09-2357

Old CF#05-2220-S1

M O T I O N

The Los Angeles Superior Court recently overturned a City ordinance adopted in 2006 which imposed parking restrictions on food catering trucks that operate in residential and commercial locations. Under the ordinance, trucks were prohibited from parking in the same spot in a residential neighborhood for more than 30 minutes or in a commercial area for more than 60 minutes.

Catering trucks are regulated by the State Health and Safety Code, although local governments have the authority to impose additional regulations to protect public safety or health. The court ruled that the City ordinance was not rationally related to public safety or health and is preempted by the California Vehicle Code.
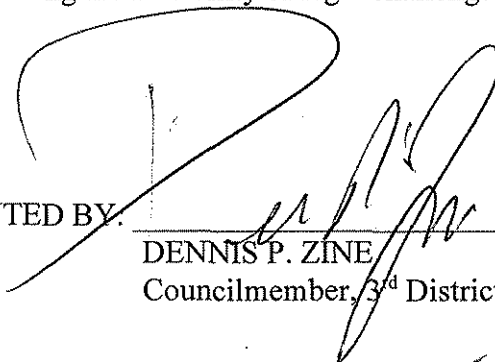
A prior attempt by the City to regulate food trucks was also struck down by the court. In 1996, a permanent injunction was issued against Municipal Code provisions that prohibited food trucks from operating on private property, including private parking lots, and operating within 100 feet of the nearest restaurant.

Despite these rulings, there remains a need to pursue effective regulations for mobile food trucks. The increasing prevalence of food trucks in Los Angeles has adversely affected certain locations in which they operate. For example, insufficient access to trash and restroom facilities can dirty the surrounding area. Businesses operating as legitimate restaurant establishments have also been affected with mobile food trucks operating at their doorstep.

Given that these conditions still exist, and absent other alternatives to effectively regulate food trucks, the Council should review the court's decision and evaluate the feasibility of challenging the injunction.
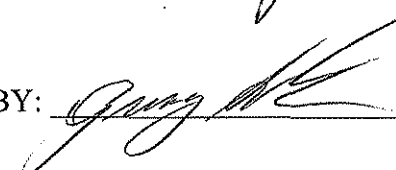
I THEREFORE MOVE that the City Attorney be requested to report to Council regarding the court decisions rendered against the City's catering truck ordinance and identify potential alternative solutions to regulate food trucks, including the feasibility of legal challenges.

PRESENTED BY: _____
DENNIS P. ZINE
Councilmember, 3rd District

SECONDED BY: _____

JD

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