

§ 17.33.010. Purpose.

The purpose of this chapter is to protect the health, safety and welfare of the community of Upland through the regulation of mobile food businesses, including mobile food trucks, mobile food trailers and mobile food courts, as defined in Part 7 (Definitions), consistent with applicable sections of the State of California Health and Safety Code, the San Bernardino County Division of Environmental Health, and the Zoning Ordinance of the City of Upland.

§ 17.33.020. Applicability.

- A. This chapter applies to mobile food businesses operating on private property only, where administratively permitted in the zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards).
- B. Mobile food businesses shall only be permitted as an accessory or ancillary use in conjunction with a related primary use. Mobile food businesses shall not be permitted on a vacant property or on a property where there is no relation to the primary use.
- C. Provisions found in this section shall not apply to vending carts, mobile ice cream vendors, seasonal farm stands, mobile food businesses in the public right-of-way, or other temporary merchants or uses that are specifically authorized by this title or other city ordinances.
- D. When deemed appropriate by the Development Services Director and Public Works Director, mobile food businesses requesting to operate in the public right-of-way may apply for a temporary use permit as provided for in Chapter 17.41 (Temporary Use Permits and Film Permits).
- E. Mobile food businesses are for the sale of food products only. Retail sales of nonfood items, or the performance of professional or personal services for sale shall not be provided from a mobile food business.
- F. Mobile food businesses shall comply with all other applicable City ordinances. In the event of any inconsistency between regulations in this chapter and those outside of this chapter, the provisions of this chapter shall govern.

§ 17.33.030. Authority.

- A. Mobile food businesses are allowed as a permanent use subject to the requirements of this chapter and the approval of an Administrative or Conditional Use Permit as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards). The mobile food business permit shall be in conjunction with the primary use. If the mobile food business is accessory to a conditionally permitted primary use, a modification to the Conditional Use Permit may be required by the Development Services Director to establish the mobile food business. Refer to Part 5 (Land Use and Development Approval Procedures) of the Zoning Ordinance for permit application procedures.

- B. Each mobile food business owner or operator shall receive written authorization from the owner of the property and related primary business owner to operate the mobile food business. A written authorization signed by both the property owner and primary business owner shall be submitted concurrently with the permit application.
- C. Separate business license applications may be required for each mobile food facility. Separate business license fees shall be required for each mobile food business vehicle operating on a property.
- D. The review authority shall be guided by the provisions of this chapter when reviewing a mobile food business application.
- E. Mobile food businesses shall meet all applicable requirements of the County of San Bernardino Division of Environmental Health related to the preparation, handling and distribution of food, and secure any necessary permits prior to the Administrative or Conditional Use Permits becoming effective.

§ 17.33.040. Operation and Maintenance Requirements.

A. General Requirements.

1. Any auxiliary power required for the operation of the mobile food truck shall be self-contained. No use of private power sources are allowed without providing written consent from the property owner and primary business owner.
2. When free-standing barbecues or other cooking devices are used, a safety zone of at least two feet shall be established and maintained between the cooking device and all combustible surfaces and to prevent public contact or access to the free-standing cooking device.
3. Trash and recycling containers shall be provided for use of the business patrons.
4. All materials generated from a mobile food business that are to be disposed of should be disposed of properly. It is illegal to discharge or dispose of any substance, material, food or waste into the storm drain system.
5. Mobile food truck vehicles shall be kept in good operating condition; no peeling paint or rust shall be visible.
6. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition.
7. The mobile food truck shall be occupied by the owner or operator thereof at all times.

B. Mobile Food Business Requirements (Excluding Mobile Food Courts).

1. A mobile food truck may not park in one individual location for more than 12

hours during any 24-hour period.

2. No overnight parking is allowed.

§ 17.33.050. Location and Placement Requirements.

- A. Parking on a landscaped area is not allowed.
- B. A mobile food business shall park on a hard surface.
- C. Mobile food business vehicles shall be parked so that neither the vehicle nor the customers block driveways of existing buildings or uses, or in such a manner as to create a traffic hazard.
- D. No mobile food business shall occupy required parking stalls of the primary use.
- E. No mobile food business shall interfere with the internal parking lot circulation.

§ 17.33.060. Design Requirements.

A. General Design Requirements.

1. Mobile food businesses shall not have a drive-through.
2. Parking is required at a ratio of two stalls per mobile food business.
3. Any enclosures or canopy extensions shall be integrated into the design of the mobile food business vehicle and shall not project onto the public sidewalk or any other part of the public right-of-way unless authorized by the Public Works Director.
4. No signs shall be used to advertise the conduct of a mobile food business at the premises other than that which is physically attached to the vehicle, except temporary signs authorized by Chapter 17.41 (Temporary Use Permits and Film Permits).

B. Mobile Food Court Design Requirements.

1. A mobile food court is required to be on a parcel of at least 2,000 square feet in size.
2. No less than two and no more than 10 individual mobile food businesses or other authorized vendors are allowed on a parcel.
3. A master sign plan shall be required for a mobile food court and shall be submitted for review and approval as part of the conditional use process. The plan shall provide information relating to permanent signs for the court, as well as individual signs for each business.
4. A mobile food court business may play live music on site with the approval of a Conditional Use Permit provided that the decibel level is within conformance with the Upland noise control ordinance in Chapter 9.40 of the Upland

Municipal Code.

§ 17.33.070. Permit Application Procedures.

In addition to the permit application procedures required by Chapter 17.43 (Permit Application Filing and Processing), a detailed site plan demonstrating the following is required for both a mobile food business and mobile food court application:

- A. The location and orientation of each vendor pad.
- B. The location of any paving, trash receptacles, landscaping, planters, fences, barriers, canopies, umbrellas or other table covers.
- C. The location of all existing and proposed activities and structures on site.
- D. The circulation of all pedestrian and vehicle traffic on the site.