



## STAFF REPORT

**Meeting Date:** July 1, 2014

**To:** Honorable Mayor & City Council

**From:** Mahdi Aluzri, Assistant City Manager  
Michelle Tse, Senior Management Analyst

**Subject:** Food Peddler (Food Truck) Enforcement Measures

**Attachments:**

1. City's Peddler Regulations
2. City Regulations Regarding Streets Designated for Heavy Vehicle Usage
3. Beverly Hills General Plan Truck Route
4. Signage

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### **INTRODUCTION**

This report transmits background information on existing food peddler (food truck) regulations and City enforcement efforts in residential areas that will be undertaken within current regulations. Other regulatory changes will be proposed and presented to the City Council for consideration at the August 5, 2014 Study Session.

### **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 Public Health Department.

Title 4, Chapter 2, Article 7 of the Beverly Hills Municipal Code regulates the activities of food trucks. These trucks are recognized as peddlers in the City and are required to obtain appropriate permits and subject to the following restrictions and prohibitions:

- Restricted sales on private property
- Noise reductions 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 receptacles
- Peddler identification requirements

These regulations are similar to food truck regulations in other cities. Currently, the City has records of forty-five (45) active operators permitted to conduct business within the City.

California cities are limited in their ability to regulate food trucks by the authorization granted in the California Vehicle Code. Beverly Hills' peddler regulations were incorporated into the City's Municipal Code in 1965. Since then, newer case law interpreting the applicable sections of the California Vehicle Code further limit what cities can do with respect to regulating food trucks.

In the 1993 case of *Barajas v. City of Anaheim*, the court invalidated the City of Anaheim's ordinance which banned food trucks. The court stated that the Vehicle Code allows local authorities to regulate food trucks, but not to ban the activity. As such, cities may not prohibit food trucks nor may cities establish regulations that effectively prohibit them. For instance, the courts have overturned local regulations that limit a food truck's parking time if such regulations directly target food truck operations. However, Vehicle Code Section 22455 does allow cities to adopt regulations for the purpose of promoting public safety by "regulating the type of vending and the time, place, and manner of vending from vehicles upon any street." As such, the City may regulate food trucks on the grounds of public safety. In addition, the City can enforce parking and vehicle weight limit regulations, which are applicable to all vehicles, including food trucks.

Currently, the City's municipal code states that all streets in Beverly Hills are restricted to a three-ton vehicle weight limit, with certain exceptions. Exceptions include vehicles making delivery of goods and/or services and certain streets specifically designated for heavier vehicle use. A list of Beverly Hills streets currently designated for heavy vehicle usage as outlined in the City's Municipal Code is attached for reference.

Based on staff research, the weight of food trucks range between 9.5 to 12.75 tons, which exceeds the City's three-ton weight limit. As with all other vehicles, food trucks must adhere to the City's parking and weight limit restrictions, unless they satisfy any one of the exceptions outlined above.

The City's General Plan identifies Coldwater Canyon Drive and Benedict Canyon Drive as designated truck routes. Staff will evaluate signage which prohibits vehicles with weights exceeding  $\frac{3}{4}$  ton or exceeding 21' in length from parking on such streets. Similar signage is currently in place along Doheny Road to regulate larger vehicles, including food truck activities, on this street. The fabrication and installation of similar signage along residential routes will take approximately 6-8 weeks.

There are various parking restrictions along with signage currently posted along the residential streets located north of Santa Monica Blvd. In addition to the 3-ton weight limit signage, there are signs that either state No Parking/No Stopping or restrict parking hours along residential streets such as Benedict Canyon and Coldwater Canyon.

Other regulatory changes such as increased fines and status of peddler permits for repeating violators will be presented to the City Council for consideration at the August 5, 2014 Study Session. In the interim, enforcement of existing parking and vehicle weight tonnage regulations in residential areas will be undertaken. Additionally, notices will be sent out to all 45 City permitted catering trucks regarding city regulations as part of the public education effort.

The police department will be increasing their enforcement focusing on the parking and weight limitations described above.

**FISCAL IMPACT**

If staff determines that additional signage is necessary on residential streets, costs relating to fabrication and installation of such signs is minimal.

**RECOMMENDATION**

Staff will return to City Council on August 5, 2014 to discuss options and seek Council direction.

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Mahdi Aluzri  
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**

## **7-2-201: HEAVY VEHICLES RESTRICTED TO CERTAIN STREETS:**

- A. No person shall operate any vehicle having a gross weight, including the vehicle and its load, of three (3) tons or more on any street in the city except on those streets designated in section 7-2-203 of this article or unless authorized by permit issued pursuant to subsection 8-2-3D of this code.
- B. The provisions of subsection A of this section shall not apply to the following:
1. Any passenger stage vehicle regulated by sections 1031 through 1036 of the state Public Utilities Code and operating under a certificate from the public utilities commission of the state declaring that the public necessity and convenience require the operation of such vehicle; and further provided that the certificate specifically authorizes such vehicle to be operated in the city, and the vehicle is being operated while in the city for the purpose authorized in such certificate; provided further, this exemption shall not apply to vehicles operated as a round trip sightseeing service;
  2. Any vehicle owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility;
  3. Any vehicle operated by the city, or any employee thereof, in the course of regular or official city business;
  4. Any vehicle of the military or naval forces of the United States or the duly authorized militia of the state in the proper performance of their duties. (1962 Code § 3-6.1306; amd. Ord. 90-O-2088, eff. 2-8-1990)

## **7-2-202: EMERGENCY OR NECESSARY USE OF RESTRICTED STREETS:**

The following vehicles may use a street other than designated in section 7-2-203 of this article under the circumstances herein below:

- A. Any passenger vehicle while operated, engaged, and used for the sole and exclusive purpose of picking up or discharging a passenger or passengers at an origin or destination on any street in which the vehicle is prohibited;
- B. Any vehicle when necessary, for the purpose of making pick ups and deliveries of goods, wares, or merchandise from or to any premises located on any prohibited street, or for

the purpose of delivering materials on a prohibited street to be used in the repair, alteration, remodeling, or construction of any building or structure for which a building permit has previously been obtained;

- C. Whenever it is necessary for a vehicle to deviate from the streets designated in section 7-2-203 of this article for the purposes specified in subsection A or B of this section, the vehicle shall travel from a street authorized by section 7-2-203 of this article to the destination by a route so that the point of travel is the shortest possible distance over prohibited streets; provided however, if the additional distance of travel to reach the shortest route would exceed two (2) miles, the vehicle may take the most direct route to its destination. (1962 Code §§ 3-6.1306, 3-6.1306.1)

### **7-2-203: STREETS DESIGNATED FOR HEAVY VEHICLE USAGE:**

The following streets are designated for use by vehicles exceeding a maximum gross weight, including the vehicle and its load, of three (3) tons:

Alden Drive;

Bedford Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

Beverly Boulevard;

Beverly Drive from the south city limits to Santa Monica Boulevard (north);

Brighton Way from Canon Drive to Wilshire Boulevard;

Burton Way;

Camden Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

Canon Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

Civic Center Drive from Burton Way to Santa Monica Boulevard (south);

Crescent Drive between the north and south roadways of Santa Monica Boulevard;

Dayton Way from Canon Drive to Wilshire Boulevard;

Doheny Drive;

Foothill Road from Burton Way to Santa Monica Boulevard (south);

La Cienega Boulevard;

Linden Drive from Wilshire Boulevard to Santa Monica Boulevard (south);

Maple Drive from Burton Way to Santa Monica Boulevard (south);

Olympic Boulevard;

Rexford Drive from Santa Monica Boulevard (north) to Burton Way;

Robertson Boulevard;

Rodeo Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

Roxbury Drive from Wilshire Boulevard to Santa Monica Boulevard (north);

San Vicente Boulevard;

Santa Monica Boulevard (north and south roadways);

Third Street;

Wilshire Boulevard. (1962 Code § 3-6.1306)

## **7-2-204: CONSTRUCTION HAULING PERMITS:**

It shall be unlawful for any truck required to have a class D permit under subsection 8-2-3D of this code to travel on any street within the city not designated on the route prescribed on the permit. (Ord. 90-O-2088, eff. 2-8-1990)

# **Attachment 3**

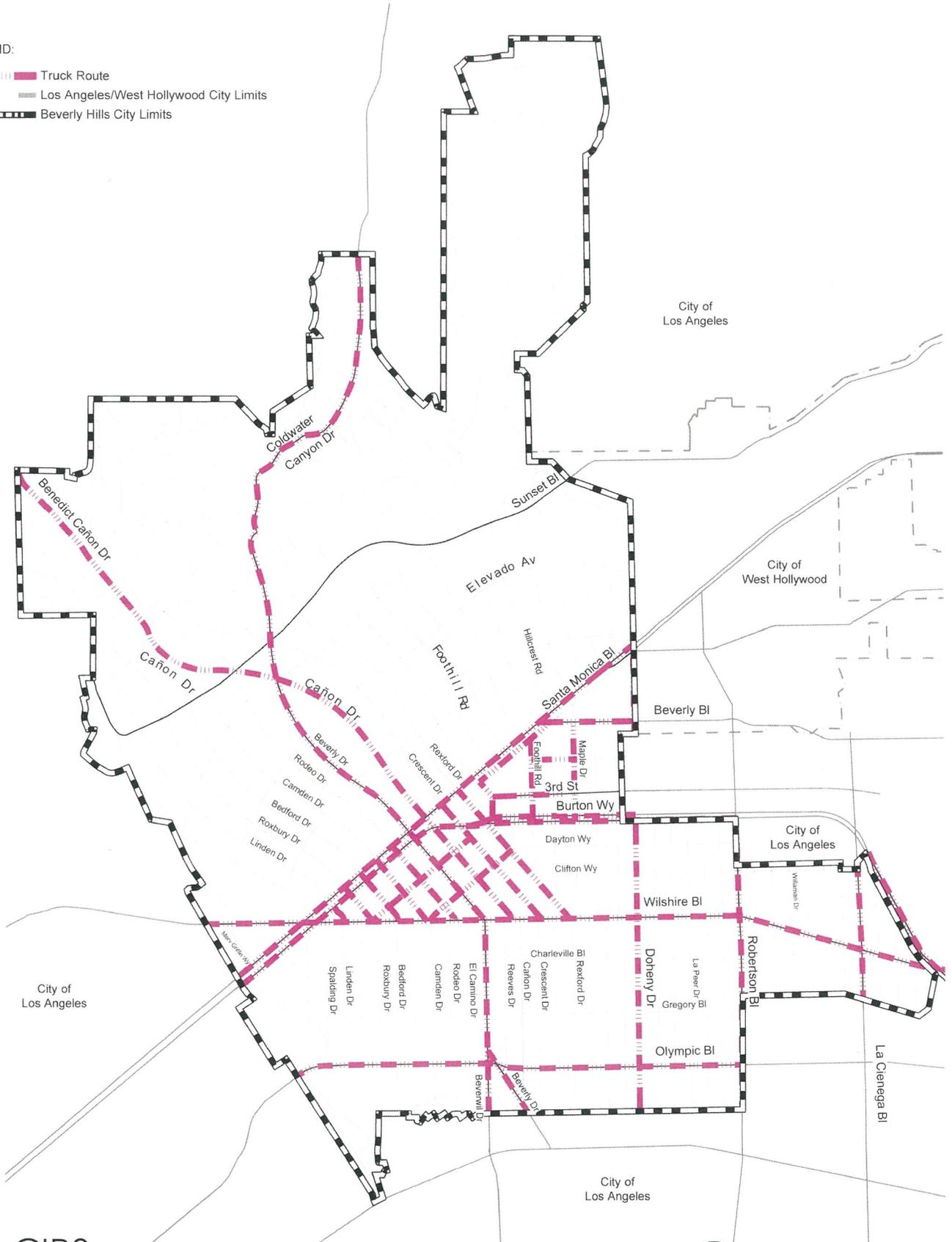
# TRUCK ROUTES

## Beverly Hills General Plan



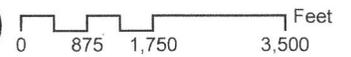
LEGEND:

- Truck Route
- Los Angeles/West Hollywood City Limits
- Beverly Hills City Limits



Map CIR3

Source: KAKU Associates, 2005.



# **Attachment 4**



Sample signage currently located on Doheny Rd.