

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2012 NOV 14 PM 4:09
INTRODUCED BY COUNCILMEMBER _____

APPROVED AS TO FORM AND LEGALITY

Allen

City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. 13150 C.M.S.

**AN ORDINANCE AMENDING THE MASTER FEE SCHEDULE
(ORDINANCE NO. 13133 C.M.S. AS AMENDED) TO REDUCE THE
INTERIM FOOD VENDING GROUP SITE OPERATION DATE FEE.**

WHEREAS, on December 20th, 2011 the City Council adopted interim regulations to allow permitted food vending “Group Sites” or “Food Pods” to operate legally in a limited area in the City of Oakland defined, in part, by Council Districts 1, 2, 3, and 4, as set forth in OMC Chapter 5.51 Food Vending Group Site Pilot Program; and

WHEREAS, as originally adopted, the interim regulations are set to expire on January 1, 2013; and

WHEREAS, the original intent was to have new permanent citywide mobile food vending regulations in place that would supersede the interim regulations prior to January 1, 2013; and

WHEREAS, due to the complex nature of regulating mobile food vending inside and outside the public right-of-way, involving coordination across several City departments, it will not be possible to adopt new citywide regulations prior to the expiration of the current interim regulations; and

WHEREAS, extending the current interim regulations to remain in place and be effective from January 1 through July 1, 2013 (or until the City Council adopts new permanent mobile food vending regulations, whichever comes first) will ensure that there is no interruption in the ability of those currently participating in the program to operate; and

WHEREAS, based on staff’s current assessment of the time it takes to process and issue additional vending dates after the first vending date for an approved Group Site permit, staff is recommending amending the Master Fee Schedule to reduce the permit Group Site Operation Date fee from \$100 to \$50; and

WHEREAS, for the reasons set forth above, the Council declares that this ordinance is necessary to establish interim regulations during the period of development of a new citywide mobile food vending program to allow review of currently pending requests to establish mobile food vending “Group Sites” or “Food Pods”, and the “Whereas” clauses above taken together constitute the City Council’s statement of the reasons constituting such necessity; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Section A. (City Administrator – Special Activities), subsection A.25. Food Vending Group Site Permit of the Master Fee Schedule, line “c” is hereby amended to read as follows:

c. Permit Fee \$50/per Group Site operation date

Section 2. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is held to be invalid, the offending portion shall be severed and shall not affect the validity of the remaining portions which shall remain in full force and effect.

Section 4. The controls imposed by this ordinance shall remain in place and be effective through July 1, 2013, or until the City Council adopts permanent mobile food vending regulations, whichever comes first.

Section 5. For the term of this ordinance, as set forth in Section 4 above, the provisions of this ordinance shall govern, and to the extent there is any conflict between the provisions of this ordinance and the provisions of any other City code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

Section 6. This ordinance shall be effective on January 1, 2013.

Section 7. This Ordinance is enacted pursuant to the City of Oakland’s general police powers, Sections 106 of the Charter of the City of Oakland, and Article XI of the California Constitution.

IN COUNCIL, OAKLAND, CALIFORNIA, JAN 22 2013

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, KALB, KAPLAN, GIBSON MCELHANEY, REID, SCHAAF AND PRESIDENT KERNIGHAN - 8

NCES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: LaTonda Simmons
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date DEC 4 2012

DATE OF ATTESTATION: 1/30/13

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NOTICE AND DIGEST
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AN ORDINANCE AMENDING THE MASTER FEE SCHEDULE (ORDINANCE NO. 13133 C.M.S. AS AMENDED) TO REDUCE THE INTERIM FOOD VENDING GROUP SITE OPERATION DATE FEE.

This Ordinance proposes to amend the Master Fee Schedule to reduce the per Group Site Operation Date fee for the Interim Food Vending Group Site Pilot Program Ordinance. The Group Site Operation Date fee would be reduced from \$100 to \$50; all other fees in Subsection A.25. Food Vending Group Site Permit of the Master Fee Schedule would remain the same.