

Claremont Municipal Code

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[TITLE 8 HEALTH AND SAFETY](#)

Chapter 8.04 FOOD ESTABLISHMENTS

8.04.005 Findings.

The City Council adopts the regulations set forth in this chapter based on the following findings:

- A. Regulating the hours and location of mobile vendors benefits the health, safety and welfare of Claremont residents because the operation of these vehicles at inappropriate hours or locations creates traffic hazards, blocks adjacent sidewalks to pedestrians, results in unwanted noise, littering and loitering at that location and/or creates hazards for children. Moreover, the locational requirements set forth in Section [8.04.050\(C\)](#) are necessary for the public safety to ensure adequate sight lines for drivers and pedestrians, space for public transportation vehicles and otherwise provide safe, accessible use of the right-of-way by vehicles and pedestrians.
- B. Regulating the manner and type of mobile vendors benefits the health, safety and welfare of the City because the inappropriate operation and uncontrolled proliferation of these vehicles creates traffic hazards, blocks adjacent sidewalks to pedestrians, results in unwanted noise, littering and loitering at that location and/or creates hazards for children.
- C. Regulating mobile vendors on private property is consistent with the City's interests in the aesthetics of the community, ensuring that the City complies with applicable waste water and storm water regulations and promoting the permanent development of property.
- D. Prohibiting mobile vendors from operating within City parks and recreation facilities is consistent with the City's interest in the aesthetics of the community, fair competition and otherwise ensuring the proper use of City property. (14-07)

8.04.010 Definitions.

"Food establishment" shall have the same meaning as set forth in Section [8.04.141](#) of the Los Angeles County Code, which is adopted as part of Chapter [8.02](#) of this Code.

"Mobile food vendor" shall mean a person or business that operates or assists in the operation of a vending vehicle.

"Vending vehicle" shall mean any self-propelled, motorized device or vehicle by which any person or property may be propelled or moved upon a highway or street or any vehicle, trailer or other device which may be drawn or towed by a self-propelled, motorized vehicle, from which food or food products are sold, offered for sale, displayed, bartered, exchanged or otherwise given. However, vending vehicle shall not include a device moved exclusively by human power. (14-07)

8.04.020 Regulations for food establishments.

- A. Food Preparation and Dispensing. Any person, group, corporation or association, which prepares food for, or dispenses food to members of the public, shall comply with the provisions of the Public Health Licensing Requirements and Health Code of Los Angeles County, adopted by

reference and incorporated as part of Chapter 8.02 of this Code.

B. Enforcement. The City of Claremont, having adopted and incorporated the Public Health Licensing Requirements and Health Code of Los Angeles County as part of Chapter 8.02 of this Code, authorizes the County of Los Angeles to enforce licensing requirements and code provisions requiring licensing and inspections of food establishments and the posting of food establishment inspection grades. (14-07)

8.04.030 Mobile food vendor permit.

A. No mobile food vendor may vend in the City without first obtaining and having in his or her possession a mobile food vendor permit issued by the Community Development Director in accordance with this chapter.

B. To receive a mobile food vendor permit, a mobile food vendor must complete a permit application on the form approved by the City and file it with the City. The applicant must provide the following information:

1. Applicant's full name and address.
2. Proof of applicant's identity.
3. Proof of insurance coverage satisfactory to City.
4. A brief description of the type of food products to be sold. This shall include the nature, character and quality of the product.
5. The location where the applicant plans to vend.
6. If applicant is employed by another to vend, the name and business address of the employer.
7. A description of the vending vehicle, its registration number, its license number, and the streets the applicant intends to use.
8. A copy of the valid Los Angeles County Department of Health permit.
9. A copy of the applicant's business tax certificate.
10. A certification that he or she complies with all local, State and Federal laws regarding food product vending, including this chapter.

C. No application for a new or renewed mobile food vendor permit shall be accepted unless the application is accompanied by a fee in an amount set by City Council resolution. (14-07)

8.04.040 Mobile food vendor permit issuance and denial.

A. Upon receipt of a written application for a mobile food vendor permit, the Community Development Director shall conduct an investigation as he or she deems appropriate to determine whether a mobile food vendor permit should be approved. A permit shall be approved, conditionally approved, or denied within thirty (30) days of the filing of an application. The mobile food vendor permit shall be approved unless one of the following findings is made:

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.
- B. The City may condition the approval of any mobile food vendor permit to ensure compliance with this chapter and other applicable laws.
- C. Any mobile food vendor permit shall be valid for the term of one year. Upon the expiration of the mobile food vendor permit, an application for renewal shall be filed in a like manner as an application for an original mobile food vendor permit, and such renewal permit shall be approved only when the requirements for the issuance of an original permit are met.
- D. Any mobile food vendor permit may be suspended or revoked by the Community Development Director for failure to comply with the terms and conditions of this chapter. Such suspension or revocation shall be made with written notice to the permit holder, stating the grounds for the revocation and the procedures for appealing the same. The permit holder may appeal this decision by filing a written request for appeal with the City Clerk within fifteen (15) days of the date of the notice. Any revocation or suspension shall be stayed during the pendency of the appeal unless the immediate public health or safety requires otherwise. The hearing on the appeal shall be held within sixty (60) days of the appeal request unless otherwise agreed to by the parties. The City Council may conduct the hearing or designate a hearing officer, consistent with applicable law, to do so. The City Council's or hearing officer's decision shall be final.
- E. A mobile food vendor permit shall not be assignable or transferable. (14-07)

8.04.050 Regulations for mobile food vendors in public right-of-way.

Notwithstanding Section [10.32.190](#), mobile food vendors may operate within the public right-of-way subject to the following time, place, and manner requirements:

- A. The vending vehicle shall comply with all parking and [Vehicle Code](#) provisions which apply to the location at which it is parked.
- B. The vending vehicle shall not obstruct pedestrian or vehicular traffic in any manner.
- C. No mobile food vendor may operate a vending vehicle:
 1. Within twenty (20) feet from the outer edge of any entrance of any business during the hours that such business is open to the public. This prohibition may be waived with the written consent of such business. For purposes hereof, the term "entrance" includes, but is not limited to, doors, vestibules, driveways, outdoor dining area entries, and emergency exits.
 2. Within fifty (50) feet of any street intersection controlled by a traffic light, crosswalk, or stop sign.
 3. Within fifty (50) feet of a bus stop.
 4. Unless permitted in writing by the applicable public school, within three hundred (300) feet of the nearest property line of any property in which a public school building is located, between the hours of 7:00 a.m. and 5:00 p.m. of any school day. For purposes of this section, "public school" shall be defined as a school governed or operated by a unified school district or other similar public entity. Any mobile food vendor having received written permission to operate within three hundred (300) feet of a public school shall provide a copy of such permission upon request to any City official.
- D. The mobile food vendor shall keep the vending area litter free. The mobile food vendor must remove litter caused by its products from any public and private property within a twenty-five (25) foot radius of the vending vehicle's location.

- E. The mobile food vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the mobile food vendor.
- F. Vending is prohibited on the exposed street and/or traffic side of the vending vehicle.
- G. A vending vehicle may not stand or park in the public right-of-way between the hours of 12:00 a.m. and 6:00 a.m. in commercial and industrial zones, and between 10:00 p.m. and 6:00 a.m. in residential zones.
- H. The mobile food vendor must have a valid mobile food vendor permit and City business tax certificate. The mobile food vendor shall also maintain insurance, as deemed acceptable in the reasonable discretion of the City, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles.
- I. The mobile food vendor shall comply with Section [8.04.020](#) and be subject to all applicable requirements for food establishments. All required Los Angeles County health permits must be in the possession of the mobile food vendor at all times during which it operates within the City.
- J. Mobile food vendors shall be located within two hundred (200) feet travel distance of a readily available toilet and hand washing facility to ensure that restroom facilities are available to customers whenever the mobile food vendor is stopped to conduct business for more than a one-hour period.
- K. The mobile food vendor shall otherwise comply with all applicable State and local laws. (14-07)

8.04.060 Regulations for mobile food vendors on private or City property.

Mobile food vendors operating on private property or on public property outside of the public right-of-way shall comply with the following requirements:

- A. The written approval of the owner of the location shall be obtained. The vendor shall maintain proof of the owner's approval in the vending vehicle. The person operating the vending vehicle shall present this proof upon the demand of a peace officer or City employee authorized to enforce this chapter.
- B. The mobile food vendor must have a valid mobile food vendor permit and City business tax certificate. The mobile food vendor shall also maintain insurance, as deemed acceptable in the reasonable discretion of the City, against liability for death or injury to any person as a result of ownership, operation, or use of its vending vehicles.
- C. The vending vehicle shall only be stopped, standing or parked on surfaces paved with concrete, asphalt or another impervious surface.
- D. Mobile food vendors shall not use or permit use of parking spaces on the site (e.g., customer queuing, tables, chairs, portable restrooms, signs, and any other ancillary equipment) if doing so will adversely affect the required off-street parking available for the primary use(s) of the site, as determined by the Community Development Director.
- E. The vending vehicle and surrounding property shall be maintained in a safe and clean manner at all times.
- F. The mobile food vendor shall not discharge any liquid (e.g., water, grease, oil, etc.) onto or into City streets, storm drains, catch basins, or sewer facilities. All discharges shall be contained and properly disposed of by the mobile food vendor.
- G. All signs shall comply with Title 18 of this Code.

- H. No tables, chairs or other site furniture shall be permitted.
- I. Temporary shade structures shall be removed whenever the mobile vendor vehicle is not operating.
- J. The property shall be located in an area where vending is permitted under Title 16 of this Code.
- K. Pursuant to Section [11.02.090](#) of this Code, no mobile food vendor shall operate within any City park and recreation facility, except as permitted in that section.
- L. The mobile food vendor must have a valid business license issued by the City.
- M. The mobile food vendor shall comply with Section [8.04.020](#) and be subject to all applicable requirements for food establishments. All required Los Angeles County health permits must be in the possession of the mobile food vendor at all times during which it operates within the City.
- N. The mobile food vendor shall otherwise comply with all applicable State and local laws. (14-07)

8.04.070 Solicitation permit—Exemption.

Mobile food vendors operating in compliance with this chapter shall be exempted from the provisions of Chapter [5.40](#) of this Code. (14-07)

8.04.080 Exemptions.

Notwithstanding anything to the contrary, this chapter shall not apply to the following:

- A. Any publicly owned or operated vending vehicle.
- B. Any mobile food vendor conducted in connection with a private event or party in a residential zone located either on the site of the event or in the public right-of-way with no retail sale to the general public. This exemption does not excuse a vendor from obtaining and maintaining a business tax certificate as required Chapter [4.10](#).
- C. Any mobile food vendor conducted in connection with a special event permitted under Chapter [12.42](#) of this Code. (14-07)

8.04.090 Violations and penalties.

All penalties for violations of this chapter shall be as set forth in Chapter [1.12](#) General Penalty of the Claremont Municipal Code. The penalties provided in Chapter [1.12](#) are cumulative to any other penalty provided by law. (14-07)

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