

## Chapter 5.72 Food Trucks

### 5.72.010 Purpose

The purpose of this chapter is to regulate motorized, mobile vendors (food truck) activities in order to promote public health, safety and welfare while providing an opportunity for a variety of business activities in a non-traditional manner. The city council hereby finds that, to promote the health, safety and welfare, restrictions on motorized, mobile food vendor (food trucks) activity are necessary in part to:

1. Ensure no interference with the performance of public safety officers.
2. Ensure no interference with pedestrian or vehicular traffic.
3. Ensure the safe sale of food and merchandise by providing the public a simple way to ensure food truck operators prepare food safely and according to Riverside Department of Public Health requirements.
4. Prevent unsanitary conditions and ensure trash and debris in the areas vending is taking place are removed by food truck operators.
5. Ensure reasonable access for the use and maintenance of the public right-of-way.

### 5.72.020 Intent

It is unlawful for any person to sell or offer for sale, or conduct business from any vehicle parked, stopped or standing on any public street, alley, parkway, sidewalk or other public property in the city except in accordance with all applicable requirements of this code and the provisions of the Beaumont Municipal Code.

### 5.72.030 Definitions

The following words, terms and phrases when used in this chapter shall have the meanings ascribed to them in this section. If a term or phrase is not defined in this part, or elsewhere in this Code, the most common dictionary definition is presumed to be correct.

**Building** means a structure of a permanent nature located or constructed on a parcel of land, and shall include but not be restricted to, dwelling, hotel, apartment house, apartment, court, rooming house, boarding home for the aged, motel, cottage, house trailer, commercial establishment, store, office, plant, factory, warehouse and similar buildings.

**Business license** means a City of Beaumont business license.

**City** means City of Beaumont

**Food** means any item provided in Health and Safety Code § 113781, or any successor section.

**Food truck** shall mean any motorized device or vehicle by which any person or property may be propelled or moved upon a highway, or which may be drawn or towed by a motorized vehicle, from which food or food products are sold, offered for sale, displayed, bartered, exchanged or

otherwise given. This definition shall exclude sidewalk vendors as defined in Beaumont Municipal Code Chapter 5.66 Sidewalk Vending.

**Food truck event** shall mean an organized gathering of food truck vendors which is open to the general public.

**Immediate vicinity** means the streets abutting an activity or event (and any contiguous parking areas), the sidewalks on either side of such streets, as well as any open or unoccupied space between the activity or event and the abutting streets and sidewalks.

**Park** means a public park owned or operated by the city.

**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 Beaumont 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 the city.

**Residential** means any area zoned or used exclusively as residential in the city.

**Special event** means any temporary event, as further described herein, whether indoors or outdoors, or on improved or unimproved public or private property, which is inconsistent with the permanent use to which the property may legally be put, or the occupancy levels permitted thereon. Special event shall also refer to any activity that may result in the closure of any public streets, or any activities which may temporarily require the installation of materials or devices using building, electrical, mechanical, plumbing, flammable or similar materials. Special events may include, but are not limited to, short-term events such as any show, circus, concert, festival, carnival, dance open to the public, exhibition, lecture, auction, rave, boxing match, wrestling match, walk-a-thon, marathon run, cycling event, sporting event, permitted film production event, farmers' market, pumpkin patch, outdoor sales, including, but not limited to, vehicle sales, or any combination thereof which members of the public are invited for free or admitted for a fee. All special events shall be classified under one of the following categories:

1. "*Major special events*" shall mean those events that impact multiple departments within the City and (a) have participation by 500 or more persons, or (b) will result in the closure of a City roadway, street, right-of-way, or highway, or more than 50 percent of a city park (i.e., carnivals, parades, festivals, car races, marathon events, street fairs).

2. "*Minor special events*" shall mean those events that impact multiple City departments and (a) have participation by less than 500 persons, or (b) will have an impact on City rights-of-way (i.e., 5K/10K races, bicycle rides, boxing matches, block parties, grand openings).

3. "*Miscellaneous special events*" means those events which impact only one City department, including, but not limited to, the following departments:

- a. Community Services
- b. Police Department
- c. Community Services; or
- d. Fire Department.

#### **5.72.040 Permit and License Required**

No person shall conduct a food truck operation within the City of Beaumont, without first obtaining a business license and food truck permit from the City pursuant to this chapter, Title 5 Business, Taxes, Licenses and Regulations, and if necessary, the provisions of the Beaumont Municipal Code Chapter 9.03 Regulation of Special Events, except in the following situations:

- 1. No food truck permit shall be required when the food truck activity is associated with the operation of a city-permitted special event and subject to the conditions thereof.

The following requirements must be provided to the City prior to issuance of the business license and food truck permit:

- 1. A copy of the county health permit for each food truck operating in the City.
- 2. Proof that the food truck operator possesses a valid California Department of Tax and Fee Administration seller's permit which notes the city as a location or sublocation, which shall be maintained for the duration of the operator's food truck permit.
- 3. Proof of public liability insurance and property damage insurance, including general commercial liability coverage in an amount not less than \$1,000,000.00.
  - A. A copy of the business license and food truck permit shall be displayed in conspicuous view, on each food truck, at all times while business is conducted.
  - B. Business licenses and food truck permits are non-transferable. Any change in ownership or operation of a food truck requires a new business license and food truck permit as set forth in this chapter.

#### **5.72.050 Health Permit Required**

It is unlawful for any person to engage in the activity of operating a food truck in the City of Beaumont 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 food truck and shall be visible at all times. All food products sold or provided from a food truck shall comply with all applicable food labeling requirements established by the State of California.

- a. Quarterly inspections of all food trucks operating in the City shall be required to verify business license, health department permit and food truck permit validity.

- b. More than three reports of food borne illness are grounds for revocation of the business license and food truck permit.

#### **5.72.060 General Operational Standards for Food Trucks**

1. Food trucks shall not operate on public streets unless approved by a food truck permit.
2. Food trucks shall not operate in residential areas as defined in this chapter.
3. No food truck shall operate within one block of a restaurant located within a building.
4. No food truck shall operate within one block of any off-street food truck event or city-permitted special event or activity.
5. No operator shall operate within one block of a school, park, community center or public playground facility; provided, however, that operation at or near a city park is permissible when it has been approved by the city in conjunction with an approved special event.
6. No operator shall permit the food truck to vend within 50 feet of a crosswalk.
7. Food trucks shall not operate on any undeveloped lot within the city except as part of a city-permitted special event.
8. No food truck shall operate before 6:00 a.m. or after 12:00 a.m., including setup and clean-up, except as approved by a special event permit.
9. The operation shall comply at all times with the City's Noise Ordinance, Chapter 9.02, of the Beaumont Municipal Code.
10. No temporary lighting shall be provided on the site where the food truck is operating, except that localized lighting may be used on or in the food trucks for the purpose of inside food preparation and menu illumination.
11. No signage other than that exhibited on the food truck may be displayed at the site where the food truck is operating. The prohibition shall include any handheld signage, handbills or flyers.
12. No sales or service of alcohol shall be permitted.
13. Food trucks shall provide refuse and recycling containers during all hours of food truck operations. Food truck operators shall remove all refuse and refuse containers upon the close of operation daily for disposal or more frequently if needed.
14. Food truck operations shall consist only of service from the food truck itself. No canopies, tables, chairs or other accommodations shall be allowed unless approved as part of a special event permit.
15. The food truck operator shall properly dispose of solids or liquids consistent with applicable law and shall not dispose of solids or liquids by discharging such solids or liquids into the public right-of-way or storm drains.
  - a. Proof of a recycling, dump receipt or haul-off receipt shall be provided at the required quarterly inspection.

### **5.72.070 Food Trucks on Private Property**

The following standards apply to food truck operations on private property and are in addition to the general operational standards included in this chapter:

1. Food trucks may operate on private properties pursuant to approval of a food truck permit or a special event permit and the following additional minimum standards and conditions:
2. The food truck must be parked entirely on paved portions of the private property.
3. A minimum of two off-street parking spaces shall be provided for each 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 food truck.
4. Additional separate refuse and recycling containers shall be provided on-site during all hours of food truck operations. Food truck operators shall remove all refuse and refuse containers upon the close of operation daily for disposal or more frequently if needed.
5. No overnight parking of food trucks shall be allowed on the permitted vending site located on the private property.
6. Uncovered seating area may be provided to serve patrons of the food truck on private property in conjunction with a food truck permit or special event permit. 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 food truck, and shall not obstruct any pedestrian or vehicular traffic or impede line of sight.

### **5.72.080 Food Trucks on Public Right-of-Way**

The following standards apply to food truck operations in the public right-of-way and are in addition to the general operational standards included in this chapter:

1. Food trucks may only operate on a public right-of-way while parked in a legal parking space.
2. Food trucks shall be parked directly adjacent to a paved sidewalk, free and clear for pedestrian passage.
3. Food service shall be limited solely to that side of the food truck facing the adjacent sidewalk. No food truck may dispense food street side.
4. No food truck may operate on the same block for longer than four hours. The four-hour time period is cumulative for all time that the food truck is operating on the same block in each 24-hour period and does not start over by moving the food truck to another parking space on the same block or closing the sales window between sales. The four-hour limit does not include set-up or clean-up time, provided that the food truck is not vending or not ready to serve customers during set-up or clean-up.

### **5.72.090 Fees**

Food truck permit fees shall be based on staff time required for processing and shall be in addition to the cost for a business license and other applicable fees. Fees are subject to change based on review and modification by City Council.

### **5.72.100 Term and Renewal**

All Food Truck permits are subject to the terms of approval at the time of issuance. Any modification to the food truck permit shall require a new food truck permit to be filed. Business license term and renewal are subject to Title 5 Business Taxes, Licenses and Regulations of the Beaumont Municipal Code.

### **5.72.110 Revocation**

Any food truck permit may be revoked by the city manager, or the city manager's designee for good cause shown including but not necessarily limited to any of the following reasons:

- a. Citation for operator's third or subsequent violation of the requirements set forth in this article.
- b. Falsification of any information supplied by the food truck operator upon which issuance of the food truck permit was based.
- c. Failure of the food truck operator, or any employees or subcontractors of the operator, to comply with the regulations set forth in this article.
- d. Conviction of a violation, or plea of guilty or nolo contendere, by the food truck operator, or any employee, subcontractor or independent contractor of the permittee, of any federal or state law, or municipal ordinance while in the course of conducting food truck activity pursuant to the food truck permit.
- e. Conviction of a violation, or a plea of guilty or nolo contendere, by the food truck operator of any applicable provision or requirement of this section.
- f. Conviction of, or a plea of guilty or nolo contendere, by the food truck operator of any misdemeanor, or conspiracy to commit, or attempt to commit, the same, which is a crime of moral turpitude or a crime that is violent or sexual in nature, as defined by state and/or local law.
- g. No food truck operator whose food truck permit is revoked shall be eligible to apply for a new food truck permit for a period of one year following such revocation.

In the event of a food truck operator who owns more than one truck, the revocation shall apply to the food truck permit for each truck.

Revocation of a business license is subject to the provisions in Title 5 Business Taxes, Licenses and Regulations of the Beaumont Municipal Code.

### **5.72.120 Appeals**

Appeal of a food truck permit revocation or denial is subject to the following:

A. Any applicant may appeal the final decision of the administrative authority or the revocation of a permit granted pursuant to this Chapter to the City Council within two days thereafter. Appeals shall be filed with the City Clerk, either by personal service, fax or first class mail (postage prepaid). Any such appeal shall set forth the reasons for the appeal and shall be accompanied by an appeal filing fee. The appeal filing fee shall be established by the City Council by resolution. Failure of any person to receive written notice shall not invalidate same. The City Council shall act upon the appeal at the next regularly scheduled council meeting held more than five working days and less than ten working days after the filing of the appeal. If no such meeting is scheduled, or if a regularly scheduled meeting is not held within such times, the mayor may call a special City Council meeting to consider and act upon such appeal within ten working days after the filing of such appeal. The decision of the City Council regarding such an appeal shall be final.

B. If there is insufficient time for a timely appeal to be heard by the City Council prior to the date on which the proposed use event or activity is scheduled, the applicant may, at his or her option, request an appeal before the City Manager or a neutral hearing officer. Any such appeal shall set forth the reasons for the appeal and shall be accompanied by an appeal filing fee. The appeal filing fee shall be established by the City Council by resolution. Upon request for an appeal, the City Manager or neutral hearing officer, shall hold a hearing no later than two working days after the filing of the appeal but in any case before the date of the proposed event or operation start date, and will render his or her decision no later than one working day after hearing the appeal but in any case before the date of the proposed event or operation date. Upon such appeal, the City Manager or neutral hearing officer may reverse, affirm or modify in any regard the determination of the administrative authority or impose any conditions upon approval that the administrative authority could have imposed. The decision of the City Manager or neutral hearing officer regarding such an appeal shall be final.

Appeal of a special event permit decision is subject to the provisions in Chapter 9.03 Regulation of Special Events of the Beaumont Municipal Code.

Appeal of a business license decision is subject to the provisions in Title 5 Business Taxes, Licenses and Regulations of the Beaumont Municipal Code.

### **5.72.130 Violations**

Any person who willfully fails to comply with the requirements of this Chapter, or of any conditions attached hereunder, or who falsifies any information on any application hereunder is guilty of a misdemeanor punishable as set forth by state law and is subject to administrative penalties and fines as set forth in Chapter 1 of the Beaumont Municipal Code. Any special event otherwise in accordance with this Chapter shall be a public nuisance which may be enjoined or abated as allowed by law. The City retains any and all civic remedies, including the right of civil injunction for the prevention of the violations and for the recovery of money damages therefor.