

## **Chapter 5.33 MOBILE FOOD TRUCKS**

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### **5.33.010 Purpose.**

The purpose of this chapter is to regulate mobile food truck activities in order to protect public health, safety, and welfare, while accommodating commercial uses that generally promote an active and social pedestrian environment within appropriate areas of the City of Lake Elsinore. [Ord. 1327 § 1, 2014].

### **5.33.020 Definitions.**

The following words and terms are defined for the purpose of applying the provisions of this chapter:

“Business license” shall mean a City of Lake Elsinore business license.

“Mobile food truck” shall mean a motorized vehicle or vehicle-towed trailer in which food is cooked and/or prepared to order and is served to walk-up customers.

“Mobile food truck event” shall mean an organized gathering of mobile food truck vendors which is

open to the general public.

“Mobile food truck vending” shall mean selling, vending, supplying or providing of food, drinks or any other consumables from a vehicle, truck or trailer.

“Mobile vending license” shall mean a license issued for the purpose of mobile vending pursuant to Chapter 5.32 LEMC.

“Property owner” shall mean the holder of fee title to a property, whether a person, partnership, corporation or other entity recognized by law, and his/her/its lessees, permittees, assignees or successors in interest.

“Public property” shall mean any real property owned, leased, operated, or controlled by the City of Lake Elsinore other than a street, alley, parkway, sidewalk or other area dedicated, identified or used as a public right-of-way.

“Public right-of-way” shall mean any public street, road, avenue, highway, named or unnamed alley, lane, court, place, trail, parkway, sidewalk or other public way, operated and/or controlled by the City or other public entity, or subject to an easement owned by or dedicated or granted to City.

“Special event” shall mean an activity or series of activities as defined by LEMC 5.108.020. [Ord. 1327 § 1, 2014].

#### **5.33.025 Sidewalk vendors.**

The provisions of this chapter shall not apply to sidewalk vendors as that term is defined in Chapter 5.31 LEMC. [Ord. 1412 § 8, 2019].

#### **5.33.030 Mobile vending license.**

No person shall conduct a mobile food truck vending operation within the City of Lake Elsinore without first obtaining a mobile vending license from the City, except under the following conditions:

A. No mobile vending license shall be required when the mobile food truck activity is associated with the operation of a City-permitted special event, subject to the conditions thereof.

B. No mobile vending license shall be required when the mobile vending activity is limited to a single mobile food truck on private property operating solely for private catering purposes and when all of the following provisions are met:

1. The mobile food truck is parked entirely on private property.
2. Service is limited to the guests of the catered event only.
3. No payment transactions shall occur for individual orders taken by the mobile food truck operator. [Ord. 1327 § 1, 2014].

**5.33.040 Business license requirement.**

It is unlawful for any person to operate a mobile food truck in the City without having a valid business license obtained from the City. [Ord. 1327 § 1, 2014].

**5.33.050 Health permit requirement.**

It is unlawful for any person to engage in the activity of operating a mobile food truck in the City of Lake Elsinore without a valid permit, certificate, or other authorization as required by the County of Riverside Department of Environmental Health. A copy of said permit shall be kept in the mobile food truck at all times. [Ord. 1327 § 1, 2014].

**5.33.060 Sales tax reporting.**

All mobile food truck operators shall be subject to reporting of tax revenues generated within the City of Lake Elsinore to the State Board of Equalization, and to show proof of a seller's permit obtained by the State Board of Equalization. [Ord. 1327 § 1, 2014].

**5.33.070 General provisions for mobile food trucks.**

A. No mobile food truck shall operate before 7:00 a.m. or after 10:00 p.m., including set-up and clean-up, except for private catering functions or special events as described in LEMC [5.33.030](#)(A) and (B).

B. No mobile food truck shall operate within 250 feet of any off-street mobile food truck event, City-permitted special or reoccurring event. Exceptions to this prohibition are allowed when consent is provided within the special event permit. In this case, all standards and conditions required by LEMC [5.33.080](#) shall apply.

C. Mobile food trucks shall not idle vehicle engines more than five minutes during any one-hour time period.

D. Mobile food truck operators shall be responsible for controlling smoke and odors caused by food preparation so as to avoid a public nuisance.

E. No amplified music or loudspeakers shall be permitted. The operation shall at all times comply with the provisions of the City's noise ordinance (Chapter 17.176 LEMC).

F. No temporary lighting shall be provided on the site where the mobile food truck is operating, except that localized lighting may be used on or in the mobile food trucks for the purpose of inside food preparation and menu illumination, except as otherwise permitted for a special event.

G. No signage other than that exhibited on the mobile food truck may be displayed at the site where the mobile food truck is operating. The prohibition shall include any hand-held signage and handbills.

H. No sales or service of alcohol shall be allowed by mobile food trucks.

I. Food trucks shall comply with all applicable State and Federal laws and use best efforts to provide accommodations and equal access to services to all members of the community.

J. The mobile food truck operator shall maintain and supply to the City copies of policies of commercial general liability and automobile liability, in an amount of no less than \$1,000,000 per occurrence, naming the City as an additional insured. [Ord. 1327 § 1, 2014].

**5.33.080 Mobile food trucks on private property.**

Mobile food trucks may operate on private properties in Commercial and Manufacturing Zoning Districts pursuant to the following minimum standards and conditions:

A. A minimum of two off-street parking spaces shall be provided for each mobile food truck. The parking required herein shall not be reserved, encumbered, or designated to satisfy the off-street parking of another business or activity that is operating on the site at the same time as the mobile food truck.

B. Separate refuse and recycling containers shall be provided on site during all hours of mobile food truck operations. All litter generated within a minimum of a 100-foot radius of the site shall be collected prior to closure of the mobile food truck operations.

C. No overnight parking of mobile food trucks shall be allowed on the permitted vending site.

D. A maximum 200-square-foot, uncovered seating area may be provided to serve patrons of the mobile food truck. All seating areas shall be removed prior to close of business for the day. The seating shall be located in an area of the site that is not landscaped, reserved, encumbered, or designated to satisfy the off-street parking of a business or activity that is operating at the same time as the mobile food truck, and shall not obstruct any pedestrian or vehicular traffic. [Ord. 1327 § 1, 2014].

**5.33.090 Mobile food trucks on public right-of-way.**

Mobile food trucks may operate in legal parking spaces located adjacent to Commercial and Manufacturing Zoning Districts, or in active construction sites, provided they comply with all of the following minimum standards and conditions:

A. Mobile food trucks shall be parked directly adjacent to a paved sidewalk, free and clear for pedestrian passage.

B. Food service shall be limited solely to that side of the mobile food truck facing the adjacent sidewalk.

C. The mobile food truck shall be in full compliance with all parking and Vehicle Code provisions which apply to the location at which it is parked, including the maximum allowed parking time limit

for the parking space(s) occupied.

D. The mobile food truck operations shall not obstruct pedestrian or vehicular traffic.

E. The mobile food truck operator shall not encroach onto a public sidewalk with any part of the vehicle or any other equipment or furniture related to the operation of its business, except for required refuse and recycling receptacles, provided they maintain a clear four-foot pedestrian walkway.

F. No mobile food truck operator shall conduct business unless he or she maintains a clearly designated refuse and recycling receptacle(s) in the immediate vicinity of the vehicle. Such receptacles shall be marked with a sign requesting use by patrons. Prior to leaving the location, the mobile food truck operator shall pick up, remove and dispose of all trash generated by the mobile food truck operations within 100 feet of the truck.

G. No mobile food truck shall operate in such a way so as to cause an unacceptable reduction in sight distance for any cross street, crosswalk, driveway or any other similar location where traffic, be it vehicular, pedestrian or bicycle, can be expected to enter the roadway. [Ord. 1327 § 1, 2014].

#### **5.33.100 Peddlers, solicitors, and mobile vendors.**

In the event of a conflict between Chapter 5.32 LEMC regarding peddlers, solicitors, and mobile vendors and this chapter with respect to mobile food trucks, this chapter shall control. [Ord. 1327 § 1, 2014].

#### **5.33.110 Penalty for violation.**

Any person who violates any provision of this chapter, upon conviction thereof, shall be punished in accordance with the provisions of this code.

In addition to any other penalty prescribed for a violation of this chapter, upon a determination by the City that a person has violated any provision hereof, the City shall revoke each and all business licenses which have been issued pursuant to LEMC [5.33.040](#) to the person who committed such violation and to the business by whom such person was employed when the violation occurred.

In addition to any other penalty prescribed for a violation of this chapter, such a violation shall constitute grounds for denial of the issuance or renewal of such a business license to the person who committed the violation and to the business by whom such person was employed when the violation occurred. [Ord. 1327 § 1, 2014].