

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: February 17, 2011

TO: Honorable Members of the City Council

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Council File No.: 09-2357
Assignment No.: 11-02-0125

Regulation of Mobile Food Trucks

SUMMARY

Southern California has long enjoyed the presence of mobile food trucks. The industry traditionally focused on "loncheras" or stationary food trucks, also known as taco trucks, that served remote businesses, such as construction sites, that did not have easy access to restaurants. Recently, gourmet mobile food vendors have emerged that travel region-wide, and offer new and innovative food choices. These vendors attract an increasing number of customers through the use of social media devices such as Twitter and other websites that enable customers to be kept abreast of their changing locations.

Mobile food vendors can be found throughout the City in high density commercial areas, as well as residential areas. Both situations often result in conflicts over customer parking, security, trash collection and other services, as well as the food truck odors permeating the surrounding area. In response to these concerns, several Council motions (09-2357; 09-2357-S1; 09-2357-S2 and 09-2357-S3) have been introduced aimed at regulating the industry. In response to these motions, on October 19, 2010, the CLA prepared a report on the regulation of mobile food trucks, based on a variety of issues highlighted in the Council motions. One recommendation was to direct the CLA to establish a Mobile Food Truck Task Force comprised of the Los Loncheros, SoCal Mobile Food Vendors Association, Los Angeles County Department of Public Health, Police Department, Fire Department, DOT, Department of City Planning, Bureau of Street Services, Office of Finance, City Attorney, Mayor's Office, interested Neighborhood Councils and Business Improvement Districts, and others, as appropriate, to meet regularly and to consider long-term and emerging catering truck policy issues, address industry needs and concerns, and identify possible locations for off-street catering truck locations. This report provides an update on the work of the Task Force and recommendations on the development of a comprehensive approach to regulate mobile food vending.

Task Force Meetings

The Task Force has met several times, and has reviewed a variety of issues and concerns that generally fall under two categories: quality of life issues in residential and commercial areas that affect public safety and business competition between mobile food vendors and established restaurants. Issues related to making the restaurant industry more competitive with the food trucks business are being considered under CF10-2274, currently pending in the Jobs & Business Development Committee and will be addressed under separate cover. The Task Force, however, has discussed the perceived inequities between the rules and regulations that must be followed by brick-and-mortar restaurants, such as a property owner's responsibility to keep their sidewalks clean and safe; restrictions on outdoor dining; and the fact that business improvement districts (BIDs) assess fees to provide benefits that are used by mobile food vendors

with no compensation to the businesses that fund them.

This report addresses public safety issues to ensure the orderly flow of traffic and pedestrian safety as they pertain to parking mobile food trucks in the public right-of-way. Catering trucks parked on streets can impede the free flow of traffic, distract drivers, obstruct the view of pedestrians, may park unlawfully along curbs, monopolize lawful parking spaces for others, cause people to park illegally or conduct illegal maneuvers to avoid these situations and fail to abide by posted parking time limits. With the increasing use of technology, catering trucks often attract people who drive to a vicinity where sufficient parking for catering truck customers is not provided. The congregation of catering trucks in congested areas of the City has also caused public health hazards by not providing sufficient waste receptacles thereby causing trash to accumulate on sidewalks, streets and alleys, as well as, not providing sufficient rest room facilities for food truck customers that, according to a Director employed by the County of Los Angeles Department of Public Health, has resulted in instances of public urination near mobile food trucks.

Current Catering Truck Regulations

Mobile food vendors are currently regulated by LAMC Section 80.73, which provides various parking restrictions on catering trucks. The Los Angeles Superior Court has, however, overturned these portions of the ordinance related to the time restrictions imposed parking restrictions on food catering trucks that operate in residential and commercial locations. While other portions of LAMC Section 80.73 remain valid and enforceable, this situation has caused confusion for both enforcement personnel, mobile food truck operators, as well as affected residents and established businesses. The City Attorney has opined that a complete rewrite of LAMC Section 80.73 would be appropriate to address public health and safety issues created through the operation of mobile food trucks. Thus, the focus of the Task Force has been to develop a revised LAMC Section 80.73 that is clear and defensible.

Prior to the development of new regulations, the Task Force discussed existing requirements. Many of the quality of life issues are addressed in existing sections of the municipal code, as follows:

- LAMC Section 80.73(b)2 makes it unlawful “...for any person to stop, stand, or park any vehicle, wagon, or pushcart for the purpose of peddling, hawking, displaying or offering for sale therefrom any goods, wares, merchandise, fruit, vegetables, beverages, or food of any kind, on any street within this City except as provided for in this section.” This regulation clearly stipulates that push carts and other vehicles that are often found selling food on sidewalks is prohibited in the City of Los Angeles.
- LAMC Section 42.00 (b) states that “No person, except as otherwise permitted by this section, shall on any sidewalk or street offer for sale, solicit the sale of, announce by any means the availability of, or have in his or her possession, control or custody, whether upon his or her person or upon some other animate or inanimate object, any goods, wares or merchandise which the public may purchase at any time.” This regulation prohibits the sale of non-food related items on roadways and sidewalks in the City of Los Angeles.
- LAMC Section 56.08(c) states that no person having charge or control of any lot or premises shall allow any soil, rubbish, trash, garden refuse, tree trimmings, ashes, tin cans or other waste or refuse to remain upon any sidewalk, parkway, or in or upon any street abutting on or adjacent to such lot or premises, or which will interfere with or obstruct the free passage of pedestrians or vehicles

along any such street, sidewalk or parkway. This regulation prohibits portions of a catering truck from protruding into the public right-of-way, as well as the placement of chairs, tables, umbrellas or other items in the public right-of-way.

- Section 114244 of the California Health and Safety Code requires: a) each food facility shall be provided with facilities and equipment necessary to store or dispose of all waste material; b) waste receptacles shall be provided for use by consumers; c) a receptacle shall be provided in each area of the food facility or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

Additionally, the County of Los Angeles, Environmental Health Division, enforces public health laws, which includes the enforcement and education of food safety laws. This activity encompasses the entire food supply including the transportation, processing/manufacturing and retail sales of food products. Several complaints raised at the Task Force meeting included: outdoor cooking, non-conforming vehicles, and unsanitary conditions. All of these activities occurring by mobile food truck operators would be deemed in violation of the County's existing health and safety regulations.

ISSUES

While there are divergent opinions on the elements that should be included in a revised LAMC Section 80.73, the Council may wish to consider, as follows:

- *Definition of a catering truck would include unhitched trailers selling food to the public.* Unhitched trailers were included in the definition of mobile vendor because they are defined as vehicles in the CVC and are becoming a popular vehicle for mobile food vending.
- *The issuance of City special event permits or film permits issued by Film L.A., Inc. could authorize actions that would otherwise be prohibited by the proposed regulations and could provide flexibility to mobile food operators.*
- *Prohibit the sale of food within two blocks of a school, when children are present.* Currently, LAMC Section 80.73 prohibits food vendors within 500 feet of a school, however, determining this distance in each circumstance is challenging for enforcement personnel. Furthermore, public safety issues associated with large groups of children, which the ordinance could define as individuals under the age of 18, are often enhanced when they are patronizing mobile food vendors, necessitating an increase in the distance between the trucks and school children.
- *Allow one mobile food truck to sell food per roadway block.* Business and community groups support the limitation of mobile food vendors to one vehicle per roadway block due to the safety issues described earlier in this report that arise when mobile food vendors congregate. Mobile food vendors oppose efforts to limit the number of vehicles in any area.
- *Require all mobile food trucks to obey all City parking laws and City regulations, including but not limited to the intrusion or placement of objects in the public right-of-way.*
- *Prohibit the sale of food to a patron who is standing in the portion of a roadway between a mobile*

food truck and the center of a roadway. LAMC Section 80.73 (b) 2.C prohibits this activity.

- *Require mobile food trucks to provide a litter receptacle in a conspicuous location near the vehicle that is clearly marked with a sign requesting its use by patrons.* LAMC Section 80.73 (b) 2. D requires this action.
- *Require mobile food trucks to remove all trash prior to leaving a location.* LAMC Section 80.73 (b) 2. E requires this action. The Task Force considered expanding this section to include language to ensure that the area is cleaned to remove any food, grease spills and other efforts beyond the removal of trash.
- *Require mobile food trucks to have an audible alarm that can be heard at a distance of up to 100 feet from the vehicle and the alarm is automatically activated when the vehicle backs up.* LAMC Section 80.73 (b) 2. G requires this action.
- *Before leasing a mobile food truck, require the lessee must obtain all of the licenses and permits, required by the City and County of Los Angeles for dispensing or selling food from a mobile food truck that can be obtained before the lessee takes possession of the vehicle.* LAMC Section 80.73 (b) 2. H requires this action.

While mobile vending of goods and services that are not food-related are increasingly common, per the Council's November 24, 2010 action and existing prohibitions in the LAMC Section 42.00 (b), the draft ordinance should exclude these vehicles. Public safety problems caused by mobile vending of non-food items are not necessarily the same as those caused by mobile food vending. Additionally, mobile food facilities that are not selling food to individual consumers, such as private catering events or mobile food trucks that service film locations, should also be excluded. Mobile vending of non-food does not necessarily result in trash to be littered on the street, nor does it necessarily cause people to consume beverages and food without providing sufficient bathrooms for customers. If Council desires to modify its regulations of non-food mobile vendors, we recommend public hearings to determine the public safety issues created by such commercial activity.

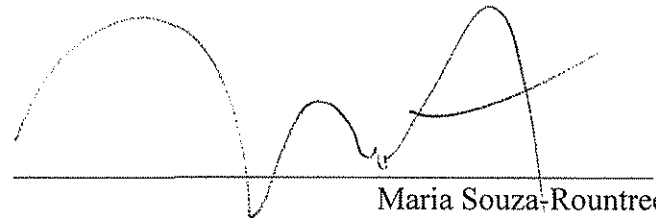
Should the Council adopt the recommendations to request the City Attorney to draft and present an ordinance to revise LAMC 80.73 in the manner identified in this report, the Task Force will continue to work together on the development of a permitting scheme that will allow the City to revoke or suspend permits and thereby stop operation of mobile food vendors that violate City laws.

RECOMMENDATIONS

That the City Council take the following actions:

1. REQUEST the City Attorney to prepare and present an ordinance to the Council repealing LAMC Section 80.73 and replacing it with a new section regulating the parking of catering trucks, as detailed in this report;
2. INSTRUCT the Chief Legislative Analyst to continue to work with the Mobile Food Task Force in the development of a catering truck permit process for the operation of such vehicles in the City of Los Angeles;

3. INSTRUCT the Bureau of Streets Services and the Department of Transportation (DOT), working with the City Attorney, to conduct a training program for street services and parking enforcement personnel, and LAPD personnel, as may be necessary, on the existing laws pertaining to catering truck activity.
4. INSTRUCT the Department of Public Works, Bureau of Street Services, to work with the County of Los Angeles, Environmental Health Division, to include the County's sign-off on special event permits that include catering trucks; and
5. INSTRUCT DOT to report on the current policy related to limiting the issuance of parking citations to one per vehicle per day, including the feasibility of implementing a graduated citation fine schedule.



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