

ORDINANCE NO. 2012-050

Adopted by the Sacramento City Council

December 11, 2012

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, 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.

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.

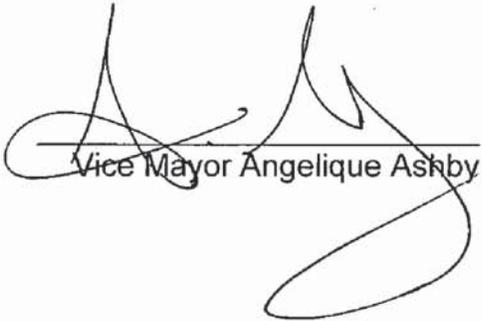
Adopted by the City of Sacramento City Council on December 11, 2012 by the following vote:

Ayes: Councilmembers Ashby, Cohn, Fong, Hansen, McCarty, Pannell, Schenirer, Warren, and Mayor Johnson.

Noes: None.

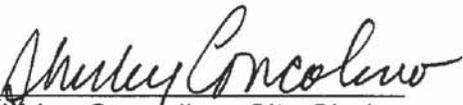
Abstain: None.

Absent: None.



Vice Mayor Angelique Ashby

Attest:



Shirley Condolino
Shirley Condolino, City Clerk

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