



# City of San Leandro

Meeting Date: September 8, 2015

## Ordinance

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**File Number:** 15-180 **Agenda Section:** CONSENT CALENDAR

**Agenda Number:** 8.F.

**TO:** City Council

**FROM:** Chris Zapata  
City Manager

**BY:** Cynthia Battenberg  
Community Development Director

**FINANCE REVIEW:** Not Applicable

**TITLE:** ORDINANCE Amending Title 4, Chapter 4-34 of the San Leandro Municipal Code Relating to Bicycle Mobile Food Vending Units (amends San Leandro Municipal Code to allow mobile food vending units operated by a bicycle)

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The City Council of the City of San Leandro does **ORDAIN** as follows:

**SECTION 1. PURPOSE.** The City of San Leandro intends to regulate mobile food vending in a manner that protects the public health, safety, and welfare, while also accommodating mobile food vending activity that promotes unique businesses and an active and social pedestrian environment.

**SECTION 2. AMENDMENT OF CODE.** Title 4, Chapter 4-34-100, "Definitions" of the San Leandro Municipal Code is hereby amended as follows:

(b) "Mobile food vending unit" or "food truck" shall mean any motorized vehicle, trailer vehicle, or piece of vending equipment moved, propelled, or operated by a bicycle, designed to be portable and not permanently attached to the ground from which only food and beverages are sold, served free or sampled, displayed or offered for sale. Ice cream trucks shall be considered mobile food vending units except where otherwise stated and shall have additional requirements as specified pursuant to Section 4-34-500 of this Chapter.

(e) "Pushcart" shall mean a piece of vending equipment which is intended to store all materials and merchandise related to vending activity, and is easily moved by a person. It shall not mean a piece of vending equipment moved, propelled, or operated by a bicycle.

**SECTION 3. AMENDMENT OF CODE.** Title 4, Chapter 4-34-250, "Mobile Food Vending Permit Required; Application Requirements" of the San Leandro Municipal Code is hereby amended as follows:

(5) Proof of the following insurance requirements maintained during the term of the permit.

- (i) General Liability Insurance. \$1,000,000 combined single limit per occurrence for bodily injury, personal injury and property damage.
- (ii) Automobile Liability: \$1,000,000 combined single limit per accident. **Mobile food vending units moved, propelled, or operated by bicycle are exempt from the automobile liability coverage requirement.**

**SECTION 4. SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of San Leandro hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof is declared invalid or unenforceable.

**SECTION 5. EFFECTIVE DATE AND PUBLICATION.** This ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council Chamber bulletin board for five (5) days prior to adoption.

Introduced by Councilmember Reed on this 20th day of July, 2015, and passed to print by the following called vote:

Members of the Council:

AYES:	Councilmembers Cox, Lee, Lopez, Prola, Reed, Thomas; Mayor Cutter	(7)
NOES:	None	(0)
ABSENT:	None	(0)