



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT
December 4, 2012

Honorable Members of the
Law and Legislation Committee

Title: Food Vending Vehicle Ordinance Exemption Continuation

Location/Council District: Citywide

Recommendation: 1) Review and forward a draft ordinance amending Food Vending Vehicles exemption on private property Chapter 5.68 to City Council for adoption.

Contact: Brad Wasson, Revenue Manager 808-5844

Presenters: Brad Wasson, Revenue Manager

Department: Finance Department

Division: Revenue Division

Organization No: 06001211

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. This exemption is due to expire on January 1, 2013.

Policy Considerations: The Committee will be looking at modifying mobile food vending on private property in the near future. When considering the final outcome of private property vending, the grandfathered vendors' situation should be considered at this time.

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

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

Committee/Commission Action: None.

Rationale for Recommendation: There are 4 of the original 9 vendors operating without incident since 2008. It makes sense to allow them to continue operating while the larger issue of mobile food vending city wide is reviewed.

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.

Respectfully Submitted by: Walker Black for
Brad Wasson, Revenue Manager

Approved by: De W. Milstein for
Leyne Milstein, Finance Director

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Attachment 1

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.

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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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.