

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: January 8, 2018
	Agenda Item No. 45 Roll Call No. <u>18-0069</u> Communication No. <u>18-009</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Amendments to Chapter 78 transient merchant ordinance.

SYNOPSIS:

Minor amendments to the transient merchant ordinance regarding dumpster enclosures and employee restroom requirements.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- On July 25, 2016, the ordinance pertaining to transient merchants amended in part to include the following requirements:

The premises must have a dumpster enclosure unless the premises is legally in use by a licensed transient merchant on the effective date of this amendment, in which case a dumpster enclosure must be provided within one year after the issuance of a premises permit.

Provide bathroom facilities for the business workers and customers on the licensed premises or by agreement for the use of bathroom facilities located within 500 feet of the licensed facilities. If bathroom facilities are located off the premises, the applicant must provide written permission for their use signed by a manager or other person with authority on a form provided by the city clerk.

- City Council asked staff to meet with stakeholders and determine how the ordinance changes impacted them.
- On August 29, 2017, a public meeting was held to discuss the:
 - Restroom requirements
 - Insurance requirements
 - Grease and gray water disposal
 - Hours of operation

- Staff was told the dumpster enclosures were an expense passed onto the person who leased the lot and might lose the investment.
- The license holders were concerned about the restroom requirements for customers. They are being charged \$200 to \$500 a year for the agreement. They felt the requirement should only be for employees and be located a reasonable distance from the leased space.
- The ordinance will be amended to allow a license holder to provide proof that they have an agreement with a commercial business to take trash, grease and gray water. This eliminates the need for a dumpster with an enclosure on the leased property.
- The ordinance will be amended to require proof of a restroom available for employees within a reasonable distance from the leased property.

PREVIOUS COUNCIL ACTION(S):

Date: July 25, 2016

Roll Call Number: [16-1228](#) and [16-1229](#)

Action: [Amending](#) Chapter 78 of the Municipal Code regarding transient merchants and mobile vendors, (as amended). [Spanish Version](#) ([Council Communication No. 16-400](#)) Moved by Coleman to make two amendments to the ordinance as written, and approve final passage of the amended ordinance as follows: 1. That the Safe Serve Certification will be required for applicants who apply or renew after January 1, 2018. 2. That a paved surface will be required for Premise Permits for all new applicants. Those vendors currently licensed on the effective date of the ordinance will be exempt from this requirement on the premises they currently occupy. The City Manager will send a letter to the State on behalf of the City Council expressing concern about the difficulty of the training and testing for the Safe Serve Certification for non-English registrants, [#15,489](#). Motion Carried 7-0.

(A) [Approving](#) amendment to the Schedule of Fees. Moved by Coleman to adopt. Motion Carried 7-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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