

CITY OF OAKLAND  
AGENDA REPORT

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2003 DEC 30 PM 3:47

TO: Office of the City Manager  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: January 13, 2004

RE: REPORT ON AN:

- ORDINANCE TO ADOPT A PERMANENT PUSH CART FOOD VENDING PROGRAM TO BE LOCATED IN MANUFACTURING AND COMMERCIAL CORRIDORS EAST OF 1<sup>ST</sup> AVENUE AND SOUTH OF FOOTHILL BOULEVARD; AN
- ORDINANCE AMENDING THE MASTER FEE SCHEDULE (ORDINANCE NUMBER 9336 C.M.S.) TO ADD A PUSH CART FOOD VENDING FEE; AND A
- RESOLUTION AUTHORIZING \$20,040 IN REVENUE AND EXPENDITURE TO THE COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY BUILDING SERVICES DIVISION

---

SUMMARY

The City Council is requested to consider adoption of a permanent Pushcart Food Vending Program Ordinance to regulate pushcart use in a limited area. On February 6, 2001, the City Council approved an 18 month pilot program for 30 pushcarts to vend generally within the manufacturing and commercial corridors east of 19<sup>th</sup> Avenue and south of Foothill Boulevard (see Map in Attachment A). The pilot program was extended administratively for another year as the permanent program was being developed. Pushcart vendors sell ready-to-consume prepared foods from carts and wagons and typically operate in the public right-of-way on sidewalks. **This report deals with pushcart vending.** Another parallel report deals with vehicular vending.

The Pushcart Food Vending Pilot program was established because the use was seen as an asset to the community. Customers appreciate the convenience and availability of prepared and specialty foods and believe that pushcart food vendors contribute to the streetscape of the commercial neighborhoods where vending occurs. Vendors support the entrepreneurial aspect of the pushcart food vending and the diversified employment opportunities offered by this business type.

The pilot program was generally successful in its limited geographic area. There has been a long waiting list for permits since the program was implemented. Because of this success, staff recommends increasing the permitted areas and the permitted numbers. A few changes are being

Item: ~~9~~  
Community and Economic Development Committee  
January 13, 2004

15  
CRA/COUNCIL  
FEB 3 2004

proposed as well to streamline the program. There was little enforcement necessary with permitted vendors; however, unpermitted vendors were a major enforcement issue. Staff is proposing more targeted enforcement coordination between Police, Business Tax, and CEDA.

Staff is proposing that Oakland establish a permanent Pushcart Food Vending Program. The permanent program will resemble the pilot program with the following modifications:

- Some commercial and manufacturing corridors in the Eastlake would be added to the pushcart vending locations (see Map in Attachment A)
- Pushcarts would be allowed at private assemblies within two blocks from the permitted areas.
- The number of pushcart permits issued at any given time would be increased from 30 to 60, with no more than 30 within Council District 5.
- Pushcarts breakdown and travel to and from their commissary would be increased from one-half hour to one hour.
- The permit fee for pushcart vendors will be \$334 for 12 months rather than the original \$500 for 18 months in the pilot program. The non-refundable application fee (which is subtracted from the permit fee) would remain \$55. A late fee would be assessed for late renewals.
- That the revenue be used for the sole purpose of administering and enforcing the program.

## **FISCAL IMPACT**

The proposed permanent Pushcart Food Vending Program will add approximately \$9,060 in revenue in FY 2003/2004 to be deposited into the General Fund in the Pushcart/Vehicular Vending project account (P172620). The additional revenue will be appropriated to cover portions of both a Police Officer FTE and a CEDA Building Services Combination Inspector FTE.

During the pilot program the 30 pushcart food vendors each paid \$500 for the first 18 months and \$515 for the next 18 months during the administrative extension of the program. Most permits are due to be renewed in April 2004. The FY 2003-04 Budget estimated 20 permits at \$549 (this amount includes Master Fee Schedule increases since the program's inception.) totaling \$10,980. Staff proposes to reduce the permit fee to \$334 per pushcart per year. The fee reduction will be offset by an increase in number of pushcart vendors from 30 to 60. Staff estimates 60 permits at \$334 or \$20,040 for FY 2003-04. The increased permit estimates are based on the proposed larger geographic area and the current waiting list for permits. The permanent program proposes that 60 permits be issued, triple the original volume, in FY 2003-04. The permit fees for 60 permits would generate \$20,040 annually in revenue, \$10,980 of which has already been factored into the FY 2003-04 Adopted Policy Budget.

Costs to administer, inspect and enforce the program, including overtime, would be covered by the annual permit fees. Allocating funds to dedicated staffing will relieve the General Fund. Overtime hours will be charged directly against the project.

Based on experience with the pilot program, staff estimates that enforcement related to the permanent Pushcart and Vehicular Food Vending Programs (monitoring vendors with permits as well as enforcing restrictions on vending outside the permitted area) will be conducted by Business Tax, CEDA, and Police. Specific inspection and enforcement activity performed by these staff will be covered from permit program revenues. The attached proposed Appropriation of Revenue and Expenditure Resolution includes an appropriation to cover the estimated total cost of \$9,060 over FY 2003-04 or approximately 40 permits from January through June 2004.

The Building Services Division of the Community and Economic Development Agency (CEDA) would remain responsible for implementation and enforcement of the programs. Funds generated by the Pushcart Vending Program permits would be combined with funds generated by the Vehicular Food Vending Program permits (see separate agenda item) and appropriated into salary accounts to be used solely for implementation and enforcement of this Pushcart Vending and the proposed Permanent Vehicular Food Vending Program (see separate agenda item).

Staff recommends that this program be enforced by dedicated and existing staff because enforcement depends on building relationships between the staff and the vendors. To lose that capacity will undermine and jeopardize the project.

## **BACKGROUND**

### **City Council Actions**

The City of Oakland's current vending regulations, originally codified in 1932 and last amended in 1980, do not address the diverse types of street vending that presently occur or those that may be desirable.

On July 24, 1990, a special session of the City Council considered a proposal to permit vending on public property (sidewalks) at approximately 13 locations throughout Oakland. City Council accepted the report and instructed staff to expand the proposal to include guidelines for regulating vending activities citywide, focusing on those activities that occur on private property within commercially zoned areas.

On October 29, 1991, the City Council Public Safety Committee held a special meeting to review a report presented by the City Manager's Office. The report proposed an amendment to the City's Municipal Code regulations to implement controls for street vending sales activities. No action was taken.

At the June 16, 1998 Public Safety Committee meeting, staff presented a report on existing problems with peddlers and vendors in East Oakland. According to staff, without specific enforceable regulations, police officers encounter difficulties addressing nuisances related to peddling. Staff was directed to present a follow-up report in January 1999 regarding efforts to address the problems.

On January 19, 1999, staff presented a follow-up report to the Public Safety Committee summarizing existing City of Oakland regulations related to peddlers and vendors. The report indicated that the current regulations specifically prohibit vending in the downtown, on any public street or sidewalk, or within 500 feet of the entrance or exit of any public park, building or grounds.

On October 26, 2000, and November 13, 2000, staff held two community meetings to receive input to the pushcart food vending planning process.

On February 6, 2001, the City Council approved an ordinance to adopt an eighteen month Pushcart Food Vending Pilot Program.

### **KEY ISSUES AND IMPACTS**

During the Pushcart Food Vending Pilot Program staff monitored compliance with the Pushcart Food Vending Program permit requirements. Issues and impacts became apparent in the following categories:

#### **Location**

The pilot program was located entirely along commercial and manufacturing corridors specifically Fruitvale Avenue and High Street between Interstate 880 to the south and Foothill Boulevard to the north, and San Leandro Street, International Boulevard, and Foothill Boulevard.

Staff is proposing that the boundaries be expanded to include some commercial corridors in the Eastlake, specifically East 12<sup>th</sup> Street between 4<sup>th</sup> and 23<sup>rd</sup> Avenues, International Boulevard between 1<sup>st</sup> Avenue and 19<sup>th</sup> Avenue and 14<sup>th</sup> Avenue between East 11<sup>th</sup> Street and East 19<sup>th</sup> Street. These modifications are being proposed because the area is a logical expansion of the current boundaries and the demographics support the use. Because staff is proposing to double the available permits, additional commercial corridors will discourage an over-concentration of vendors at any other locations.

The pilot program requires pushcart vendors to locate 100 feet from each other. This has worked and there is no proposal to change it.

The pilot program also provided for a 200-foot buffer between permitted pushcart vendors and parks or schools. Some schools would welcome pushcarts as would some outdoor assemblies such as street fairs and flea markets. The effect of not allowing pushcarts near popular locations such as schools or at assemblies during the pilot program has created a void that has been filled by peddlers without permits. Allowing vendors at assemblies within two blocks of the permitted areas is a reasonable addition. Pushcarts are allowed on private property (such as schools) already. Staff does not recommend pushcarts on school sidewalks because of safety issues.

### **Number of Permits**

The number of pushcart vending permits was limited to 30 during the pilot program. Within the first year of the pilot program, 80 applications were received for the 30 available permits. Thirty (30) permits were issued and 45 applicants were placed on a waiting list. Twenty-three (23) of the original 30 renewed their permits, and the seven who did not renew have been replaced from the waiting list.

The pilot program proved to be both popular and self-regulating among permitted vendors. Vendors with permits demonstrated a high level of compliance with program regulations (refer to the Enforcement section).

Because of the popularity of the program, the high compliance rate, the proposed expanded area, the long waiting list, and the vitality that vending brings to a good location, potential vendors and staff would like to see the number of available permits increased to 60.

### **Hours of Operation**

Hours of operation during the pilot program were 7:00 am-10:00 pm Monday through Friday and 10:00 am-10:00 pm Saturday and Sunday, with ½ hour to set up and ½ hour to breakdown operations and travel back to the commissary for servicing the pushcart.

The vendors have shown that ½ hour is not enough time for breakdown and travel. Staff concurs. The proposed Ordinance will allow one hour each for breakdown and travel.

### **Permit Fee**

The permit fee for pushcart vendors was \$500 for the initial 18-month pilot project. To align with our accounting system, the fee should be annual rather than an 18-month fee. For the permanent program, staff recommends that the \$500 fee be prorated for 12 months creating an annual permit costing \$334. Because the number of permit fees is proposed to double, no increase in the permit fee amount is being proposed. Staff recommends that sliding percentages of the annual fee be charged for a late renewal as an incentive for timely renewals.

### **Enforcement**

Enforcement of pilot program regulations was both proactive and responsive to complaints. Periodic surveys and spot inspections were made to track vending patterns, catch violations, and show a presence. Proactive enforcement measures established lines of communication and understanding and cooperation among regulatory agencies, vendors, and commissaries. This resulted in a high level of compliance.

Valid complaints, though rare, were investigated and resolved. From October 2002 through September 2003, fewer than ten complaints were registered against the permitted pushcart vendors. After investigations, only two complaints were found to be violations of regulations.

For the same period of time however, as many as 100 complaints were registered against vendors and peddlers operating without permits and selling a variety of items such as food from steam trays, hot dogs, packaged snacks, ice cream, ice cones, beverages, produce, flowers, toys, pillows, T-shirts, etc. These sales activities occurred throughout Oakland including residential neighborhoods, hospitals, DMV offices, schools, colleges and post offices. In the majority of cases vendors had some, but not all, of the required certificates and permits. In other cases, vendors were employees of a business that owned several pushcarts.

Enforcement in the proposed permanent Ordinance emphasizes the protection of permitted vendors against unfair competition from illegal vendors as well as empowerment of enforcement staff to implement up to \$5,000 in penalties prescribed by the Pushcart Vendor Ordinance.

Staff recommends that the majority of enforcement efforts focus on pushcart and vehicular vendors operating without permits throughout Oakland. By partnering with the Police Special Operations Division, Vehicle Enforcement Section, CEDA Building Services can create a citywide enforcement mechanism. Currently when Police support is needed to respond to a complaint or cite a violator, Building Services staff contacts Area Commanders who in turn contact their patrol or problem solving officers to arrange for a meeting at the vendor's location. By contracting with Police's Vehicle Enforcement Section and covering their cost, Building Services can plan proactive rather than re-active enforcement at locations throughout the City. In addition, as traffic officers become more familiar with pushcart and vehicular vending regulations, they can enforce the regulations as part of their daily routine.

### **PROPOSED PERMANENT PUSH CART FOOD VENDING PROGRAM**

Pushcart food vending generally has the following characteristics:

- Pushcarts are owned and operated by the same individual and/or business;
- Food is prepared at a commissary or location other than the pushcart;
- Food is ordered and served directly from the pushcart;
- Food and beverages are served in disposable wrappers, plates or containers;
- No space is provided for customer queuing or consumption of food; and
- The operator operates on public sidewalks.

The proposed permanent Pushcart Food Vending Program includes the following components: an Ordinance to permit and regulate the pushcart food vending use; amendments to chapters 5.48.050, 5.48.070 and 12.08.030 of the Municipal Code, and the addition of Chapter 5.49, Pushcart Food Vending, to permit and regulate the use; implementation of an administrative permit process; enforcement of regulations; and a limited geographic area. Permit fees would be collected and would in part pay for program implementation and enforcement.

These project components are described in detail below:

- *Pushcart Food Vending Ordinance:* The permanent Pushcart Food Vending Ordinance (Ordinance), if adopted, would become a section of the Municipal Code, under Title 5: Business Licenses and Regulations. The Ordinance would establish the framework for regulating the pushcart food vending use. The Ordinance would outline the required permit application process for the pushcart food vending use, the administration and enforcement of the use, and the geographic area in which the use could occur.

The proposed permanent pushcart food vending regulations include the following features:

- Allow a limited number of available permits (60) to simplify enforcement efforts and avoid oversaturation of the program area - no more than 30 permits within City Council District 5;
  - Give first priority to individuals who are renewing valid pushcart permits and second priority to individuals who already hold County of Alameda health permits to ensure fairness;
  - Require site clean-up and other minimum sanitary standards to protect the community from grime and health hazards;
  - Require a minimum distance between pushcart food vendors to reduce unfair competition and hazards to pedestrians;
  - Require a minimum sidewalk clearance consistent with encroachment regulations to allow safe passage to all pedestrians;
  - Impose restrictions on vending locations to concentrate the use in commercial and industrial areas; and
  - Require consistency with County of Alameda Health Permit and City of Oakland Business Tax regulations.
- *Administrative Permit Process:* CEDA Building Services would implement the Pushcart Food Vending Permit process. The Pushcart Food Vending Permit (permit) would be an administrative permit that could be processed without discretionary review. The permit application would include a mandatory permit fee of \$334 per year. The permit fee would continue to include a \$55 processing fee submitted with the initial application. When an application is approved, the remainder of the permit fee (\$284) would be due, for a total permit fee of \$334.

The permit process would include a priority for renewals of pushcart permits and for individuals who hold a County of Alameda Health Permit at the time of application. Subsequent permits would be issued on a first-come, first-served basis, and the CEDA Building Services Division would maintain a waiting list once all permits have been issued.

- *Permit Criteria:* The permit would include a requirement that pushcart food vending uses meet an established set of criteria designed to ensure minimum sanitary and safety standards, as identified in the proposed OMC Amendment Chapter 5.49, Pushcart Food Vending. The criteria are designed to respond to community concerns about community appearance and neighborhood quality of life.

- *Enforcement:* CEDA Building Services would enforce the pushcart food vending regulations by conducting periodic inspections of the sites where the permitted use is located as well as pushcarts in unpermitted locations. These inspections could be unannounced or in response to a neighborhood complaint. Inspectors would evaluate vendors for compliance with the regulations codified in Municipal Code Chapter 5.49, Pushcart Food Vending. The pushcart food vendor would be required to provide the inspector with a copy of the Pushcart Food Vending Permit, demonstrate compliance with permit regulations, and cooperate with inspections. Should a pushcart food vendor fail to cooperate with an inspection, or be found to be in non-compliance with any criteria, the inspector would recommend revocation of the Pushcart Food Vending Permit. CEDA Building Services would provide non-compliant pushcart food vendors with notification of permit revocation by mail. The applicant would be given 10 days to demonstrate compliance and reapply for a permit.

In addition to enforcing permits, CEDA Building Services would have authority to inspect any incidence of illegal pushcart food vending. Inspectors would be able to cite any pushcart food vendor operating without a permit and issue an Order to Abate.

**Enforcement inspections would occur throughout the City of Oakland, and not solely within the proposed program area.** Pushcart Food Vendors operating outside of the permanent program area would be cited accordingly (administrative citation, infraction, reinspection fees and/or revocation of permit). This would be accomplished by partnering with Police's Special Operations Division, Vehicle Enforcement Unit. Police would allocate a number of hours for enforcement as agreed to by CEDA and Police.

Finally, CEDA Building Services would maintain records related to pushcart food vending, and would receive and respond to all complaints concerning the proposed regulations.

- *Program Area:* The permanent program would be located entirely within City Council Districts 2, 4, 5, 6, and 7. Pushcart food vending would only be allowed on certain streets and within certain zones, as described below:
  - *Streets:* The pushcart food vending use would be allowed on sidewalks located on Fruitvale Avenue and High Street between I-880 to the south and Foothill Boulevard to the north, Foothill Boulevard between 19<sup>th</sup> Avenue to the west and Macarthur to the east, International boulevard between First Avenue to the west and 105<sup>th</sup> Avenue to the east, San Leandro Boulevard between Fruitvale to the west and 98<sup>th</sup> Avenue to the east, East 12<sup>th</sup> Street between 4<sup>th</sup> Avenue to the west and 23<sup>rd</sup> Avenue to the east, and 14<sup>th</sup> Avenue between East 11<sup>th</sup> Street to the south and East 19<sup>th</sup> Street to the north.
  - *Zones:* The pushcart food vending use would be permitted in the C-20 Shopping Center Commercial, C-28 Commercial Shopping District, C-30 District Thoroughfare Commercial, C-40 Community Thoroughfare Commercial, M-20 Light Industrial, M-30 General Industrial, and M-40 Heavy Industrial zoning districts. Pushcart food vending would not be allowed in any other zoning district.
  - *Travel:* Pushcart food vendors would be allowed to travel along any public right-of-way within Oakland. However, vending would only be allowed within the program area.



Pushcart food vendors would not be allowed to vend, expose, or otherwise advertise merchandise, solicit sales, or loiter outside of the program area.

- *Amendments to the Municipal Code:* Chapters 5.48.050, Peddling foodstuffs from vehicles, 5.48.070, Peddlers' carts, stands, and Chapter 12.08.030, Public sidewalk encroachments, would be amended to explicitly exclude the Pushcart Food Vending Program from existing regulations. Chapters 5.48.050 and 5.48.070 prohibit the vending of food from carts on public sidewalks throughout the City of Oakland. Chapter 12.08.030 specifically prohibits the "selling of any wares on the sidewalk area".

The Municipal Code would also be amended to include a new definition for the pushcart food vending use and a new Chapter 5.49, Pushcart Food Vending that would regulate the pushcart food vending use.

## **SUSTAINABLE OPPORTUNITIES**

**Economic:** The proposed permanent Pushcart Food Vending Program will generate another 30 pushcarts in Oakland, for a total of 60 pushcarts. It is likely that the jobs associated with these pushcarts, both in the field and in the commissaries, will be filled by Oakland residents. Additional sales and Business License taxes will also be generated.

**Environmental:** There are no direct environmental opportunities associated with the permanent Pushcart Food Vending program.

**Social Equity:** The proposed permanent Pushcart Food Vending program will be an asset to the community and neighborhoods where it is permitted, generally in disadvantaged areas. Customers appreciate the availability of prepared and specialty foods and believe that pushcart food vendors contribute to the streetscape of the neighborhoods where vending occurs.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

Under the Pushcart Food Vending Ordinance, applicants for a Pushcart Food Vending Permit would be required to comply with the Americans with Disabilities Act and all other City regulations that ensure adequate access for senior citizens and people with disabilities. Specifically, pushcart food vendors would be required to leave adequate pedestrian and wheelchair passage along sidewalks where they locate.

## **RECOMMENDATION AND RATIONALE**

Staff recommends adoption of the Permanent Pushcart Food Vending Program Ordinance and approval of the enabling Municipal Code amendments. The advantages of regulating pushcart food vending are as follows:

- Pushcart food vending was shown during the pilot program to be easier to monitor and enforce with an established permit process and a limited number of available permits;
- The proposed permit application process is fair to all eligible applicants;
- Pushcart food vendors will seek permits because a streamlined permit process exists;

- Easier monitoring and enforcement will reduce nuisance activities that occur within the vicinity of pushcart food vending businesses;
- The location of pushcart food vending businesses can be controlled in order to avoid unfair competition and oversaturation of an area and to reduce impacts on predominantly residential areas;
- Minimum standards for location and operation can be enforced; and
- The permit criteria would reinforce Alameda County health standards and support general food quality.

The following characteristics of the Pushcart Food Vending Program provide additional rationale for this recommendation:


- The pilot program has provided benefits for pushcart food vendors, customers, and for the community, and continues to be a well-received program.
- Under the permanent Pushcart Food Vending Program, pushcart food vending would be allowed in both formerly and newly designated locations. Permits will continue to protect pushcart food vendors from unfair competition and undesirable interrogations from the police and other authorities.
- The permanent Pushcart Food Vending Permit would require that pushcart food vendors continue to meet certain operational criteria. These criteria are designed to protect the health and safety of the customers and to reduce impacts on the surrounding community. Establishing criteria and monitoring compliance would ensure that pushcart food vending contribute to both an entrepreneurial and culturally rich business climate, and to an amenable neighborhood character in the Oakland.
- The permanent Pushcart Food Vending Program would provide a means for City staff to continue its implementation and enforcement of the pushcart food vending use. Field inspectors would use codified regulations to determine regulatory compliance. Police would enforce the ordinance as well.

#### **ACTION REQUESTED OF THE CITY COUNCIL**

1. Adopt the permanent Pushcart Food Vending Program Ordinance and approve proposed amendments to the Municipal Code to regulate pushcart food vending (see Attachment B).
2. Amend the Master Fee Schedule to establish a \$334 annual permit fee for pushcart food vending and sliding percentages of the annual fee be charged for a late renewals (see Attachment C).

3. Approve the resolution to increase revenue and appropriate \$20,040 in permit revenue and expenditure to the Building Services Division for the sole purpose of implementing the Pushcart Food Vending Program (see Attachment D).

Respectfully submitted,

  
\_\_\_\_\_  
**CLAUDIA CAPPIO**  
Development Director  
Community and Economic Development Agency

Prepared by:  
Calvin Wong, Director  
Building Services Division

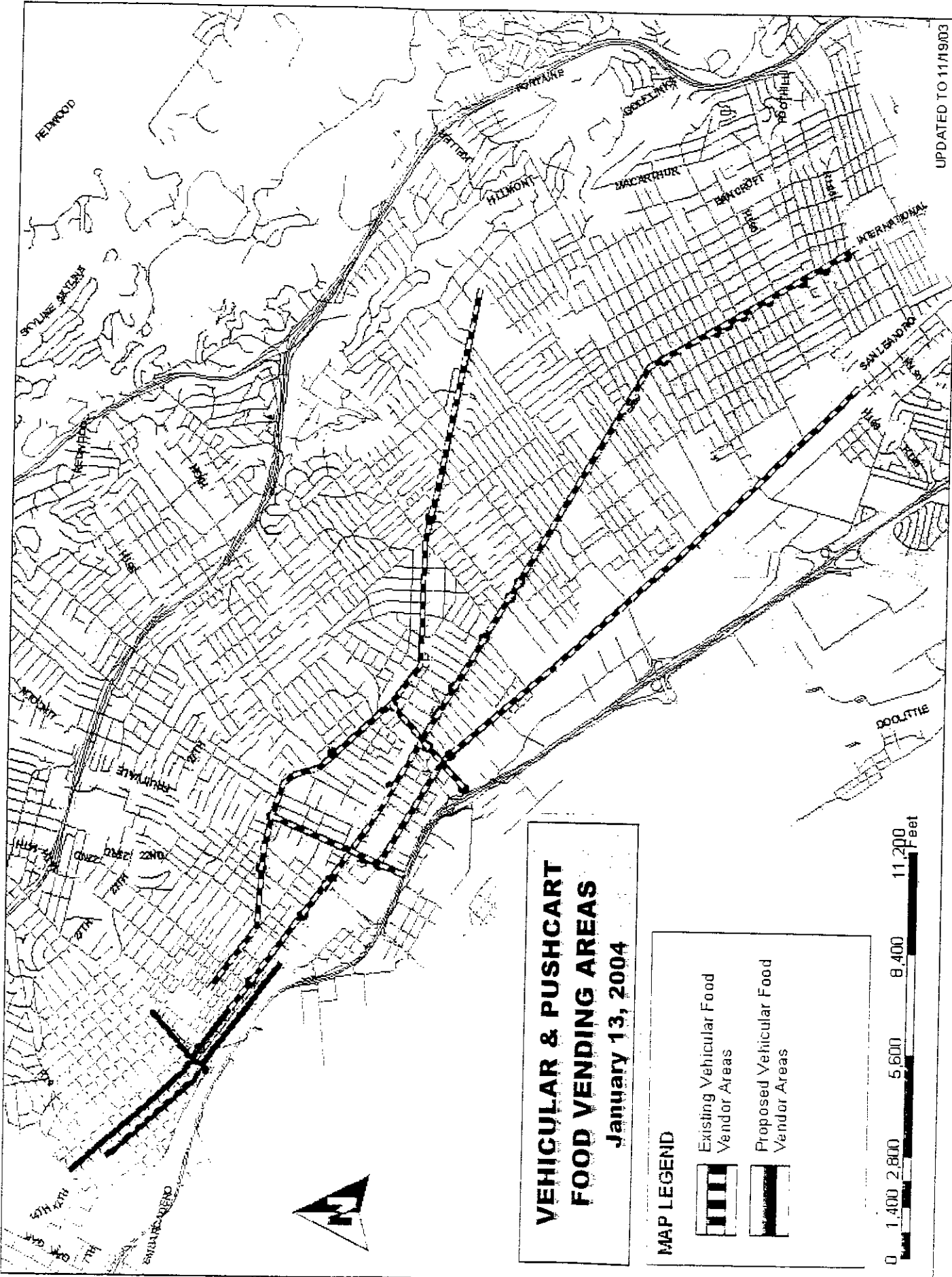
APPROVED AND FORWARDED TO THE  
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

  
\_\_\_\_\_  
OFFICE OF THE CITY MANAGER

- Attachments:
- A. Map: Proposed Pushcart Vending Program area
  - B. Proposed Pushcart Food Vending Program Ordinance
  - C. Proposed Master Fee Schedule Amendment and Ordinance
  - D. Proposed Appropriation of Revenue and Expenditure Resolution

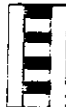

15  
ORA/COUNCIL  
FEB 3 2004

Item: ~~9~~  
Community and Economic Development Committee  
January 13, 2004



**VEHICULAR & PUSHCART  
FOOD VENDING AREAS**  
January 13, 2004

**MAP LEGEND**

-  Existing Vehicular Food Vendor Areas
-  Proposed Vehicular Food Vendor Areas



OAKLAND CITY COUNCIL

*Mark P. Udell*

2003 DEC 30 PM 3:47

ORDINANCE No. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**ORDINANCE ESTABLISHING A PERMANENT PUSH CART FOOD VENDING PROGRAM TO BE LOCATED WITHIN THE MANUFACTURING AND COMMERCIAL CORRIDORS ON FRUITVALE AVENUE AND HIGH STREET BETWEEN I-880 TO THE SOUTH AND FOOTHILL BOULEVARD TO THE NORTH, FOOTHILL BOULEVARD BETWEEN 19<sup>TH</sup> AVENUE TO THE WEST AND MACARTHUR TO THE EAST, INTERNATIONAL BOULEVARD BETWEEN FIRST AVENUE TO THE WEST AND 105<sup>TH</sup> AVENUE TO THE EAST, SAN LEANDRO STREET BETWEEN FRUITVALE AVENUE TO THE WEST AND 98<sup>TH</sup> AVENUE TO THE EAST, EAST 12<sup>TH</sup> STREET BETWEEN 4<sup>TH</sup> AVENUE TO THE WEST AND 23<sup>RD</sup> AVENUE TO THE EAST, 14<sup>TH</sup> AVENUE BETWEEN EAST 11<sup>TH</sup> STREET TO THE SOUTH AND EAST 19<sup>TH</sup> AVENUE TO THE NORTH.**

**WHEREAS**, on July 24, 1990, a special session of the City Council considered a proposal to permit vending on public property on (sidewalks) at approximately thirteen (13) locations throughout the City. The council accepted the report and instructed staff to expand the proposal to include guidelines for regulating vending activities citywide on private property, specifically in commercially zoned areas; and

**WHEREAS**, on October 29, 1991, the City Council Public Safety Committee held a special meeting to review a report presented by the City Manager's Office that proposed an amendment to the City's Municipal Code Regulations to implement controls for street vending activities; and

**WHEREAS**, the Anti-Grime Task Force seeks legalization of certain types of vending and improved enforcement actions against illegal vending; and

**WHEREAS**, the pushcart food vendors provide a service to the Oakland community with convenient hours of operation; and

**WHEREAS**, Ordinance No. 12310 established an eighteen-month pilot pushcart food vending program (program) that permitted pushcart food vending on public sidewalks in designated areas in Oakland; and

**WHEREAS**, the program has enlivened the streetscape and enriched the neighborhood character in the areas where it occurred; and

15-1  
CITY COUNCIL  
FEB 3 2004  
Page 1

COMMUNITY & ECONOMIC  
DEVELOPMENT CMTE  
JAN 13 2004

**WHEREAS**, the program did not compete with adjacent retail businesses; and

**WHEREAS**, pushcart food vending provided commercial variety and encouraged additional pedestrian traffic; and

**WHEREAS**, pushcart food vending provided additional visual interest to established commercial activities, thereby strengthening commercial districts and/or locations; and

**WHEREAS**, pushcart food vending has provided an opportunity for individuals to be self-employed and contribute to the community; and

**WHEREAS**, pushcart vendors paid for Vendor's Permits and paid taxes to the City, thereby expanding the City's tax base; and

**WHEREAS**, the City of Oakland supports entrepreneurial development; and

**WHEREAS**, the regulations contained herein will regulate specific activities to ensure that the public right-of-ways remain safe and useful for their primary purpose and are attractive to the public; and

**WHEREAS**, the requirements of the California Environmental Quality Act (CEQA) of 1970 are satisfied, and Section 15311(c) exempts mobile food vending uses; and

**WHEREAS**, the City Council finds and determines that the public safety, health, convenience, comfort, property, and general welfare was furthered by the presence of the Pushcart Food Vending Pilot Program;

**NOW THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS**

Section 1: The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2:

A. Sections 5.48.050 and 5.48.070 of the Oakland Municipal Code are amended to read as follows: (additions are indicated by underlining and deletions are indicated by ~~strike out~~ type.):

**Chapter 5.48.050, Peddling foodstuffs from vehicles:**

It is unlawful for farmers, hucksters or vendors of fruits, vegetables, fish or dairy products to display for sale such goods, wares and merchandise to the passing public in or from wagons, vehicles or portable stands on the streets or sidewalks of the city; provided, however, that nothing in this section contained shall be construed as forbidding the peddling of such goods, wares or merchandise from house to house in wagons or other vehicles as may be permitted by regulations elsewhere set forth in this

title. However, within those areas of Oakland subject to the Pushcart Food Vending Pilot Program Ordinance, and ~~during such time that the pilot program is in effect,~~ pushcart food vending is regulated by Chapter 5.49 of the Municipal Code. (Prior code 5-10.05).

#### **Chapter 5.48.070 Peddlers' carts, stands.**

It is unlawful for any person having charge or control of a cart, wagon or any vehicle used for the vending of goods, wares, merchandise, foods, confections, refreshments or other article, therefrom commonly known as peddlers' carts, wagons or vehicles to occupy, or permit to be occupied, as a stand for such cart, wagon or vehicle, any portion of any street, lane, alley or sidewalk in the city, or to cause or permit such cart, wagon or vehicle to stand within five hundred (500) feet of any entrance or exit to any public park, public building or public grounds for the purpose of peddling such goods or merchandise therefrom. However, within those areas of Oakland subject to the Pushcart Food Vending Pilot Program Ordinance, and ~~during such time that the pilot program is in effect,~~ pushcart food vending is regulated by Chapter 5.49 of the Municipal Code.

Nothing in this section shall be so construed as to conflict with, or repeal, any provision of this code or any ordinance establishing and regulating a street market in the city. (Prior code § 5-10.08)

- B. Chapter 5.49 is added to the Oakland Municipal Code to read as follows:

#### **Chapter 5.49: Pushcart Food Vending Pilot Program**

##### 5.49.010 Purpose.

The general purpose of these regulations is to promote the health, safety, comfort, convenience, prosperity, and general welfare by requiring that new and existing pushcart food vendors provide residents and customers with a minimum level of cleanliness, quality and safety.

##### 5.49.020: Definitions.

For the purpose of this Ordinance, the following words or phrases shall mean or include:

- A. "Permit" is an approval that enables the holder to vend food items at authorized locations and times, ~~throughout the duration of the Pushcart Food Vending Pilot Program~~ for a specified period of time.
- B. "Vending" is the business of selling or causing to be sold any of the following items: produce, prepared foods and beverages, prepackaged foods and non-alcoholic beverages.
- C. "Vending Equipment" includes but is not limited to any materials, merchandise, tools, carts, tables, or other items owned by, in the possession of, or associated with both the City of Oakland and the licensed pushcart food vendor.
- D. "Pushcart Food Vendor" or vendor is a person who owns and operates a business vending from a pushcart. No vendor shall be issued more than one City of Oakland Pushcart Food Vending Permit.
- E. "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, and are easily moved by a person or vehicle.
- F. "Pedestrian" is a person who is walking or otherwise travelling in the public right-of-way.

~~G. "Pilot Program" is an eighteen-month period, beginning on the effective date of this Ordinance, during which pushcart food vending will be permitted in the City of Oakland within the parameters and criteria set forth in this Ordinance.~~

G. "Assembly area" is an indoor or outdoor place where people may gather for any permitted purpose.

5.49.030: Effective Date.

~~Permits issued under this ordinance shall remain in effect for a period of eighteen-twelve months from the effective date, at the end of which time the City Council will consider terminating, expanding and/or revising these regulations. Should the City Council take no action, then this any permits would automatically terminate eighteen months after the effective date of the ordinance. Permit will expire unless renewed by the vendor.~~

5.49.040: Permit Required.

Any new or existing Pushcart Food Vendor who desires to vend in the City of Oakland shall apply for and obtain a Pushcart Food Vending Permit prior to conducting pushcart food vending. It shall be unlawful to sell, offer for sale, or solicit offers to purchase food from a pushcart in the ~~pilot~~ program area without first obtaining a Pushcart Food Vending Permit from the Building Division. All applicants shall be required to submit the following information in order to qualify for a Pushcart Food Vending Permit.

A. The applicant shall obtain a Pushcart Food Vending Permit Application from the City of Oakland Building Services Division.

B. In order for the Pushcart Food Vending Permit Application to be deemed complete, the applicant shall provide the Building Division with the following:

1. Completed Pushcart Food Vending Permit Application;
2. Mailing address for notification;
3. Legal names of pushcart food vending business owner/operator;
4. Proof of valid City of Oakland Business Tax Certificate;
5. Proof of valid County of Alameda Health Agency, Environmental Health Services Health Permit;
6. Photocopy of valid California Drivers License for business owner/operator;
7. ~~Six-Four~~ photographs (showing different views) of the pushcart;
8. Sample or rendering or photograph of advertising signs; and
9. ~~A \$50 non-refundable. An application fee or as modified in per the City of Oakland Master Fee Schedule. A permit fee of \$500 or as modified by per the City of Oakland Master Fee Schedule shall be paid prior to issuance of the permit. The application fee shall be credited toward payment of the permit fee. A late fee will be assessed per the City of Oakland Master Fee Schedule if the annual renewal is not paid in a timely manner.~~
10. If a vendor proposes to vend from a single location for more than four consecutive hours at a time, the vendor must identify the location and an available restroom to be used by the vendor, and written permission to use the bathroom from its owner.

C. The Building Division shall issue up to ~~forty-sixty (400)~~ permits. Permit issuance will be prioritized as follows.

1. Holders of Alameda Health Agency, Environmental Health Services Health Permits will be given priority for available permits. ~~During the first thirty (30) days of application of these regulations, the Building Division shall only accept and deem complete those permit applications for which an Alameda Health Agency, Environmental Health Services Health Permit was previously issued.~~



2. ~~After the first thirty (30) days of application of these regulations, permit-Permit~~ applications shall be accepted and deemed complete on a first-come, first-served basis.
  3. Upon issuance of ~~thirty-sixty (30/60)~~ permits, the Building Division will accept applications on a first-come, first-served basis for entry onto a permit waiting list. Should a permit be revoked or otherwise become available, the first applicant on the permit waiting list shall be contacted immediately and offered the available permit.
  4. At no time shall more than ~~thirty-sixty (30/60)~~ permits be active.
  5. The permit applicant shall obtain the permit within fourteen (14) days of permit availability or said permit application shall expire.
- D. The Building Division shall process permit applications at the time ~~of~~ receipt at the permit counter.

5.49.050: Geographic Area.

Pushcart food vending shall only occur in the following geographic areas of Oakland:

- A. Sidewalks: Pushcart food vending shall be permitted on public sidewalks located on Fruitvale Avenue and High Street between Interstate 880 to the ~~west-south~~ and Foothill Boulevard to the east, Foothill Boulevard between 19<sup>th</sup> Avenue to the ~~north~~ west and 40<sup>th</sup> Avenue ~~Macarthur Boulevard to the southeast, International Boulevard between First Avenue to the west and 105<sup>th</sup> Avenue to the east, and San Leandro Boulevard-Street between Fruitvale Avenue to the north and 98<sup>th</sup> Avenue to the south, East 12<sup>th</sup> Street between 4<sup>th</sup> Avenue in the west and 23<sup>rd</sup> Avenue in the east, 14<sup>th</sup> Avenue between East 11<sup>th</sup> Street in the south and East 19<sup>th</sup> Street in the north.~~ Vendors may transport pushcart vending equipment throughout the City of Oakland. However, vending, including selling, offering for sale, or soliciting offers to purchase food, is restricted outside of the streets and zones identified in this section.
- B. Zones: Along the street sections described above, pushcart food vending shall be permitted in the C-20 Shopping Center Commercial, C-28 Commercial Shopping District, C-30 District Thoroughfare Commercial, C-40 Community Thoroughfare Commercial, M-20 Light Industrial, M-30 General Industrial, and M-40 Heavy Industrial zoning districts.
- C. Locations:
  1. Vendors may vend at any location within permitted zones and along permitted sidewalks. However, vendors shall maintain a 100-foot distance between one another while selling, offering for sale, or soliciting offers to purchase food.
  2. The pushcart food vendor shall not locate within 200 feet of any primary or ~~secondary~~ middle school or public park.
  3. Pushcart food vendors shall not vend or locate equipment adjacent to on-street parking spaces reserved for disabled access, driveways, entries and exits from buildings or facilities, or adjacent to street intersections where equipment may obstruct vehicle and pedestrian sight distance.
  - ~~4. Pushcart Food Vendors may vend at assemblies within two blocks of the permitted locations.~~
- D. Travel: Pushcart food vendors may travel along any public right-of-way within the City of Oakland. However, vending ~~shall only be permitted within the pilot program area~~ shall be limited to the permitted locations. Pushcart food vendors shall not be allowed to vend, expose or otherwise advertise merchandise, solicit sales, or loiter outside of the ~~pilot program area~~ permitted locations.

5.49.060: Regulations for Pushcart Food Vendors.

- A. Pushcart Food Vendors shall sell, offer for sale or solicit offers to purchase only in the area(s) designated by the City Manager or his or her designee. The designation of any area in a public place under jurisdiction is subject to approval of and to any rules and regulations imposed by such office.
- B. Vending shall only occur within the hours of 7 a.m. to 10 p.m. Monday through Friday, and 8 a.m. to 10 p.m. Saturday and Sunday. The City of Oakland may require additional restrictions to abate nuisances.
- C. All Pushcart Food Vendors shall adhere to designated time and day requirements and shall be allotted one-half hour set-up and one-half hour breakdown and travel time before and after stated selling hours.
- D. No Pushcart Food Vendor shall sell, offer for sale, or solicit offers to purchase from any automobile or truck.
- E. Pushcart Food Vendors shall engage in their activities in designated areas of the City of Oakland in such a manner that at all times there shall remain an open pedestrian passage of at least six feet in width, as measured from the line perpendicular to the pushcart food vending activity and end of walkway, and consistent with the Americans with Disabilities Act.
- F. Vending equipment and merchandise shall occupy the pushcart only and shall not be stored, displayed or otherwise placed in the public right-of-way or on public property.
- G. Vending equipment shall be regulated in the following manner:
  1. The Pushcart Food Vending Permit shall be affixed to the pushcart in a readily visible location at all times.
  2. Vending equipment, merchandise offered for sale or otherwise associated with the Pushcart Food Vendor shall not block, impede or in any way hamper ingress or egress for parked vehicles, pedestrian movement or cause or allow to cause any hazard to pedestrians.
  3. Vending equipment shall be easily moved and shall be self-supporting; at no time shall vending equipment be attached, tied or locked to trees, hydrants or any other permanent vertical structure or bench.
  4. Any vending equipment shall have the maximum length of eight (8) feet, maximum depth of six (6) feet and a maximum height of eight (8) feet.
  5. Up to two signs may be attached to the pushcart, with a maximum aggregate display surface of five (5) square feet per sign.
  6. The pushcart vending equipment shall be entirely self-sufficient in regards to gas, electricity, water, and telecommunications.
  7. No tables, chairs, fences or other site furniture (temporary or otherwise) are permitted in conjunction with the pushcart vending equipment.
  8. Vendors shall remove all equipment upon order of City of Oakland.
  9. Vendors shall not locate or create a vending activity that will negatively impact adjacent businesses or residences.

5.49.070: Cleanup Responsibility and Liability for Damages.

- A. Vendors shall maintain their sales location in a clean, hazard-free condition: failure to do so and failure to clean the vending location of waste shall be cause for revocation or suspension of permit;
- B. Vendors shall agree to defend, indemnify and hold harmless City, its offices and employees from any and all damages or injury to persons or property proximately caused by any act or omission of the vendor or any hazardous or negligent conditions maintained at their sales location.
- C. Vendors shall not discharge materials onto the sidewalk, gutters, or storm drain.

5.49.080: Violation and Penalty.

- A. The City Manager or his designated representative shall issue or cause to have issued citations for violations of this Ordinance. Vendors in violation of this ordinance shall be subject to administrative citations per Chapter 1.12 of the Oakland Municipal Code.
- B. Any person vending without a duly issued permit and personal identification or found in violation of any of the regulatory provisions of this Ordinance shall be guilty of an infraction.
- C. Any person found guilty of an infraction, of which person has been given notice, shall not be punished by imprisonment but may be fined.
- D. If periodic inspections are necessary to monitor compliance, code enforcement reinspection fees per the Master Fee Schedule shall be assessed.

5.49.090: Suspensions, Revocation or Denial of Permit.

- A. Any permit issued pursuant to this Ordinance may be revoked or suspended for good cause or upon violation of any provision of this Ordinance. Any person whose permit has been revoked or suspended shall receive in writing an explanation of such action by the permit inspector. The reasons for denial, suspension and revocation include:
  - 1. Fraud or misrepresentation in the application for the certificate; or
  - 2. Fraud or misrepresentation in the course of conducting the business of vending; or
  - 3. Conducting the business of vending contrary to the criteria for the permit and/or regulations; or
  - 4. Conducting the business of vending in such a manner as to create a public nuisance or to constitute a danger to the public; or
  - 5. Public use/repair of Right-of-Way.
- B. The following factors shall be considered in determining whether a permit should be suspended or revoked upon non-compliance with these regulations:
  - 1. The number of citations for violation of this Ordinance previously received by the vendor; and
  - 2. The number of previous suspensions and/or revocations imposed upon the vendor; and
  - 3. The number of occasions for which the vendor's permit was subject to suspension or revocation and was not suspended or revoked; and
  - 4. The seriousness of the violation or misrepresentation and the danger to the health and/or safety of the public presented by the vendor's misrepresentation, noncompliance and/or misconduct; and
  - 5. Whether or not the condition subjecting the vendor to suspension or revocation is of a nature that can be and/or has been corrected.
- C. Any permit holder or applicant whose permit is suspended or revoked or whose application for a permit is denied may, within fifteen (15) days of the date of action, notify the Building Division that the permit holder desires reconsideration of that decision. A hearing before the City Manager of the request shall be scheduled. The suspension or revocation will remain in effect pending the hearing. At the hearing, the permit holder or applicant will be afforded the opportunity to be heard and present facts and witnesses on his or her behalf. At that time, the City Manager or his or her designee will make a final decision.

- C. Section 12.08.030 of the Oakland Municipal Code is amended to read as follows:

**Chapter 12.08.030, Public sidewalk encroachments—Types and definitions:**

For the purpose of this title, encroachments upon the public street, alley, or "sidewalk area" shall be of three types: major, minor, and short term. The sidewalk area shall be defined as that area between the property line and the edge of the pavement or face of the curb. "Improved streets" shall be defined as streets with concrete curbs, gutters and sidewalks. The displaying of wares, other than flowers or other aesthetically pleasing objects, and the selling of any wares on the sidewalk area shall be specifically prohibited. However, within those areas of Oakland subject to the Pushcart Food Vending Pilot Program Ordinance, and during such time that the pilot program is in effect, pushcart food vending is regulated by Chapter 5.49 of the Municipal Code. As defined in this title, the term "aesthetically pleasing objects" excludes furniture and other utilitarian objects. Permission to encroach shall be revocable at the pleasure of the City Council without recourse unless otherwise provided herein. Nothing in this section shall apply to the operation or maintenance of sidewalk cafes.

A major encroachment, for the purposes of this title, shall be anything attached to a structure or constructed in place so that it projects into the public right-of-way such as basement vaults, kiosks, covered conveyors, crane extensions, earth retaining structures, and structure connected planter boxes, fences, or curbs. Projections over any public street, alley or sidewalk in excess of the limitations specified in the Oakland Building Code shall also be classified as major encroachments, including theater marquees, signs suspended above the sidewalk, oriel windows, balconies, cornices and other architectural projections.

A minor encroachment, for the purposes of this title, shall be an encroachment into the public right-of-way resting on or projecting into the sidewalk area, but which is not structurally attached to a building, such as flowerpots, planter boxes, clocks, flagpole sockets, bus shelters, phone booths, bike racks, fences, nonadvertising benches, curbs around planter areas, displays of flowers, fresh fruits and vegetables. Such displays of fruits and vegetables shall not be allowed except when similar fruits and vegetable items are sold indoors on the premises at that location. In commercial zones, minor encroachments shall basically be for decorative or public service purposes with advertising signs specifically prohibited.

Short term encroachments into the public right-of-way, for the purposes of this title, shall be events open to the public which take place upon streets and sidewalks such as semiannual art and handicraft shows and semiannual sidewalk sales sponsored by merchant associations representing the majority of merchants in the area of the show or sale, and semiannual block parties and other events. (Prior code § 6-1.54)

Section 3: The public safety, health and general welfare will be furthered by this Ordinance.

Section 4: This Ordinance shall be effective as provided for in the Charter of the City of Oakland

Section 5: This Ordinance is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, and Article XI of the California Constitution.

Section 6: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected.

Section 7: To the extent this Ordinance is inconsistent with any other provisions of the Oakland Municipal Code or the Oakland Planning Code, this Ordinance shall apply.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, BROOKS, NADEL, REID, CHAN, WAN, AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California

15-1  
CRA/COUNCIL  
FEB 3 2004

~~9M~~  
COMMUNITY & ECONOMIC  
DEVELOPMENT CMTE  
JAN 13 2004

*MPLW*

OFFICE OF THE CITY CLERK

**NOTICE AND DIGEST**

2003 DEC 30 PH 3:47

**ORDINANCE ESTABLISHING A PERMANENT PUSH CART FOOD VENDING PROGRAM TO BE LOCATED WITHIN THE MANUFACTURING AND COMMERCIAL CORRIDORS ON FRUITVALE AVENUE AND HIGH STREET BETWEEN I-880 TO THE SOUTH AND FOOTHILL BOULEVARD TO THE NORTH, FOOTHILL BOULEVARD BETWEEN 19<sup>TH</sup> AVENUE TO THE WEST AND MACARTHUR TO THE EAST, INTERNATIONAL BOULEVARD BETWEEN 1<sup>ST</sup> AVENUE TO THE WEST AND 105<sup>TH</sup> AVENUE TO THE EAST, SAN LEANDRO STREET BETWEEN FRUITVALE AVENUE TO THE WEST AND 98<sup>TH</sup> AVENUE TO THE EAST, EAST 12<sup>TH</sup> STREET BETWEEN 4<sup>TH</sup> AVENUE TO THE WEST AND 23<sup>RD</sup> AVENUE TO THE EAST, 14<sup>TH</sup> AVENUE BETWEEN EAST 11<sup>TH</sup> STREET TO THE SOUTH AND EAST 19<sup>TH</sup> AVENUE TO THE NORTH.**

This Ordinance proposes to make the current pilot Pushcart Food Vending Program a permanent program, expand the Program boundaries and make a number of operational adjustments. The boundaries of the pilot program were the manufacturing and commercial corridors south of Foothill Boulevard and east of 18<sup>th</sup> Avenue. The proposed new boundaries would be the manufacturing and commercial corridors south of Foothill Boulevard and east of 1<sup>st</sup> Avenue.

*15-1*  
CRAVCOUNCIL  
FEB 3 2004

~~COMMUNITY & ECONOMIC  
DEVELOPMENT CMTE  
JAN 13 2004~~

FILED  
OFFICE OF THE CITY CLERK  
CITY OF OAKLAND

OAKLAND CITY COUNCIL

2003 DEC 30 PM 3:47

ORDINANCE No. \_\_\_\_\_ C.M.S.

*Mark P. Wall*

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**AN ORDINANCE AMENDING THE MASTER FEE SCHEDULE (ORDINANCE NUMBER 9336 C.M.S. AS AMENDED) TO AMEND A PUSH CART FOOD VENDING FEE**

**WHEREAS**, on July 24, 1990, a special session of the City Council considered a proposal to permit vending on public property on (sidewalks) at approximately thirteen (13) locations throughout the City. The council accepted the report and instructed staff to expand the proposal to include guidelines for regulating vending activities citywide on private property, specifically in commercially zoned areas; and

**WHEREAS**, on October 29, 1991, the City Council Public Safety Committee held a special meeting to review a report presented by the City Manager's Office that proposed an amendment to the City's Municipal Code Regulations to implement controls for street vending activities; and

**WHEREAS**, the Anti-Grime Task Force seeks legalization of certain types of vending and improved enforcement actions against illegal vending; and

**WHEREAS**, the pushcart food vendors provide a service to the Oakland community with convenient hours of operation; and

**WHEREAS**, Ordinance No. 12312 C.M.S. established an eighteen-month pilot pushcart food vending program (program) that permitted pushcart food vending on public sidewalks in designated areas in Oakland; and

**WHEREAS**, implementation of the permanent Pushcart Food Vending Program would result in increased costs to the City for administration, enforcement and monitoring for the program, estimated at a cost of \$334 per vendor; and

**WHEREAS**, it is anticipated that 60 pushcart food vendors would apply annually for permits under the Pushcart Food Vending Program; and

**WHEREAS**, fees would generate approximately \$20,040 annually in revenues; and

**WHEREAS**, the City Council finds and determines that the public safety, health, convenience, comfort, property, and general welfare will be furthered by enforcement of the permanent Pushcart Food Vending Program; now therefore.

15-2  
CRA/COUNCIL  
FEB 3 2004

9-2  
COMMUNITY ECONOMIC  
DEVELOPMENT CMTE  
JAN 13 2004

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

**Section 1.** Section G.29 (Community and Economic development – Building Services – Code Compliance) of the Master Fee Schedule as set forth in Ordinance Number 9336 C.M.S., as amended, is hereby amended to read:

- I Pushcart Food Vending
  - 1. Application/Processing \$55.00/pushcart (non-refundable application fee to be applied to the permit fee)
  - 2. Initial Permit fee \$334.00/pushcart (includes application/processing fee)
  - 3. Permit Renewal fee \$334.00/pushcart/year
  - 4. Late fee Assessed as a percentage of permit fee based on length of time after date of the renewal letter as follows:
    - 10%, 30-60 days
    - 20%, 60-90 days
    - 50%, after 90 days

**Section 2.** The City Council finds and determines that the foregoing recitals are true and correct, are an integral part of this Ordinance, and provide findings to support the Ordinance.

**Section 3.** This ordinance shall be effective upon approval by the Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, . 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, WAN, AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

15-2  
CITY COUNCIL  
FEB 3 2004

ATTEST: \_\_\_\_\_

CEDA FLOYD  
City Clerk and Clerk of the Council  
Of the City of Oakland, California

~~9-2~~  
COMMUNITY & ECONOMIC  
DEVELOPMENT CMTE  
JAN 13 2004



*meW*

FILED  
OFFICE OF THE CITY CLERK  
CHICAGO

**NOTICE AND DIGEST**

2003 DEC 30 PM 3:47

**AN ORDINANCE AMENDING THE MASTER FEE SCHEDULE  
(ORDINANCE NUMBER 9336 C.M.S. AS AMENDED) TO AMEND A  
PUSHCART FOOD VENDING FEE**

This ordinance proposes to amend the fees for the Pushcart Food Vending Program. The Permit fee would change from \$500 for 18 months to \$334 for 12 months. A late fee would be assessed if the annual renewal fee of \$334 is not paid in a timely manner.

*15-2*

**CRA/COUNCIL**

**FEB 3 2004**

*9-2*

**COMMITTEE FOR ECONOMIC  
DEVELOPMENT CMTE**

**JAN 13 2004**

OAKLAND CITY COUNCIL

FILED  
OFFICE OF THE CITY CLERK  
RECEIVED

RESOLUTION No. \_\_\_\_\_ C.M.S.

*Mark P. Wood*

2003 Dec 30 PM 3:40

**RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROPRIATE \$20,040 IN REVENUE AND EXPENDITURE TO THE COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY BUILDING SERVICES DIVISION**

**WHEREAS**, on February 6, 2001, the City Council approved an Ordinance to adopt an eighteen month Pushcart Vending Pilot Program; and

**WHEREAS**, implementation of the permanent Pushcart Food Vending Program would result in increased costs to the City for administration, enforcement and monitoring of the program, estimated at a cost of \$334 per vendor; and

**WHEREAS**, it is anticipated that 60 vendors would apply for permits under the Pushcart Vending Program, in FY 2003-2004; and

**WHEREAS**, the permit fees for 60 permits would generate \$20,040 annually in revenue, \$10,980 of which has already been factored into the FY 2003-2004 Adopted Policy Budget, leaving an estimated \$9,060 total revenue; and

**WHEREAS**, the City Council finds and determines that the public safety, health, convenience, comfort, and general welfare will be furthered by enforcement of the permanent Pushcart Food Vending Program; now therefore, be it

**RESOLVED**, that the City Manager is hereby authorized to appropriate \$20,040 in revenue and expenditure to the Community and Economic development Agency, Building Services Division, Pushcart/Vehicular Vending project account (P172620) for the sole purpose of administering and enforcing the program.

IN COUNCIL, OAKLAND, CALIFORNIA, . 2004

*15-3*  
CITY COUNCIL  
FEB 3 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, BROOKS, NADEL, REID, QUAN, WAN, AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

~~9-3~~  
COMMUNITY & ECONOMIC  
DEVELOPMENT CMTE  
JAN 13 2004

ATTEST: \_\_\_\_\_

CEDA FLOYD  
City Clerk and Clerk of the Council  
Of the City of Oakland, California