



ADMINISTRATIVE DRAFT CITYWIDE MOBILE FOOD VENDING PROPOSAL – January, 2016

The City of Oakland Planning and Building Department offers for public review this detailed draft proposal for a new, citywide mobile food vending program, in advance of public adoption hearings. The intent of this draft document is to describe the proposed rules and regulations of the program, in common language, giving the public, mobile food vendors, stakeholders and elected officials, a “preview” of the rules and regulations which would make up the Citywide Mobile Food Vending program. Staff anticipates hearing comments on this proposal from the public and stakeholders, prior to the public adoption hearings at the Planning Commission, and at the City Council, expected this spring. Comments on this proposal may be sent to:

Devan Reiff, AICP

City of Oakland Department of Planning and Building

250 Frank Ogawa Plaza, Suite 3350

Oakland, CA 94612

Email: dreiff@oaklandnet.com

Phone: 510-238-3550

Background: For the last ten years, the City has issued permits to sell food from vehicles and pushcarts in the “mobile food vending (MFV) pilot area” of Fruitvale, Central and East Oakland. Three years ago, “group sites” were added as a permitted activity in downtown, North and West Oakland. On July 14, 2015, staff of the Strategic Planning Division brought an informational report to the Community and Economic Development Committee of the Oakland City Council, detailing how a citywide mobile food vending program could operate in Oakland. Staff was directed by the Councilmembers to hold a number of public meetings/workshops to discuss the details of such a permit program, meetings which were held in August and September, 2015, in West Oakland, Fruitvale, Chinatown and East Oakland (81st Avenue Library). The comments staff received from the public at those meetings, as well as from Business Improvement Districts, neighborhood groups, and other stakeholders, directly informed the present document, which is a detailed summary of staff’s recommended proposal to regulate food vending in Oakland.

PURPOSE:

The general purpose of these draft regulations is to allow food vending outside of a restaurant in appropriate commercial and industrial areas throughout Oakland. A Citywide permit program which allows individual food vendors, and “group sites” (also known as “food pods”) can bring vitality,

increased pedestrian activity, and spillover economic benefits to surrounding commercial districts, while protecting the health, safety, comfort, convenience of the Oakland community and customers, with clear regulations for cleanliness, quality and security. Vending from both public, and private property in the food vending areas of the City is proposed to be permitted, and the Oakland Planning Code will be amended, so mobile food vending would not require a Conditional Use Permit for private property (as is currently the practice).

DEFINITIONS

“Alameda County Environmental Health” or **“ACEH”** means the Food Safety Division of Alameda County, which regulates mobile food facilities.

“Food vending” means the sale of prepared foods from “food vending units”, where:

- Food is prepared off-site in a commercial commissary and/or prepared on-site within the mobile food vending unit kitchen, per Alameda County Health Regulations;
- Food is ordered and served from the truck, trailer, pushcart, or other equipment or vehicle;
- Food is paid for prior to consumption;
- Any trucks, trailers, or other wheeled vehicle from which the food is sold typically have a take-out counter and space for customer queuing;
- Food and beverages are (generally) served in disposable wrappers, plates or containers; and
- Food and beverages are prepared and sold for on-site or off-site consumption.

“Food vending facility” means a truck, trailer, pushcart, or other equipment or vehicle from which food vending services are provided.

“Group sites” are areas where two (2) or more vendors sell at the same time, without distance requirements from other food vendors. They are applied for and administered as are other mobile food applications: by the Planning and Zoning division.

“Healthy Food” is food that nourishes people, contributes to physical and mental health and reduces risk to chronic diseases. “Healthy foods” for the purposes of this regulation are not genetically modified and do not contain synthetically added hormones, antibiotics or harmful pesticides. Healthy foods include, but are not limited to: fruits, vegetables, as well as 100% fruit and vegetable juices; whole grain products; dairy products; non-dairy milks (made from soy, coconut, rice and/ or almonds); food made from dried beans and peas; food made from nuts and nut butters.

“Ice Cream” carts and trucks sell pre-packaged frozen products. When permitted in Oakland, they are allowed to roam, without a specific location or site. A vendor who sells “soft-serve ice cream” which is not pre-packaged, but made onsite for a customer, is not considered an Ice Cream Truck, for the purposes of this definition.

“Non-food merchandise”: goods, wares, or non-food merchandise. “Non-food merchandise” will not be permitted in the mobile food regulations.

“Pushcart” is a piece of vending equipment with a maximum length of eight (8) feet, maximum depth of six (6) feet, and a maximum height of eight (8) feet. Pushcarts are intended to store all materials and merchandise related to the vending activity which is performed on a sidewalk location, and the equipment is easily moved by a person or vehicle. This definition includes a food vending facility integrated or pulled by non-motorized, pedal-powered vehicle such as a bicycle or tricycle. Pushcarts that don’t meet these dimensions will be considered on a case-by-case basis.

“Public Right of Way” generally refers to a City of Oakland street. An example is a metered parking space on a street in a commercial or industrial neighborhood.

“Roaming” is the ability of a food vendor to sell from locations chosen at their own discretion and schedule, without permission from the City for specific times and sites. Only “ice-cream trucks” and pushcarts are allowed to roam under these regulations.

Permit Application and issuance

Applicants for all food vending permits present a complete application to staff at the Planning and Zoning Counter, 250 Frank Ogawa Plaza, Second floor.

There will be two types of permits:

Individual Permit, for a sole operator/owner of a food vending facility; and Group site Permits, for organizers of events with two or more food vending facilities.

Both permits will be issued by the Planning Department, in consultation with the City Administrator’s office.

There will be two varieties of permits,

Seasonal and Annual.

Seasonal permits are valid for 90 days, at a reduced cost. This permit is intended encourage small businesses that might want to sell during the summer months only, for example, as a way of testing the Oakland market for their products.

Annual permits are valid for one year, and are renewed annually by the operator. Permit applies to single vending apparatus that may locate at up to five separate sites.

Apparatus that include cooking or heating facilities will require an Oakland Fire Department (OFD) inspection for fire safety, incurring an additional fee paid directly to OFD. Permittee may apply for a late-night vending privilege, incurring an additional fee.

See “Fees” section below for further details on potential added charges, such as parking impacts and vendors locating within/adjacent to parks.

LOCATIONS

Food vending program permitted areas

The City proposes to expand the areas where food vending will be allowed (see attached map). The proposed “Food Vending Program Permitted Area” (Food Vending Area), will have to be considered and ultimately adopted by the Oakland City Council. These areas are *private lots* and *public right of way* in the commercial and industrial zones of the City, and including *athletic fields* and *neighborhood parks* (but excluding nature conservation areas). Except for ice cream trucks, food vending would not be permitted in residentially-zoned areas. Distance requirements from restaurants and schools are included in the proposal, as discussed below.

The specific zoning districts which make up the “Food vending Program Permitted Area” are:

- Central Business District Zones (CBD-C, CBD-X, CBD-P)
- Neighborhood Center Commercial Zones (CN 1-4)
- Community Commercial Zones (CC 1-3)
- Commercial Zones (C-40, C-45)
- Urban Residential Zone (RU-5)
- Transit-Oriented Development Zones (around some BART stations) (S-15, S-15W)
- Broadway Valdez District Zones (D-BV 1-4)
- Central Estuary District Zones 1,2, 5, & 6 (D-CE 1-2 & 5-6)
- Coliseum Area District Zones 1 & 6 (D-CO-1, D-CO-6)
- Gateway Industrial District Zone (D-GI)
- Kaiser Permanente Medical Center District Commercial Zones (D-KP 1-4)
- Lake Merritt Station Area District Zones (D-LM 1-5)
- Regional Commercial zone (CR-1)
- Industrial Zones (M-20, M-30, M-40, IG, IO, CIX Zones)
- Housing and Business Mix -4 Zone (HBX-4)
- Medical Center Zone (S-1)
- Civic Center Zone (S-2)
- Certain Open Space (OS) Zones (Athletic Fields, Neighborhood Parks and larger parks)

A vendor who sells food from the public right of way in the Food Vending areas may either select a specific *street parking space in front of a building or lot*, as long as it meets the required distance requirements; or select *any street parking space on a specific block* in the Food Vending areas, at the vendor’s discretion, as long as the chosen site meets the required distance requirements. In both cases, the vendor must obey white, yellow, green and red-striped curbs, and pays the parking meter during

operational hours.

In downtown Oakland, the City may consider selecting specific parking spaces which are only available for mobile food vending.

Vending in Oakland parks and/or recreation center locations will also require an approval from the Office of Parks and Recreation (OPR) in advance, and an additional fee. Vending on a block that fronts a park (both sides of a street) are subject to the fee (but not the OPR permission).

OPERATING STANDARDS

Location restrictions: The food vendor with an individual permit may not locate on the same lot and within (100) feet of:

- Any other mobile food vendor (as measured along the path of travel between the location of food vending units on separate lots); further, there will be a restriction of one food vendor per block face (this rule does not apply to group sites); or
- Any active Full Service or Limited Service Restaurant (as defined in the Oakland Planning Code, Title 17) unless the food vendor obtains a signed letter from each applicable restaurant owner, indicating that there are no objections to the mobile food vendor locating within 100 feet of the subject restaurant. An exception to this rule is food vending permits on private property, within 100 feet of a Fast Food restaurant, may be granted, without permission from the Fast Food Restaurant owner; or
- Any permitted mobile food Group Site (aka “food pod”), or
- Any established farmer’s market (an exception to this rule is unless a vendor receives a signed letter from the farmer’s market organizer); or
- Any permitted special event, as approved by Oakland Police Department (an exception to this rule is unless a vendor receives a signed letter from the special event organizer).

The food vendor may not locate on the same lot, and within five hundred (500) feet of:

- Any school (including public, private, charter schools), as measured along the path of travel from the location of the food vending unit on its address lot to the parcel boundary of the subject school (an exception to this rule is unless a vendor receives a signed letter from the school principal indicating that there are no objections to the mobile food vendor locating within 500

feet of the subject school, or that there are no objections as long as certain terms of permissible vending are met (including “Healthy Vending”).

Food vending applications for sites in Frank Ogawa Plaza, or on the blocks abutting it (14th Street, Clay Street, 15th Street) require additional standards and/or are not permitted).

In Latham Square, at the intersection of Broadway and Telegraph Avenue, food vending permits will be available for special event activities only, not individual or group site permits. This is part of the design of the City-sponsored Latham Square reconstruction.

General Requirements

The mobile food vendor will need to be located within two hundred (200) feet of a restroom facility and demonstrate legal access for employees, as is already a requirement of the Alameda County Environmental Health permit. There will not be a restroom requirement for customers of individual mobile food vendors, nor for group sites.

Distances from street furniture and public facilities: food vendors will be required to observe basic common sense, and not block building access, exit egress, driveways, City facilities of parking meters, signal crossings, bicycle racks, or corner accessible curb ramps. All applicable parking regulations will need to be observed (avoiding yellow, red, white, green and blue striped curbs, and paying parking meter charges). Vendors will need to show on a site plan that they meet the following setback distances:

- From fire hydrants: Minimum seven (7) feet
- From curb returns: Minimum five (5) feet
- From bus stops: Minimum eight (8) feet
- From benches and street furniture: Minimum six (6) feet
- From blue zone curbs (disabled parking): Minimum twelve (12) feet

Sidewalks: The preferred width of sidewalks for applicants who vend from stationary pushcarts and tents will be 10’ wide or greater (maps will be available); with special exception for areas where vending has occurred historically (such as Foothill and International Blvds). Food vending on public sidewalks will need to demonstrate on a site plan that access on the sidewalk is available for pedestrian purposes, and that there is a minimum of five and one-half (5½) feet of unobstructed improved sidewalk or fifty percent (50%) of the overall improved sidewalk width, whichever is greater. The minimum distance will be measured from the portion of the food vending unit which is nearest to any obstruction within the sidewalk area. For purposes of the minimum clear path, parking meters, traffic signs, trees, tree wells, sidewalk planter strips, and all similar obstacles will constitute an obstruction. Food vending on public sidewalks will not require a separate “encroachment permit” from Oakland Public Works.

Maximum size of a vending cart on a sidewalk (i.e. hot dog carts or pushcarts): the cart will be limited to 6 feet in width, 8 feet in length, and umbrellas are permitted, but limited to 9 feet in diameter, and can

not exceed more than 4.5 feet in any direction from the body of the cart. The total vendor “footprint” (area on sidewalk taken up by all of pushcart equipment (coolers, umbrellas, etc) would belimited to forty-five (45) square feet.

Roaming will be permitted in the following limited situations:

- Pushcarts. Pushcarts that roam are still subject to the buffer distances, and minimum sidewalk depths. Instead of roaming, some Pushcarts may prefer to vend from a set location on a sidewalk, in which case they are subject to square footage limitations, and must apply to vend for a particular location.
- Bicycles and other non-motorized apparatus (without license plates), but with wheels, can roam, and can sell from a sidewalk location, using same regulations as pushcarts. Instead of roaming, some Bicycle vendors may prefer to vend from a set of specific locations, in which case they can apply for a single permit.
- “Ice cream trucks” and carts.

Maximum number of permits issued

Maximum number of permits – Individual food vendors: A single applicant may be granted up to five (5) separate food vending permits in one year. A food vending permit is assigned to each separate vending apparatus (e.g. permit #1 for a pushcart, permit #2 for a food truck, under common ownership). This would allow, for example, one applicant to own and operate five (5) pushcarts, or a combination of up to five (5) vending apparatus, each with their own permits. *(This is an increase from the current limit of one permit issued to a single pushcart vendor. This creates a 5 truck/vehicle limit for an individual owner, where there is no limit currently).*

A single applicant can apply for up to five (5) separate vending site locations for each food vending permit. This means that with a single permit, a vendor may choose to sell in up to 5 different locations with the same vending apparatus, as long as each location meets the program requirements, and is approved by the City, which will incur additional fees per location.

In addition to vending in different locations with the same permit, a vendor may sell during a variety of vending periods. A single applicant permit can occur at a single location up to five different times (i.e. day vs. night in same location) over different days/ vending periods. This will allow a single vendor to sell on a regular schedule during lunch or dinner, but on a single permit. See “Vending Duration” for additional information. However, if a single apparatus will be vending in multiple locations, it must predetermine its proposed vending schedule at each location and share this with the City so that the vendor can be located by City Staff for follow up or random inspections.

Hypothetically, this means that an individual applicant could apply to vend in 25 locations in a week, with five food vending facilities in five locations each.

Maximum number of permits – Limit on number of citywide **pushcart** permits The current proposal is to limit the number of **pushcart** vending permits to 75 in any one calendar year. (This is a slight increase from the current regulations, which have a limit of 60 pushcart permits citywide. At no point since adopting mobile food vending regulations has the City issued all 60 allowable pushcart permits.) Of the proposed limit of 75 pushcart permits citywide, there would be a further limitation of thirty (30) pushcart permits for the current pilot area (Fruitvale, and Central and East Oakland), which has historically had the most permitted and unpermitted pushcart vendors. An informal system used by staff, but not codified in the Oakland Municipal Code (OMC), limits the issuance of pushcart permits in the Fruitvale neighborhood to 30 permits in any one year. The currently proposed limitation of 30 pushcart permits would now be codified into the Oakland Municipal Code, for the Fruitvale, and Central and East Oakland areas.

Maximum number of permits – group sites (“food pods”) In order to expand the number of group sites in the City, there are new rules which build upon the experience of the last three years of permitted group sites in Oakland. An applicant may apply for up to five group site permits. This increases by three the number of events a single Group Site organizer can apply for (*current regulations limit an applicant to two permits*). Group sites, like individual vendors, can only have vending occur between 7 a.m. and 10 p.m. unless they apply for a Late Night Extension [See Section “Hours of Operation”].

Unlike individual vendors, Group Sites are proposed to be limited to three vending periods per location, on *public* property and the *public* right-of-way. (*This is an increase of one vending period, from the current limit of two per week*). For example, an organizer could have Monday, Wednesday and Friday lunch hours at a single curbside location. Group sites on *private* property in the Food vending permitted area, which seek permanent, daily and evening operation, will be allowed. That means a group site could operate on private property under a single permit, from one to seven times per week. This is meant to encourage more permanent “food pods” on underdeveloped parking lots in commercial areas where there is a demonstrated demand for this style of food vending

Permit Fees

Fees will be calculated to be cost-covering for administration and enforcement, and will be adopted into the City’s Master Fee Schedule. The food vending permit fee will be allocated to different departments (i.e. Planning, or City Administrator), based on services performed. Individual vendors who choose to vend at multiple locations will pay an additional fee per location, which covers the costs of inspection. Renewals are subject to an annual renewal fee. Fees will be assessed for late renewals per the Master Fee Schedule. Half of the required fees for a single location and half of the fees for additional locations are due at application submittal; balance due after noticing period ends and permit is issued.

If during the preceding year, there are any substantiated complaints against the permittee and/or location, or if a Notice of Violation is issued against the permittee, an additional processing fee will be added to the renewal. Two or more substantiated complaints against an applicant may be grounds for denial of a permit or its renewal.

The fee for a Seasonal food vending permit will be less expensive than the annual food vending permit.

Public notice of the food vending application

At the time of application for a new food vending permit, the City Planning Department will provide the applicant with a “Notice to Neighboring Property Owners” form (which includes the project description and contact information), and a list of adjacent and across-the-street property owners and business owners, as well as business improvement district or neighborhood association directors for the applicant to mail the Notice. *(This notice is informational only: BIDs will no longer have the ability to approve or deny a food vending permit application).* All required notification will need to be completed by the project applicant not less than ten (10) days prior to the earliest date for final decision on the application.

The public can contact the Planning Division if they are concerned about a mobile food vending application. A public hearing is not required. A planner will take into account the concerns, and if necessary, the planner can call a meeting between the applicant and the concerned party, to address the concerns.

Permit renewals will not be subject to noticing if location(s) remains the same.

“Grandfathering”: established vendors in existing locations

It is the City’s intent to bring established food vendors into the new food vending program, by granting permits for the preferred locations of those vendors who have sold from specific locations for numbers of years, but who may not have a current City of Oakland mobile food permit. “Grandfathering” is the term for those permits where the City grants a new food vending permit to a vendor at a location that may not meet the current buffer requirements, if the vendor establishes, to the City’s satisfaction, the longevity of that particular preferred location. For vending locations in the public right of way, which are common, but which have never been permitted by the City, staff will encourage established vendors to respect the restaurant schools buffer distances in the application.

In cases where two vendors are vying for the same approximate location, so that one vendor’s distance buffer would preclude the other from operating, the City will issue food vending permits in the following order of priority:

1. vendors already possessing valid, un-expired Oakland Mobile Food Vending permits (i.e. “FC” or “FV” permits);
2. vendors selling “Healthy food” (see “Healthy food” vending section);
3. vendors with prior Oakland food vending permits, which have expired;
4. vendors without prior Oakland food vending permits, but who have ACEH Permit and other required documentation (i.e. Oakland Business Tax Certificate);
5. vendors with no City permit, business license or ACEH permit will be given no priority for locations.

In cases of contested parking on City streets, food vending locations will be granted through a public lottery (in a method to be described in the adopting ordinance).

If an initial vendor has been approved for a location and begins vending there without infringing on any buffers, and afterwards, a restaurant or other impacting land use moves in nearby—causing vendor to violate the restaurant buffer— the vendor may continue to vend at that site, with the annually renewed permit, as permission was initially given and ability to sell there becomes “grandfathered” under the new program. However, a second vendor has no inherent right to the location if the initial vendor has left.

Healthy Food Vending

City encourages healthy food vending, by including the following incentives:

- Healthy food vendors will be permitted within the 500 foot school buffer (with written permission of the school);
- Healthy food vendors will be given preferences in cases of “grandfathering” (see section above).
- The City will consider additional incentives, as recommended by stakeholders.

Permit Expiration, revocation and entitlement

The annual mobile food vending permit will be valid for twelve (12) months from the date of issuance. The permit must be renewed on or before its expiration date. The City of Oakland reserves the right to revoke this permit at any time, in accordance with O.M.C. Section 5.02.080, if it is found that the approved activity is violating any of the provisions of the City of Oakland Planning Code, any provision of O.M.C. Chapter 5, or causing a public nuisance.

No City action related to issuance and/or renewal of a mobile food vending permit shall be interpreted to confer any form of permanent land use entitlement to the person, entity, or property associated with such permit.

Operating Standards

Condition/Appearance of Vehicle: The same regulations apply, as existing OMC Section 8.09.050 (E):

The vehicular food vendor shall display current business tax certificate, health department permit (and decal) and vehicular food vending permit in plain view and at all times on the exterior of the food vending vehicle. The vehicular food vending permit and business tax certificate shall be displayed on or immediately adjacent to the front, passenger-side window. The ACEH decal shall be located on the left rear of the vehicle. The vehicular food vendor shall maintain a valid health permit at all times. If the permit expires, or is suspended or revoked, then all food sales shall cease until the permit is reinstated. The applicant shall display no more than three signs attached to the vehicle (including the signage pertaining to loitering), with a maximum aggregate display surface of thirty (30) square feet per sign. The vehicular food vending vehicle and use shall be entirely self-sufficient in regards to gas, water, and telecommunications. Should any utility hook-ups or connections to on-site utilities be required, the vehicular food vendor shall be required to apply for appropriate permits to ensure building and public safety and consistency with applicable building codes. Electrical service to vehicular food vending vehicles shall be reviewed and approved on a case-by-case basis by the building division. The vehicular food vending vehicle shall be a self-propelled vehicle maintained in operating condition at all times. The vehicle shall not become a fixture of the site and shall not be considered an improvement to real property. The vendor shall not discharge items onto the sidewalk, gutter or storm inlets.

Condition and appearance of site: the same regulations as existing OMC Section 8.09.050 (F):

The site shall be maintained in a safe and clean manner at all times. Exterior storage of refuse, equipment or materials associated with the vehicular food vending enterprise is prohibited. The lot shall be paved. The vehicular food vendor shall maintain site circulation and access consistent with the Americans with Disabilities Act.

Lighting The mobile food vendor shall provide adequate lighting to ensure customer safety. Lighting shall be directed downwards and away from public streets and adjacent properties. (existing regulation OMC Section 8.09.050 G).

Noise: Noise levels measured at the property line, such as from fans or diesel generators, shall not exceed the city's noise ordinance standards (existing regulation OMC Section 8.09.050 H).

Litter, trash and refuse: The vehicular food vendor shall provide a minimum of two 32-gallon litter receptacles within 15 feet of the vehicular food vending vehicle. The receptacles will serve both employees and customers. The vehicular food vendor shall maintain the subject property and adjacent right-of-way free of litter on and within two hundred (200) feet of the subject vending site. All refuse shall be removed from the site and properly disposed of on a daily basis (same as existing regulation OMC Section 8.09.050 I).

Security: The food vendor shall install signage indicating that loitering is not permitted. The food vendor shall enforce the no-loitering rule. The serving or consumption of alcohol shall be prohibited at food vending sites (same as existing regulation OMC Section 8.09.050 J).

Seating: Seating for mobile food vendors' customers is permitted in the following situations:

On *private* property (as long as it does not occupy a required parking space, which is a parking space used by a store or business on the same lot). Depending on site size, configuration, and location, up to 5 tables and no more than 15 chairs may be permitted in conjunction with each mobile food vending permit located on *private* property. This is also the number of tables and chairs for group sites on *private* property.

There will be no permitted chairs or tables in the street. One exception is for group sites, when the street has been closed for the event by a permit from the City of Oakland.

Parking and Loading: There is not a parking or loading requirement for a mobile food vendor or their customers. Mobile food vending cannot occupy required parking spaces on private property, which is a parking space used by a store or business on the same lot. Customers of mobile food vendors can not double park to purchase food.

Hours of Operation

Regardless of type of vending apparatus, permitted hours of operation will be 7 a.m.-10 p.m., Monday-Friday, and 8 a.m. to 10 p.m. Saturday and Sundays (*these are the same hours as the current pushcart regulations; however, it represents a reduction of five hours of vending for individuals and group sites*).

Late night vending, from 10 p.m.-3 a.m., will be permitted on Friday and Saturday nights in certain locations under a special "late night" food vending permit; an additional fee will apply. (*Currently, late night vending is not permitted, except with a conditional use permit, or at group sites*). Late night vending standards include: Location restriction to certain zones; additional fee for enforcement; and a distance requirement from Residential Zones.

Group site vending hours will not exceed six consecutive hours: five hours for vending, and ½ hour to set up and ½ hour to take down equipment; unless specified otherwise at the discretion of the City Administrator. (*This is an extension one hour more than the current regulation of vending for four hours,*

with an extra hour of set up and take down).

ENFORCEMENT

The regulations and violations of the mobile food vending program will be inspected and enforced by the City Administrator’s Nuisance Abatement Division.

Good Neighbor policies: The permittee will be required to manage the food vending facility with the following good neighbor policies: maintain the quiet, safety and cleanliness of the approved food vending location(s); provide adequate storage and disposal of debris and garbage, including customer debris and garbage; noise and odors shall be contained within immediate area of the permitted food vending location, so as not to be a nuisance to neighbors; employees of the food vending facility shall walk a 100 foot radius from the approved vending location within 30 minutes after closing, and shall pick up and dispose of any discarded beverage containers, plates, utensils or other trash left by patrons.

Public Nuisance: To prevent their operation from being declared a “public nuisance,” vendors should refer to O.M.C. Section 8.9.070, which lists those activities by which a vendor can be declared a public nuisance: 1) selling or giving away of controlled substances or, the soliciting, agreeing to engage in, or engaging in any act of prostitution; 2) the conduct of any other criminal activity; 3) consuming alcoholic beverages on nearby outdoor public or private property, except where outdoor consumption of alcoholic beverages is specifically authorized pursuant to a license; 4) loitering on nearby public or private property; 5) disturbing the peace; 6) or any acts that threaten the public health and safety including, but not limited to, public urination.

--