

Chapter 5.20 MOBILE CATERING BUSINESSES

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5.20.010 Mobile catering defined.

Mobile catering means any retail sales of food stuffs conducted out of a motor vehicle, wagon or other mobile business unit. (Ord. 809 (part), 2001)

5.20.020 Permit required.

A. A person shall be required to obtain a mobile catering business license prior to engaging in the mobile catering business in the city.

B. Prior to the issuance of any mobile catering business license, the applicant for such a license shall furnish to the city, proof of compliance with all applicable state and county health department regulations and provide the city with copies of all required certificates or clearances. (Ord. 809 (part), 2001)

5.20.030 Parking regulations.

Mobile caterers shall be legally parked at all times when stopped to do business in the city. The term "legally parked" as used in this ordinance shall mean a location where the mobile catering unit does not:

- A. Obstruct or interfere with the free flow of pedestrian traffic. In no case shall any mobile catering unit occupy any portion of a public sidewalk;
- B. Obstruct or interfere with the free flow of vehicular traffic;
- C. Obstruct or interfere with the free flow of pedestrian traffic to or from any business, public building, or private residence;
- D. Conflict with the California Vehicle Code or other city parking regulations; or
- E. Create a safety hazard. (Ord. 809 (part), 2001)

5.20.040 Location restrictions.

A. Mobile caterers shall not stop for business for more than two hours in any one location. Mobile caterers shall maintain a daily location/duration log which shall be available for review by city staff to verify compliance.

1. Mobile caterers may submit an application for consideration by the city council for an increase in the two-hour limit in one location. Applications for a time limit waiver shall use the prescribed form and be filed with the city clerk, accompanied by the fee set by resolution of the Lakeport city council.

- a. Applications for a time limit waiver shall be for a specific location and must include specific details regarding the timeframe (business days and hours) of the waiver request.
 - b. The city council's decision shall be discretionary and approval of a time waiver request shall be based on the applicant's conformance with each of the following criteria and findings. The submitted time waiver application shall address each of the following with specific details pertinent to the applicant's mobile catering business:
 - i. There are special circumstances applicable to the applicant's mobile catering business which create an unusual hardship in terms of the ability to comply with the standard two-hour time limit.
 - ii. The approval of the time limit waiver will not be detrimental to the public health, safety or welfare or injurious to the property where the mobile catering activities take place or to other properties or businesses in the vicinity.
 - iii. Extended-hours mobile catering business activity shall be located a minimum of one hundred twenty feet from the building corner or property line of the nearest permanent restaurant, whichever is closer.
 - c. The burden of proof to establish the evidence in support of the criteria and findings set forth above shall be the sole responsibility of the applicant.
- B. The term "location" as used in this subsection shall be defined as the distance of at least one city block from the last location occupied by the mobile catering unit.
- C. Mobile caterers shall not stop to conduct business in or on a street adjacent to any designated city park facility, unless authorized by written consent approved in advance by the city council for a limited time frame only.
- D. Mobile caterers subject to the two-hour time limit shall be located a minimum of sixty feet from the building corner or property line of the nearest permanent restaurant, whichever is closer. (Ord. 890 §1(1), 2013; Ord. 809 (part), 2001)

5.20.045 Performance standards.

- A. All mobile business units used in conjunction with mobile catering activities shall be maintained in good working condition and, if required, shall be legally registered with the California Department of Motor Vehicles.
- B. All signs associated with a mobile catering business shall be affixed to the mobile business unit. Portable or freestanding signs are prohibited.
- C. Equipment, supplies and materials associated with a mobile catering business shall be stored on or within the mobile business unit. No ancillary equipment, supplies or materials shall be displayed in the immediate vicinity of the mobile business unit.
- D. No furniture associated with the operation of a mobile catering business shall be located within the public right-of-way. (Ord. 890 §1(2), 2013)

5.20.050 Grounds for revocation of permit.

- A. The city council shall revoke a mobile catering permit after two convictions for violations of this chapter in any twelve month period.

B. The city council shall, prior to any revocation, hold a noticed hearing and allow the mobile caterer to show good cause why his or her permit should not be revoked. (Ord. 809 (part), 2001)

5.20.060 Violation--Penalty.

Violation of any of the provisions of this chapter shall constitute an infraction punishable by a fine not to exceed fifty dollars for a first violation; a fine not to exceed one hundred dollars for a second violation of the same provision within one year; and a fine not to exceed two hundred fifty dollars for each additional violation of the same provision within one year. (Ord. 809 (part), 2001)