

STAFF REPORT*CITY OF OCEANSIDE*

DATE: January 4, 2012

TO: Honorable Mayor and City Councilmembers

FROM: Neighborhood Services Department
Housing and Code Enforcement Division

SUBJECT: **ORDINANCE AMENDING SECTIONS OF CHAPTER 12 OF THE CITY CODE REGARDING FOOD VENDING VEHICLES**

SYNOPSIS

Staff recommends that the City Council introduce and subsequently adopt an Ordinance amending Sections of Chapter 12 of the City Code regarding food vending vehicles.

BACKGROUND

Sections 12.50 through 12.65 of Chapter 12 of the Oceanside City Code are the regulations for food vending vehicles. Currently, unprepared and prepared food vehicles are allowed to operate within the City on both public streets and private property, however, prepared food vehicles are limited to only providing food products that are prepared at an approved offsite service room or commissary; specifically, no cooking can occur on these vehicles. After discussion at its meeting on August 31, 2011, the City Council directed staff to amend Chapter 12 of the Oceanside City Code to allow greater flexibility for food vending vehicles to prepare and provide food directly from these vehicles.

ANALYSIS

Amendments to Oceanside City Code Chapter 12 are required to allow food preparation on food vending vehicles. As denoted in Exhibit A to the attached Ordinance, Sections 12.54 through 12.63 have been deleted. This removes the offsite service room requirement for the preparation of food as well as outdated food vehicle standards that were originally adopted in 1983. Section 12.53 has also been updated to reflect current County Health and City Business Licensing requirements for food vending vehicles.

In addressing community concerns that any Code changes will impact existing restaurants, streets, or public property, staff is recommending updates to Section 12.52, which currently provides generalized time and location requirements for food vending vehicles. The proposed updates are summarized as follows:



- Limiting vehicles to City streets with a posted speed limit of 25 MPH or less, to a maximum of 1-hour on any one block.
- Adding a 500-foot distance requirement from restaurants, schools, public park concession stands, and approved Special Events.
- Limiting the use of vacant properties except by a Special Events permit.

There is no change to the requirement in Section 12.52 that food vending vehicles conducting business on private property can only provide food and beverages to the owner, residents, customers, or employees of that site. Specifically, this requirement prohibits a food vending vehicle from parking on private property and operating as a retail establishment open to the general public.

While there has been local interest shown for these vehicles, the volume of potential vendors is unknown at this time. It is recommended that this issue be reviewed in one year or sooner, if necessary, to evaluate the volume of vehicles, fiscal impacts, and any subsequent enforcement issues that may arise from the proposed Ordinance changes.

FISCAL IMPACT

Prepared food vending vehicles are currently subject to an existing \$65 annual Business License fee. It is recommended that prepared food vehicles, which are operating as mobile food facilities, i.e. hot food trucks, be classified as restaurants. The business license fee rate for this business classification is currently .50 cents per \$1,000 of annual gross receipts. As an example, \$250,000 in gross sales would result in a \$125 fee in addition to the existing annual Business License fee.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The amendments to the Ordinance have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

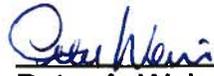
Staff recommends that the City Council introduce and subsequently adopt an Ordinance amending Sections of Chapter 12 of the City Code regarding food vending vehicles.

PREPARED BY:



David L. Manley
Neighborhood Services Division Manager

SUBMITTED BY:



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Margery M. Pierce, Neighborhood Services Director





Attachment: Ordinance Amendments

1 selling, giving away, displaying or offering for sale any food or beverage product to any
2 person other than the owner of such property or his agents, customers or employees; in no event
3 shall any person stop, park or cause a food vending vehicle to remain on any vacant lot or
4 undeveloped parcel of land for the purpose of selling, giving away, displaying or offering for
5 sale any food or beverage product, other than allowed by a Special Events Permit Chapter 30A
6 of this Code. Water flush toilet facilities for the use of food service personnel shall be available
7 within (100) feet of the vehicle whenever it is stopped to conduct business on private property
8 or allowed by a Special Events Permit Chapter 30A of this Code for more than a one-hour
9 period.

10 **Section 12.53 – Licensing and inspection.**

11 The provisions of this chapter and other city, county and state laws and regulations relative to
12 health and sanitation apply to all food vending vehicles. All food vending vehicles are required
13 to obtain an annual Business License inspection. Prepared food vehicles operating as Mobile
14 Food Facilities within the city are subject to the established Business License fees for
15 restaurants.

16 SECTION 2. Severability.

17 If any section, sentence, clause or phrase of this Ordinance is for any reason held to be
18 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision
19 shall not affect the validity of the remaining portions of this Ordinance. The City Council
20 hereby declares that it would have passed this Ordinance and adopted this Ordinance and each
21 section, sentence, clause or phrase thereof, irrespective of the fact that any one or more
22 sections, subsections, clauses or phrases be declared invalid or unconstitutional.

23 SECTION 3. The City Clerk of the City of Oceanside is hereby directed to publish this
24 ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
25 days after its passage in the North County Times, a newspaper of general circulation published
26 in the City of Oceanside.

27 This ordinance shall take effect and be in force on the thirtieth (30th) day from and after
28 its final passage.

1 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
2 California, held on the ___ day of _____, 2011, and, thereafter,

3 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
4 Oceanside, California, held on the ___ day of _____, 2011, by the following vote:

5 AYES:

6 NAYS:

7 ABSENT:

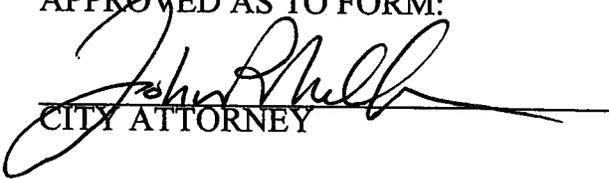
8 ABSTAIN:

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10 MAYOR, CITY OF OCEANSIDE

11 ATTEST:

12 APPROVED AS TO FORM:

13 CITY CLERK

14 
15 CITY ATTORNEY

16 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING SECTIONS OF CHAPTER
17 12 OF THE CITY CODE REGARDING FOOD VENDING VEHICLES
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