

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

ORDINANCE NO. 1356

**REPEALING AND REPLACING SECTION 10.08.3193 OF THE TRACY
MUNICIPAL CODE, RELATING TO MOBILE FOOD VENDORS**

WHEREAS, on November 7, 2017, the City Council approved the City of Tracy's current regulations regarding mobile food vendors; and

WHEREAS, on July 6, 2021, the City Council amended the Cordes Ranch Specific Plan to regulate mobile food vendors within the Plan area; and

WHEREAS, on February 14, 2024, the Planning Commission considered a draft ordinance that would amend the City's regulations for mobile food vendors; and

WHEREAS, on January 21, 2025, the City Council received a presentation and directed staff to return with an ordinance to regulate the Mobile Food Vendor Program; and

WHEREAS, on May 14, 2025, the Planning Commission conducted a public hearing and recommended that the City Council adopt the ordinance; and

WHEREAS, the stated purpose of the City Council Strategic Priority for Economic Development is to enhance the competitiveness of the City while further developing a strong and diverse economic base. The proposed ordinance would increase business opportunities for mobile food vendors throughout the City of Tracy; and

WHEREAS, the ordinance is not a project within the meaning of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that the ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines Section 15061(B)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment; and

WHEREAS, on Tuesday, June 3, 2025, the City Council conducted a public hearing regarding the proposed amendments to Tracy Municipal Code 10.08.3913.

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

SECTION 1. Incorporation of Recitals/Findings. The City Council finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

SECTION 2. Repeal and Replacement of Section 10.08.3193. The City Council hereby repeals Tracy Municipal Code Section 10.08.3193 and replaces it with the following:

10.08.3193 Mobile Food Vendors.

- (a) Purpose. The purpose of this section is to preserve the health and welfare of the City and its residents by establishing regulations pertaining to mobile food vendors.
- (b) Definition.
 - (1) Mobile Food Vendor – An individual or business entity that is engaged in the retail sale of prepared food from a mobile food vendor vehicle. This definition excludes temporary food vending tables or stands operating outside of an approved mobile food vendor vehicle.
 - (2) Mobile Food Vendor Court – A permanent land use involving the operation of three or more mobile food vendor vehicles on a single site.
 - (3) Mobile Food Vendor License – A revocable license issued by the City of Tracy authorizing the operation of a mobile food vendor vehicle by a mobile food vendor.
 - (4) Mobile Food Vendor Site – The location used by a mobile food vendor.
 - (5) Mobile Food Vendor Vehicle – Any vehicle, as defined in Section 670 of the California Vehicle Code, which is equipped and used for retail sales of prepared food. A mobile food vendor vehicle shall also include any trailer, wagon, or cart equipped and used as described in this definition and pulled by a vehicle.
 - (6) Short Term Mobile Food Vendor Courts – A mobile food vendor court operating at a single site for a temporary period of time.
- (c) License Requirement: The operation of a Mobile Food Vendor requires the prior issuance of a Mobile Food Vendor License, subject to the following standards:
 - (1) An applicant for a Mobile Food Vendor License shall submit an application and all required information.
 - (2) At minimum, the following information shall be provided on the application form:
 - i. Type of Vehicle (coach, trailer, etc.)
 - ii. Vehicle Identification Number (VIN)
 - iii. License Plate Number
 - iv. Copy of Vehicle Registration
 - v. Proof of Ownership or Written Authorization from the Registered Owner
 - vi. Evidence of Active Motor Vehicle Insurance
 - vii. San Joaquin County Health Permit for Mobile Food Facility
 - (3) Fees may be adopted in the Master Fee Schedule for the application and for its renewal.
 - (4) A Mobile Food Vendor License is required for each Mobile Food Vendor Vehicle.
 - (5) A Mobile Food Vendor License is not transferable.

- (6) A Mobile Food Vendor License shall be valid for 365 days and is eligible for annual renewal. If the Mobile Food Vendor License is not renewed prior to expiration, it shall be deemed expired, and a new application shall be required.
- (7) Compliance with all Operational and Site Standards shall be a required condition of any Mobile Food Vendor License.
- (8) The City Council may adopt by resolution a maximum number of Mobile Food Vendor Licenses to be issued in total or annually.
- (9) Applications for a Mobile Food Vendor License shall be reviewed and issued by the Director of Community and Economic Development, or designee.
- (10) A Mobile Food Vendor License may be revoked by the approving authority.

(d) Operational Standards

- (1) The Mobile Food Vendor shall maintain the following documents, or copies thereof, in the Mobile Food Vendor Vehicle and present them to City staff upon request:
 - i. Mobile Food Vendor License
 - ii. San Joaquin County Health Permit for Mobile Food Facility
 - iii. City of Tracy Business License
 - iv. Evidence of Active Motor Vehicle Insurance
 - v. Written Evidence of Permission from the Owner of the Property Where the Mobile Food Vendor is Operating, Including Name and Contact Telephone Number
- (2) The Mobile Food Vendor may only sell food and/or beverages. Promotional items, such as stickers, t-shirts, etc. may also be sold.
- (3) At least one licensed driver capable of driving the vehicle shall be present at the Mobile Food Vendor Site at all times.
- (4) Mobile Food Vendors may operate continuously on any single site for a maximum of 18 hours each calendar day. At the end of each operational period, the Mobile Food Vendor Vehicle and any table, garbage can, or other possession shall be removed from the site. Any subsequent location during the remainder of the calendar day shall be at least 500 feet away.
- (5) No more than two (2) Mobile Food Vendors may concurrently operate or be located at a single site unless separated by 500 feet. The concurrent use of a site by three (3) or more Mobile Food Vendors within 500 feet of each other constitutes a Mobile Food Vendor Court and is subject to those specific regulations.
- (6) The Mobile Food Vendor may use a maximum of one portable table with chairs.
- (7) The Mobile Food Vendor may use a maximum of one portable sign with a maximum area of 12 square feet per side.
- (8) The portable sign must be located within twenty (20') feet of and on the same site as the Mobile Food Vendor Vehicle and shall not be in the public right-of-way.
- (9) Each Mobile Food Vendor Site shall maintain receptacles for the collection of garbage, recycling, and organic waste, as required by State law and local regulations.

(10) All food preparation and cooking shall occur within the Mobile Food Vendor Vehicle. The outside use of portable grills, barbecues, or similar devices is prohibited.

(11) Internal combustion generators may not be used within 50' of a residential land use.

(e) Site Standards

(1) Mobile Food Vendor Sites shall contain adequate space and configuration to allow customers to safely access and park on the site.

i. A minimum of two customer parking spaces shall be provided at each site. These spaces may be shared but must be accessible to Mobile Food Vendor customers. Customer parking spaces are not required in the Central Business District (CBD) Zone.

ii. The Mobile Food Vendor Vehicle, including any exterior tables or accessories, shall not occupy more than 50% of the total parking of any parking lot.

(2) The Mobile Food Vendor may operate only on private property in the following zoning districts:

i. Community Shopping Center Zone (CS)

ii. General Highway Commercial Zone (GHC)

iii. Community Recreation Support Services (CRS)

iv. Central Business District (CBD)

v. Neighborhood Shopping Zone (NS)

vi. Medical Office Zone (MO)

vii. Professional Office Medical Zone (POM)

viii. Light Industrial Zone (M-1)

ix. Heavy Industrial Zone (M-2)

x. Highway Service Zone (HS)

xi. Northeast Industrial Specific Plan Area

xii. Industrial Areas Specific Plan Area

xiii. I-205 Corridor Specific Plan Area [commercial and industrial zones]

xiv. Tracy Hills Specific Plan [commercial and industrial zones]

xv. Ellis Specific Plan [commercial and industrial zones]

xvi. Cordes Ranch Specific Plan

(3) Mobile Food Vendors are prohibited from operating on City-owned property, including the public right-of-way and parks and recreation facilities, unless part of an authorized special event.

(4) The operational area of the Mobile Food Vendor Site must be paved with asphalt, concrete, or similar impervious surface.

(5) Mobile Food Vendors may only operate on a site with an existing primary commercial or industrial use. Vacant sites may not be used by Mobile Food Vendors.

- (6) The Mobile Food Vendor Vehicle may not impede any driveway, drive aisle, pedestrian way, fire lane, path of egress, or trash enclosure.
- (7) Lines and waiting areas shall be accommodated on the Mobile Food Vendor Site.
- (f) Mobile Food Vendor Courts
 - (1) Permit Requirement: The operation or development of a Mobile Food Vendor Court requires the prior approval of a Development Review Permit, pursuant to Title 10, Chapter 10.08, Article 30.
 - (2) Mobile Food Vendor Courts are permitted in the Zoning Districts described in Section (e) with the issuance of a Development Review Permit.
 - (3) The following standards shall apply to all Mobile Food Vendor Courts:
 - i. All Mobile Food Vendor Vehicles shall have direct individual access to permanent sanitary sewer, water and electric utilities. The use of portable grey or black water tanks is prohibited.
 - ii. The use of an internal combustion generator within a Mobile Food Vendor Court is prohibited.
 - iii. The site shall conform to all applicable City commercial design guidelines and standards, including those for exterior lighting, landscaping, storm drainage, right-of-way improvement, and similar standards.
 - iv. Common refuse, recycling, and composting collection facilities shall be provided through a trash enclosure.
 - v. A minimum of one on-site customer parking space shall be provided for each Mobile Food Vendor Vehicle. No customer parking spaces are required in the Central Business District (CBD).
- (g) Short Term Mobile Food Vendor Courts: A mobile food vendor court operating for a period of no more than 180 continuous days at a single site.
 - (1) Short Term Mobile Food Vendor Courts may be established with a Temporary Use Permit, as governed by Tracy Municipal Code Section 10.08.4240, except as follows:
 - i. A Temporary Use Permit shall be valid for a maximum continuous period of 180 days in a single calendar year. The 180-day period may not be separated into smaller periods.
 - ii. The provisions of 10.08.3193(f)(3) shall not be required for Short Term Mobile Food Vendor Courts if the applicant demonstrates compliance with all local, State, and federal regulations, including those addressing temporary utilities, access, air quality, water supply, and similar considerations.

SECTION 3. CEQA Determination. The City Council finds and determines this Ordinance is not a project within the meaning of section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA

exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause, or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses, or phrases may be declared invalid or unconstitutional


SECTION 5. Effective Date. This Ordinance shall become effective upon the thirtieth (30th) day after final adoption.

SECTION 6. Publication. The City Clerk is directed to publish this Ordinance in a manner required by law.

SECTION 7. Codification. This Ordinance shall be codified in the Tracy Municipal Code.

The foregoing Ordinance 1356 was introduced at a regular meeting of the Tracy City Council on the 3rd day of June 2025, and finally adopted on the 17th day of June 2025, by the following vote:

AYES:	COUNCIL MEMBERS: BEDOLLA, EVANS, NYGARD, ABERCROMBIE, ARRIOLA
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE
ABSTAIN:	COUNCIL MEMBERS: NONE



DAN ARRIOLA
Mayor of the City of Tracy, California


ATTEST:
APRIL B. A. QUINTANILLA
City Clerk and Clerk of the Council of the
City of Tracy, California

Date of Attestation: June 24, 2025

NOTICE AND DIGEST

ORDINANCE 1356 1) DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PURSUANT TO CEQA GUIDELINES SECTION 15378 AND/OR 15061(B)(3), AND 2) AMENDING SECTIONS 10.08.3193 OF THE TRACY MUNICIPAL CODE, REGARDING MOBILE FOOD VENDORS

Ordinance 1356 amends Tracy Municipal Code Section 10.08.3193 to create a new regulatory program including, but not limited to, a licensing requirement and site and operational standards, for mobile food vendors in the City of Tracy.