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MOBILE FOOD FACILITIES APPLICATION

CM

2
FORM NUMBER

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REVISION DATE

MOBILE FOOD FACILITIES APPLICATION AND PERMIT

Applicant Name: _____ Phone #: _____

Address: _____

City: _____ State: _____ Zip: _____ Email: _____

Event: _____ Date(s): _____

Contact Person: _____ Phone # _____

Email: _____

I have read section 8.84 Mobile Food Facilities of the City of Wildomar's Municipal Code and agree to abide by the regulations and restrictions listed under section 8.84.040.

Applicant Name (Print): _____ **Title:** _____

Applicant Signature: _____ **Date:** _____

Please mail or completed form to:
 City of Wildomar
 23873 Clinton Keith Road Ste. 201
 Wildomar, CA 92595
 Attn: City Manager's Office
 Or
jmorales@cityofwildomar.org

Conditions: _____

For City use only:

Application: **Approved** **Denied** Expires: _____

_____ Date: _____

Signature and Title

Wildomar Municipal Code

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[Title 8 HEALTH AND SAFETY](#)

Chapter 8.84 MOBILE FOOD FACILITIES

Note

* Prior ordinance history: RCC §§ [8.112.010](#)—[8.112.090](#) and Ord. 18.

8.84.010 Purpose.

The purpose of this chapter is to regulate mobile food facility activities in order to protect public health, safety, and welfare, while accommodating commercial uses that generally promote an active and social pedestrian environment in appropriate areas of the City of Wildomar. (Ord. 158 § 1, 2018)

8.84.020 Definitions.

As used in this chapter, the following terms shall have the following meanings:

“Business registration” mean a City of Wildomar business registration.

“City” means the City of Wildomar.

“City Manager” means the City Manager of the City or designee.

“Commissary” mean a food facility that services mobile food facilities or mobile support units where any of the following occur:

1. Food, containers or supplies are stored;
2. Food is prepared or prepackaged for sale or service at other locations;
3. Utensils are cleaned; or
4. Liquid and solid wastes are disposed or potable water is obtained.

“Mobile food facility” means any vehicle, used in connection with the service of a commissary, mobile support unit or other approved facility, upon which prepackaged or nonprepackaged food is sold, offered for sale or otherwise distributed at retail.

“Mobile food facility event” means an organized gathering of mobile food facility vendors which is open to the general public.

“Mobile food facility vending” means selling, vending, supplying or providing food, drinks or any other consumables from a vehicle, facility, or trailer.

“Mobile support unit” means a vehicle used in conjunction with a commissary that travels to, and services, mobile food facilities as needed to replenish supplies, including food and potable water, clean the interior of the unit, or dispose of liquid or solid wastes.

“Nonprepackaged food” means any food which is removed from its original packaging material for the purpose of preparation or service to the customer.

“Person” means any natural person, business, firm, company, nonprofit organization, corporation, club, trust, partnership, association and similar organization.

“Prepackaged food” means any properly labeled and processed food, prepackaged to prevent any direct human contact with the food product upon distribution from the manufacturer, and prepared at an approved source.

“Property owner” means the holder of fee title to 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” means any real property owned, leased, operated, or controlled by the City of Wildomar other than a street, alley, parkway, sidewalk, or other area dedicated, identified or used as a public right of way.

“Public right-of-way” means 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.

“Riverside County Department of Environmental Health” mean the Department of Environmental Health within the County of Riverside or such other department of the County of Riverside responsible for licensing of food vendors and enforcement of food health laws.

“Special event” means an activity or series of activities as defined by Section [17.256.020](#). (Ord. 158 § 1, 2018)

8.84.030 Health permit required.

In addition to procuring a business registration and mobile vending permit, as set forth by this chapter, all persons desiring to operate a mobile food facility in the City shall first obtain an annual mobile food facilities permit issued by the Riverside County Department of Environmental Health and shall maintain such mobile food facilities permit in good standing at all times. It is unlawful for any person to engage in the activity of operating a mobile food facility in the City without a valid permit as required by the County of Riverside Department of Environmental Health. When open for business, the mobile food facility operator shall possess and at all times display in conspicuous view an unexpired and unrevoked mobile food facilities permit issued by the Riverside County Department of Environmental Health.

All required permits issued by the County of Riverside Department of Environmental Health must also be presented to the City in order to receive a mobile vending permit and business registration. Failure to present all required permits from the Riverside County Department of Environmental Health shall be grounds for denial of a mobile vending permit and business registration. (Ord. 158 § 1, 2018)

8.84.040 Mobile vending permit.

A. No person shall operate a mobile food facility without a mobile vending permit issued pursuant to the provisions of this chapter, except under the following conditions:

1. The mobile food facility is parked entirely on private property; and
2. Service is limited to the guests of a catered event only; and
3. No payment transactions shall occur for individual orders taken by mobile food facility operator.

B. The mobile vending permit application shall be valid for a period of 12 months from the date of issuance. The mobile vending permit application shall be filed with the City Manager, on a form approved by the City Manager, and shall set forth the following:

1. The applicant’s name and permanent home address;
2. The name and permanent address of each owner and operator of the vehicle(s) to be used to vend;
3. If the applicant is employed by another to vend, the name and address of the employer or the person for whom the applicant is conducting commercial business;
4. If the applicant will use a motor vehicle to vend, a description of the type of motor vehicle to be used, its registration number and its license number;
5. Proof of issuance of food manager and food handler certifications, pursuant to California [Health and Safety Code](#) Sections 113947-113947.6, as now adopted or hereafter amended;
6. A photograph of the vehicle;
7. A valid California driver’s license number of the applicant and vendor or a valid California Identification card number of the applicant or vendor;
8. A description of the type of food, food products, goods or merchandise to be sold; and
9. A description of the streets and rights-of-way the applicant intends to use. (Ord. 158 § 1, 2018)

8.84.050 Mobile vending permit investigation—Denial—Granting.

- A. Investigation. Upon receipt of a completed application, the City Manager may cause the information in the application investigated and verified.
- B. Review Period. The City Manager shall approve, conditionally approve or deny the mobile vending permit within 30 calendar days of the filing of the application.
- C. Denial—Standards. The City Manager shall have the right to deny a mobile vending permit required by the provisions of this chapter if he or she makes one of the following findings:
 - 1. The applicant has knowingly made a false, misleading or fraudulent statement of fact to the City in the application process.
 - 2. The application does not contain the information required by this chapter.
 - 3. The applicant has not satisfied the requirements of this chapter.
 - 4. The granting of the mobile vending permit or the conduct of the business will be contrary to the preservation of the public health, safety or welfare of the City or its inhabitants.
 If a mobile vending permit is denied, the permit fee shall not be refundable.
- D. Conditions. In granting a mobile vending permit, the City Manager, in the application of the standards and principles set forth in subsection C and in order to protect the health, safety and welfare, may impose reasonable conditions or regulations set forth in this chapter. These conditions may include, but are not limited to, the streets and locations where the applicant is permitted to vend. (Ord. 158 § 1, 2018)

8.84.060 Suspension and revocation of mobile vending permits.

- A. A mobile vending permit issued pursuant to the provisions of this Chapter may be suspended or revoked by the City Manager for the following reasons:
 - 1. Where the City Manager finds and determines that the preservation of the public peace, health, safety or welfare demand the revocation of such mobile vending permit;
 - 2. Where the permittee has violated any provision of this chapter, or any other provision of this Code, or any other provision of law;
 - 3. Where a mobile vending permit has been granted on false, misleading or fraudulent evidence, testimony, or application; or
 - 4. Where the permittee has violated the terms, provisions or conditions of the mobile vending permit.
- B. Prior to the suspension or revocation of a mobile vending permit, the City Manager shall provide the permittee with notice of the basis for the suspension or revocation of the mobile vending permit and an opportunity to discuss the allegations with the City Manager. City Manager shall provide the permittee with not less than 10 days' notice of the allegations and the permittee's opportunity to be heard.
- C. The City Manager may immediately suspend any mobile vending permit where the City Manager determines that the suspension of the mobile vending permit is necessary for the immediate protection of the public health, safety, and welfare. While the immediate suspension is in effect, the City Manager shall provide the permittee with the notice and opportunity to be heard pursuant to subsection B.
- D. Any permittee whose mobile vending permit has been revoked by the City Manager pursuant to the provisions of this chapter shall have the right to appeal the decision pursuant to the provisions of Section 17.192.070(A). The appeal shall be filed within 10 days of the mailing of the notice of the City Manager's decision. (Ord. 158 § 1, 2018)

8.84.070 Mobile vending permit—Nontransferable—Display.

- A. No mobile vending permit issued pursuant to the provisions of this chapter shall be transferable.
- B. Each permittee under this chapter shall possess and at all times display in conspicuous view upon his or her vehicle, a business registration certificate issued by the City in accordance with Chapter 5.68.
- C. Each permittee under this chapter shall possess and at all times display in conspicuous view upon his or her vehicle an unexpired and unrevoked mobile vending permit issued pursuant to this chapter. (Ord. 158 § 1, 2018)

8.84.080 Business registration requirement.

It is unlawful for any person to operate a mobile food facility in the City without having a valid business registration obtained from the City.

- A. The mobile food facility operator shall maintain a City business registration for each mobile food facility.
- B. The mobile vending permit shall be obtained by the person who has a possessory interest in the property to be used by the mobile food facility.
- C. When open for business, the mobile food facility operator shall possess and at all times display in conspicuous view upon his or her vehicle an unexpired and unrevoked business registration issued pursuant to Chapter [5.68](#) of the Wildomar Municipal Code. (Ord. 158 § 1, 2018)

8.84.090 Sales tax reporting.

All mobile food facility operators shall be subject to reporting of tax revenues generated within the City to the California Department of Tax and Fee Administration, and to show proof of a seller's permit obtained by the California Department of Tax and Fee Administration. (Ord. 158 § 1, 2018)

8.84.100 General provisions for mobile food facilities.

- A. No mobile food facility 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.
- B. No mobile food facility shall operate within 250 feet of any off-street mobile food facility event, City-permitted special or reoccurring event. Exceptions to this prohibition are allowed when consent is provided within the special event permit.
- C. Mobile food facilities shall not idle vehicle engines more than five minutes during any one-hour time period.
- D. Mobile food facility 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 Chapter [9.48](#).
- F. No temporary lighting shall be provided on the site where the mobile food facility is operating, except that localized lighting may be used on or in the mobile food facilities 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 facility may be displayed at the site where the mobile food facility 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 facilities, unless proof of a valid permit from the Department of Alcoholic Beverage Control is provided to City.
- I. Mobile food facilities 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 facility operator shall maintain and supply to the City copies of policies of commercial general liability and automobile liability insurance, in an amount of no less than \$1,000,000.00 per occurrence, naming the City as an additional insured. (Ord. 158 § 1, 2018)

8.84.110 Mobile food facilities on private property.

Mobile food facilities may operate on private properties pursuant to the following minimum standards and conditions:

- A. A minimum of two off-street parking spaces shall be provided for each mobile food facility. 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 facility.

- B. Separate refuse and recycling containers shall be provided on site during all hours of mobile food facility 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 facility operations.
- C. No overnight parking of mobile food facilities 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 facility. 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 facility, and shall not obstruct any pedestrian or vehicular traffic. (Ord. 158 § 1, 2018)

8.84.120 Mobile food facilities on public right-of-way.

Mobile food facilities may operate on public property or public right-of-way as determined by the City Manager provided they comply with all of the following minimum standards and conditions:

- A. Mobile food facilities 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 facility facing the adjacent sidewalk.
- C. The mobile food facility 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 facility operations shall not obstruct pedestrian or vehicular traffic.
- E. The mobile food facility 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 facility 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 facility operator shall pick up, remove and dispose of all trash generated by the mobile food facility operations within 100 feet of the facility.
- G. No mobile food facility 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. 158 § 1, 2018)

8.84.130 Penalty for violation.

- A. Any person who violates any provision of this chapter shall be guilty of a misdemeanor or infraction as provided in Chapter [1.16](#) of Title 1 of the Wildomar Municipal Code. In addition to any other penalty prescribed for a violation of this chapter, upon a determination by the City Manager that a person has violated any provision hereof, the City Manager may revoke any and all business registrations with good cause.
- B. 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 registration to the person who committed the violation and to the business by whom such person was employed when the violation occurred.
- C. Any person who violates any provision of this chapter shall be guilty of violating the Wildomar Municipal Code and may be issued an administrative citation and be subject to the applicable punishments pursuant to Chapter [1.16](#) of Title 1 of the Wildomar Municipal Code. (Ord. 158 § 1, 2018)

View the [mobile version](#).