



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Pushcart Vendor's Ordinance (LMC Section 10.44.080)
MEETING DATE: October 6, 1993
PREPARED BY: City Attorney

RECOMMENDED ACTION: Council discussion and direction.

BACKGROUND: At its October 6, 1993 meeting, the Lodi City Council will be requested to consider the issuance of a vendor's permit under Lodi Municipal Code Section 10.44.080 to Mr. Louis Fugazi to operate a hot dog cart on the sidewalk in front of the downtown Post Office. It may be desirable for the Council to concurrently consider possible staff direction for the amendment of this ordinance.

This section of the Municipal Code has been on the books for many years, and with a few minor exceptions, has not been the subject of much discussion. However, it now appears that the City will be receiving more frequent requests from pushcart vendors for a sidewalk vending permit. As such, it may be desirable to amend the Ordinance to address certain specific points.

First, the Ordinance in some aspects applies both to pushcarts and vending trucks, without distinguishing between those operating at a parking stall at the curb and those which might be parked on a sidewalk. At present, the Ordinance specifies that both vehicles and pushcarts cannot remain at a single location for more than 10 minutes without being moved. That may cause some confusion if City permits specify a location upon which the pushcart is to be operated. It may be desirable to clarify this point.

The Council may also wish to delegate the authority for issuance of such permits instead of holding public hearings on each such request. Most agencies with which I am familiar allow the issuance of a permit by a department head or subordinate body.

If the Council wishes to update the Ordinance, it could best be done by a specific section of LMC Chapter 10.44 addressing "Pushcarts on Public Sidewalks".

Such ordinance could specify that it applies over the more general provisions of Chapters 9.18 and 12.04 of the Municipal Code.

It may also be desirable to eliminate Paragraph C which addresses vehicles for hire used in the transportation of property. This section appears to be archaic, since we do not usually find moving vans parked upon public streets while awaiting patronage for the transportation of property.

APPROVED: _____

THOMAS A. PETERSON
City Manager



Agenda Title: Pushcart Vendor's Ordinance (IMC Section 14.080)
Date: October 6, 1993
Page Two

Council discussion and direction is requested.

FUNDING: None required at this time.

Respectfully submitted,



Bob McNatt
City Attorney

BM/vc



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Request from Bone Cuisine A La Carte to Operate a Hot Dog Cart on the School Street Sidewalk Fronting the Post Office.

MEETING DATE: October 6, 1993

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council consider the request of Mr. Louis Fugazi to operate a hot dog cart on the sidewalk in front of the post office on School Street and take appropriate action.

BACKGROUND INFORMATION: Lodi Municipal Code §10.44.080 prohibits the parking of lunch wagons, eating carts, etc., on any portion of the public right-of-way without obtaining a written permit from the City Council. The permit is to designate the specific location and conditions under which such cart shall be allowed to stand.

Mr. Louis Fugazi, owner of Bone Cuisine A La Carte, has formally requested a permit to operate a hot dog cart on the sidewalk in front of the post office located in the 100 block of School Street. Copies of Mr. Fugazi's letter as well as the above-mentioned Code sections are attached.

RECOMMENDATION: In support of the current efforts of the City and local business community to promote "downtown revitalization", staff recommends that Council authorize the issuance of an encroachment permit to allow the placement of the hot dog cart on the public sidewalk. The issuance of a permit to allow this operation for a limited period, say six months to one year, would provide City staff with a working model from which valuable insight could be gained regarding the specific problems or operating constraints for this type of operation. For example, there may be some problems with litter, complaints about competition and sidewalk blockage, and other requests for similar activities. Rather than wasting time trying to foresee all the possible problems, staff feels a trial period would be worthwhile. The information gained during this period would be extremely useful for determining if this type of activity is feasible in the downtown area and for identifying items which need to be addressed if and when the current ordinances are amended to allow similar operations on a continuing basis.

The encroachment permit should address the following items and any other items the Council feels appropriate:

- The specific location of the cart so that a minimum of 3.5 feet of unobstructed passage is provided for sidewalk pedestrian traffic;
- The term of the permit (six months to one year);
- The cart owner's responsibility regarding litter;
- Hours of operation; and
- City authority to revoke permit.

FUNDING: None required.

Jack L. Ronsko
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

Attachments

cc: Louis Fugazi
Lodi Downtown Business Association
Chamber of Commerce
Economic Development Coordinator

APPROVED

THOMAS A. PETERSON
City Manager



recycled paper

BONE CUISINE A LA CARTE
P.O. BOX 290
LODI, CA 95241

August 27, 1993

CITY OF LODI
221 West Pine Street
Lodi, CA 95241-1910

Attention: Jack Ronsko, Public Works Director

Dear Mr. Ronsko:

I am, via this letter, requesting a permit to operate my hot dog cart on School Street at the site of the downtown post office. I feel confident this type service will blend well with the current "Downtown Revitalization" program and would benefit the City of Lodi and the Downtown Merchants, as well as me.

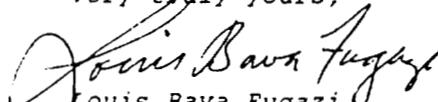
Although the post office is located at the center of the "downtown hub" there are no deli's or quick "in/out" food facilities on School Street, or within a close proximity. My cart provides prompt, friendly service without sit-down provisions. This enables people the opportunity to grab a tasty lunch or snack while leaving them plenty of time to shop and run errands in the downtown area.

I have talked with several of the area merchants about locating this type of quick food service in downtown. They like the idea and agree that it has the potential to increase the foot traffic which, as a result, could increase their business.

As you are aware, I have held the concessions contract at Lodi Lake for the past two years. I have all of the necessary licenses, permits and insurance to operate a food cart. My unit has been inspected and approved by all appropriate health agencies. In addition to my contract with the City Parks and Rec Dept. I also furnish concessions for the BOBS sports events, the Farmer's Market and many other local functions.

I sincerely hope this proposal can be arranged. If you have any questions or require additional information, please let me know. Thank you for your consideration.

Very truly yours,


Louis Bava Fugazi



other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Ord. 1402 § 1 (part), 1987)

10.44.070 Parking not to obstruct sight distance.

No person shall park or leave standing a vehicle which is six feet or more in height, including any load thereon within one hundred feet of any intersection so designated in the traffic resolution. (Vehicle Code § 22507) (Ord. 1402 § 1 (part), 1987)

**10.44.080 Unlawful parking—
Peddlers, vendors.**

A. Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or food stuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street or public right-of-way within the city except that such vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this subsection shall not apply to persons delivering such chapters upon order of or by agreement with a customer from a store or other fixed place of business or distribution.

B. No person shall park or stand on any street or public right-of-way any lunch wagon, eating cart, vehicle or pushcart from which any chapters of food are sold or offered for sale without first obtaining a written permit to do so from

the council which shall designate the specific location in which such cart shall stand.

C. No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the council which shall designate the specific location where the vehicle may stand.

D. Whenever any permit is granted under the provisions of this section and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating the provisions of this section, such permit shall be forthwith revoked by the council upon the filing of the record of such conviction with the council and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation. (Vehicle Code § 22455) (Ord. 1402 § 1 (part), 1987)

10.44.090 Temporary parking.

A. Restrictions. Whenever the public works director or the police chief determine that a traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, they shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets as

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
RAY C. DAVENPORT
STEPHEN J. MANN
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

September 28, 1993

Mr. Ken Cantrell, President
Lodi Downtown Business Association
c/o Longs Drugstore
100 West Lodi Avenue
Lodi, CA 95240

SUBJECT: Request from Bone Cuisine A La Carte to Operate a Hot Dog Cart on the School Street Sidewalk Fronting the Post Office

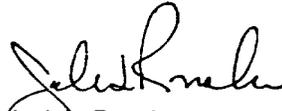
Enclosed is a copy of background information on an item that is on the City Council agenda of Wednesday, October 6, 1993, at 7:00 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the regular calendar for Council discussion. You are welcome to attend.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch at (209) 333-8708.


Jack L. Ronsko
Public Works Director

JLR/im

Enclosure

cc: City Clerk ✓

NFUGAZI1.DOC

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
RAY C. DAVENPORT
STEPHEN J. MANN
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

September 28, 1993

Mr. Louis B. Fugazi
Bone Cuisine A La Carte
P. O. Box 290
Lodi, CA 95241

SUBJECT: Request from Bone Cuisine A La Carte to Operate a Hot Dog Cart on the School Street Sidewalk Fronting the Post Office

Enclosed is a copy of background information on an item that is on the City Council agenda of Wednesday, October 6, 1993, at 7:00 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the regular calendar for Council discussion. You are welcome to attend.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch at (209) 333-6706.


Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: City Clerk ✓

CITY COUNCIL

PHILLIP A. PENNINO, Mayor
JACK A. SIEGLOCK
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
FAX (209) 333-6795

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

September 28, 1993

Mr. Les Dabritz, Executive Director
Lodi District Chamber of Commerce
P. O. Box 386
Lodi, CA 95241

SUBJECT: Request from Bone Cuisine A La Carte to Operate a Hot Dog Cart on the School Street Sidewalk Fronting the Post Office

Enclosed is a copy of background information on an item that is on the City Council agenda of Wednesday, October 6, 1993, at 7:00 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the regular calendar for Council discussion. You are welcome to attend.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch at (209) 333-6706.



Jack L. Ronsko
Public Works Director

JLR/Im

Enclosure

cc: City Clerk ✓