

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF MERCED,
CALIFORNIA, ESTABLISHING A TEMPORARY
MORATORIUM ON NEW APPROVALS FOR
FOOD TRUCKS IN FIXED LOCATIONS
PURSUANT TO MERCED MUNICIPAL CODE
CHAPTER 20.44.020, PURSUANT TO
CALIFORNIA GOVERNMENT CODE SECTION
65858**

WHEREAS, *California Government Code Section 65858* authorizes a city to adopt an interim ordinance as an urgency measure to protect the public health, safety, and welfare related to general plan, specific plan or zoning code proposals being considered or studied within a reasonable time; and

WHEREAS, Merced Municipal Code ("MMC") Chapter 20.44.020 regulates food trucks operating in fixed locations within the City of Merced; and

WHEREAS, since adoption of MMC Chapter 20.44.020, the Planning Commission has approved thirty-four (34) food truck entitlements, including twenty-six (26) single-use trucks and eight (8) multi-use locations; and

WHEREAS, a significant number of approved food truck locations are concentrated within the downtown and central-city areas, particularly between 16th Street and 18th Street from R Street east to Martin Luther King Jr. Way; and

WHEREAS, on May 20, 2026, the Planning Commission considered concerns related to the concentration and operation of food trucks in fixed locations and recommended that the City Council establish a temporary moratorium while the City evaluates potential amendments to MMC Chapter 20.44.020; and

WHEREAS, MMC Chapter 20.44.020 currently establishes permitting and operational requirements for food trucks but does not adequately address geographic distribution, spacing standards, concentration thresholds, compatibility with surrounding land uses, separation from existing restaurants, or cumulative community impacts; and

WHEREAS, a temporary moratorium is necessary to preserve the public health, safety, and welfare while the City studies and develops comprehensive regulations addressing food truck operations, concentration, compatibility, and equitable distribution throughout the community; and

WHEREAS, this ordinance is adopted as an urgency measure and shall take effect immediately.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. That the foregoing recitals are true and correct and are incorporated herein by this reference, and the City Council declares this ordinance necessary for the immediate preservation of public health, safety and welfare.

SECTION 2. That the City Council hereby establishes a moratorium on the acceptance, processing, approval, or issuance of any new permits, entitlements, approvals, or land use authorizations for food trucks operating in fixed locations pursuant to MMC Chapter 20.44.020.

SECTION 3. That nothing in this Ordinance shall affect food truck permits, approvals, or entitlements lawfully approved prior to the effective date of this Ordinance.

SECTION 4. That this Ordinance applies citywide.

SECTION 5. That this Ordinance shall be in effect for forty-five (45) days unless extended.

SECTION 6. That the City shall study impacts and develop proposed amendments during this moratorium to address, at a minimum,:

- Geographic concentration and distribution of food truck operations;
- Separation and spacing requirements;
- Nuisance prevention measures; and
- Any other regulatory measures necessary to protect the public health, safety and welfare.

SECTION 7. That, pursuant to the California Environmental Quality Act, the adoption of this Ordinance is not a project subject to CEQA because it constitutes organizational and administrative activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION 8. That this Ordinance may be extended consistent with Government Code Section 65858.

SECTION 9. That if any portion of this Ordinance is invalid, remaining portions remain effective.

SECTION 10. This Ordinance shall take effect immediately upon a four-fifths vote.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Merced on the ____ day of _____, 2026, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:
MATTHEW SERRATTO, MAYOR

Mayor

ATTEST:
D. SCOTT MCBRIDE, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:
CRAIG J. CORNWELL, CITY ATTORNEY

 6-23-2026
City Attorney Date