



Land Use, Sustainability and Resilience Committee

City of Arts & Innovation

TO: LAND USE, SUSTAINABILITY AND RESILIENCE COMMITTEE

DATE: MAY 13, 2024

FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

WARDS: ALL

SUBJECT: UPDATE ON FOOD TRUCKS AND UNPERMITTED SIDEWALK VENDORS

ISSUE:

Receive and file a report on the current regulations and enforcement efforts regarding food trucks with potential code amendments, as well as an update on enforcement strategies for unpermitted and compliance resistant sidewalk vendors.

RECOMMENDATIONS:

That the Land Use, Sustainability, and Resilience Committee:

1. Receive and file a report on the current regulations and enforcement efforts regarding food trucks with potential code amendments, as well as an update on enforcement strategies for unpermitted, compliance resistant sidewalk vendors.
2. Provide staff direction on potential code amendments regarding food trucks, including but not limited to consideration of a 50-foot parking restriction adjacent to driveways and a restriction from parking food trucks on roadways with speed limits over 35 MPH.

BACKGROUND:

The City Council adopted Riverside Municipal Code 5.26 (Attachment 1) on February 8, 2022, greatly expanding the opportunities for mobile vendors/food truck operators to conduct business in the City of Riverside. Mobile food trucks are motorized vehicles that function as transportable retail food facilities for the sale of food and beverages to the public. They have lower startup costs than traditional fixed locations and provide economic opportunity for entrepreneurial individuals. Mobile food trucks are subject to state and local health standards and are extensively regulated by Riverside County Department of Environmental Health. They must obtain a County Health Permit, pass health inspections, and display a certification sticker prominently on the truck. Furthermore, mobile food trucks operating within the Riverside City limits must also obtain a City business tax certificate. Mobile vending/food trucks differ from sidewalk vendors which include pushcarts, temporary stationary stands and other non-motorized conveyances and are regulated by a separate body of law and set of requirements. Part 1 of this report will address food trucks and Part 2 will pertain to sidewalk vendors.

PART 1 (FOOD TRUCKS) DISCUSSION:

The City of Riverside currently has 34 licensed food trucks operating in the City. Since the current food truck ordinance was adopted in February of 2022, Code Enforcement staff has issued 19 administrative citations. Citations have been issued primarily for instances of trucks doing business without a valid City Business Tax Certificate, and for various operational and parking violations. Every food truck operator has been provided with a food truck informational brochure (Attachment 2) outlining their restrictions and guidelines.

Most recently, there has been a large collection of approximately 10-15 food trucks operating on a nightly basis in Ward 6 on Diana Street (cross/Tyler) that were creating safety concerns for vehicles and pedestrians in the area. Riverside Municipal Code Chapter 5.36 regulates the type of vending and the time, place and manner of vending from vehicles upon the street in order to promote public safety. Authority for these regulations is granted to the City of Riverside by Section 22455 of the California Vehicle Code.

RMC 5.36.070 currently restricts vending vehicles from parking within 100 feet of intersections, traffic signals, and marked or unmarked crosswalks when making or attempting to make a sale. RMC 5.36.070 further restricts mobile food merchants from operating in a manner that blocks or obstructs the free movement of pedestrians or vehicles and provides the Director of Public Works with the authority to create 'no parking zones' deemed necessary for the safe passage of pedestrians and vehicles.

In response to the observed parking patterns along Diana Street and in keeping with the authority granted under RMC 5.36 the Public Works Department quickly instituted a restriction of all mobile food vendors from parking within 50 feet of any commercial, industrial or residential driveway (Attachment 3.) Code Enforcement has informed vendors currently registered within the City of this restriction and will continue to educate vendors to motivate compliance.

Code Enforcement, Parking Services and Riverside Police personnel have been making regular visits to this location to address food truck operational requirements and parking violations. All the food truck operators at this location have been educated on the new parking restriction and all other pertinent guidelines for conducting business pursuant to RMC.

While urban roadways routinely allow for parking in proximity to driveways, the height of food trucks may cause difficulty for motorists when exiting a driveway. Commercial vehicles are generally restricted from parking on Riverside's roadways outside designated commercial vehicle parking zones. Staff recommend bringing forth an amendment to RMC 5.36 to formalize the restriction of food truck parking within 50 feet of any driveway. Additionally, Staff recommend an addition to RMC 5.36 that would restrict food trucks from parking on any roadway with a speed limit over 35 MPH. This combination of parking restrictions is intended to improve visibility for motorists and pedestrians in areas where food trucks may be parked.

There have been parking disputes between food truck operators in this same area of Diana/Tyler and some of the food truck operators have begun storing personal vehicles on the street overnight to "reserve" their parking spaces. Furthermore, the volume of pedestrian traffic that is generated at the location has created congestion on the Diana / Tyler right of way. As these challenges are not ultimately confined to Diana/Tyler, the City may want to consider additional restrictions intended to mitigate some of these traffic safety and public nuisance issues. Additional options to consider include:

- Regulating required distances between trucks.
- Setting maximum time limits for operating in one area.
- Restricting streets/locations that allow food trucks.
- Exploring additional “best practices” of surrounding communities that permit food trucks.

PART 2 (SIDEWALK VENDORS) DISCUSSION:

The City’s education and enforcement efforts have been successful with many of the City’s sidewalk vendors, and many have gone on to either obtain permits and appropriate carts/equipment needed to conduct their business, converted their operation to a mobile vending/food truck business, or ceased doing business in the City of Riverside. There is, however, a small percentage of those sidewalk vendors that have been compliance resistant and continue to operate without the required permits and in violation of other sections of RMC despite repeated citations and enforcement action. Staff estimates that there are approximately 6-8 locations spread between 3 main operators that fall into this category. As discussed in previous sidewalk vending updates, these operators are based in the Los Angeles area, but operate stands in numerous inland empire communities. Since code staff has essentially exhausted all of the administrative code enforcement remedies available under City and State law with little to no effect, the City now needs to consider additional methods to bring these operators into compliance or compel them to cease conducting their unpermitted business operations in the City of Riverside.

To this end, there are three options: (1) Small Claims suit to collect on the Administrative Citations, (2) Injunctions, and (3) Facilitate the impoundment of equipment by County Health by providing a storage area.

1. Small Claims. The City can sue in small claims court to recover on the administrative citations issued to the vendor in question. (A local public entity is limited to suing for \$6,250 per case.) The advantage of small claims court is that the proceedings are quick and that the defendants often fail to appear. If the City prevails, it will get an immediate judgment against the vendor. A court judgment would allow the City to place a lien on the vendor’s real property and file an interagency intercept with the State Franchise Tax Board to recover the money from the vendor’s tax refunds.
2. Injunction. The City can sue in Superior Court for an injunction to forbid the vendors from selling in violation of the City’s Sidewalk Vendor Ordinance. This area of law had been unsettled as to whether State law occupies the field; however, on October 31, 2023, the City of Santa Clarita was granted an injunction against an unlicensed, Los Angeles based taco vendor. Santa Clarita prevailed under the general nuisance theory where the City, in conjunction with Los Angeles County Environmental Health inspectors, showed that the food the unlicensed vendor was selling was unsanitary and posed a public health and safety threat.
3. Facilitate the impoundment of equipment by County Environmental Health. Licensed environmental health specialists (aka “Health Inspectors”) from the County Department of Environmental Health are authorized by law to impound food, equipment and utensils that are found to be, or suspected of being unsanitary. (HSC 114393). From our experience in conducting joint enforcement operations with County Health, Health Inspectors are reluctant to impound equipment due to logistical concerns with storage of such equipment and other factors. If the City were able to provide a facility to store the equipment, the County may be more likely to impound it. Impounding the equipment could prove a deterrent to the unlicensed vendors, since they would suffer an immediate financial and

operational consequence. It should be noted that some cities that do impound equipment (Santa Clarita) found that even this did not deter some vendors.

STRATEGIC PLAN ALIGNMENT:

Strategic Priority 2: Community Well-being – Ensure safe and inclusive neighborhoods where everyone can thrive.

Goals:

2.4 – Support programs and innovations that enhance community safety, encourage community engagement, and build public trust.

2.5 - Foster relationships between community members, partner organizations, and public safety professionals to define, prioritize, and address community safety and social service needs.

- 1. Community Trust** – Staff continues to engage community and team members on a regular basis regarding food trucks and educates the food truck operators in the field, building a relationship with them and the customers. The City strives to balance the need for food truck and sidewalk vending opportunities with safeguarding public safety.
- 2. Equity** – This item is being undertaken to provide equal entrepreneurship opportunities for segments of the business community that have been highly regulated and restricted while at the same time, providing for a safe environment for residents and the community.
- 3. Fiscal Responsibility** – Increased food truck and sidewalk vending activity in the City of Riverside can potentially generate additional sales tax and permit fee revenue. In addition, it can potentially attract additional visitors to areas such as the Downtown Entertainment District by providing additional dining options, thereby further increasing sales tax revenue for area businesses.
- 4. Innovation** – The “street food” culture is a growing trend in many progressive areas of the country. Providing a regulatory framework that encourages this entrepreneurship while still safeguarding the public’s health, safety and welfare would place Riverside among those model cities that are beginning to incorporate this “street food” culture into their downtowns.
- 5. Sustainability & Resiliency** – Continuing to expand food options meets current demands for food options without compromising the needs of the future. Food trucks enjoy a degree of popularity, and this economic opportunity will positively impact the City’s capacity to persevere, adapt and grow.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

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Certified as to

availability of funds: Kristie Thomas, Finance Director/Assistant Chief Financial Officer

Approved by: Rafael Guzman, Assistant City Manager

Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

- 1) RMC 5.36
- 2) Food Truck Brochure
- 3) Public Works Memo
- 4) Presentation