

ORDINANCE NO. _____

An ordinance amending Subdivision (b)2.F of Section 80.73 of the Los Angeles Municipal Code (LAMC) to establish separate violations and escalating penalties when a catering truck remains in violation of the time permitted to operate for the purpose of vending in section 80.73(b)2.F in a residential area and adding a new Subsection (h) to include a severability clause.

WHEREAS, in 1984, the California Legislature enacted California Vehicle Code Section 22455 to establish safety requirements for the driver of a commercial vehicle engaged in vending upon a street in a residential district;

WHEREAS, in 2008, the California Legislature amended California Vehicle Code Section 22455 to add Subdivision (b), which states: "Notwithstanding Subdivision (a) of Section 114315 of the Health and Safety Code or any other provision of law, a local authority may, by ordinance or resolution, adopt additional requirements for the public safety regulating the type of vending and the time, place, and manner of vending from vehicles upon the street";

WHEREAS, California Health and Safety Code Section 114315 requires that a food facility shall be operated within 200 feet travel distance of an approved and readily available toilet and handwashing facility, or as otherwise approved by the enforcement agency, to ensure that restroom facilities are available to facility employees whenever the mobile food facility is stopped to conduct business for more than a one-hour period;

WHEREAS, in 2008, the California Legislature amended California Health and Safety Code Section 114315 to add Subdivision (b) which states: "This section does not limit the authority of a local governing body to adopt, by ordinance or resolution, additional requirements for the public safety, including reasonable time, place, and manner restrictions pursuant to its authority under Subdivision (b) of Section 22455 of the Vehicle Code";

WHEREAS, LAMC Section 80.73 is the City's ordinance regulating vehicles engaged in food vending when parked on a City street;

WHEREAS, in 2006, the City amended LAMC Section 80.73 to add Subdivision (b)2.F, which reads in part: "No catering truck shall remain parked at any residential location for the purpose of dispensing victuals, or at any residential location within a half mile radius of that location, for a period of time, adding together all time parked at each residential location, which exceeds 30 minutes. Upon the elapse of that period of time, any catering truck that continues to be used for the purpose of dispensing victuals must be parked at a location more than half a mile distant, as measured in a straight line, from the location where the vehicle was parked at the beginning of the 30-minute period, and the vehicle shall not return to that location for at least another 30 minutes from the time of departure or relocation";

WHEREAS, on February 15, 2017, City Council adopted a motion requesting that the City Attorney prepare a draft ordinance amending LAMC 80.73(b)2.F to address and alleviate numerous public safety issues (discussed below) that have arisen since the subdivision was enacted;

WHEREAS, despite the 30 minute time limit set forth in LAMC Section 80.73(b)2.F, vehicles too often stay at the same residential locations in excess of 30 minutes, as well as in excess of other time restrictions posted on a street, even after being cited by City parking enforcement officers. Some vendors, in fact, stay for several hours at the same residential locations without moving, treating the single citation they receive as the cost of doing business;

WHEREAS, the numerous citations issued by law enforcement have had little or no deterrent effect as a majority of the violators are repeat offenders;

WHEREAS, many of the repeat offenders not only ignore the requirements set forth in LAMC Section 80.73(b)2.F, they also frequently ignore posted parking restrictions or painted curb markings on residential streets, including, but not limited to, red curbs, signs limiting the distance that a vehicle shall be parked near an intersection, signs posting time limits and signs that restrict the parking of oversize vehicles on a street;

WHEREAS, the majority of repeat offenders park at the same location on the same residential street almost every day of the year, in effect operating a permanent business on a residential street not zoned for such intense commercial activity, and necessitating that the 2006 ordinance be amended to adjust time and distance requirements to address and prevent this conduct;

WHEREAS, the catering trucks, particularly when oversized, impede motorists sight lines, limiting a motorist's ability to see upcoming intersections, vehicles exiting residential driveways, or other activity occurring on parkways that could pose a traffic hazard for the motorist, as well as endanger pedestrians attempting to cross a street where the catering trucks are parked;

WHEREAS, due to the impaired sight lines, there have been many near collisions and some serious accidents in the residential neighborhoods where catering trucks are parking in violation of the law, with the most recent accident occurring when a vehicle driven by an expectant mother was broadsided by another vehicle because neither driver involved in the accident was able to see the other as an oversized food truck, parked illegally in violation of posted time and oversized vehicles restrictions, obstructed their views of the street;

WHEREAS, residents, due to blocked sight lines caused by the catering trucks, have stated that they live in fear every time they attempt to back of out their driveways when the catering trucks are present; some have resorted to asking catering truck patrons to stop traffic so that they can safely back out of their driveways;

WHEREAS, some residents are temporarily blocked in their driveways as the patrons of the catering trucks often pull into residential driveway aprons when parking is not readily available near where the catering truck or trucks are parked;

WHEREAS, catering trucks parked in residential streets for a period longer than 30 minutes often create a public nuisance and blight in the residential neighborhoods where they park, as the customers who frequent the catering trucks often loiter or picnic on the parkway or residential lawns, discarding trash or other refuse on the parkway, lawns and sidewalks;

WHEREAS, this unlawful activity and the frequency in which it occurs, has resulted in damaged residential lawns and other landscaping; creating both a financial loss for residents stuck with the cost of repairing their lawns and a loss in the quality of life in the neighborhood, as some residents have given up trying to repair the damage knowing that the catering trucks and their customers will return the next day;

WHEREAS, due to lack of public restroom facilities in the residential neighborhoods and some business districts where catering trucks are parking for several hours in violation of California Health and Safety Code Section 114315, residents or merchants have witnessed incidents of either vendors or customers urinating in the street or parkway, or in residential neighborhoods on lawns or other landscaping;

WHEREAS, the public nuisance and safety conditions, as described above, have resulted in confrontations between the residents and the food truck operators or their customers; and

WHEREAS, residents are frequently verbally threatened or ignored when they direct the truck operators to posted signs on the streets showing that the trucks are parked illegally at the location, often with the offending truck operator returning the next day and blatantly parking under the very sign outlawing parking at the location.

NOW, THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The first paragraph of Subdivision (b)2.F of Section 80.73 of the Los Angeles Municipal Code is amended to read as follows:

F. No catering truck shall remain parked at any residential location for the purpose of dispensing victuals, or at any residential location within a half mile radius of that location, for a period of time, adding together all time parked at each residential location, which exceeds 30 minutes. Upon the elapse of that period of time, any catering truck that continues to be used for the purpose of

dispensing victuals must be parked at a location more than half a mile distant, as measured in a straight line, from the location where the vehicle was parked at the beginning of the 30-minute period, and the vehicle shall not return to the original location for at least four hours from the time of departure or relocation. The requirement that a vehicle must be parked one half mile distant shall only apply if the new parking location is in a residential area; however, moving the vehicle to a location outside a residential area shall not nullify the four-hour time period before a vehicle can return to the residential location where the vehicle was parked at the beginning of the 30-minute period. Failure to comply with the time and distance requirements set forth in this subsection shall constitute a separate and distinct offense for every 30-minute period that a catering truck either fails to move from the original location or remains within a half mile of the original location prior to the four-hour waiting period set forth above, with each subsequent violation subject to the escalated civil parking penalties listed in LAMC Section 89.60.

Sec. 2. A new Subsection (h) is added to Section 80.73 of the Los Angeles Municipal Code to read as follows:

(h) **Severability.** If any subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this section, and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Sec. 3. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By Michael D. Nagle
MICHAEL D. NAGLE
Deputy City Attorney

Date 4/25/2017

File No. 09-2357-S4