



CITY OF SALINAS

LIBRARY AND COMMUNITY SERVICES COMMISSION

DATE: JUNE 9, 2021

FROM: ADRIANA ROBLES, CITY ENGINEER

TITLE: ORDINANCE AMENDMENT TO ARTICLE XVI OF CHAPTER 20 OF THE SALINAS MUNICIPAL CODE TO ALLOW FOOD TRUCK VENDING OPERATIONS ADJACENT TO CITY PARKS AND CREATING OPERATIONAL REGULATIONS

RECOMMENDED MOTION:

A motion to recommend that the City Council introduce and then adopt an Ordinance amending Article XVI of Chapter 20 of the Salinas Municipal Code to allow food truck vending adjacent city parks.

RECOMMENDATION:

Staff recommends the approval of an ordinance amending Article XVI of Chapter 20 (Catering Vehicles, Nonmotorized Pushcarts and Street Vendors – Stopping, Standing and Parking) to allow food truck vending adjacent city parks through the Street Vendor Program.

BACKGROUND:

In 2008 City Council enacted Ordinance 2474, Catering Vehicles, Nonmotorized Pushcarts and Street Vendors – Stopping, Standing and Parking, to allow vending on public street and establish a permit process for street vendors. This ordinance allowed street vending, but restricted access onto public parks.

In 2018 Governor Jerry Brown signed into law California State Bill No. 946. The law restricted cities from prohibiting street vendors from selling food or merchandise in local parks unless the city had an exclusive agreement with another party to sell food or merchandise in the park. In response to SB 946, City Council enacted amendments to Article XVI of Chapter 20 of the Salinas Municipal Code to allow street vendors in city parks.

Over the past several years City and County Health Department staff have convened a Vendor Ordinance Task Force to review the current ordinance, its implementation and monitoring to evaluate the potential for modification and expansion of the program through increasing the number of permits and locations for vending. This includes evaluating the impact on parks and park activities and keeping in mind the City's overall economic development strategy to support and encourage entrepreneurialism. Through these conversations it was identified that amendments to the Street Vendor Ordinance were needed to address 1) the long wait list of 300+ possible small

business owners, 2) strengthen enforcement and modify regulations to reduce ambiguities, and 3) expand business opportunities.

In addition, the Alisal Vibrancy Plan recommended:

- Promote equitable access to healthy food;
- Ensure that streets, parks and public spaces in the Alisal are safe;
- Activate existing spaces; and
- Increase the economic opportunities by increasing the number of vending permits and allowed locations.

The proposed amendment would support and encourage entrepreneurialism and provide additional vending locations for Food Trucks to operate in the city along with encouraging more activity alongside city parks.

A public meeting notice for the Library and Community Service Commission meeting regarding the proposed Amendment was distributed within a three hundred (300) feet of the proposed parking vending locations.

DISCUSSION:

The Libraries and Community Services Commission will consider ONLY the regulations of the proposed Street Vendor Ordinance as it relates to park regulations. The Planning Commission will evaluate the proposition to expand food truck vending opportunities onto private property and the Traffic and Transportation Commission will evaluate the possible impacts of expanding the Street Vendor Program in the public right of way. Comments and recommendations provided by the Libraries and Community Services Commission will be received and presented to the City Council on June 22, 2021.

Amending the City Code to allow Food Truck vending adjacent to city parks would address all three of the needed changes to the Street Vendor Ordinance:

- 1) It would reduce the number of small business owners on the waitlist because it would open the opportunity to operate adjacent parks thus increasing the number of vendor permits.
- 2) There would be more targeted regulations, making it easier for enforcement.
- 3) There would be more business opportunities.

Consistent with State Law, Section 20-204 of the Salinas Municipal Code does not prohibit vending by a nonmotorized pushcart or street vendors in a city park. The proposed Amendment would further expand the use of public right of way adjacent parks to allow Food Trucks to operate in accordance with the following regulations:

Section 20-206.e

An owner or operator of a food truck that sells, offer for sale, displays, disperses or permits, any food, food item or beverage from any food truck from a designated location adjacent a public park may do so only between the hours of sunrise and sunset. Except as other provided in this section, it shall be unlawful for any person to operate any food truck in any such manner at any other time.

Section 20-206.f.1

Preference shall be given to a food truck that exclusively sells, offers for sale, displays, disperses, or permits raw and fresh fruits and vegetables to vend immediately adjacent to a public park with a restroom.

Section 20-206.i

No owner or operator of a food truck may park or operate any food truck to sell, display, or permit or authorize the sale, display or dispersal of any food, beverage or other product from any food truck within any public park or recreation facility, except in designated locations and except in compliance with all other applicable provisions of this article and except as other specifically set forth in this subsection as follows:

- (1) No owner or operator of a food truck selling in a designated location adjacent a public park shall use or operate a diesel- or gas-powered generator.*

Section 20-206.s.

The owner or operator of a food truck shall provide trash receptacles on the site at which it is permitted to operate large enough to contain all trash generated by the operation of such food truck. The owners and/or operators of food trucks are required to provide recycling bins and food compost bins for use by their patrons. The owners and/or operators of food trucks are encouraged to use recyclable materials, biodegradable cutlery and straws, and to avoid the use of polystyrene food containers, consistent with Section 14-33 of the Monterey County Municipal Code.

Section 20-206.u.

It shall be unlawful for any owner or operator of a food truck to park or drive or cause to be driven any food truck which is in a defective, unsafe or unsanitary condition or which is otherwise parked or operated in violation of any provision of the California Vehicle Code or any other applicable law, regulation or standard.

Section 20-206.w.

No food truck owner or operator may store, park or, otherwise, leave any food truck overnight on any public street, public park or public property.

Section 20-206.x.

No food truck owner or operator may leave any food truck unattended for in the right of way for longer than thirty minutes.

Section 20-208 – Condition and appearance of vehicle and site

- (a) No advertising, except the posting of prices, shall be permitted on any food truck, ice cream truck, or nonmotorized pushcart, except to identify the name of the product and/or the name of the vendor.*
- (b) The exterior of any food truck, ice cream truck or nonmotorized pushcart shall be clean and in good repair, and shall not have any peeling, dents, rust, scratches, deflated tires or missing components which are discernible at a distance of five feet or more from the vehicle.*
- (c) No food truck, ice cream truck or nonmotorized pushcart shall be displayed for sale in the public right of way.*

- (d) *No food truck, ice cream truck or nonmotorized pushcart shall be repaired or serviced in the public right of way.*
- (e) *Any containers, gas tanks or water containers required by a nonmotorized pushcart shall be attached and contained within the vending area, and if possible, the onto the pushcart.*
- (f) *Every food truck managed, maintained or operated within the city shall be subject to inspection by any authorized officer of the city at all times during its operation.*
- (g) *No nonmotorized pushcart or street vendor may sell products from boxes or plastic bags. Nonmotorized pushcarts must be neat and organized to display items for sale.*
- (h) *The owner or operator of any food truck or nonmotorized pushcart shall keep the vending location clean and free of trash and liquid wastewater, including water, while selling and shall be responsible for cleaning up all trash generated by such operation within a fifty-foot radius of the food truck or twenty-foot radius of any nonmotorized pushcart before such food truck or nonmotorized pushcart is moved. It shall be unlawful for any person to manage, maintain or operate any food truck or nonmotorized pushcart at any location within the City unless trash receptacles are provided for the use of his or her patrons. It shall be unlawful for any owner or operator of a food truck or nonmotorized pushcart to leave any location without first picking up, removing, and properly disposing of all trash remaining at the location. Any trash or wastewater generated by the operation of the food truck, ice cream truck, or nonmotorized pushcart shall be properly disposed of at the approved commissary for the food truck, ice cream truck, or nonmotorized pushcart and it shall be unlawful to dispose of any such trash or wastewater in any other manner.*

In evaluating parks that could support and benefit from Food Trucks vending adjacent to them, staff analyzed the size of the park, existing restroom facilities at the park, and the active use areas of the park. The goal was to identify parks that were large enough to support the proposed expanded use. Preferably, parks with restroom facilities that may serve as restroom facilities for the Food Truck owner or operator. Possible vending locations were identified away from main park uses and play areas. This allows for expanded use of the park while minimizing the disruption of park use and park activities.

STRATEGIC PLAN INITIATIVE:

This action does not support a specific Council goal.

DEPARTMENTAL COORDINATION

The proposed Amendment has been discussed through the Vendor Ordinance Task Force with Public Works, Community Development, Library and Community Services, and Police Department. The City Attorney's Office has reviewed the proposed Ordinance amendment.

FISCAL AND SUSTAINABILITY IMPACT:

Fiscal impacts are anticipated to be approximately \$15,000 for the twelve proposed park designated locations with total costs for all designated locations to total approximately \$60,000, excluding staff time.

ATTACHMENTS:

Proposed Ordinance Amendment (redlines) – Revised June 3, 2021

Vendor Ordinance Update – Summary of Changes

Proposed Vendor Locations, Revised June 2, 2021