



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2604

STAFF REPORT  
November 1, 2011

**Honorable Members of the  
Law and Legislation Committee**

**Title:** Ordinance Relating to Mobile Food Vendors

**Location/Council District:** All

**Recommendation:** This report requests that the Law and Legislation Committee 1) provide direction to staff on issues related to amending the ordinance regulating Mobile Food Vendors; and 2) direct staff to report back to the Committee with a revised ordinance for consideration.

**Contact:** Brad Wasson, Revenue Manager, 916-808-5844

**Presenters:** Brad Wasson, Revenue Manager, 916-808-5844

**Department:** Finance

**Division:** Revenue Administration

**Dept ID:** 06001211

## **Description/Analysis**

**Issue:** In February 2008, the Mayor and the City Council adopted ordinance number 2008-008, which amended Sacramento City Code, Chapter 5.68, relating to food vending vehicles, and Chapter 5.88.030, relating to street and sidewalk sales. The intent of the adopted ordinance was to strike a balance between the desire and need for mobile food vending services and reasonable regulations to address health and safety concerns. On May 3, 2011, Council Member Rob Fong requested staff to return to the Law and Legislation Committee.

**Policy Considerations:** To address complaints related to food vending vehicles, the City Council adopted amendments to Sacramento City Code, Chapter 5.68, relating to food vending vehicles, and Chapter 5.88.030, relating to street and sidewalk sales. The current city codes relating to food vending vehicles imposed several requirements, one of which was limiting vending to 30 minutes, before requiring the vehicle to move at least 400 feet. Recent interest in mobile food vending has resulted in an increased interest in expanding the availability of these services.

**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

**Rationale for Recommendation:** The food vending vehicle ordinance was revised in February, 2008, to address a variety of complaints regarding this activity. The revised ordinance was adopted to protect public health, safety, and welfare, while still allowing operation of these vehicles to meet the demand for services. During the past several months, there has been an interest in revisiting the ordinance to allow for the expansion of food vending services due to increasing demand and popularity.

**Financial Considerations:** It is not anticipated that revisions to the food vending vehicle ordinance will have any significant financial impact on the City's operating budget.

**Emerging Small Business Development (ESBD):** There are no ESBD considerations because goods or services are not being purchased.

Respectfully Submitted by: Brad Wasson  
Brad Wasson, Revenue Manager

Approved by: Brad Wasson for  
Leyne Milstein, Finance Director

Recommendation Approved:

John F. Shirey  
JOHN F. SHIREY  
City Manager

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## **Background**

### **Current Food Vending Vehicle Ordinance**

Prior to the adoption of the revised food vending vehicles (FVV) ordinance in February, 2008, these vehicles operated for prolonged periods on private property due to limited enforcement and ambiguity in the City Code. The revised ordinance, adopted by the Mayor and City Council, included the following key provisions:

- Established insurance requirements for each vehicle
- Required a City permit to operate a food vending vehicle
- Required County health inspection
- Prohibited use of signs, tables, chairs, fences, shade structures or other fixtures near the site of the vehicle
- Prohibited vehicles to operate while connected to an external power source or utility
- Allowed prolonged vending in heavy commercial and industrial zones
- Allowed vehicles that had established operations on private property prior to the revision to continue operations until 2013
- Increased vending operating time from fifteen (15) minutes to thirty (30) minutes

The intent of the revised ordinance was to balance the demand for mobile food vendor services and the implementation and enforcement of reasonable regulations to address health, safety, and welfare concerns.

### **Proposed Revisions to the FVV Ordinance**

During the past year, there has been increasing interest in mobile food events, which feature a wide variety of cuisines available from food vending vehicles. On April 20, 2011, the Sacramento Mobile Food Festival was held in Fremont Park, featuring over twenty mobile food vendors. Following this event, there was an increased interest in revisiting the current ordinance. On May 3, 2011, City Council Member Rob Fong requested staff to review the current ordinance. On May 12, 2011, a petition was submitted to the Mayor and the City Council requesting reconsideration of the City codes.

Despite the increasing support for expanding the availability of mobile food vending, restaurants and some community members have expressed concerns about the impact of expansion. Areas of concern include, but are not limited to, compliance with Americans with Disabilities Act; hours of operation for mobile food vendors; parking and traffic; trash and litter; and compliance with County health standards.

City staff, from the City Manager's Office, the Community Development Department, the Finance Department, and the Neighborhood Services Division, met with representatives from the restaurant and mobile food business, as well as community members, on several occasions, to discuss proposed revisions to the FVV ordinance.

Several mobile food vehicle operators have formed the *Sacramento Mobile Food Alliance*. According to this Alliance, its objective is to create a self-regulating body which abides by a set of standards established by its board. During a recent outreach meeting, the Alliance proposed several recommendations to staff to amend the FVV ordinance, including limits on parking on public streets; time limits for vending in non-residential areas and parks; vending on private property; trash and litter control; and noise and odor control.

Staff is requesting direction from the Law and Legislation Committee to revise the FVV ordinance. The key elements of the proposed ordinance are as follows:

- Vending on public right-of-ways
- Vending on private property and any related zoning issues
- Hours of operations and/or time limitations
- Permitting and operation requirements for mobile food vendors

Staff is continuing to work with the various stakeholders to address and resolve issues and concerns regarding proposed revisions to the ordinance.