



City of Sacramento City Council

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915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 12/11/2012

Report Type: Consent

Title: Ordinance Amendment: Food Vending Vehicle Ordinance Exemption Continuation

Report ID: 2012-00970

Location: Citywide

Recommendation: Pass an Emergency Ordinance amending Food Vending Vehicles exemption on private property Chapter 5.68

Contact: Brad Wasson, Revenue Manager, (916) 808-5844, Finance Department

Presenter: None

Department: Finance

Division: Revenue Administration

Dept ID: 06001211

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-Redline Ordinance
- 4-Clean Ordinance

City Attorney Review

Approved as to Form
Grace Arupo
12/4/2012 10:25:02 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
11/29/2012 11:19:41 AM

Approvals/Acknowledgements

Department Director or Designee: Leyne Milstein - 11/30/2012 11:38:34 AM



Description/Analysis

Issue: In 2008, nine mobile food vendors were exempted from the 30 minute vending restriction on private property as long as they kept up continuous operations at the same location. The exemption, which is due to expire on January 1, 2013, is recommended to be extended for five additional years.

Policy Considerations: No specific citywide policy regarding operations of mobile food vendors on private property has been established. Therefore, it is prudent to extend the exemption.

Economic Impacts: None.

Environmental Considerations: The proposed project is exempt from the California Environmental Quality Act (CEQA) because it does not have the potential to cause a significant impact on the environment (CEQA Guidelines §15061(b)(3)).

Sustainability: There are no sustainability considerations applicable to revising the City Code related to the food vending vehicle ordinance.

Commission/Committee Action: This item was approved by the Law and Legislative Committee at the December 4, 2012 meeting.

Rationale for Recommendation: There are four of the original nine vendors operating without incident since 2008. Until there is a citywide policy regarding the operations of mobile food vendors on private property, it is prudent to continue the exemption. This item needs to be passed as an emergency ordinance so it can take effect before the expiration of the current exemption on January 1, 2013.

Financial Considerations: None.

Emerging Small Business Development (ESBD): The modifications to the mobile food vending code will not result in any direct contracts with emerging and small businesses and the City of Sacramento.



Background

When this code was updated in 2008, an exemption was created for mobile food vendors that had established operations on private property. This exemption will sunset on January 1, 2013. There are now only four vendors still operating under this exemption and these particular vendors have not created a problem for the City of Sacramento. Consequently, it is recommended that they be allowed to continue to operate while we modify and evaluate the code for additional mobile food vendors on private property.

In lieu of passing the ordinance title for publication before adoption, the entire ordinance will be published in the City's official newspaper in accordance with City Charter Section 32 (d).



ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTION 5.68.250 OF THE SACRAMENTO CITY CODE RELATING TO FOOD VENDING VEHICLES EXEMPTION OF ESTABLISHED OPERATIONS ON PRIVATE PROPERTY

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

SECTION 1.

Section 5.68.250 of the Sacramento City Code is amended to read as follows:

5.68.250 Exemption of established operations on private property.

A. The operation of a food vending vehicle on private property shall be exempt from Sections 5.68.210, 5.68.220 and Chapter 17.88 of this code until January 1, ~~2013~~ 2018, if the food vending vehicle permittee has an established operation on private property.

B. A food vending vehicle permittee shall be deemed to have an established operation on private property if, based on credible evidence submitted by the permittee prior to March 31, 2008, the director finds that the permittee's food vending vehicle has operated on a private property with the continuous consent of the property owner since at least January 1, 2006.

C. The exemption in the above subsection A is subject to the following conditions:

1. The exemption applies only to the specific private property that the director determines is the location on which the food vending vehicle permittee has an established operation on private property, pursuant to subsection B of this section;

2. The exemption applies only as long as the consent is continuously maintained. If consent is revoked or is allowed to expire at any time, this exemption shall no longer apply or be available even if consent is subsequently obtained;

3. The exemption applies only as long as the food vending vehicle permit to which it is related, is continuously maintained as valid. If the food vending vehicle permit is revoked or is not renewed at any time, this exemption shall no longer apply or be available even if a food vending vehicle driver permit is subsequently obtained;

4. A person may only operate a food vending vehicle in accordance with this exemption between the hours of five a.m. of one day, and two a.m. of the following day; and

5. Except as set forth in subsection A of this section, the operation of the food vending vehicle shall comply with all other provisions of this code.



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B. A food vending vehicle permittee shall be deemed to have an established operation on private property if, based on credible evidence submitted by the permittee prior to March 31, 2008, the director finds that the permittee's food vending vehicle has operated on a private property with the continuous consent of the property owner since at least January 1, 2006.

C. The exemption in the above subsection A is subject to the following conditions:

1. The exemption applies only to the specific private property that the director determines is the location on which the food vending vehicle permittee has an established operation on private property, pursuant to subsection B of this section;

2. The exemption applies only as long as the consent is continuously maintained. If consent is revoked or is allowed to expire at any time, this exemption shall no longer apply or be available even if consent is subsequently obtained;

3. The exemption applies only as long as the food vending vehicle permit to which it is related, is continuously maintained as valid. If the food vending vehicle permit is revoked or is not renewed at any time, this exemption shall no longer apply or be available even if a food vending vehicle driver permit is subsequently obtained;

4. A person may only operate a food vending vehicle in accordance with this exemption between the hours of five a.m. of one day, and two a.m. of the following day; and

5. Except as set forth in subsection A of this section, the operation of the food vending vehicle shall comply with all other provisions of this code.

SECTION 2.

The City Council finds and declares as follows:

A. In 2008, Chapter 5.68 (Food Vending Vehicles) of the Sacramento City Code was amended to restrict vending on private property in commercial, hospital, heavy commercial and industrial zoning districts.

B. Under Section 5.68.250 of the Sacramento City Code, vendors who had an established operation on private property since at least January 1, 2006, are exempt from the restrictions in commercial, hospital, heavy commercial and industrial zoning districts, as long as the related food vending vehicle permit is continuously maintained as valid.

C. The exemption, however, expires on January 1, 2013.

D. By adopting this ordinance, it is the intent of the City Council to continue to apply the exemption in Section 5.68.250 of the Sacramento City Code without interruption until January 1, 2018.

E. This ordinance is adopted as and declared by the City Council to be an emergency measure and shall take effect immediately upon adoption. It is necessary that this ordinance become effective before the exemption in Section 5.68.250 of the Sacramento City Code expires on January 1, 2013 because allowing the exemption to expire prior to this ordinance becoming effective would cause the current operation of vendors who qualified for the exemption to become illegal, jeopardize the validity of their food vending vehicle permits, and place their eligibility for the exemption—and their businesses—at risk.