



Legislation Text

File #: 11-1199, **Version:** 2

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 5.37 relating to Mobile Food Preparation Vehicles, read and adopted as read. (Citywide)

On April 12, 2011, the City Council requested the City Attorney to prepare an Ordinance amending the Long Beach Municipal Code (LBMC) by adding Chapter 5.37 establishing “Mobile Food Preparation Vehicles” requiring businesses, as defined, to obtain permits to operate mobile food vending vehicles in the City of Long Beach (City). The subject Ordinance is attached for the City Council’s consideration and its first reading.

With the addition of Chapter 5.37 of the LBMC, the City will be creating a policy that provides regulation to a new, rapidly growing business category. Over the past several years, Los Angeles County has seen a dramatic rise in the emergence of “gourmet” food trucks, promulgated through social media, websites, or just word of mouth. This growing industry is based on chefs’ offering cuisine not typically found on food trucks and going mobile in the delivery of these foods. In fact, Los Angeles County is the epicenter of this food truck boom. As of 2011, over 120 gourmet trucks have been licensed in Los Angeles County. These food trucks are not replacing the pre-existing catering truck that has historically serviced commercial businesses. In fact, this proposed Ordinance will provide a greater area for these operators to service. Under current LBMC, mobile food preparation vehicles were only allowed to operate in construction sites.

In conjunction with the City Attorney’s Office, City staff focused on providing an Ordinance that clearly defined allowable areas of operations that regulate mobile food preparation vehicles’ activity, while striving to bring this new trend of food delivery service to the City of Long Beach.

In doing so, we incorporated a business-friendly approach that allows food trucks to operate within the City, pursuant to the proposed conditions. The proposed Ordinance provides the following operating conditions under LBMC Section 5.37.140:

- No food trucks within ten feet of a business entrance (unless business owner provides consent), bus stop, crosswalk, or street corner
- Cannot obstruct free movement of pedestrians
- Can operate at the beach and in public parks, with City permission
- Operator shall keep vending area free of litter
- Vehicles may not stand or park between the hours of 3 a.m. and 6 a.m.
- Operator will maintain compliance of noise limit provisions of LBMC Chapter 8.80

- Operator shall keep and maintain their equipment in a neat and sanitary manner
- Food packaging utilized by operator shall be made from recycled material

The outlined conditions strive to protect pre-established businesses, the public right of way, private property, the flow of traffic, as well as a number of other safeguards. Additionally, this proposed Ordinance entails a number of environmental initiatives: a litter-free provision, noise requirements, and a 30 percent post-consumer recycled material requirement for the goods, materials and supplies generated from food service.

With intent and direction to make Long Beach a more desirable place for food trucks, the City is proposing an alternative for food truck operators with regard to health permits requirements. The proposed Ordinance provides the option of obtaining a health permit from the Long Beach Health Department or obtaining a health permit from Los Angeles County. In October 2010, the Los Angeles County Board of Supervisors passed an Ordinance amending the County code to expand the restaurant letter grade-rating program to food trucks. Currently, the majority of Los Angeles-based food trucks operating are permitted through the Los Angeles County program. In an effort to promote business, maintain health standards and reduce additional permitting fees, this Ordinance proposes this alternative.

The permits issued under this Ordinance are good for one year and are issued on a calendar year basis. In addition, all permittees are required to maintain their vehicles in accordance to the California Vehicle Code, and the proof of appropriate insurance will be required to ensure appropriate coverage and liability.

This matter was reviewed by Chief Assistant City Attorney Heather A. Mahood on September 20, 2011 and Budget Management Officer Victoria Bell on October 26, 2011.

City Council action on this matter is requested on December 6, 2011.

The cost of an annual Mobile Food Vending Permit is \$405.47. Permits are issued on a calendar year basis and the permit fee is pro-rated at the time of issuance. For calendar year 2011, the City has issued 121 permits and collected \$49,062 in fees. Revenues generated from this activity will be credited to the General Fund (GP 100) in the Financial Management Department (FM). Upon adoption of this proposed Ordinance, staff anticipates the number of permits issued and fees collected will increase, and may result in a positive local job impact.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 5.37 RELATING TO MOBILE FOOD PREPARATION VEHICLES

**JOHN GROSS
DIRECTOR OF FINANCIAL MANAGEMENT**

APPROVED:

PATRICK H. WEST
CITY MANAGER