



## CITY OF BEVERLY HILLS STAFF REPORT

**Meeting Date:** October 18, 2011

**To:** Honorable Mayor & City Council

**From:** George Chavez, Assistant Director of Community Development  
Chad Lynn, Director of Parking Operations  
Noel Marquis, Assistant Director of Administrative Services

**Subject:** Request by Councilmember Bosse to discuss the City's current mobile food peddlers (catering trucks) regulations

**Attachments:**

1. City's Peddler Regulations
2. Neighboring Cities Regulations
3. Photographs

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### INTRODUCTION

Councilmember Bosse requested this item be placed on the agenda for City Council consideration to discuss whether or not changes are needed to the City's current food peddler regulations, particularly as it relates to impacts in residential neighborhoods.

### DISCUSSION

Food peddlers, which include catering trucks or mobile food vending facilities, have been operating within the City for many years. These activities are regulated by the Beverly Hills Municipal Code and County Health Department. Most people are aware of the traditional, van-style catering trucks that drive around, stopping at construction projects and other worksites for short periods of time then moving on to the next jobsite in an attempt to maximize their food sales and profits.

However, mobile food vending activities have evolved over the years and, in addition to mobile food vending facilities servicing construction projects, mobile food vending activities also take place in the following ways:

- Food peddlers parked in residential neighborhoods
- Food peddlers parked in or near commercial areas
- Specialty food peddlers servicing special events

Mobile food vending facilities parked in residential neighborhoods

These food peddlers park daily near major thoroughfares in residential neighborhoods, attracting gardeners and other service people working in or driving through Beverly Hills. These vendors tend to park in the same general area, providing a predictable eating location for regular customers.

Mobile food vending facilities parked in commercial areas

Like food peddlers in residential neighborhoods, these vendors tend to frequent the same general area and provide predictable eating locations for their regular customers. These trucks can be found in or nearby commercial zones that employ large numbers of people. These trucks can often be found in the *Business Entertainment District* and in alleys and streets near commercial zones.

Specialty mobile food vending facilities at special events

These food-peddler activities are unique and their locations are not predictable. They are typically invited to service special events in both residential and commercial areas of the City. A recent example of this was at the *National Night Out*, where gourmet mobile food vending facilities provided food and drink at a residential block party.

**Peddler Regulations**

Title 4, Article 7 of The Beverly Hills Municipal Code regulates the activities of mobile food vending facilities. Mobile food vendors are recognized as Peddlers within the City and are required to obtain appropriate permits and subject to the following restrictions and prohibitions:

- Restricted sales on private property
- Noise restrictions between 8 p.m. and 9 a.m. specific to horns, bells and other devices that attract attention.
- Minimum distances from Public Schools
- Restricted sales on Public School sites
- Required trash receptacle, and
- Peddler identification requirements

Parking Restrictions

Beverly Hills Municipal Code section 4-2-705 limits parking for food vendors to thirty (30) minutes at any given location and “shall not within a period of four (4) hours be again parked within five hundred feet (500’) of such location.” Furthermore, “parking in a residential zone is prohibited from six o’clock (6:00) P.M. through eight o’clock (8:00) A.M. the next succeeding day.”

Business Tax Regulation

The Beverly Hills Municipal Code requires all merchants conducting business within the City to pay a tax. Currently the City has records of thirty-eight (38) active and permitted mobile food vending facilities within the City.

At a minimum tax rate of \$75, the total estimated business tax collected by the City is \$2,850. Below is a summary of what it costs to operate a mobile food vending business within the City of Beverly Hills.

Beverly Hills Food Truck Permit Costs (2011-2012 Fees)

	<b>First Year</b>	<b>Renewals</b>
Peddler Permit	\$ 428.10	\$ 91.00
Employee ID per employee	\$ 90.20	\$ 41.80
Business License (Type B)	\$ 75.00	\$ 75.00
<b>Total Cost</b>	<b>\$ 593.30</b>	<b>\$ 207.80</b>

Los Angeles County Health Department Regulations

The Los Angeles County Health Department currently issues permits and regulates food handling along with the maintenance and storage of mobile food vending facilities. If approved, a *Public Health Permit* and a *Current Certification Decal* is issued.

To obtain these approvals various compliance and requirements are verified and inspected. Requirements include ANSI standard approved equipment, food preparation requirements, written operational procedures, operator identification display, fire extinguisher requirements, and other requirements as applicable.

Moreover, in November of 2010, the Los Angeles County Health Department adopted Ordinance 2010-0045, which includes enhanced regulations for mobile food vending facilities in the unincorporated County. These regulations include:

1. A grading system similar to the restaurant grading system
2. An increase in the number of Health Department Inspections (from one to two)
3. A route sheet which details the arrival and departure for each location where vending takes place

For this grading system to become enforceable within Beverly Hills, a local ordinance will need to be adopted

**Enforcement Activities**

Within the last year, Code Enforcement staff responded to twenty (20) catering truck complaints resulting in nine (9) citations being issued. The majority of these citations were a result of mobile food vending facilities parked in the northern portion of the City exceeding the thirty-minute time limitation. The areas that seem to generate the most complaints are Lexington Road, North Rexford Drive and Benedict Canyon. Mobile

food vending activities generated additional safety and quality of life complaints including:

- Traffic safety (blocking views while pulling out of driveways)
- Security (strangers gathering or eating on lawns)
- Environmental (food odors and trash)
- Noise impacts (blowing horns to notify arrival)

### **Council Consideration**

There are a range of options the City Council could consider with respect to the subject discussion, including, but not limited to the following:

- Make no change to existing peddler restrictions
- Identify whether changes are only necessary in residential areas or city-wide
- Modify the peddler restrictions to further regulate mobile food vending facilities in the following areas:
  - Parking
  - Traffic
  - Distances to previous location
  - Distances to parks and schools
  - Distances to businesses
  - Hours of operation
  - Business license requirements
  - Adopting a mobile food vending grading program

### **FISCAL IMPACT**

No impact at this point. However, added regulations will likely impact existing enforcement activity and may require additional resources.

### **RECOMMENDATION**

Staff recommends the City Council discuss and provide direction to staff as appropriate.



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Scott Miller  
Finance Approval



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Susan Healy Keene, AICP  
Approved By

# **Attachment 1**

## Article 7. Peddlers

### 4-2-701: PERMIT REQUIRED:

No person shall engage in, conduct, or carry on the business of a peddler without a permit issued under the provisions of chapter 1, article 1 of this title. (1962 Code § 6-13.01 et seq.)

### 4-2-702: DEFINITION:

"Peddler" shall mean any person, traveling by foot, automotive vehicle, or any other type of conveyance from place to place, house to house, or from street to street carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products, or prepared foods and offering and exposing the same for sale, or making sales and delivering articles to purchasers, or any person who traveling from place to place, shall sell or offer for sale such merchandise from an automotive vehicle, or other vehicle or conveyance; or any person who solicits orders and as a separate transaction makes deliveries to purchasers. (1962 Code § 6-13.01 et seq.)

### 4-2-703: EXEMPTIONS:

The provisions of this article shall not apply to transporting property owned or handled on consignment by the agents or employees of an established place of business, where such transportation is incidental to such business, and when such property is being transported to or from such established place of business. "Established place of business" shall mean any permanent warehouse, building, structure, or outdoor vending business established pursuant to [article 19 of this chapter](#); which is owned or leased, and at which the owner or lessee carries on a legitimate permanent business in good faith and at which stocks of the goods transported are produced, stored, or kept in quantities usually carried and reasonably adequate to meet the requirements of the business. (1962 Code § 6-13.01 et seq.; amd. Ord. 94-O-2220, eff. 12-23-1994)

### 4-2-704: RESTRICTIONS AND PROHIBITIONS:

Peddlers shall be subject to and shall comply with the following restrictions and prohibitions:

- A. Shall not go in or upon any private residential property for the purpose of selling or disposing of any goods, wares, or merchandise, unless the consent of the owner or occupant of such private residence shall first be obtained.
- B. Shall not between the hours from eight o'clock (8:00) P.M. to nine o'clock (9:00) A.M., make any outcry, blow a horn, ring a bell, or use any sound devices or musical instrument upon any of the streets, alleys, parks, or other public places of this city where sound of sufficient volume is emitted to be capable of being plainly heard upon the streets, alleys, parks, or

other public places, for the purpose of attracting attention to any goods, wares, or merchandise which the permittee purposes to sell.

- C. Shall not keep, maintain, or operate any lunch, meal, or eating cart, wagon, truck, or stand used in selling popcorn, peanuts, candy, or any other article of food or drink in or upon any public street or other public place within two hundred feet (200') of the nearest property line of any property on which a public school building is located.
- D. Shall not sell, offer for sale, give away, distribute, solicit the sale of, or expose for sale any fruit, vegetables, peanuts, popcorn, candy, ice cream, article of food, or any goods, wares, or merchandise upon the grounds of any public school without first having obtained the written permission of such school or of the superintendent or assistant superintendent of the Beverly Hills schools or the school board of the Beverly Hills Unified School District.
- E. Where food of any kind is dispensed from a vehicle, pushcart or other conveyance, shall maintain a clearly designated litter receptacle in the immediate vicinity, marked with a sign requested use by patrons; and provided further, prior to leaving the location, shall pick up, remove, and dispose of all trash or refuse which consists of materials originally dispensed by that person, including any packages or containers, or parts thereof, used with or for dispensing such food. (1962 Code § 6-13.01 et seq.)

#### **4-2-705: PARKING RESTRICTIONS:**

Peddlers shall be subject to the following parking restrictions:

- A. Parking at any location shall not exceed thirty (30) minutes; and regardless of the length of time parked at any location, shall not within a period of four (4) hours be again parked within five hundred feet (500') of such location.
- B. Parking in a residential zone shall be prohibited from the hours of six o'clock (6:00) P.M. through eight o'clock (8:00) A.M. the next succeeding day. (1962 Code § 6-13.01 et seq.)

#### **4-2-706: IDENTIFICATION CARD REQUIRED:**

Any permittee, operator, or employee of a peddler shall obtain an identification card issued under the provisions of chapter 1, article 2 of this title, and shall have such identification card in their possession at all times when engaged in the activity regulated by this article. (1962 Code § 6-13.01 et seq.)

# **Attachment 2**

### Neighboring Cities Regulation

City	Vehicle Code			Business License Regulation					Health Department	
	Public Property Time Limitation (Minutes)	Private Property Time Limitation (Minutes)	Distance or Time from previous location?	Special Requirements	Hours of Operations	Distance from schools/parks?	Business Tax Required	Enforcement	Restroom Services?	Food Grade Program?
Beverly Hills	Limited to street parking restrictions and maximum of 30 minutes / location	30 minutes / location	500 feet	Peddler Permit and Employee ID card required- Special Event	8am - 6pm	Schools: 200 ft Parks: None	Yes	Citation	Yes if > than 1 Hour.	None
Santa Monica	Limited to street parking restrictions	Limited to private property posting by property owner. Restricted when no trespassing signs posted	None	Temporary Use Permit	When other businesses are closed	Parks: Not permitted 10 ft from other businesses/ bus stop/ street corner / marked pedestrian 35 ft form other vendors	Yes	Citation	Yes if > than 1 Hour.	Yes
West Hollywood	Residential: 10 minutes /residential block every 4 hours Commercial: Posted parking time not to exceed 2 hours	30	4 hours	Regulatory Permit	9am - 8pm	Schools: 1 block Parks: 1 block	Yes	Citation	Yes if > than 1 Hour.	None
Los Angeles	Residential: 30 minutes and cannot return to same location for 30 minutes Commercial: 1 hour and cannot return to the same location for 1 hour	Being Reviewed	1/2 mile	Recommendation to: 1. Restricted to park at metered locations in commercial zones. 2. Issue Permits to regulate mobile food trucks.	None	Schools: 500 ft Parks: 200 ft from listed park	Yes	Citation	Yes if > than 1 Hour.	Yes

# **Attachment 3**



09/13/2011 11:26



04/12/2010 11:54