

ORDINANCE 1245

AN ORDINANCE OF THE CITY OF TRACY ADDING SECTION 10.08.3193 TO THE TRACY MUNICIPAL CODE REGARDING MOBILE FOOD VENDORS

The City Council of the City of Tracy hereby ordains as follows:

SECTION 1. Tracy Municipal Code Section 10.08.3193 is hereby added to read as follows:

10.08.3193 Mobile Food Vendors

(a) *Purpose.* The purpose of this section is to preserve the health and welfare of the City and its residents by establishing regulations pertaining to mobile food vendors while:

(1) Providing flexibility for owners of property in industrial zones to allow alternative, nearby eating opportunities for employees; and

(2) Avoiding unfair competition for permanent restaurants inside buildings which have significantly higher capital and operational costs than mobile food vendors.

(b) *Definition.* "Mobile Food Vendor" means any vehicle, as defined in Section 670 of the California Vehicle Code, which is equipped and used for retail sales of prepared, prepackaged, or unprepared food or foodstuffs of any kind that parks at one or more locations within the City. A mobile food vendor shall also include any trailer, wagon or cart equipped and used as described in this definition and pulled by a vehicle.

(c) *Exemptions.* The following are exempt from the requirements of this section, but must satisfy all other applicable permit requirements (for example, City business license, San Joaquin County Environmental Health Department permit, etc.): an event authorized by a City facility permit (TMC Ch. 4.16), special event permit (TMC Ch. 4.40), temporary use permit (TMC Ch. 10.08), or a peddler or vendor permit (TMC Sec 3.08.460).

(d) *Regulations for mobile food vendors.* Unless otherwise exempt, the following regulations shall apply to all mobile food vendors:

(1) All mobile food vendors shall obtain a valid business license from the City and applicable permit(s) from the San Joaquin County Environmental Health Department.

(2) All mobile food vendors shall comply with the California Vehicle Code.

(3) Mobile food vendors are allowed to operate only in industrial zones of the City (Light Industrial Zone, Heavy Industrial Zone, industrial Planned Unit Development zones, and industrial designations within City-approved specific plans).

(4) Mobile food vendors shall only operate on private property (outside of the public right-of-way or any other City-owned property), as an accessory use on a site where at least one business within a building is in operation, and shall have written authorization from the property owner upon which the mobile food vendor is operating. A mobile food vendor shall demonstrate written property owner authorization, as required above, to a City officer upon request.

(5) A mobile food vendor's operations and any related activity shall not occur within any required landscape area.

(6) A mobile food vendor's operation (not including set up and take down) shall be limited to three hours at a single location in a 24-hour period. For the purposes of this section, a "single location" shall mean a different location within a 500-foot radius of the original location.

(7) No overnight parking or storage of vendor vehicles or apparatus shall be permitted.

(8) A mobile food vendor shall have adequate lighting to ensure reasonable visibility either on the vehicle or at the location of the vehicle during business hours.

(9) Mobile food vendors shall not operate in or impede any fire lane, no-parking zone, or accessible route as required by the California Building Code, including but not limited to impeding on- or off-site vehicle circulation or obstructing the view of pedestrians by motorists.

(10) At the conclusion of each day's operation, the mobile food vendor site shall be restored to its condition prior to vendor's operation, free of litter and debris, canopies, or other furniture or improvements.

(11) No amplified public address system, amplified music, or entertainment is allowed as part of a mobile food vendor operation.

(12) No signs associated with a mobile food vendor are allowed in the public right-of-way.

SECTION 2. The City Council finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3), which applies to projects that do not have the possibility to have a significant effect on the environment.

SECTION 3. This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 4. This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the Ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the Ordinance. (Gov't. Code §36933.)

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The foregoing Ordinance 1245 was introduced at a regular meeting of the Tracy City Council on the 17th day of October, 2017, and finally adopted on the 7th day of November, 2017, by the following vote:

AYES: COUNCIL MEMBERS: DEMENT, RANSOM, YOUNG, VARGAS, RICKMAN
NOES: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE

Signed: Robert Rickman, Mayor

Attest: Adrienne Richardson, Interim City Clerk