



## Legislation Text

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**File #:** 15-177, **Version:** 1

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Staff Report for an Ordinance Amending Chapter 4-34, Mobile Food Vending, of the San Leandro Municipal Code to Permit Mobile Food Vending Units Propelled, Operated, or Moved by Bicycle.

### **SUMMARY AND RECOMMENDATIONS**

Staff recommends that the City Council conduct a first reading and pass to print an ordinance to amend Chapter 4-34 Mobile Food Vending, Section 100(b) and (e) and Section 250(b)(5)(ii) of the San Leandro Municipal Code to permit mobile food vending units propelled, operated or moved by bicycle.

### **BACKGROUND**

The City Council adopted the Mobile Food Vending regulations in June of 2014. The regulations provide mobile food vendors a streamlined, modern set of regulations that serve to promote mobile food vending throughout the City of San Leandro. Recently, a mobile food vendor proposed a coffee service from a bicycle operated mobile food vending unit (see attached photo). However, the current regulations only permit mobile food vending units that are motorized vehicles or trailer vehicles and not operated by bicycle.

### **Analysis**

Bicycle operated mobile food vending units are consistent with the spirit and intent of the Mobile Food Vending ordinance. The ordinance sought to activate underutilized spaces, especially in the City's industrial areas, by promoting unique business opportunities and activities to residents and visitors. The use of a bicycle operated mobile food vending unit is the type of creative approach to mobile food vending that the ordinance encourages, but does not currently permit.

Therefore, the following text amendments are proposed to the Mobile Food Vending ordinance:

1. Amend Section 4-34-100(b), "Mobile Food Vending Unit" definition, to add a piece of vending equipment moved by a bicycle to the mobile food vending unit definition.
2. Amend Section 4-34-100(e), "Pushcart" definition to exclude a piece of vending equipment moved by a bicycle from the definition.
3. Amend Section 4-34-250(b)(5)(ii), insurance requirements, to exclude auto liability insurance for bicycle mobile food vending units because they are not automobiles.

It is important to note that with the exception of the changes proposed above, all other regulations will apply to bicycle operated mobile food vending units. These regulations relate to traffic and operational standards, hours of operation, permitted locations and separations, inspections and enforcement. Ice cream sales from a bicycle operated mobile food vending unit will need to comply with the additional requirements in Section 4-34-500 such as, fingerprinting, background checks and

school separations.

### **Previous Actions**

On June 16, 2014 the City Council approved Ordinance 2014-008 regulating Mobile Food Vending.

### **Legal Analysis**

The attached ordinance has been reviewed and edited by the City Attorney's Office.

### **ATTACHMENT(S)**

#### **Attachment(s) to Staff Report**

- *Bicycle Mobile Food Vending Unit Photo*

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