Organization No: 0300

Summary: Staff is recommends the approval of the minutes for the Committee meeting of June 8, 2006.

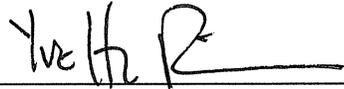
Committee/Commission Action: None.

Financial Considerations: None.

Environmental Considerations: None.

Policy Considerations: None.

Emerging Small Business Development (ESBD): None.

Respectfully Submitted by: 
Yvette Rincon, Legislative Analyst

Recommendation Approved:


GUSTAVO F. VINA
Assistant City Manager

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City of Sacramento Law and Legislation Committee MINUTES

COMMITTEE MEMBERS:

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*City Hall
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June 8, 2006 – 12:30 P.M.*

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MINUTES

Thursday June 8, 2006

City Hall

915 I Street - First Floor Council Chamber

All items listed are heard and acted upon by the Law and Legislation Committee unless otherwise noted.

Call to Order – 12:40pm

Roll Call – Sheedy, Cohn, Hammond, Present. Waters absent.

Consent Calendar

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1. **Approval of Minutes for May 16, 2006.**

Location: (Citywide)

Recommendation: Approve Committee minutes for May 16, 2006.

Contact: Yvette Rincon, Legislative Analyst, (916) 808-5827, City Manager's Office.

Action: Moved/Seconded/Carried (Sheedy/Cohn) approval of May 16, 2006 minutes.

2. **Law and Legislation Log**

Location: (Citywide)

Recommendation: Approve legislative log

Contact: Yvette Rincon, Legislative Analyst, (916) 808-5827, City Manager's Office.

Action: Moved/Seconded/Carried (Sheedy/Cohn) approval of legislative log.

3. **Specialty Code Appeal Board Ordinances**

Location: (Citywide)

Recommendation: Approve minor administrative amendments to the initial revisions to Title 2, Chapter 2.48 of the Sacramento City Code presented on March 7, 2006.

Contact: Carl Hefner, Assistant Chief Building Official, (916) 808-8779, Development Services.

Action: Moved/Seconded/Carried (Sheedy/Cohn) approval of staff's recommendation.

Staff Reports

Staff reports include oral presentations including those recommending receive and file. Each speaker is limited to a maximum of 3 minutes.

4. **Legislative Position: Support AB 2378 Relating to Housing and Density Bonus.**
Location: Citywide
Recommendation: Adopt a support position on AB 2378.
Contact: Desmond Parrington, Associate Planner, (916) 808-5044, Development Services.
Action: Moved/Seconded/Carried (Sheedy/Cohn) approval of a support position on AB 2378.
5. **Amend Ordinance Relating to the Structure of the Sacramento Commission of History and Science.**
Location: Citywide
Recommendation: Approve, and forward to Full Council, the proposed changes to the structure of the Sacramento Commission of History and Science.
Contact: James E. Henley, Manager, (916) 264-7072, Convention, Culture, and Leisure.
Action: Moved/Seconded/Carried (Cohn/Sheedy) approval and forwarded to Full Council the proposed changes to the structure of the Sacramento Commission of History and Science.

Public Comments- Matters Not on the Agenda

6. To be announced

Adjournment

7. 12:50 pm

Legislation Log

Legislation Log						14-Jun-06	
Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date 1	Notes	Controversial or Significant Policy Issues	revised Anticipated Attorney Drafting Time for Completion 2	City Departments Possibly Affected
				NEW OR UPDATED ITEMS			
1	A-Frame Sign Ordinance or Pilot Program	CM Cohn/ Bill Thomas	Pending	CM Cohn asked that staff review the City of Portland's program for A-Frame signs and report as to whether this program can be implemented in the City as a pilot program.	TBD	TBD	TBD
2	An Ordinance Relating to Bi-Directional Amplification Devices in Newly Constructed Buildings	Police/ Kim Riley	18-Jul-06	The proposed ordinance would require that all new buildings over 5,000 square feet be required to install bi-directional amplification (BDA) devices, as needed, in newly constructed buildings. Ninety days after the certificate of occupancy is issued the building owner will have to provide certification that a test was done to determine if the BDA is necessary. If it is necessary, then a BDA must be installed. The State has implemented legislation that will begin January 1, 2008. This ordinance is intended to carry us through until the State legislation becomes effective.	TBD	TBD	TBD
				SCHEDULED LAW & LEG ITEMS			
2	Amend Ordinance Relating to Recovery of Costs Incurred Due to Enforcement of City Code	Code Enforcement/ Max Fernandez	18-Jul-06	The State has implemented legislation that will begin January 1, 2008. This ordinance is intended to carry us through until the State legislation becomes effective.	TBD	TBD	Code Enforcement
3	Amend City Code related to Animal Control	CM Sheedy/DGS/ Hector Cazares	18-Jul-06	Amend City Code regarding: dog leash length and barking dog and anti-breeding citations and fees.	Yes	Limited	DGS

Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
4	4.04.1 Solid Waste Facility Fee/ Host Benefit Fee	General Svcs/Harold Duffly	18-Jul-06	Ordinance to mitigate potential impacts to a geographic area relative to locating a solid waste facility. The Law & Leg Committee heard a staff report on this issue on November 4, 2004 and directed staff to get input from an advisory committee and report back to the L&L Committee with recommendations on fees.	To be Determined	To be Determined	Solid Waste/ Dev Svcs
5	03.05.03 Front yard Landscaping Ordinance	NSD/Max Fernandez	June/July	Amend City Code related to front yard landscaping to allow maintained garden vegetation. Committee directed staff to return with more restrictive language.	Possibly	Moderate	Dev Svcs / NSD
6	5.06.3 Discussion Paper on an Ordinance to Participate in the Disease Prevention Project	CM Tretheway/ CMO/ Yvette Rincon	August	CM Tretheway asked staff to research an ordinance that would permit the City to participate in the Disease Prevention Demonstration Project as authorized by SB 1159 in 2004, this program would include a needle purchase program.	TBD	TBD	TBD
7	3.06.6 Discussion Paper on a Trespassing Ordinance	CM Tretheway/ Code & Police / Max Fernandez	August/Sept	Amend ordinance relating to trespassing on private property.	Possibly	TBD	Code/Police
8	1.06.3 Update on Rental Inspection Program Pilot	L&L Committee/Code	Fall 06	At the meeting of January 17, 2006 the Law & Leg Committee requested a report back on the Rental Inspection Pilot Program after six months.	No	Not Applicable	Code
9	3.06.3 Report Back on City Infill Housing Project	L&L Committee/DSD/ Luncinda Wilcox	September 2006	The Law & Leg Committee heard this item on 3/7/06 and requested a report back in six months on the status of the project to include the housing plans that have been approved to date.	No	N/A	DSD
10	1.05.02 Amend Tree Ordinance	Parks & Rec/Joe Benassini	Fall 2006	Amend the City's Tree Ordinance to add section to: allow assessment of fees; prohibit topping of trees; and amend the tree permit appeals process.	To be Determined	To be determined	Parks & Rec
11	03.05.05 Public Campaign Financing	CMO/Clerk	Winter 2006	Staff returning to committee, per City Council direction, to review what other cities do regarding qualifications on use of public funds for campaigns and oversight.	Yes	Moderate	CMO/Clerk

Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
12	3.04.3 Contractual Conflict of Interest of City Employees	Finance	Pending	LAW AND LEG COMMITTEE ORDINANCE & REPORTS - DATE PENDING Amendment of code related to prohibition on city employees having a financial interest in a city contract.	No	Limited	Citywide
13	11.04.2 Establish Drug & Gun Free Zones and Creation of Civil Exclusion	Police/Sherri Scruggs	Pending	Subject heard by Committee on 12/7/04. Staff met with Portland DA and federal agencies to share information. CAO reviewing information provided. There are concerns regarding the differences in the Oregon and California state constitutions which could impact the ordinance. Staff will follow-up with a date to return to the committee.	Possibly	Significant	Police/CAO
14	1.2 Update on Sign Ordinance and Sign Program	CM Waters/Dev Svcs/ NSD	Pending	Development Svcs staff will meet with CM Waters to provide an update. Report presented to Committee in January 2004. Committee provided feedback and directed staff to report back. Staff is reviewing the issue and preparing its report back to the Committee.	Yes	Significant	Dev Svcs/ NSD
15	09.04.02 Illegal Dumping Vehicle Impound Ordinance	CM Hammond Utilities/Harold Duffy	Pending	Provide for seizure and impound for a specified time for vehicles involved in illegal dumping. Code and CAO working on options. Pending court decision.	Potentially Yes	Significant	Utilities/Code
16	05.05.02 Housing Trust Fund Nexus Study	Dev Svcs	Pending	Item heard by Council on April 18 as part of the Affordable Housing Workshop. Based on the recommendations by Council, staff will bring this item to L&L.	Possibly	To Be Determined	Dev Svcs
17	08.05.1 Amend Ordinance Relating to Reward Program	Waters/Utilities/Harold Duffy	Pending	Amend ordinance relating to reward program to allow payment of reward at arrest and prosecution.	Unlikely	Limited	Utilities

Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
18	Report Back on Representation of Neighborhood Associations	CM Sheedy/DSD/NSD	Pending	On June 3, 2003 the Law & Leg Committee requested a report back regarding the noticing process and reliance on Neighborhood Associations that do not always represent a majority of residence on an issue. Staff will update the Neighborhood Assc. list and discuss options to public outreach.	To Be Determined	To Be Determined	DSD/NSD
19	Report Back on Contract Standards	CM Sheedy/Finance/Procurement	Pending	Law & Leg Committee heard a report on SB163 on 5/20/03. Report back requested on what contract standards the city currently uses, an evaluation of the proposed standards of SB163 and how they may help the city improve its standards and a recommendation from staff for other contracting standards we should apply in the City.	Potentially	To Be Determined	Finance
20	Amend Ordinance relating to Recycling Centers	CM Hammond/DSD	Pending	Address design guidelines for recycling cubicles (dumpsters), definition of recycling and developing siting criteria.	TBD	TBD	DSD
21	Tuancy/Daytime Curfew for Teens	CM McCarty/Police	Pending	Research possible ordinance regarding truancy/daytime curfew for teens.	TBD	TBD	Police
22	Amendments to Development Svcs code	DSD/Julia McGinnis	Pending	An Ordinance amendment updating various sections of chapters 3, 5, 12, 16, and 18 of the City Code referencing City Engineer and Director of Public Works and adding a definition for City Manager's Designee	No	Limited	Dev Svcs
23	Amendments to Marina Code	CC&L/Michelle Heppner	Pending	Amendments to the Marina Code to update and address administrative processes.	Yes	Moderate	CC&L
24	Approved Alcohol Use Permits Processing	CM Hammond/Police/Sherri Scruggs	Pending	Amend Chapter 17 of the City Code regarding deemed approved alcohol use permits processing. Heard by the Law & Leg Committee on 9/20/05. Directed staff to report back with draft ordinance in 120 days.	Possibly	To be determined	Police/Code

¹ Reflects atty drafting time only not time required for the leg. process, incl. staff direction, public outreach, comm. meetings, wkshps, formal noticed public hearings req. for adoptions.
² Limited =<10 hrs, Moderate =10-40 hrs, Sig. => 40 hrs

Legislation Log

Tracking Number	Subject Matter	Ordinance Sponsor/ Staff	Estimated Law & Legislation hearing Date ¹	Notes	Controversial or Significant Policy Issues	Anticipated Attorney Drafting Time for Completion ²	City Departments Possibly Affected
25	Amendments to R Street SPD	Dev Svcs/Tara Goddard	Pending	Amendments to R Street Special Planning District to Facilitate Development	To be Determined	To be Determined	Dev Svcs
26	Ordinance to Regulate Valet Parking Operations	DOT/Howard Chan	Pending	Any valet parking operator who performs valet parking services at a restaurant or other place of public assembly will be required to have a valet parking permit.	TBD	TBD	DOT
27	Tot Lot Ordinance	CM Sheedy/Parks & Rec/Alan Boyd	Pending	CM Sheedy asked staff to research an ordinance that would give the city the necessary authority to keep tot lots available for use for only children and not adults.	TBD	TBD	Parks & Rec

¹ Reflects atty drafting time only not time required for the leg. process, incl. staff direction, public outreach, comm. meetings, wkshps, formal noticed public hearings req. for adoptions.
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**REPORT TO LAW AND
LEGISLATION COMMITTEE
City of Sacramento**

915 I Street, Sacramento, CA 95814-2671

**STAFF REPORT
June 20, 2006**

Honorable Members of the
Law and Legislation Committee

Subject: Mobile Food Vending Vehicles Ordinance Revisions

Location/Council District: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee forward the attached ordinance regulating Mobile Food Vending to the City Council for adoption.

Contact: Brad Wasson, Revenue Manager, 808-5844
Russell Fehr, Finance Director, 808-5832

Presenter: Brad Wasson, Revenue Manager

Department: Finance Department

Division: Revenue

Organization No: 1120

Summary: The Mayor and City Council have increased code enforcement staff to address various complaints regarding mobile food vending. Now the City code needs to be clarified regarding the issue of prolonged mobile food vending on private property. Additionally, the code needs to be updated related to how violations of the code are processed.

Committee/Commission Action: On February 7, 2006, the Law and Legislation Committee directed staff to proceed with the recommended procedural/technical changes for Mobile Food Vending and clarified that the 15 minute limitation on public right-away is to apply to private property as well.

Background Information: Mobile Food Vending is regulated by the Food Vending Vehicle Ordinance (Sacramento City Code Chapter 5.68, adopted in April 1988) and the Outdoor Vending Ordinance (Sacramento City Code Chapter 5.88, adopted in August

1982), which controls the operation of mobile food coaches (also referred to as lunch wagons and catering trucks).

Chapter 5.88.190 states, it is unlawful to sell, attempt to sell, or display for sale any merchandise, food or drink on private property except from within a fully enclosed building. There are a few exceptions to this code for types of business that necessitate outdoor sales such as car lots. Chapter 5.88.010.A prohibits sales on public sidewalks, streets or alleys. An exception to this is the sale of food from Mobile Food Vehicles provided they do not park, or stand more than 15 minutes without moving to a new location.

Chapter 5.68 lays out the permitting process for mobile food vending. The intent of this code is to provide public safety and accountability to this nomadic type of business. Section 5.68.110.C allows mobile food vendors to vend on private property with permission of the occupant for the primary purpose of selling food to employees of businesses on or surrounding the private property.

Over the years some Mobile Food Vendors have been operating daily on specific private property. This type of operation lends itself to more of a fixed business, than a mobile business. Concerns related to this fixed type of business were brought to the attention of staff and council members and are listed below:

- Health
- Trash
- Restrooms
- Loitering

A listing of these concerns with regulating authorities has been included in this report as **“ATTACHMENT 1”**.

The issue of extended vending on private property has become the focal point of the mobile vending review. However, the Revenue Division, as well as other City departments, received complaints concerning the operation of food vending vehicles within the City over the last three years. The areas of concern are listed below:

- Operation of non-permitted mobile food vehicles;
- Non-permitted operators;
- Mobile food vehicles operating during prohibited hours;
- Excessive noise from vending in residential neighbors;
- Vending at unoccupied sites;
- Mobile food vehicles operating beyond allowed time limits;
- Mobile food operators negatively impacting local “brick and mortar” businesses and food establishments;
- Sale of items inconsistent with health permits; and
- Violence and misconduct regarding vending routes.

Staff was directed to review the City's code and come back with recommendations for improvement. On February 7, 2006 the Law and Legislation committee received a progress report on the Mobile Food Vending issue and a request for direction. The February report recommended minor clean –up language for the code and pointed out that most of the concerns could be addressed with more enforcement of the current code. The major policy question to be clarified was prolonged vending on private property.

The committee directed staff to come back within 90 days and accomplish the following:

- Conduct a public meeting with the stakeholders
- Conduct enforcement activities
- Coordinate with other agencies
- Draft the ordinance changes

Specific committee questions and comments from the February 7, 2006 meeting along with staff responses are included in this report as **"ATTACHMENT 2"**.

Stakeholder Meeting:

On April 12, 2006, staff conducted a public meeting to explain the proposed changes to the City Code and increased enforcement activity. Approximately 70 stakeholders attended the meeting. The overwhelming concerns expressed at the meeting were regarding the issue of prolonged vending on private property. The majority of the stakeholders who spoke at the meeting were in favor of prolonged vending on private property. Staff captured the questions and comments from stakeholders and has included them in this report as **"ATTACHMENT 3"**.

Subsequent to the public meeting staff has received numerous correspondences with concerns about limiting mobile food vending on private property. These documents have also been included in this report as **"ATTACHMENT 4"**.

Staff is aware of 6 mobile food vendors who vend daily on private property. A chart of their locations is included in this report as **"ATTACHMENT 5"**.

Enforcement Activities:

In January 2006 the City's Code Enforcement Business Compliance Unit was created. This unit has dedicated enforcement officers for business permit compliance for Taxi Permits, Entertainment Permits Tobacco permits and Mobile food Vending permits. This dedication of staff addresses the lack of enforcement identified in earlier staff reports.

Since February 2006, City Code Enforcement has conducted spot checks for compliance of current mobile food vending regulations on 168 mobile vendors throughout the city limits. Five were found to be in violation (operating without city permit). These vendors received verbal warnings and were advised that a valid city

permit and/or county health permit are required prior to conducting any vending services. In addition, these vendors were informed that we would be following up on them in the coming weeks. Staff also responded to the two commissary locations in the City and passed out flyers (English & Spanish) regarding the permit requirements to operate mobile food vending in the City.

Staff did some spot checks of various outdoor vendor locations around the City and found two vendors vending illegally. They received verbal warnings, their information was taken, and were advised City staff would be conducting random follow-up inspections.

Coordination with Other Agencies:

Staff from the City's Code Enforcement, Police and Revenue Division, along with staff from Sacramento County and the Sacramento Regional Transit District; have met to discuss mobile food vending issues common to all three agencies. All agencies expressed similar concerns and would like to participate in uniform enforcement. The other agencies are waiting on the final action the Mayor and City Council take regarding mobile food vending.

Ordinance Changes:

Per Law and Legislation Committee's direction to ensure the public's health and safety and to clarify City Code for enforcement, the changes to the city code chapter 5.68 are as follows:

- Non-compliance with insurance requirements, results in automatic suspension of permit (SCC 5.68.060, 5.68.120);
- It is unlawful to operate a food vending vehicle under the following circumstances:
 - a. For more than 15 minutes in any 60 minute period at any one location, whether on public or private property, without moving to a new location at least 500 feet away;
 - b. On any residential property;
 - c. On any vacant property; and
 - d. On any surface that is not paved; (SCC 5.68.110)
- A person may operate a food vending vehicle on off-street parking facilities, notwithstanding zoning code requirements (SCC 5.68.110(C));
- Business information shall be permanently affixed onto the mobile food vending vehicle.
- Several other provisions were re-worded and/or re-structured to clarify existing requirements for enforcement purposes.

Financial Considerations: The staff recommendations will not have a financial impact on the City's operating budget at this time. Once the changes to city code are adopted, staff will bring back a report with recommended permit fees.

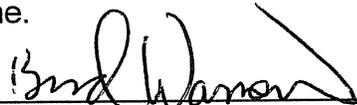
The current fees are:

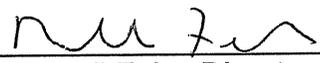
- Mobile Food Vending Vehicle Inspection Fee: \$80
- Driver Permit Fee: \$20
- State Department of Justice Background Check Fee: \$59.50

Environmental Considerations: The proposed recommendation does not involve an activity which would be covered by the California Environmental Quality Act (CEQA). The activity is not considered a "project" (CEQA Guidelines § 15378), and there is no possibility that the activity may have a significant effect on the environment (CEQA Guidelines § 15061(b) (3)).

Policy Considerations: Food vending vehicles that operate within the City of Sacramento are utilized by the residents and workers of Sacramento. Food vending vehicles impact residents and workers, residential neighborhoods, and commercial and industrial areas. Establishing City Code provisions which address contemporary needs and concerns, including reasonable regulations and requirements for operation of food vending vehicles, and enhanced compliance enforcement, contributes to protecting the public's health, safety and welfare while continuing to provide for a utilized service.

Emerging Small Business Development (ESBD): There are no ESBD considerations as no goods or services are being purchased at this time.

Respectfully Submitted by: 
Brad Wasson, Revenue Manager

Approved by: 
Russell Fehr, Director of Finance

Recommendation Approved:

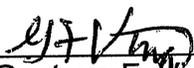

Gustavo F. Vina
Assistant City Manager

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ATTACHMENT 1

Mobile Food Vending Prolonged Mobile Food Vending on Private Property Issues or Concerns

ATTACHMENT 1

Prolonged Mobile Food Vending on Private Property Issues or Concerns

Issue/Concern	Regulating Authority	Potential Options or Recommendations
Bathrooms for Employee after 1 hour at one site	State Law	MFV obtains lease or use agreement from nearby facility (within 200') to use their bathroom during MFV hours of operation after having it approved by County.
Appropriate Zoning for "semi-mobile" vending on Private Property	No Current Requirement	Work with Planning and zoning staff to develop comprehensive plan regarding "semi-mobile food vendors" for Committee's consideration.
Trash – Providing Adequate Waste Containers for Customers	State Law	Code Staff can work with County staff on jointly coordinating inspections.
Improper Transporting Waste Containers	County Regulations	Code Staff can work with County staff on jointly coordinating enforcement.
Proper disposal of "gray water" and solid waste by MFV.	County Requirement	Check with County Environmental Health and City Code Enforcement staff to ensure that "gray waste" is kept within vehicle and is disposed of properly.
On site seating for vending customers	No Current Requirement	May be addressed by City Ordinance.
Available bathroom facilities for MFV customers	No Current Requirement	May be addressed by City Ordinance.
Loitering	No Current Requirement	May be addressed by City Ordinance.
Americans with Disabilities Issues		Needs further analyses.

ATTACHMENT 1

Prolonged Mobile Food Vending on Private Property Issues or Concerns

<p>Electrical power outlet/extension cord or external generators to power lighting, refrigeration, exhausts.</p>	<p>No Current Requirement</p>	<p>May be addressed by City Ordinance or Building Code.</p>
<p>Hours of Operations All MFV shall operate out of a Commissary or other Facility approved by local enforcement agency.</p>	<p>City ordinance State Law</p>	<p>May be modified by City Ordinance. Require MFV to have Current and Valid Proof of Commissary Letter on board as part of permit requirement.</p>

ATTACHMENT 2

Mobile Food Vending Law and Legislation Committee Comments Follow-up.

ATTACHMENT 2

Mobile Food Vending Law and Legislation Committee Comments Follow-up

COMMITTEE COMMENT: Keep Time limit at 15 minutes for vending at a specific location

Revenue: Code clarified for 15 minute maximum (including private property).

COMMITTEE COMMENT: Random inspection of ice cream trucks and mobile food vendors

Code: Code Enforcement/Business Compliance Division will be responsible for enforcement of provisions in the new Mobile Food Vending ordinance and will conduct random/spot checks on all MFV vehicles including Ice Cream trucks and commissaries in the City limits. As mentioned in the January 24, 2006 Business Compliance Division staff report to the City Council, the unit will return to City Council to request necessary field and enforcement staff after the adoption of the new MFV ordinance and regulations.

COMMITTEE COMMENT: Restricting allowed time for mobile food vendors to park on private property near restaurants

CAO: Pending legal review.

COMMITTEE COMMENT: Work on the ordinance regarding the hand push carts

Code: There are already regulations that prohibit outdoor vending with the City of Sacramento (5.88 SCC). Code/Revenue staff will work with the City Attorney's Office and the Police Department to develop a more efficient/effective process for enforcement of these regulations and/or amend the existing requirements as needed.

COMMITTEE COMMENT: How many MFV permits are there now and how many will City allow?

Revenue: The City currently has permitted 59 companies, 72 valid MFV trucks and 65 drivers. Staff has not received complaints regarding "too many" mobile food vendors operating in the City, rather disruptive or illegal activity that require enforcement attention. At this time, staff is not recommending the City place a cap on the number of permits.

COMMITTEE COMMENT: How do we collect or keep track of sales tax?

Finance Admin: The State Board of Equalization is responsible for the collection and enforcement of state sales tax.

COMMITTEE COMMENT: Issues regarding hours of operation for ice cream trucks – operating too late

Code: Code Enforcement/Business Compliance Division staff will coordinate sting operations and conduct spot checks of these vehicles mentioned earlier. Staff will coordinate the sting with the Police department and Code staff as soon as possible to address any current issues/problems with these vehicles pending revisions to the existing ordinance.

COMMITTEE COMMENT: Permanent affixed signs on all MFV

CAO: Staff will update code and include in administrative procedures.

COMMITTEE COMMENT: More Code Enforcement Officers to patrol vs. Police or POP officers to enforce ordinance violations.

Code: As mentioned in the January 24, 2006 Business Compliance Division staff report to Council, after adoption of the new MFV regulations, we will return to the City Council to request necessary field/enforcement staff. Staff will coordinate the sting operations with Police and Code staff to address any current issues and/or problems with these vehicles pending the revision to the existing ordinance.

COMMITTEE COMMENT: Wants a map of the Downtown business district

Revenue: Central Business District Map is attached.

COMMITTEE COMMENT: Question regarding insurance

CAO: Staff will update code and include administrative procedures to increase compliance similar to the recently adopted taxicab ordinance.

COMMITTEE COMMENT: Greater outreach to permittees and neighborhood assns regarding prop changes.

Finance Admin: Finance Admin and Revenue will compile a list of affected parties that will be notified about the proposed ordinance changes. This list will include neighborhood assns, MFV groups, restaurants and other groups that will be affected.

COMMITTEE COMMENT: Concerns regarding illegal activities on 37th St in Oak Park area.

Code: Will coordinate with PD/Code staff on sting operations.

COMMITTEE COMMENT: Set up a hotline telephone number to report enforcement problems.

Code: The main Code Enforcement complaint/intake line is 808-5948. This number also has a message prompt for after business hours message/problems. It also refers callers to the Police department for emergencies and/or the City Operator for urgent non-emergency issues.

COMMITTEE COMMENT: Can staff standardize rules and not simply exempt Central City from other districts?

Revenue: Staff will conduct initial feasibility study to expand street corner vending to additional business areas with high pedestrian traffic.

COMMITTEE COMMENT: Differences between City and County mobile food vending ordinances.

Short Comparison between City and County Programs

City Ordinance	County Ordinance	Comments
Defines Food Vending	Not specifically in Itinerant Food Vendor section	
Requires permits by vendors in order to operate in City	Requires permits by vendors in order to operate in County.	
Requires MFV to maintain Auto and general liability insurance	None	
Posting requirement for permit, name of company, address and phone number.	State health code requires posting of business info on MFV. (114294)	
Employee permit not required at this time.	Employee permit required	
Limits MFV hours of operation to specific hours.	No limitations in County ordinance.	

ATTACHMENT 3

Mobile Food Vending Public Informational Meeting Questions and Responses

**ATTACHMENT 3
Mobile Food Vendor
Public Informational Meeting
April 12, 2006**

Questions from the Attendees with Staff's Responses

- 1. What are the health requirements and zoning codes for vending on private property?**

Response: I do not have the specific requirements from the County Health Department or zoning codes with me today.

- 2. Can the Code be changed for mobile food vending on private property?**

Response: Yes, the Mayor and City Council can change the code to allow this.

- 3. Does the City have to adhere to County regulations?**

Response: Yes, we have to adhere to the County Health regulations.

- 4. What is the type of complaints made by fixed restaurant vendors?**

Response: Health and building code concerns along with loitering, trash and potential blight. Additionally they have claimed unfair competition.

- 5. When were the current regulations put into effect? They should be updated to reflect the current century.**

Response: I do not know the date the current ordinance was adopted.

- 6. When is this issue to be heard at the L&L meeting?**

Response: Tentatively scheduled for June 9th.

- 7. What options are the City looking at (e.g. lottery, grandfather clauses)?**

Response: None at this point.

- 8. What about penalties? Not a misdemeanor on all violations?**

Response: No, not a misdemeanor on all violations. Actually, we are looking at changing the violations to administrative penalties. This would follow the current adjudication process used by Code enforcement and recently adopted with the Taxi Industry ordinance.

- 9. Shouldn't private property owners be notified, as loss of vendors rent will result in an economic hit to them?**

Response: (no response to this question given)

10. Health insurance? Why do ice cream vendors need a health permit?

Response: Because they are selling food.

11. At Garden and Northgate, there are two trucks parked within 100-150 feet of each other on private property. One truck is a problem, while the other is not. How did this happen?

Response: We have not issued location permits. Rather we asked for documentation of the property owner's permission for those vending on private property.

12. We are giving input, so how are we going to change the new direction?

Response: By speaking before your elected Council members. Additionally, we will include the comments received tonight in the staff report for the Law and Legislative Committee.

13. Will the list of attendees at tonight's meeting be shared, so that we can mobilize?

Response: It would not be appropriate to share the list of attendees, as advance notice that this would be done was not given. However, you are welcome to share your contact information with each other at the end of this meeting.

14. Is the City considering the safety of vendors?

Response: The City is considering the safety of all involved.

15. Is there any City compensation to help vendors relocate, or set up fixed locations?

Response: No compensation is available at this point. However, our Economic Development Department may be able to assist with finding a fixed location.

16. Who do we request a Law and Legislation Committee staff report from?

Response: From the Revenue Division.

17. Is it best to address the City Council, or the L&L Committee regarding these issues?

Response: It would be best to address the L & L Committee first, before it goes to the full Council.

18. Who is the City Council Member representing the downtown businesses?

Response: Councilmember Tretheway.

19. How do you make an appointment with Council Members?

Response: By calling their office staff.

Comments made by Attendees:

- 20. When pulling through a fixed restaurant facility, we are not allowed to use the restroom facilities.**
- 21. Under the current ordinance, we can vend longer than 15 minutes on private property.**
- 22. Look to other great cities as models.**
- 23. The City is regulating on private property.**
- 24. Customers have the right to choose to buy from mobile food vendors. Vendors are offering a choice.**
- 25. A monopoly by fixed restaurant locations is not fair.**
- 26. The City is not aware of those vendors staying longer than 15 minutes, like those around the courthouse.**
- 27. Customers need choices, as some do not have a lot of money to eat at restaurants. And some customers want ethnic choices.**
- 28. The City does not have a good record of sending out meeting notices.**
- 29. The City is penalizing one group vs. another group. Not equal protection.**
- 30. Some food preparation takes longer than 15 minutes.**
- 31. A number of vendors choose private property to get around the 15-minute limit.**
- 32. It is not fair that the City is now choosing to enforce regulations that have been in existence for 20 years, but not enforced until now.**
- 33. We thought this meeting was to get our input, then help vendors to communicate with the Council, to get what the majority wants.**
- 34. When I opened my business eight years ago, I was given a letter from the Revenue Manager that allowed me to vend longer on private property with the owners permission. We are not changing the ordinance to assist the vendors.**
- 35. The City has allowed me to purchase a \$100,000 truck and now wants to take it away by putting me out of business.**

- 36. Some foods take longer to prepare than 15 minutes, and time is also required to set up.**
- 37. If the 15-minute rule is enforced, then the public will lose as they choose this type of food.**
- 38. Many prefer mobile food vending food, rather than fast food.**
- 39. There is a demand for this type of food (e.g. tacos, etc).**
- 40. Parked trucks are not driving around polluting the air.**
- 41. Cooking food too fast is not always safe.**
- 42. If vendors cannot conduct business, the City will lose revenues (e.g. BOT, employees not being paid and spending money in the City, etc.).**
- 43. We don't think everyone will have time to speak at L&L.**

ATTACHMENT 4

Mobile Food Vending Letters from Concerned Restaurant Patrons

04-14-2006

Dear Mr. Chong / City of Sacramento,

Re: Recommended Mobile Food Vendor Ordinance and Enforcement Changes.

Thank you for speaking with me this morning.

We have as tenants, a couple of guys that rent the lot from us at 24th and K (2330 K) Street, which is where Pava's restaurant used to be. They have been excellent tenants, and the residents and businesses in the neighborhood have been supportive of them and their business.

As far as I know they are the only establishment in town that serves 100% Vegan food.

Prior to their use of the lot, the lot was full of weeds and unpaved. They have improved it, and added much ambiance to the neighborhood.

I do not understand why after all of the work and effort which they put in their business, and after following the requirements imposed on them to start the business, and after paying fees, and complying with all requirements, the City of Sacramento would want to shut them down.

My evaluation of the situation indicates the most likely people in the restaurant business are feeling insecure, they may be unhappy with the competition and are putting the pressure on the City of Sacramento to close these type of businesses down.

You mentioned earlier that some of these vendors may be overstaying their allotted time, and or are dumping things illegally. In those instances, I fully concur that the regulators should remove them from the streets and lots, but to punish hundreds of people because of the few, is not only contrary to the American way of doing business, but is quite immoral, and very wrong.

It appears to me as if what is being attempted here, is not only an unfair attempt to remove existing businesses from functioning, but also an attempt to take away the livelihood of decent, hard working people that are following the rules, and are trying to support themselves and their families.

Sincerely

Thomas A. Roth

04-18-2006

Hello

I am writing this letter in response to some disturbing news I just received. I hear that Roots N Kulchah, who serves delicious vegan caribbean food, may be forced to change the way they do business, which may ultimately have a negative effect of their success.

I have lived in Sacramento since 2000 and the options for vegetarians can be quite limited here. I was so happy to find a place that serves great, healthy food and contributes to cultural growth in the downtown area. I eat there at least once every 2 weeks. There is always a gentle flow of customers and the owners are incredibly hospitable.

I have spread the word to many friends and colleagues regarding the city of Sacramento enforcing a ridiculous regulation that they (the vendors) can only vend for 15 minutes, even if they rent private property to vend on. Needless to say, it has caused quite the uproar, thank goodness.

This is unfair and without realistic cause. Of all the reasons I have heard, none relate to this business in particular. Promotes crime? Absurd. Unsafe and unhealthy? They serve vegan food! Competition to existing restaurants? They serve a totally different product and they lack the comfort of an indoor setting when it's hot or it rains. There is no competition. It seems the image of a food vendor the city is portraying is way off the mark in this case.

Please allow Roots N Kulchah to continue serving a great, healthy, diverse product in the manner they have been for the last eight or nine months.

Nikki Peterson

ps: Not to mention the air pollution that would be created if they spent their days driving around!!

>>>

4-18-06

Mr. Cohn,

Earlier today I had lunch at the Vegan Caribbean truck by my house and I was told that the city and/or county of Sacramento will be taking steps to criminalize this type of business. Apparently it has been decided that these businesses attract crime and are unsafe and unsanitary. It has also been suggested that mobile vendors are unfair competition for nearby established restaurants.

As a midtown resident I would like to point out that the vegan Caribbean food on the corner of 24th and N streets is delicious. Colorful, unique small businesses such as this one help to make midtown a great place to live. Before you help to shut down a little splash of culture in our neighborhood for the benefit of wealthy restaurant owners, I ask that you go there for lunch yourself. It's very tasty.

As an afterthought, leave crime problems to local law enforcement, and let the Health Department decide which restaurants are unsafe or unsanitary.

Thank you for your time and consideration,
John R.

4/21/2006

Dear Mr. Chong:

I was very disappointed to learn recently that the city is considering legislation which would forbid catering trucks to remain on any one location for more than 15 minutes. I am a customer and supporter of "Roots 'n Kulchah" which operates a catering truck that serves vegan Caribbean food in mid-town. It is one of only three restaurants in the entire Sacramento metropolitan area that offers vegan food, as well as providing a unique cultural experience.

Sacramento has always prided itself on being open to and supportive of diversity. Unfortunately, passing this legislation will destroy a wonderful business that adds to our city's beautifully rich culture. It also will take away one of the few options available for those of us who have a commitment to reducing animal suffering by adopting a vegan lifestyle.

I urge you to vote against this legislation. Thank you for your thoughtful consideration of this request.

Cynthia Embree-Lavoie

4-26-2006

I am a customer of Roots N Kulchah. I read about the proposal to limit their business to operating for only 15 minutes in one location. The proposal is, in my opinion, a thinly-veiled attempt by a few established businessmen to eliminate a small business.

Roots N Kulchah serves healthy, delicious food. The owners are extremely friendly. The atmosphere is safe and welcoming. They are an asset to the midtown experience and their service enriches the spirit as well as the body.

Culture often comes wrapped in fancy packaging, attractive to those who are accustomed to the trappings of corporate America. Roots N Kulchah is the real deal: culture, great food, and authentic people.

Please protect their business.

Philip Wright

May 3, 2006

To Whom It May Concern,

I would like to address the strict enforcement of and proposed changes to the Sacramento City Code Chapters 5.68 and 5.88 regarding the operation of mobile food vendors. Specifically, I am most confused by and concerned about the piece focusing on vendors who have written permission from (and most likely pay rent to) a property owner so they are able to park and operate their business on private property. I guess I am just having difficulty understanding why changes need to be made to the ordinance? If there are currently only 5 businesses operating this way, and they have passed health inspections, participated in health trainings, obtained business permits and have permission to be on private property, why is this suddenly such a concern to the city?

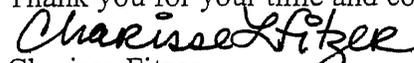
I live next door to the location where Roots N Kulchah conducts their business. I have lived in this particular house for 10 years and this neighborhood for 13 years. Prior to the arrival of Roots N Kulchah, the lot on the corner of 24th and K Streets in midtown sat vacant. For at least 13 years, this neighborhood has looked at a mess of dirt, weeds, broken cement, broken bottles, trash and rebar sticking out of the ground. Many people who were transient used the area as a place to drink and socialize. Those of us living here were forced to confront them on a regular basis. Sometimes the police department was involved. The owner of the property put up a fence in attempt to keep people from illegally parking or loitering in the lot. It then became a trash dumping area where people shopping and eating at local stores and restaurants simply tossed their waste over the fence. My neighbors and I used to discuss possible uses for the lot. Could it be an outdoor music venue? A park? Even a parking lot would have been better than the mess it was. Unfortunately the lot is zoned C2 to be used only as a commercial/ residential property. None of the options we could think of were possible due to the zoning laws and the lot seemed to be destined to sit as a vacant "eye sore" until someone was financially willing and able to build on it.

After more than 13 years the arrival of Roots N Kulchah seemed to be the perfect solution to the "eye sore" lot. Here was a commercial entity that may not be able to afford to build on the property right now, but was definitely willing and able to clean up the lot, pave, AstroTurf, and set a peaceful outdoor atmosphere 5 days a week. I enjoy looking out my window and watching this business in operation. I like seeing the people in this community enjoying the area instead of scowling at the dirt lot that once was. I recently spoke with the owner of this property. I asked him, "If Roots N Kulchah has to leave, what will become of the lot?" He replied, "It will grow weeds again and sit vacant. I plan to build on it eventually but it would be nice if Roots N Kulchah could get a permit for at least a few years." It would be nice. Roots N Kulchah has brought a wonderful flavor to this neighborhood and literally has cleaned up this block. I watch them do it again and again 5 days a week.

In regard to the issue of competition to other restaurants, I do not see how this is a problem. Any place that begins to serve food in a particular area can be viewed as competition to other places that serve food in that area. The menu served by Roots N Kulchah is different from any menu served in midtown. They offer approximately 5 different items that are all-vegan, Caribbean-style stews made of tofu and soy based natural ingredients. This type of unique menu caters directly to a population that does not typically patronize restaurants in this area. People who eat only vegan food have very limited options. Essentially, they can cook for themselves or they can eat pasta or rice, beans and vegetables in a restaurant (if that restaurant is willing to accommodate.) Roots N Kulchah is a wonderful alternative for this population and the growing population of people who eat vegetarian only. I understand the perspective of Sacramento City Revenue Manager Brad Wasson. However, I do not see Roots N Kulchah as "getting around putting up a restaurant" as he is quoted to have said to Sacramento News and Review (April 27, 2006). This business found a gap in the local food service economy and has come up with a marvelous way to test the market. They found a location that could be used for nothing else, and took their opportunity. It was not evasive. It was not cheating. It was a leap of faith, and it was smart business. If people in this area are craving sandwiches, they will still go to Beach Hut Deli or Subway. If people want Mexican food, they will still patronize Tres Hermanes and Taco Loco. I don't think Cornerstone has to worry that their "greasy spoon loving" patrons will stop eating their Sunday sausage and eggs breakfasts. So, if midtown residents decide one day that they are craving spicy vegan Caribbean food, it would be nice to continue to be able to find it on the corner of 24th and K streets.

I applaud the effort and perseverance of mobile vendors who are trying to park on private property or have already been doing so for years. They have plenty of inherent struggles exclusive to their types of businesses. Their hours are already more limited than regular restaurants. They do not have air conditioning in the summer, nor do they have heat in the winter. They do not have shelter from the elements. Increasing the level of difficulty for them to operate will probably not make them go away. Therefore, it surprises me that with the focus on "clean air and clean energy" and our growing population, the city would be attempting to enforce the changes that are being proposed. Is it really going to be better to have these large vehicles being started up and moved every 15 minutes, maneuvering through busy streets and populated areas? I like the idea of these vehicles moving only to and from one location twice daily on their days of operation, and staying parked the rest of the time. The mobile units could be more easily kept clean and inspected on a regular basis if the city knew where the vehicles were vending. Are these vendors really that much competition for local businesses? Is this not a country that embraces free enterprise? I would hate to think that it's our city that does not embrace the freedom of diversity in types of business. Please reconsider the changes to the city ordinance regarding these vendors. This is their livelihood.

Thank you for your time and consideration,


Charisse Fitzer

Concerned Citizen of the City of Sacramento

5-4-2006

Dear Mr. Chong:

I am writing to protest modifying Sacramento City Code Chapters 5.68 and 5.88 to prohibit mobile food vendors from remaining stationary for more than 15 minutes while on private property.

Businesses such as these provide a valuable service to the community, as their customers can attest. There is no harm in businesses such as these being allowed to offer their cuisine while stationary. Not only do these businesses pay rent for their lots, contributing to our economy, but because they are not required to move constantly throughout the day, they decrease traffic congestion and pollution. Being stationary also helps conserve a valuable resource -- gasoline -- at a time when people should not just be paying lip service to the word "conservation."

I believe it is safe to say that all of the businesses that would be affected by this ordinance would no longer be able to operate if they were forced to move every 15 minutes. Why, when times are so tough economically, is the City considering enacting an ordinance that would literally cut off the livelihood of numerous people?

I urge you not to modify this ordinance. Businesses such as these should be allowed to continue operating in our community.

Sincerely,

Laurie Rich

5-9-2006

Dear Mr. Chong:

I am writing to protest modifying Sacramento City Code Chapters 5.68 and 5.88 to prohibit mobile food vendors from remaining stationary for more than 15 minutes while on private property.

Businesses such as these provide a valuable service to the community, as their customers can attest. There is no harm in businesses such as these being allowed to offer their cuisine while stationary. Not only do these businesses pay rent for their lots, contributing to our economy, but because they are not required to move constantly throughout the day, they decrease traffic congestion and pollution. Being stationary also helps conserve a valuable resource -- gasoline -- at a time when people should not just be paying lip service to the word "conservation."

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I urge you not to modify this ordinance. Businesses such as these should be allowed to continue operating in our community.

Sincerely,

Tracy Kirsten

Date: 5/15/2006 3:16:28 PM
Subject: save vendors

Dear Mr. Wasson,

I am writing to protest modifying Sacramento City Code Chapters 5.68 and 5.88 to prohibit mobile food vendors from remaining stationary for more than 15 minutes while on private property.

Businesses such as these provide a valuable service to the community, as their customers can attest. There is no harm in businesses such as these being allowed to offer their cuisine while stationary. Not only do these businesses pay rent for their lots, contributing to our economy, but because they are NOT required to move constantly throughout the day, they decrease traffic congestion and pollution. Being stationary also helps conserve a valuable resource -- gasoline -- at a time when people should not just be paying lip service to the word "conservation."

I believe it is safe to say that all of the businesses that would be affected by this ordinance would no longer be able to operate if they were forced to move every 15 minutes. Why, when times are so tough economically, is the City considering enacting an ordinance that would literally cut off the livelihood of numerous people?

I urge you not to modify this ordinance. Businesses such as these should be allowed to continue operating in our community.

Sincerely,

Katie Thomas
ktlou@mac.com

ATTACHMENT 5

Mobile Food Vending Location of Known Vendors on Private Property in the City of Sacramento

ATTACHMENT 5

Mobile Food Vendor Locations of Known Vendors on Private Property

Vendors on Private Property		
<u>Business Name</u>	<u>Location</u>	<u>Council District</u>
Roots N Kulchan	24th & K Street	3
The Leaven & Earth Sandwich Co.	714 9th Street	1
La Mex Taqueria	2630 Northgate Blvd	1
El Grulleuse	5901 Florin Perkins	6
Taco De Oro	Folsom Blvd & Jackson Hwy	6
Loncheria Morales	S. Watt Ave & Universal Ct	6

**Mobile Food Vending
Proposed Ordinance
with
Redlined Changes**

ORDINANCE NO. 2006-

Adopted by the Sacramento City Council

(Date Adopted)

**AN ORDINANCE AMENDING SACRAMENTO CITY CODE
CHAPTER 5.68 RELATING TO FOOD VENDING VEHICLES AND
SECTION 5.88.030 REGARDING PERMITTED STREET AND SIDEWALK SALES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

The City Council hereby declares and finds that:

A. Food vending vehicles provide a public service in providing food and beverages to people in the City of Sacramento.

B. Ensuring that food vending vehicles are operated in a safe manner benefits the health, safety and welfare of all residents of the City of Sacramento.

C. Operating food vending vehicles in any one location, whether on the public right of way or private property, for a prolonged period of time creates traffic hazards, the obstruction of adjacent sidewalks to pedestrians, and unwanted noise, litter and crowds at that location. Imposing reasonable time limitations for vending in any one location will minimize these negative impacts.

D. In enforcing the provisions of this ordinance, City law enforcement shall work in cooperation with the County of Sacramento.

SECTION 2

Chapter 5.68 of the Sacramento City Code is hereby amended to read as follows:

Chapter 5.68 FOOD VENDING VEHICLES

5.68.010-Food vending vehicle defined Definitions.

“Director” means the City’s Director of Finance, or the Director of Finance’s designee.

Ordinance 2006-

January ____, 2006

"Food vending vehicle" includes any motor vehicle from which any type of food or beverage is sold or offered for sale directly to any consumer; provided, however, that "food vending vehicle" shall not include any such vehicle ~~which~~ that delivers fluid milk products to home delivery customers.

"Operate a food vending vehicle" means to drive, occupy, or otherwise use a food vending vehicle to sell, offer to sell, or display for sale, any type of food or beverage.

5.68.020 Food vending vehicle permit required.

A. It is unlawful for any person to ~~engage in the business of operating~~ operate a food vending vehicle ~~without first obtaining~~ unless a food vending vehicle permit issued pursuant to this chapter is in effect for each food vending ~~that~~ vehicle as required by this chapter.

B. Every permittee, upon receipt of a food vending vehicle permit, shall maintain the permit with the vehicle for which it is issued, at all times the food vending vehicle is being operated.

C. Upon demand of a peace officer or city employee authorized to enforce this chapter, every person operating a food vending vehicle shall present the food vending vehicle permit that is in effect for that vehicle.

D. No person shall operate a food vending vehicle unless the food vending vehicle permit decal provided by the director is displayed on the vehicle in a manner specified by the director.

E. All food vending vehicle permits are the property of the city and each shall authorize the operation of a single specific food vending vehicle. It is unlawful for any person to sell or transfer, or attempt to sell or transfer, any food vending vehicle permit.

5.68.030 Vehicle permit application.

Application for a food vending vehicle permit shall be filed with the director and shall contain the following:

A. The individual and business name, address, and telephone number of the permit applicant;

B. Written evidence that the applicant is an owner, lessee or holder of a similar interest in the food vending vehicle;

C. The name and address of all legal and registered owner(s) of the food vending vehicle, and each person with a financial interest in the business which operates the food vending vehicle;

D. The state vehicle license number of the food vending vehicle;

E. A City certificate of insurance, establishing compliance with Section 5.68.060 of this chapter;

F. A certificate from the Sacramento County health department establishing that the vehicle complies with all regulations relating to sale of food from a motorized vehicle;

G. The address where the food vending vehicle is stored when not in use;

H. For each person with a ten (10) percent or greater financial interest in the business ~~which that~~ operates the food vending vehicle, a list, signed under penalty of perjury, of each conviction of such person and whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which the person was convicted. A person who acquires a ten (10) percent or greater financial interest in the business ~~which that~~ operates the food vending vehicle during the life of the permit issued pursuant to this chapter shall immediately so notify the director and comply with this subsection. ~~Any holder of a valid food vending vehicle driver permit issued pursuant to Section 5.68.100 of this chapter shall be exempt from the requirements of this subsection;~~

I. An annual nonproratable, nonrefundable permit fee, as established by resolution of the city council;

J. Such other information as may be required by the director to further the purpose of this chapter.

5.68.040 Vehicle permit issuance and denial.

A. Except as provided in subsection C of this section, Aa food vending vehicle permit shall be issued by the director upon receipt of a complete application and payment of the permit fee, as specified in Section 5.68.030 of this chapter, and after the director has:

1. Physically inspected the food vending vehicle to ensure compliance with vehicle code equipment requirements or the director may accept proof of a valid current Sacramento County special business license for operating a mobile food vending vehicle in lieu of an inspection; and

2. Determined that the business location and vehicle storage location, if within the city, comply with applicable zoning regulations and other codes.

B. All food vending vehicle permits shall expire on April 30th, of the calendar year following the date of issuance unless sooner revoked. Application for renewal shall be filed between March 1st and March 31st for the permit period beginning the succeeding May 1st.

~~C. A food vending vehicle permit shall authorize the operation of a single food vending vehicle and shall not be transferable to any other vehicle.~~

DC. A food vending vehicle permit shall be denied by the director if he or she finds any of the following grounds:

~~1. The applicant knowingly made a false statement of fact required to be revealed in the permit application.~~

~~2. The information required by submitted pursuant to Section 5.68.030 of this chapter is false or incomplete.~~

32. A person with ten (10) percent or more financial interest in the operation of the food vending vehicle has been convicted of a crime, and the time for appeal has elapsed, irrespective of the entry of a subsequent order under Penal Code Section 1203.4; or ~~has done~~ committed any act involving dishonesty, fraud, deceit, or moral turpitude with intent to substantially benefit himself or herself, or another, or substantially injure another, or having the effect of substantially injuring another.

Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection (DC)(3) only if the director finds, in based on the opinion of the chief of police, contained in a recommendation to the director, the crime or act is substantially related to the qualifications, functions or duties of a food vending vehicle owner or owner of a business which operates food vending vehicles or has substantial contact with minors. However, no person shall be denied a permit solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under the State Penal Code Section 4852.01, et seq., or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed to evaluate the rehabilitation of a person when considering a petition under Penal Code Section 4852.01, et seq.

5.68.050 PostingSign requirements.

~~A. There shall be carried in the food vending vehicle passenger compartment for viewing upon request of any person a copy of a valid permit issued pursuant to this chapter, and there shall be displayed on the vehicle window as specified by the director such permit decal as the director may provide.~~

~~B. — There shall be displayed on each exterior side of the food vending vehicle a sign showing the name of the company or, business address, and telephone number of the owner or operator of the food vending vehicle. ~~The sign shall also contain the business address and telephone number of the owner or driver.~~ The letters and numbers of the sign shall be not less than two and one-half inches in height and ~~the lettering shall be in contrast to~~ a color that contrasts with the color of the background upon which they are placed. The sign shall be permanently affixed to the food vending vehicle. It is unlawful for any person to operate a food vending vehicle that is in violation of the requirements of this section.~~

5.68.060 Liability insurance.

A. During the term of a permit issued pursuant to this chapter, the permittee or owner(s) of a food vending vehicle authorized by the permit shall maintain in full force and effect at no cost to the city a comprehensive auto and general liability insurance policy:

A 1. In an amount no less than three hundred thousand dollars (\$300,000.00) single limit per occurrence; and

B 2. Issued by an admitted insurer or insurers as defined by the California Insurance Code; and

C 3. Providing that the city, its officers, employees and agents are to be named as additional insureds under the policy; and

D 4. Covering all losses and damages as specified in Section 5.68.070 of this chapter; and

E 5. Stipulating that the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and

F 6. Providing that no cancellation, change in coverage or expiration by the insurance company or the insured shall occur during the term of the food vending vehicle permit, without thirty (30) days written notice to the director prior to the effective date of such cancellation or change in coverage.

B. In the event of a cancellation, expiration, or change of insurance coverage resulting in noncompliance with subsection A of this section, the permittee shall notify the city of the cancellation, expiration, or change within three days after its effective date by submitting a written notice to the director. The giving of notice as provided herein shall not stay the automatic suspension of the permit pursuant to Section 5.68.120 of this chapter.

C. It is unlawful for any person to operate a food vending vehicle for which insurance coverage as required by this section is not in effect.

5.68.070 Indemnify and hold harmless.

The permittee and food vending vehicle owner(s) shall assume the defense of, and indemnify and hold harmless, the city, its officers, employees and agents from and against all actions, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the permittee or the permittee's agents, officers or employees, directly or indirectly arising from the operation of the food vending vehicle.

The foregoing is not intended to and shall not be construed to limit any responsibility or liability that the permittee may be subjected to under other laws.

5.68.080 Food vending vehicle driver permit required.

A. It is unlawful for ~~No any person shall engage in the business or employment of driving or selling from,~~ to drive a food vending vehicle unless he or she holds unless the person then holds a valid food vending vehicle driver permit issued pursuant to this chapter.

B. Every driver shall have the valid food vending vehicle driver permit issued to him or her in his or her immediate possession at all times when driving a food vending vehicle.

C. Upon demand of a peace officer, or city employee authorized to enforce this chapter, the driver of a food vending vehicle shall present his or her food vending vehicle driver permit for examination.

D. All food vending driver permits are the property of the city and each shall authorize a single specific food vending vehicle driver. It is unlawful for any person to sell or transfer, or attempt to sell or transfer, any food vending vehicle driver permit.

~~5.68.090 Food vending vehicle d~~Driver permit ~~procedure~~ application.

Applications for a food vending vehicle driver permit shall be filed with the director and shall contain the following:

A. The name and address of the applicant;

B. The number of a valid state driver license issued to the applicant, authorizing the applicant to drive a food vending vehicle, and date of license expiration;

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- C. A statement of whether the applicant's state driver license has ever been revoked or suspended and, if so, the reason(s) for such revocation or suspension;
- D. A list, signed under penalty of perjury, of each conviction of the applicant, whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which applicant was convicted;
- E. A list of the applicant's physical or mental disabilities or incapacities. With respect to each such disability or incapacity, applicant shall state whether the same would interfere with the proper management and control of a motor vehicle;
- F. A statement as to whether applicant is or ever has been addicted to the use of alcohol or any controlled substance as defined in the state Health and Safety Code;
- G. A list of all prescription medication which applicant takes on a regular or episodic basis;
- H. An annual nonproratable, nonrefundable permit fee, as established by resolution of the city council;
- I. Such other information as may be required by the director to further the purpose of this chapter.

5.68.100 Driver permit issuance and denial.

A. Except as provided in subsection C of this section, a food vending vehicle driver permit shall be issued by the director:

- 1. Upon receipt of a complete application and payment of the permit fee, as specified in Section 5.68.090 of this chapter; and
- 2. After fingerprinting of the applicant by the police department, if the director so requires; and
- 3. After submission of four recent dated portrait photographs, one to be attached to the application, one to be attached to the driver permit if issued, and two for the use of the police department.

B. All permits shall expire on April 30th, of the calendar year following the date of issuance unless sooner revoked. ~~A permit shall not be transferable.~~ Application for renewal shall be submitted between March 1st and March 31st for the year beginning the succeeding May 1st.

C. A food vending vehicle driver permit shall be denied by the director if he or she finds any of the following grounds:

~~1. The applicant knowingly made a false statement of fact required to be revealed in the permit application;~~

~~2. Failure to comply with the requirements of this section;~~

~~32. The information required by submitted pursuant to Section 5.68.090 of this chapter is false or incomplete;~~

~~43. The applicant has been convicted of a crime, and the time for appeal has elapsed, irrespective of the entry of a subsequent order under Penal Code Section 1203.4; or has ~~done~~ committed any act involving dishonesty, fraud, deceit, or moral turpitude with intent to substantially benefit himself or herself, or another, or substantially injure another, or has a physical or mental disability or incapacity, or takes medication, uses alcohol or any controlled substance as defined in the state's Health and Safety Code.~~

Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection (DC)(4) only if the director finds, in based on the opinion of the chief of police, contained in a recommendation to the director, the crime, act, disability, incapacity or impairment from a substance consumed is substantially related to the qualifications, functions or duties of a food vending vehicle driver. However, no person shall be denied a permit solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under State Penal Code Section 4852.01, et seq., or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed to evaluate the rehabilitation of a person when considering a petition under Penal Code Section 4852.01, et seq.

5.68.110 Unlawful activities.

~~A. It is unlawful for any person to operate a food vending vehicle for compensation with knowledge that the food vending vehicle is not authorized by a valid permit or that grounds for revocation or suspension of said permit pursuant to Section 5.68.120 of this chapter exist.~~

A. It is unlawful for any person to knowingly make a false statement of fact or knowingly omit any information that is required on any application for a permit issued pursuant to this chapter.

~~B. It is unlawful for any food vending vehicle driver or person in the business of operating a food vending vehicle to operate a food vending vehicle under ~~do~~ any of the following circumstances:~~

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~~1. Operate a food vending vehicle for food vending purposes bBetween the hours of eight p.m. of one day and five a.m. of the following day during the months of April, May, June, July, August, September and October;~~

~~2. Operate a food vending vehicle for food vending purposes bBetween the hours of six p.m. of one day and five a.m. of the following day during the months of January, February, March, November and December;~~

~~3. Fail to display a valid vehicle permit and permit decal, issued pursuant to this chapter;~~

~~4. Transfer or sell a vehicle permit to a vehicle other than that identified in the permit application;~~

~~5. Fail to carry on his or her person for display upon the request of any peace officer or a city official or employee authorized to enforce this chapter, a valid driver permit, issued pursuant to this chapter;~~

~~6. Transfer or sell a driver permit to any person other than the person identified in the permit application;~~

3. While stopped, standing or parked in any one location, on public or private property, for more than fifteen (15) minutes in any sixty (60) minute period without moving on to a new location at least 500 feet removed therefrom, except as provided in Section 5.88.030;

~~7. Broadcast any sound from any food vending vehicle which can be heard more than five feet from such vehicle without first filing a registration statement with the police department and obtaining a license to broadcast according to the provisions of Section 10.60.030 of this code.~~

~~C4. Notwithstanding the provisions of subsections (B)(1) and (2) of this section, a food vending vehicle may be operated during the hours prescribed by said subsections (B)(1) and (2) of this section if the vehicle stops only eOn private property which is used for nonresidential purposes, without the permission of the occupant of the property, for the primary purpose of selling food to employees of the business located on the private property and to the employees of other nearby businesses.;~~

5. On any property that is used for residential purposes;

6. On any vacant property; or

7. On any surface that is not paved with concrete, asphalt or other similar material.

C. Notwithstanding the provisions of Subsection (A) of Section 17.64.030 of this Code, a person may operate a food vending vehicle in off-street parking facilities, provided that the person operate the food vending vehicle in compliance with all other provisions of this chapter.

5.68.120 Suspension or revocation of permit.

A. Any food vending vehicle permit or any food vending vehicle driver permit issued hereunder may be suspended or revoked when it shall appear to the director that any activity authorized by the permit is being carried out in such a manner as to constitute a nuisance, or to be injurious to the public health, safety or welfare, or in violation of any conditions imposed upon the permit or in violation of any provision of this chapter, this code or state law, or that there exists any of the grounds which would have been grounds for denial of the permit application.

B. Except as provided in subsection C of this section, No permit shall be suspended or revoked until a hearing shall have been held by the director. Written notice of the time and place of such hearing shall be given at least five days prior to the date set for such hearing to the person to whom the permit was granted and to any other person who, at least ten (10) days prior to the hearing, shall have requested such notice. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery thereof to the persons to be notified, or by depositing the same in the U.S. mail in a sealed envelope, postage prepaid, addressed to such persons to be notified at the address appearing in the application for a permit.

C. In the event of a cancellation, expiration, or change of insurance coverage resulting in noncompliance with section 5.68.060 of this chapter, the food vending vehicle permit issued pursuant to this chapter shall be automatically suspended, effective on the effective date of the cancellation, expiration, or change in coverage. The suspension shall continue until required insurance coverage is reinstated and the city receives written notice from the insurer indicating compliance with the requirements of Section 5.68.060 of this chapter, or until the permit expires.

D. The permittee may appeal the decision of the director to the city council by filing a notice of appeal, accompanied by an appeal fee in an amount set by resolution of the city council, within ten (10) days after the date of the director's decision. The notice of appeal shall state generally the grounds of appeal.

E. The city council may appoint a hearing examiner to hear the matter pursuant to Chapter 1.24 of this code.

SECTION 3

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Section 5.88.030 of the Sacramento City Code is hereby amended to read as follows:

5.88.030 Certain sales permitted.

A. It is unlawful for any person to sell, expose for sale, or offer for sale any goods, wares, merchandise, or food of any kind or description for which a price is asked, and the article delivered, from the public sidewalks, streets or alleys in the central business district, ~~excepting therefrom the following~~ provided that the following shall be allowed:

1. The sale, dissemination and distribution of newspaper-s and religious and educational periodicals;

2. The sale of novelties and food during parades held in the central business district, provided such sales are made only along the designated parade route;

3. The sale of food, including the operation of food vending vehicles, between the hours of seven o'clock a.m. and two o'clock p.m. at construction sites ~~in the central business district~~ upon which construction activity is taking place;

4. The sale of food or flowers on public sidewalks pursuant to Article III of this chapter, provided the vendor complies with all applicable laws, including, but not limited to, traffic and parking laws, health laws, and the provisions of Sections 5.88.080 through 5.88.180 of this chapter;

5. The sale, exposing for sale, ~~and or~~ offering for sale of any goods, wares, merchandise, or food from any public sidewalk, street, or alley or portion thereof, that is the subject of an operations agreement between the city and the Sacramento Regional Transit District for the operation of a light rail station, when undertaken pursuant to a license issued by the Sacramento Regional Transit District.

B. No person shall park a vehicle, car or similar device on a street or alley in the central business district for purposes of selling food or flowers, except that a vehicle can be parked on a street or alley for the purpose specified in subsection (A) (3) of this section.

C. This chapter shall not supersede the provisions of Chapter 12.44 of this code relating to pedestrian mall regulations.

D. In those instances in this chapter where the sidewalk is permitted to be used for commercial purposes, a space on the sidewalk at least six feet in width shall at all times be kept clear for the accommodation of pedestrians.

E. It is unlawful for any person to sell, expose for sale, or offer for sale any goods, wares, merchandise or food of any kind or description for which a price is asked, and the article delivered, from the public sidewalks, streets or alleys outside the central

business district, ~~excepting therefrom the following~~ provided that the following shall be allowed:

1. The sale, dissemination and distribution of newspapers and religious and educational periodicals;

~~2. The sale of food from motorized vehicles operation of food vending vehicles in accordance with chapter 5.68 of this code, provided that it shall be unlawful for any vendor to stop, stand or park more than fifteen (15) minutes on a public street without moving on to a new location at least one city block removed therefrom, and further provided that the vendor complies with all applicable laws, including, but not limited to, traffic and parking laws and health laws;~~

3. The sale of, exposing for sale, and offering for sale any goods, wares, merchandise, or food from any public sidewalk, street, or alley or portion thereof, that is the subject of an operations agreement between the city and the Sacramento Regional Transit District for the operation of a light rail station, when undertaken pursuant to a license issued by the Sacramento Regional Transit District.

F. ~~The sale of food from motorized vehicles operation of food vending vehicles which that is permitted~~ allowed by this article may be undertaken only in compliance with the permit requirements of Chapter 5.68 of this code.

Adopted by the City of Sacramento City Council on _____, 2006 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest:

Mayor Heather Fargo

Shirley Concolino, City Clerk

Passed for Publication: (Date) Published: (Date)
Effective: (Date)

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Mobile Food Vending

Proposed Ordinance “Clean”

ORDINANCE NO. 2006-

Adopted by the Sacramento City Council

(Date Adopted)

**AN ORDINANCE AMENDING SACRAMENTO CITY CODE
CHAPTER 5.68 RELATING TO FOOD VENDING VEHICLES AND
SECTION 5.88.030 REGARDING PERMITTED STREET AND SIDEWALK SALES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

The City Council hereby declares and finds that:

- A. Food vending vehicles provide a public service in providing food and beverages to people in the City of Sacramento.
- B. Ensuring that food vending vehicles are operated in a safe manner benefits the health, safety and welfare of all residents of the City of Sacramento.
- C. Operating food vending vehicles in any one location, whether on the public right of way or private property, for a prolonged period of time creates traffic hazards, the obstruction of adjacent sidewalks to pedestrians, and unwanted noise, litter and crowds at that location. Imposing reasonable time limitations for vending in any one location will minimize these negative impacts.
- D. In enforcing the provisions of this ordinance, City law enforcement shall work in cooperation with the County of Sacramento.

SECTION 2

Chapter 5.68 of the Sacramento City Code is hereby amended to read as follows:

Chapter 5.68 FOOD VENDING VEHICLES

5.68.010 Definitions.

“Director” means the City’s Director of Finance, or the Director of Finance’s designee.

“Food vending vehicle” includes any motor vehicle from which any type of food or beverage is sold or offered for sale directly to any consumer; provided, however, that

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“food vending vehicle” shall not include any such vehicle that delivers fluid milk products to home delivery customers.

“Operate a food vending vehicle” means to drive, occupy, or otherwise use a food vending vehicle to sell, offer to sell, or display for sale, any type of food or beverage,

5.68.020 Food vending vehicle permit required.

- A. It is unlawful for any person to operate a food vending vehicle unless a food vending vehicle permit issued pursuant to this chapter is in effect for that vehicle.
- B. Every permittee, upon receipt of a food vending vehicle permit, shall maintain the permit with the vehicle for which it is issued, at all times the food vending vehicle is being operated.
- C. Upon demand of a peace officer or city employee authorized to enforce this chapter, every person operating a food vending vehicle shall present the food vending vehicle permit that is in effect for that vehicle.
- D. No person shall operate a food vending vehicle unless the food vending vehicle permit decal provided by the director is displayed on the vehicle in a manner specified by the director.
- E. All food vending vehicle permits are the property of the city and each shall authorize the operation of a single specific food vending vehicle. It is unlawful for any person to sell or transfer, or attempt to sell or transfer, any food vending vehicle permit.

5.68.030 Vehicle permit application.

Application for a food vending vehicle permit shall be filed with the director and shall contain the following:

- A. The individual and business name, address, and telephone number of the permit applicant;
- B. Written evidence that the applicant is an owner, lessee or holder of a similar interest in the food vending vehicle;
- C. The name and address of all legal and registered owner(s) of the food vending vehicle, and each person with a financial interest in the business which operates the food vending vehicle;
- D. The state vehicle license number of the food vending vehicle;

E. A City certificate of insurance, establishing compliance with Section 5.68.060 of this chapter;

F. A certificate from the Sacramento County health department establishing that the vehicle complies with all regulations relating to sale of food from a motorized vehicle;

G. The address where the food vending vehicle is stored when not in use;

H. For each person with a ten (10) percent or greater financial interest in the business that operates the food vending vehicle, a list, signed under penalty of perjury, of each conviction of such person and whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which the person was convicted. A person who acquires a ten (10) percent or greater financial interest in the business that operates the food vending vehicle during the life of the permit issued pursuant to this chapter shall immediately so notify the director and comply with this subsection;

I. An annual nonproratable, nonrefundable permit fee, as established by resolution of the city council;

J. Such other information as may be required by the director to further the purpose of this chapter.

5.68.040 Vehicle permit issuance and denial.

A. Except as provided in subsection C of this section, a food vending vehicle permit shall be issued by the director upon receipt of a complete application and payment of the permit fee, as specified in Section 5.68.030 of this chapter, and after the director has:

1. Physically inspected the food vending vehicle to ensure compliance with vehicle code equipment requirements or the director may accept proof of a valid current Sacramento County special business license for operating a mobile food vending vehicle in lieu of an inspection; and

2. Determined that the business location and vehicle storage location, if within the city, comply with applicable zoning regulations and other codes.

B. All food vending vehicle permits shall expire on April 30th, of the calendar year following the date of issuance unless sooner revoked. Application for renewal shall be filed between March 1st and March 31st for the permit period beginning the succeeding May 1st.

C. A food vending vehicle permit shall be denied by the director if he or she finds any of the following grounds:

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1. The information submitted pursuant to Section 5.68.030 of this chapter is false or incomplete.

2. A person with ten (10) percent or more financial interest in the operation of the food vending vehicle has been convicted of a crime, and the time for appeal has elapsed, irrespective of the entry of a subsequent order under Penal Code Section 1203.4; or has committed any act involving dishonesty, fraud, deceit, or moral turpitude with intent to substantially benefit himself or herself, or another, or substantially injure another, or having the effect of substantially injuring another.

Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection (C)(3) only if the director finds, based on the opinion of the chief of police contained in a recommendation to the director, the crime or act is substantially related to the qualifications, functions or duties of a food vending vehicle owner or owner of a business which operates food vending vehicles or has substantial contact with minors. However, no person shall be denied a permit solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under the State Penal Code Section 4852.01, et seq., or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed to evaluate the rehabilitation of a person when considering a petition under Penal Code Section 4852.01, et seq.

5.68.050 Sign requirements.

There shall be displayed on each exterior side of the food vending vehicle a sign showing the name, business address, and telephone number of the owner or operator of the food vending vehicle. The letters and numbers of the sign shall be not less than two and one-half inches in height and shall be a color that contrasts with the color of the background upon which they are placed. The sign shall be permanently affixed to the food vending vehicle. It is unlawful for any person to operate a food vending vehicle that is in violation of the requirements of this section.

5.68.060 Liability insurance.

A. During the term of a permit issued pursuant to this chapter, the permittee or owner(s) of a food vending vehicle authorized by the permit shall maintain in full force and effect at no cost to the city a comprehensive auto and general liability insurance policy:

1. In an amount no less than three hundred thousand dollars (\$300,000.00) single limit per occurrence; and

2. Issued by an admitted insurer or insurers as defined by the California Insurance Code; and

3. Providing that the city, its officers, employees and agents are to be named as additional insureds under the policy; and

4. Covering all losses and damages as specified in Section 5.68.070 of this chapter; and

5. Stipulating that the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and

6. Providing that no cancellation, change in coverage or expiration by the insurance company or the insured shall occur during the term of the food vending vehicle permit, without thirty (30) days written notice to the director prior to the effective date of such cancellation or change in coverage.

B. In the event of a cancellation, expiration, or change of insurance coverage resulting in noncompliance with subsection A of this section, the permittee shall notify the city of the cancellation, expiration, or change within three days after its effective date by submitting a written notice to the director. The giving of notice as provided herein shall not stay the automatic suspension of the permit pursuant to Section 5.68.120 of this chapter.

C. It is unlawful for any person to operate a food vending vehicle for which insurance coverage as required by this section is not in effect.

5.68.070 Indemnify and hold harmless.

The permittee and food vending vehicle owner(s) shall assume the defense of, and indemnify and hold harmless, the city, its officers, employees and agents from and against all actions, losses, damages, liability, costs and expenses of every type and description, including but not limited to attorney fees, to which any or all of them may be subjected by reason of, or resulting from, directly or indirectly, in whole or in part, the acts or omissions of the permittee or the permittee's agents, officers or employees, directly or indirectly arising from the operation of the food vending vehicle.

The foregoing is not intended to and shall not be construed to limit any responsibility or liability that the permittee may be subjected to under other laws.

5.68.080 Food vending vehicle driver permit required.

A. It is unlawful for any person to drive a food vending vehicle unless the person then holds a valid food vending vehicle driver permit issued pursuant to this chapter.

B. Every driver shall have the valid food vending vehicle driver permit issued to him or her in his or her immediate possession at all times when driving a food vending vehicle.

C. Upon demand of a peace officer, or city employee authorized to enforce this chapter, the driver of a food vending vehicle shall present his or her food vending vehicle driver permit for examination.

D. All food vending driver permits are the property of the city and each shall authorize a single specific food vending vehicle driver. It is unlawful for any person to sell or transfer, or attempt to sell or transfer, any food vending vehicle driver permit.

5.68.090 Driver permit application.

Applications for a food vending vehicle driver permit shall be filed with the director and shall contain the following:

A. The name and address of the applicant;

B. The number of a valid state driver license issued to the applicant, authorizing the applicant to drive a food vending vehicle, and date of license expiration;

C. A statement of whether the applicant's state driver license has ever been revoked or suspended and, if so, the reason(s) for such revocation or suspension;

D. A list, signed under penalty of perjury, of each conviction of the applicant, whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which applicant was convicted;

E. A list of the applicant's physical or mental disabilities or incapacities. With respect to each such disability or incapacity, applicant shall state whether the same would interfere with the proper management and control of a motor vehicle;

F. A statement as to whether applicant is or ever has been addicted to the use of alcohol or any controlled substance as defined in the state Health and Safety Code;

G. A list of all prescription medication which applicant takes on a regular or episodic basis;

H. An annual nonproratable, nonrefundable permit fee, as established by resolution of the city council;

I. Such other information as may be required by the director to further the purpose of this chapter.

5.68.100 Driver permit issuance and denial.

A. Except as provided in subsection C of this section, a food vending vehicle driver permit shall be issued by the director:

1. Upon receipt of a complete application and payment of the permit fee, as specified in Section 5.68.090 of this chapter; and

2. After fingerprinting of the applicant by the police department, if the director so requires; and

3. After submission of four recent dated portrait photographs, one to be attached to the application, one to be attached to the driver permit if issued, and two for the use of the police department.

B. All permits shall expire on April 30th, of the calendar year following the date of issuance unless sooner revoked. Application for renewal shall be submitted between March 1st and March 31st for the year beginning the succeeding May 1st.

C. A food vending vehicle driver permit shall be denied by the director if he or she finds any of the following grounds:

1. Failure to comply with the requirements of this section;

2. The information submitted pursuant to Section 5.68.090 of this chapter is false or incomplete;

3. The applicant has been convicted of a crime, and the time for appeal has elapsed, irrespective of the entry of a subsequent order under Penal Code Section 1203.4; or has committed any act involving dishonesty, fraud, deceit, or moral turpitude with intent to substantially benefit himself or herself, or another, or substantially injure another, or has a physical or mental disability or incapacity, or takes medication, uses alcohol or any controlled substance as defined in the state's Health and Safety Code.

Provided, however, that the permit shall be denied upon any of the grounds specified in this subsection (C)(4) only if the director finds, based on the opinion of the chief of police contained in a recommendation to the director, the crime, act, disability, incapacity or impairment from a substance consumed is substantially related to the qualifications, functions or duties of a food vending vehicle driver. However, no person shall be denied a permit solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under State Penal Code Section 4852.01, et seq., or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed to

evaluate the rehabilitation of a person when considering a petition under Penal Code Section 4852.01, et seq.

5.68.110 Unlawful activities.

A. It is unlawful for any person to knowingly make a false statement of fact or knowingly omit any information that is required on any application for a permit issued pursuant to this chapter.

B. It is unlawful for any person to operate a food vending vehicle under any of the following circumstances:

1. Between the hours of eight p.m. of one day and five a.m. of the following day during the months of April, May, June, July, August, September and October;

2. Between the hours of six p.m. of one day and five a.m. of the following day during the months of January, February, March, November and December;

3. While stopped, standing or parked in any one location, on public or private property, for more than fifteen (15) minutes in any sixty (60) minute period without moving on to a new location at least 500 feet removed therefrom, except as provided in Section 5.88.030;

4. On private property without the permission of the occupant of the property;

5. On any property that is used for residential purposes;

6. On any vacant property; or

7. On any surface that is not paved with concrete, asphalt or other similar material.

C. Notwithstanding the provisions of Subsection (A) of Section 17.64.030 of this Code, a person may operate a food vending vehicle in off-street parking facilities, provided that the person operate the food vending vehicle in compliance with all other provisions of this chapter.

5.68.120 Suspension or revocation of permit.

A. Any food vending vehicle permit or any food vending vehicle driver permit issued hereunder may be suspended or revoked when it shall appear to the director that any activity authorized by the permit is being carried out in such a manner as to constitute a nuisance, or to be injurious to the public health, safety or welfare, or in violation of any

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conditions imposed upon the permit or in violation of any provision of this chapter, this code or state law, or that there exists any of the grounds which would have been grounds for denial of the permit application.

B. Except as provided in subsection C of this section, no permit shall be suspended or revoked until a hearing shall have been held by the director. Written notice of the time and place of such hearing shall be given at least five days prior to the date set for such hearing to the person to whom the permit was granted and to any other person who, at least ten (10) days prior to the hearing, shall have requested such notice. Such notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending such permit. Notice may be given either by personal delivery thereof to the persons to be notified, or by depositing the same in the U.S. mail in a sealed envelope, postage prepaid, addressed to such persons to be notified at the address appearing in the application for a permit.

C. In the event of a cancellation, expiration, or change of insurance coverage resulting in noncompliance with section 5.68.060 of this chapter, the food vending vehicle permit issued pursuant to this chapter shall be automatically suspended, effective on the effective date of the cancellation, expiration, or change in coverage. The suspension shall continue until required insurance coverage is reinstated and the city receives written notice from the insurer indicating compliance with the requirements of Section 5.68.060 of this chapter, or until the permit expires.

D. The permittee may appeal the decision of the director to the city council by filing a notice of appeal, accompanied by an appeal fee in an amount set by resolution of the city council, within ten (10) days after the date of the director's decision. The notice of appeal shall state generally the grounds of appeal.

E. The city council may appoint a hearing examiner to hear the matter pursuant to Chapter 1.24 of this code.

SECTION 3

Section 5.88.030 of the Sacramento City Code is hereby amended to read as follows:

5.88.030 Certain sales permitted.

A. It is unlawful for any person to sell, expose for sale, or offer for sale any goods, wares, merchandise, or food of any kind or description for which a price is asked, and the article delivered, from the public sidewalks, streets or alleys in the central business district, provided that the following shall be allowed:

1. The sale, dissemination and distribution of newspapers and religious and educational periodicals;

2. The sale of novelties and food during parades held in the central business district, provided such sales are made only along the designated parade route;

3. The sale of food, including the operation of food vending vehicles, between the hours of seven o'clock a.m. and two o'clock p.m. at construction sites upon which construction activity is taking place;

4. The sale of food or flowers on public sidewalks pursuant to Article III of this chapter, provided the vendor complies with all applicable laws, including, but not limited to, traffic and parking laws, health laws, and the provisions of Sections 5.88.080 through 5.88.180 of this chapter;

5. The sale, exposing for sale, or offering for sale of any goods, wares, merchandise, or food from any public sidewalk, street, or alley or portion thereof, that is the subject of an operations agreement between the city and the Sacramento Regional Transit District for the operation of a light rail station, when undertaken pursuant to a license issued by the Sacramento Regional Transit District.

B. No person shall park a vehicle, car or similar device on a street or alley in the central business district for purposes of selling food or flowers, except that a vehicle can be parked on a street or alley for the purpose specified in subsection (A) (3) of this section.

C. This chapter shall not supersede the provisions of Chapter 12.44 of this code relating to pedestrian mall regulations.

D. In those instances in this chapter where the sidewalk is permitted to be used for commercial purposes, a space on the sidewalk at least six feet in width shall at all times be kept clear for the accommodation of pedestrians.

E. It is unlawful for any person to sell, expose for sale, or offer for sale any goods, wares, merchandise or food of any kind or description for which a price is asked, and the article delivered, from the public sidewalks, streets or alleys outside the central business district, provided that the following shall be allowed:

1. The sale, dissemination and distribution of newspapers and religious and educational periodicals;

2. The operation of food vending vehicles in accordance with chapter 5.68 of this code;

3. The sale of, exposing for sale, and offering for sale any goods, wares, merchandise, or food from any public sidewalk, street, or alley or portion thereof, that is the subject of an operations agreement between the city and the Sacramento Regional

Transit District for the operation of a light rail station, when undertaken pursuant to a license issued by the Sacramento Regional Transit District.

F. The operation of food vending vehicles that is allowed by this article may be undertaken only in compliance with Chapter 5.68 of this code.

Adopted by the City of Sacramento City Council on _____, 2006 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Mayor Heather Fargo

Attest:

Shirley Concolino, City Clerk

Passed for Publication: (Date) Published: (Date)

Effective: (Date)