

COUNCIL MEETING
March 6, 2012

SUPPLEMENTAL MATERIAL

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the City Council:

SUBJECT: SUPPLEMENTAL MATERIAL TO ITEM 12D

After discussion with Kevin Behrendt, attorney for the Southern California Mobile Food Vendors Association (SoCalMFVA), the Office of the City Attorney has made some slight revisions to clarify the Mobile Food Vendor Ordinance. A copy of the revised Mobile Food Vendor Ordinance is attached as Attachment A. The revisions are shown in redline. The revisions added a definition of Food Caterer in Section 93.1.8(a)(3). Additionally, the revisions allow Mobile Food Vendors to post a vehicle inspection report instead of a Letter Grade if there commissary is located in a city that has not adopted the Los Angeles County Code regarding the posting of Letter Grades (TMC sections 93.1.8(b)(1)(a)(i) and 93.1.8(d)(4)). Finally, the revisions clarified the exemptions found in Section 93.1.8(b)(1)(b).

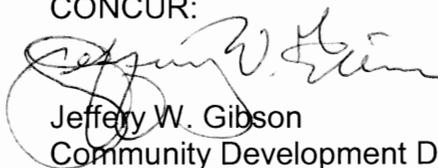
A representative from the SoCalMFVA will be attending the City Council Meeting this evening. The SoCalMFVA will be requesting to increase the number of events allowed per calendar year at each site from 24 to 26, which is found in TMC Section 93.1.8(c)(5). Staff has no objection to the increase to 26 events per calendar year.

Respectfully submitted,

JOHN L. FELLOWS III
City Attorney

By: 
Patrick Q. Sullivan
Assistant City Attorney

CONCUR:


Jeffrey W. Gibson
Community Development Director

NOTED:


LeRoy J. Jackson
City Manager

for Attachments: A) Revised Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF TORRANCE ADDING A NEW
SECTION 93.1.8 TO THE TORRANCE
MUNICIPAL CODE RELATING TO MOBILE
FOOD VENDORS**

NOW, THEREFORE, the City Council of the City of Torrance ordains as follows:

SECTION 1

Section 93.1.8 of the Torrance Municipal Code is added to read in its entirety as follows:

“SECTION 93.1.8 – Mobile Food Vendors on Public or Private Property

a) Definitions

- 1) Mobile Food Vendor means any person or entity operating a vehicle, trailer, car, wagon, bicycle, conveyance or structure on wheels, not firmly fixed to a permanent foundation and which is required to be registered with the California Department of Motor Vehicles, that offers the sale of food or beverage.
- 2) Mobile Food Vendor Event means a gathering of one or more Mobile Food Vendors.
- 3) Food Caterer means a person or entity that prepares food at a kitchen facility approved by the County of Los Angeles Department of Public Health that is pre-ordered and served at a private event which is not open to the general public.

b) Mobile Food Vendors operating on public or private property will be required to obtain a Temporary Parking Lot Event Permit as required by Section 93.1.7 as well as be required to comply with the Mobile Food Vending Event requirements found in Section 93.1.8(c) and the General Operating Requirements found in Section 93.1.8(d).

1) Exemptions from Temporary Parking Lot Event Permit Requirement

- a) Mobile Food Vendor events on Torrance Unified School District property are exempt from obtaining a Temporary Parking Lot Event Permit. But, the Mobile Food Vendors attending a Mobile Food Vendor Event on Torrance Unified School District property are still required to obtain all of the following:

- i) valid approvals from the County of Los Angeles Department of Public Health including but not limited to a food handling permit or other health permit required by law shall possess and at all times display such required permit(s) in conspicuous view upon such vehicle and must also display the Letter Grade issued by the County of Los Angeles Department of Public Health (a Mobile Food Vendor will post the most recent vehicle inspection report from the County of Los Angeles Department of Pubic Health in lieu of the Letter Grade if the City where the Mobile Food Vendor's commissary is located has not adopted the Los Angeles County Code regarding the posting of Letter Grades);
 - ii) a City business license issued to the vehicle (tracked by the Vehicle Identification Number) of that Mobile Food Vendor that includes a vehicle inspection by the Police Department; and
 - iii) proof of current registration and insurance for each Mobile Food Vendor vehicle operating in the City.
- b) Temporary Parking Lot Event Permits also do not apply to:
- i) ~~Food caterers~~ Caterers delivering food to private events;
 - ii) Ice cream trucks as defined in California Vehicle Code section 22456(c); or
 - iii) ~~Mobile Food Vendors on fixed routes~~ that operate on non-residential construction and/or industrial sites for less than 20 minutes.
 - iv) Any event that has received a Special Event Permit.
- c) Mobile Food Vending Requirements
- 1) A Mobile Food Vendor, with the exception of Torrance Unified School District property, shall be subject to Temporary Parking Lot Event Permit if a Mobile Food Vendor or Vendors will be operating on site for a period exceeding 20 minutes.
 - 2) A Mobile Food Vendor and Mobile Food Vendor Events are not permitted on properties used or zoned for residential purposes.
 - 3) Authorization from the property owner (or authorized agent) of the site/location on which the event is taking place on shall be required.
 - 4) Mobile Food Vendor Events shall be located a minimum of 100 feet from property zoned or used for residential purposes as measured from the event perimeter to residential property line.

- 5) Mobile Food Vendor Events shall be limited to no more than 24 days per calendar year per site or location as determined by the Community Development Director or his/her designee.
 - 6) No more than 10% of the total number of parking spaces provided on the site/location shall be displaced by Mobile Food Vendor Event and no more than 10 vendors per Mobile Food Vendor event. A Mobile Food Vendor Event that displaces more than 10% of the total parking may be approved on a case by case basis with Fire Department and Police Department concurrence based upon circulation, public health, safety and welfare.
 - 7) A detailed and dimensioned site plan of the Mobile Food Vendor Event layout shall be provided with the Temporary Parking Lot Event Permit application. The plan of the Mobile Food Vendor Event layout shall include the location of each Mobile Food Vendor, adequate space for customer queues and safe pedestrian movement without interfering with circulation outside of the designated Mobile Food Vendor Event area, and location of all other activities or temporary structures associated with the Mobile Food Vendor Event.
 - 8) Temporary Parking Lot Event Permit application shall include a list of each Mobile Food Vendor participating, their active business license identification number, and Vehicle Identification Number for each Mobile Food Vendor vehicle that will be present.
 - 9) Mobile Food Vendor Event hours of operation shall be between 9:00 a.m. to 10:00 p.m. daily.
 - 10) All Mobile Food Vendor vehicles shall remain parked and stationary during the Mobile Food Vendor Event. There shall be no Mobile Food Vendor vehicle movement during the Mobile Food Vendor Event.
 - 11) On and off site vehicular and pedestrian circulation shall be maintained at all times during the Mobile Food Vendor Event.
 - 12) Handicap parking spaces and accessibility shall be maintained at all times during the Mobile Food Vendor Event.
 - 13) The applicant shall demonstrate that there will be sufficient access to on-site restroom facilities provided for customers of the Mobile Food Vendor Event. Portable restroom facilities are not permitted.
 - 14) Temporary tables and seating for patrons may be permitted within the Mobile Food Vendor Event area as part of the approved Temporary Parking Lot Event Permit application and plan.
- d) General Operating Requirements

- 1) Vending shall be from vehicle duly registered and licensed by the State of California Department of Motor Vehicles.
 - 2) Each Mobile Food Vendor shall be equipped with a trash receptacle of a size adequate to accommodate all trash and refuse generated by such vending.
 - 3) Each Mobile Food Vendor shall pick up and deposit in the trash receptacle on the vehicle any paper, cups, wrapper, litter or other refuse of any kind which were a part of the goods or merchandise supplied from the Mobile Food Vendor vehicle and which have been left or abandoned within 25 feet of the Mobile Food Vendor vehicle on any public property other than in a trash receptacle provided for such purposes. No Mobile Food Vendor or operator shall dispose of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated or otherwise provided by and under the control of such Mobile Food Vendor.
 - 4) Each Mobile Food Vendor causing the sale of or offering for sale any produce or other food item for which a food handling permit or other health permit is required by law shall possess and at all times display such required permit(s) in conspicuous view upon such vehicle and shall also display the Letter Grade issued by the County of Los Angeles Department of Public Health (a Mobile Food Vendor will post the most recent vehicle inspection report from the County of Los Angeles Department of Public Health in lieu of the Letter Grade if the City where the Mobile Food Vendor's commissary is located has not adopted the Los Angeles County Code regarding the posting of Letter Grades).
 - 5) Each Mobile Food Vendor shall have obtained valid approvals from the County of Los Angeles Public Health Department, and a City of Torrance Business License which includes review of proper registration, proof of insurance and a vehicle safety inspection by the Police Department prior to operation.
 - 6) Each Mobile Food Vendor and Mobile Food Vendor Event shall be subject to the Torrance Municipal Code Noise Ordinance.
- e) The issuance of a permit, certification, or approval under the provisions of this Section or Section 93.1.7 shall not constitute a waiver of any other requirement contained in the Torrance Municipal Code or any other law, ordinance or regulation, and all such requirements shall be complied with in addition to the obtaining of a permit, certification, or approval under the provisions of this Section.
 - f) The issuance of a permit, certification, or approval under the provisions of this Section or Section 93.1.7 shall not constitute an approval of any violation of any provision of this Section, or any law, ordinance or regulation, and a permit,

certification, approval, or other document purporting to give authority to violate any law or ordinance shall not be valid with respect thereto.

g) Violations

- 1) Any person who violates any provision of this Section is guilty of a misdemeanor.
- 2) Any violations of this Section, other applicable Sections of the Torrance Municipal Code, and/or conditions of approval may result in civil, criminal and/or administrative enforcement actions, immediate suspension of Temporary Parking Lot Event Permit and denial of an application for future Temporary Parking Lot Event Permits by the Mobile Food Vendor and/or the Property Owner.”

SECTION 2

Any inconsistent provisions of the Torrance Municipal Code, or any other inconsistent ordinances of the City, are repealed, to the extent of the inconsistencies.

SECTION 3

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then the decision will not affect the validity of the remaining portion of the ordinance. The City Council declares that it would have passed this ordinance and each of its sections, subsections, sentences, clauses and phrases, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid or unconstitutional.

SECTION 4

This ordinance will take effect thirty days after the date of its adoption. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED and **APPROVED** this _____ day of _____, 2012.

ADOPTED and **PASSED** this _____ day of _____, 2012.

Mayor of the City of Torrance

ATTEST:

Sue Herbers, City Clerk

APPROVED AS TO FORM:

John L. Fellows III
City Attorney

By: _____
Patrick Q. Sullivan
Assistant City Attorney