



Agenda Report

19-1302

Agenda Date: 11/19/2019

REPORT TO COUNCIL

SUBJECT

Follow-up to Question Posed at the October 22, 2019 Special City Council meeting in Regards to Mobile Food Truck Permitting

BACKGROUND

At the October 22, 2019 Special City Council meeting, a question was posed from a member the public to the Council regarding the necessity of food truck employees to be fingerprinted. In turn, the Police Department has prepared an Informational Report in response to the inquiry.

DISCUSSION

The Santa Clara Police Department's Permits Unit provides oversight of businesses regulated by city, state and federal laws, including, but not limited to, mobile food and ice cream trucks. The Permit's Unit accepts applications, conducts the appropriate background checks, issues permits to businesses complying with the set forth regulations, confirms a Santa Clara County Health Department permit is on file, facilitates annual renewals, and investigates complaints against the regulated businesses to confirm full compliance with all the appropriate laws and regulations. Santa Clara Municipal Code Section 5.05.050 (Fingerprints required) states that at the time of filing an applicant shall be fingerprinted with a record of such filed in the Police Department bureau of identification.

Currently, there are 33 mobile food and 2 ice cream trucks with valid permits in our city. In recent months, the Water Department (Santa Clara Works) and Parks and Recreation Department (4th of July All-City Picnic) have utilized permitted mobile food trucks at city events. A list of permitted mobile food trucks is available to city staff and the public by contacting the Permits Unit.

Chapter 5.05 of "The Code of the City of Santa Clara, California" ("SCCC"), titled Solicitors and Peddlers, sets forth the regulations for motor vehicle-based and mobile unit peddlers, such as mobile food and ice cream trucks. The section of the code is authored to protect against criminal activity, minimize an unwelcome disturbance to citizens, avoid traffic congestion and accidents, and protect public health and safety by regulating door-to-door, place-to-place, motor vehicle-based and mobile unit solicitors and peddlers. Meanwhile, Chapter 5.05.020 of the SCCC sets forth the regulatory requirements for Permit Requirements and Exemptions. It states, "It shall be unlawful for any person to engage in solicitation or peddling activities within the City without first obtaining a permit issued by the Chief of Police; provided, however, that the following are exempt from the provisions of this section:

- (a) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made.
- (b) Any communication by an organization soliciting contributions solely from persons who are

- members of the organization at the time of such solicitation.
- (c) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person.
 - (d) Employees for wholesale houses or firms who sell to retail dealers for resale or sell to manufacturers for manufacturing purposes or to bidders for public works or supplies.
 - (e) Newspaper employees delivering newspapers by subscription.
 - (f) Any City-run or City-sponsored or sanctioned program. (Ord. 1718 § 2, 10-27-98; Ord. 1811 § 1, 10-10-06. Formerly § 7-2).

The event discussed at the October 22, 2019, City Council meeting was in reference to the Picnic in the Park event held at the Mission Branch Library on May 11, 2019. In this case, the mobile food truck in question could have been used to support the event under the exemption set forth in SCCC 5.05.020(f). However, as a best practice, the Police Department recommends city staff utilize permitted mobile food truck(s) for city events.

ENVIRONMENTAL REVIEW

This action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT

There is no fiscal impact other than administrative expense.

COORDINATION

This report was coordinated with the City Attorney’s Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Note and File.

Reviewed by: Daniel Winter, Assistant Chief of Police

Approved by: Deanna J. Santana, City Manager