



CITY COUNCIL STAFF REPORT

DATE: December 3, 2014 LEGISLATIVE

SUBJECT: ADOPTION OF AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROHIBITING VENDING FROM MOBILE FOOD VEHICLES IN THE CITY, SUBJECT TO CERTAIN EXCEPTIONS, UNTIL DECEMBER 31, 2015 (4/5ths Vote Required)

FROM: David H. Ready, City Manager

BY: Community & Economic Development Department

SUMMARY

The Interim Urgency Ordinance was adopted on March 19, 2014, and extended on September 3, 2014, to expire on December 4, 2014. Staff proposes an additional extension, until December 31, 2015, during which time it will work with its stakeholder group and review food truck ordinances from other cities in California to develop the City's final mobile food vendor ordinance.

RECOMMENDATION:

1. Waive the reading of the full text of the ordinance and adopt "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROHIBITING VENDING FROM MOBILE FOOD VEHICLES IN THE CITY, SUBJECT TO CERTAIN EXCEPTIONS, UNTIL DECEMBER 31, 2015, (4/5ths Vote Required)."

Background

Effective April 8, 2014, the County of Riverside amended its Health Department rules to allow Mobile Food Vendors (food trucks) to operate in the county outside the very narrow limitations that had previously been in place, such as mobile food vendors only being able to operate at special events, or as pre-packaged food vendors, or as caterers. The County's rule change only applied to the Health Department aspects of

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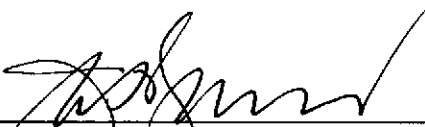
the operation, and they left it up to cities in Riverside County to develop their own rules with regards to land use and operation.

It is anticipated that the City could experience a large influx of County-permitted mobile food vehicles that could commence operation on virtually any street in the City to the potential endangerment of motorists, pedestrians, and bicyclists, and the creation of visual blight and potential economic hardship on permanent food and beverage establishments in the City.


On March 18, 2014 the City Council adopted a moratorium for a six month period to allow the development of an ordinance that would address a number of the issues regarding food trucks. The ordinance was extended on September 3, 2014, to expire on December 4, 2014.

This Ordinance will impose an interim, temporary prohibition on the operation of these vehicles within the City, subject to certain exceptions, for an additional year to allow the City sufficient time to consider and adopt appropriate and necessary time, place, and manner restrictions for mobile food vehicles in the City.

Pursuant to the provisions of the California Environmental Quality Act and the state CEQA guidelines, the City has determined that this ordinance is exempt from CEQA under section 15061(b)(3) of Title 14 of the California Administrative Code of Regulations.



John S. Raymond, Director of
Community & Economic Development



David H. Ready, City Manager

Attachment: AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROHIBITING VENDING FROM MOBILE FOOD VEHICLES IN THE CITY, SUBJECT TO CERTAIN EXCEPTIONS, UNTIL DECEMBER 31, 2015

ORDINANCE NO.

AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROHIBITING VENDING FROM MOBILE FOOD VEHICLES IN THE CITY, SUBJECT TO CERTAIN EXCEPTIONS UNTIL DECEMBER 31, 2015. (4/5ths Vote Required)

City Attorney Summary

The City does not have a regulatory program for mobile food vehicles in the City. Riverside County's restrictive health regulation of mobile food vehicles substantially ameliorated the need for the City to adopt a separate regulatory program. The County's recently adopted regulations that allow mobile food vehicles to prepare food in the vehicle will become effective on April 8, 2014. It is anticipated that the City will experience a large influx of County permitted mobile food vehicles that could commence operation on virtually any street in the City to the potential endangerment of motorists, pedestrians, and bicyclists, and the creation of visual blight and potential economic hardship on permanent food and beverage establishments in the City. This Ordinance will impose an interim, temporary prohibition on the operation of these vehicles within the City, subject to certain exceptions, for six months to allow the City sufficient time to consider and adopt appropriate and necessary time, place, and manner restrictions for mobile food vehicles in the City.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDS:

- A.** The City is responsible for providing appropriate and necessary time, place, and manner restrictions on commercial activities in the City.
- B.** The County of Riverside has recently adopted a less restrictive mobile food vending regulatory program that will go into effect on April 8, 2014, that will essentially allow vehicles with full-fledge kitchens to prepare and dispense food at virtually any location within the City.
- C.** Without a regulatory program in place, mobile food vehicles could locate on any street in the City, at any time, without regard to vehicular or pedestrian traffic, creation of potential congestion, disruption or interference with school activities or causing attractive nuisances to children going to and from school, and the substantial detraction and adverse economic effect of established restaurants in the City.
- D.** The consideration, adoption, and implementation of a comprehensive regulatory program for mobile food vehicles is necessary to balance the potential adverse effects that could be caused by mobile food vehicles and the potential benefits the community could derive from improving public access to the culinary diversity such vehicles could provide.

**THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,
ORDAINS:**

Section 1. Vending from a Mobile Food Vehicle is prohibited in the City and no person shall vend food from a Mobile Food Vehicle in the City.

Section 2. For the purpose of this Ordinance: the term "Mobile Food Vehicle" means any Category 3, 4, or 5 Mobile Food Facility as identified in Ordinance No. 580.5 of the County of Riverside and currently registered, licensed, and permitted by the County to operate as a Mobile Food Facility; the term "Food" means any item intended primarily for consumption by human beings; and the term "vend" or "vending" means the sale, distribution, or dispensing of Food.

Section 3. The following are exempted from this Ordinance:

- A. A Food cart permitted by land use permits issued by the City.
- B. A Mobile Food Vehicle operating on a street subject to all of the following restrictions:
 - 1. Parked more than One Thousand, Five Hundred (1,500) feet from the property line of any school property that serves students younger than 18 years of age.
 - 2. The posted speed limit is thirty-five miles per hour or less.
 - 3. Parked in full compliance with the provisions of the Palm Springs Municipal Code and the California Vehicle Code.
 - 4. The vehicle is only open to prospective customers on the side of the vehicle next to a sidewalk.
 - 5. Parked more than one thousand feet of any eating and drinking establishment unless the vehicle is associated with a certified farmer's market that is open at the time the vehicle is conducting business or at a special event approved by the City.
 - 6. Operate only between the hours of 9:00 am and 7:00 pm.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law.

Section 5. Findings. The adoption of this Urgency Ordinance is necessary for the immediate protection of the public peace, health, and safety by ensuring the timely and orderly consideration, adoption, and implementation of an appropriate and comprehensive regulatory program for mobile food vehicles in the City. In accordance with Section 312 of the Palm Springs City Charter, the City Council of the City of Palm Springs finds and determines that the adoption of this Urgency Ordinance is necessary to ensure the timely approval of a mobile food vehicle ordinance and for the timely implementation of a new mobile food regulatory

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program for the immediate protection of the public peace, health, and safety.

Section 6. Effective Date. The City Council hereby declares, on the basis of the findings set forth in the Recitals and in Section 5 above, that an urgency ordinance is warranted and that this Ordinance is necessary to preserve the public peace, health and safety. Accordingly, this Ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon its adoption. This Ordinance shall expire on December 31, 2014 unless otherwise extended by action of the City Council prior to such date.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL
THIS 3rd DAY OF DECEMBER, 2014.

STEPHEN P. POUQUET
MAYOR

ATTEST:

JAMES THOMPSON
CITY CLERK