

TOWN COUNCIL



STAFF REPORT

Department of Growth Management

MEETING DATE:	October 11, 2016
PROJECT:	Workshop on Mobile Vending Ordinance Amendment to Town Code Article III Section 6-75 - 6-77 Ordinance 2014-13
PROJECT MANAGER:	Kevin P. Icard, AICP Planning & Community Development Manager

RECOMMENDATION

Direct town staff to update the current Mobile Vending Ordinance (Ordinance 2014-10) to incorporate public comments that were heard at the public forum that was held on September 8, 2016. This is one of the strategic initiatives of the Town's Strategic Action Plan 2017-18. The goal is to ensure that the current Mobile Vending Ordinance is meeting the needs of the Town and is following a best practice model for users and staff.

BACKGROUND

During the August 9th Town Council workshop, staff was directed to hold a meeting for citizens to discuss the current Mobile Vending Ordinance. On September 8th staff facilitated a public forum to discuss the current ordinance. Numerous citizens, local business owners and food truck owners had an opportunity to discuss their comments, questions and concerns about the current ordinance. Staff facilitated the meeting and focused the group in discussing four (4) major items; location, hours of operation, permitting and miscellaneous (different types of retail, parking, overall ordinance, potentially locating in the Promenade on Mondays).

MEETING SUMMARY

Location

- Multiple individuals spoke about potential locations that they would like to see mobile vendors be allowed.
- Tanger Outlets (Beaufort County), the creation of a Food Truck Court (Village Commons on Bluffton Road), Bluffton Village, Buckwalter Place, & Eagles Field
- Allowing food trucks on private property:
 - A general consensus was that a distance of 200' from truck to front door of a restaurant was appropriate;
 - Parking issues – Need to make sure that there is adequate parking for the established use and the food truck. An example of an established use would

be a convenience store, there would need to be enough parking for the store to function as well as enough space for the food truck;

- Food trucks would be required to be located on an improved lot, which is a property that has been developed with established parking area; and
- Review by Town for approved locations – potentially allow for a property owner to have an approved location for different food trucks throughout the week

Hours of Operation

- Some of the feedback dealt with the existing ordinance and that there was insufficient time to setup prior to the typical start for lunch (11:00 am). The current ordinance states that a mobile vendor can't be at their pre-determined location until 10:45 am;
- No hours of regulation in commercial areas;
- Consideration should be taken into account if located adjacent to residential properties; and
- Food truck owners had concerns that the hours of operation should be based on location. An example used during the meeting was if a food truck is located in Buckwalter Place, they should be allowed to be open later than if they were located on a property that is located adjacent to a residential property.

Permitting

- Food truck owners expressed a desire to have an approved plan on file for specific properties that will be used by multiple food trucks throughout the week. They stated that this would help to streamline the permitting process.
- Specific Zoning – food trucks should be allowed at a specific location, based on an established map:
 - Staff expressed that a mobile vendor could not be located on single family residential properties
- Impact Fees – existing brick and mortar businesses pay their required impact fees, while food trucks aren't required to pay any
- Confirm reason for background check
 - Personal vs. state/federal – Someone questioned the need for the Town to require a background check
- Fees – An appropriate fee amount and frequency of permitting should be determined

- Seafood/Agriculture based businesses – If a business, or if food is deemed ‘local’ what’s the radius (in miles), the current ordinance states that it must be produced or caught within 25 miles of the town limits

Miscellaneous

- All-encompassing ordinance – what about other uses that are retail? Does the ordinance pertain to the selling of other merchandise like t-shirts or does it focus on food trucks only?
- Location is biggest factor – some citizens voiced that they were opposed to allowing food trucks in the Historic District. Some food truck owners stated that they are looking for places to set up that are located outside of the Historic District, however, the current ordinance prohibits them be to located anywhere else.
- Design standards – in the Historic District businesses are required to meet certain design standards but questioned how a food truck could meet the same standards
- Parking issues, Historic District and all potential locations – There is a perceived lack of parking in the Historic District. Some citizens where concerned that the food trucks would be a negative impact and take parking spaces from their customers.
- Food Trucks in the Promenade (Monday’s when most businesses are closed) – Some citizens stated that there are several local businesses that are not open on Mondays and that perhaps food trucks could be located there on Mondays.

NEXT STEPS

With Town Council direction; staff will draft an amended Mobile Vending Ordinance (Ordinance 2014-13) that takes into account the issues discussed at the meeting and what are the best practices of other municipalities in the region.

DATES	OBJECTIVES	COMPLETED
August 9, 2016	Workshop – Town Council to consider if changes are needed to Mobile Vending Ordinance	✓
September 8, 2016	Public Forum – Town Council directed meeting for citizens to express concerns over current Mobile Vending Ordinance	✓
October 11, 2016	Workshop – Directing staff to update Mobile Vending Ordinance	✓
November 8, 2016 <i>(Tentative)</i>	1 st Reading of proposed ordinance	
December 13, 2016 <i>(Tentative)</i>	Final reading and adoption of ordinance	

KEY QUESTIONS

1. Does Town Council want to allow food truck in the Old Town Historic District?
2. Does Town Council want to allow food trucks on individual single family lots or public property?
 - a. Does Town Council want to allow exceptions for: special events & festivals, private parties on private property (example; Palmetto Bluff food truck that is in Palmetto Bluff), privately catered events, ?
3. Does Town Council want to allow amplified sound devices?
Current ordinance allows for an ice cream truck to announce the arrival of the vehicle for no more than five minutes at each location.
4. Does Town Council want to allow for the selling of food, merchandise or other services from 8:00 am to 10:00 pm?
5. Does Town Council want to continue to use the current ordinance's fee schedule, which is a \$50 per three-month provisional/privilege license and a business license fee? (Savannah – annual \$150, City of Beaufort – annual \$200, Greenville – annual \$500)
6. Does Town Council want to change the current requirement that all prepared foods must be associated with a food preparation facility that is located in the Town of Bluffton?

ATTACHMENTS

Three (3) attachments are for reference only. The ordinances are specific to food trucks. The Town of Bluffton's ordinance will focus on all mobile vending.

1. Sample – Greenville, SC Food Truck Ordinance
2. Sample – Savannah, GA Food Truck Ordinance
3. Draft – City of Beaufort, SC Food Truck Ordinance



Food Truck Permit Application

City of Greenville | OMB – Business Licensing
(4th Floor City Hall) P.O. Box 2207 Greenville, SC 29602

A. Business Information

Name of Business: _____ DBA if Different: _____

Name(s) of Owner(s): _____

Business Physical Address: _____

Business Mailing Address: _____

Business Website: _____ Business Email: _____

Business Phone: _____ Mobile: _____ Fax: _____

Do you intend to operate on public property allowed sites? Yes No Private property sites? Yes No

B. Mobile Food Vendor Vehicle Type: (For more detailed information on mobile food vendor vehicle type see Division 4 Section 8-361 Definitions.) ****Note:** Food Trailers are not an allowed use within the City Limits of Greenville.

Food Truck **Mobile Market Food Truck** **Catering (Canteen) Truck** **Ice Cream Truck**

Vehicle Make: _____ Model: _____ Year: _____ Tag Number: _____

Vehicle Make: _____ Model: _____ Year: _____ Tag Number: _____

Vehicle Make: _____ Model: _____ Year: _____ Tag Number: _____

****Note: If you have additional food trucks that will be operated within the City Limits of Greenville, include the information above for each food truck. Each food truck is required to have its own individual city decal certificate assigned to it.**

C. Mobile Food Vendors on Private Property: (Mobile food vendors are only permitted to locate in Zoned areas C1, C2, C3, C4, RDV and S1 and shall not operate within 250 feet from the door of a lawfully established eating establishment that is actively open for business serving customers, unless a waiver has been signed by the restaurant owner. For more detailed information and restrictions see Division 4 Section 8-364)

- 1. Attach a list of all requested sites to include the property owners, phone number and physical address.
- 2. Attach the original copy of written permission for use of private property from the private property owner for each location.
- 3. Attach a detailed map of each property’s parking lot to include the intended area requested for the Mobile Food Vendor Vehicle(s) to be parked. (Zoning and Fire Marshal’s require information to review)

D. Required Documents: (Include with your application)

- Business Plan (Give a brief description of the nature of the business and goods to be sold. If available a menu may be attached)
- City of Greenville Business License Application
- Application for Background Check. (Required for owner(s) and any manager(s))
- Copy of permits required by the SC DHEC (South Carolina Depart. of Health and Environmental Control)
- Color Copy of a valid driver’s license. (Required for owner(s) and any manager(s))
- A ten (10) year driving record. Certified by the South Carolina Department of Transportation or the comparable agency of any state in which the applicant has lived in the last ten years. (Required of owner(s) only)
- Two color photographs of the owner(s) taken within 30 days to the date of this filing, photographs shall be two inches by two inches in size.
- A copy of the vehicle(s) registration.
- Color photographs of the vehicle(s) interior and exterior in sufficient number to provide permitting officials a good overview of the vehicles look and design. *****NOTE: THERE WILL BE A MANDATORY INSPECTION PERFORMED BY THE CITY OF GREENVILLE ON ALL MOBILE FOOD VENDOR TYPE VEHICLES. THE CITY FIRE MARSHALL WILL BE INSPECTING FOR FIRE CODE COMPLIANCE. THE BUSINESS LICENSE FIELD SUPERVISOR WILL INSPECT FOR GENERAL MAINTENANCE REQUIREMENT ISSUES. (SEE SECTION 8-371)**
- Proof of general liability insurance for the operation of the vehicle as a motor vehicle and the conduct of the business, if approved and the business is located on public streets or city owned property the minimum current amount is \$1,000,000.00 with the City of Greenville listed as co-insured.

E. Fees: (The following is a list of fees that will be required upon final approval and are due yearly (January 1) with the exception of item number 3 which is a one-time fee only)

1. Business License: (Based on revenue)
2. City Decal Certificate (Per each mobile food vendor vehicle): \$500.00
3. Inspection of Vehicle (Ice cream trucks only): \$50.00

DIVISION 4 MOBILE FOOD VENDOR VEHICLE

- Sec. 8-361. – Definitions.**
- Sec. 8-362. – Required compliance with division.**
- Sec. 8-363. – Mobile food vendors on city property and right-of-ways.**
- Sec. 8-364. – Mobile food vendors on private property.**
- Sec. 8-365. – Contents of application.**
- Sec. 8-366. – Submitting false information.**
- Sec. 8-367. – Mobile food vendor city decal permits fee and display.**
- Sec. 8-368. – Contents of decal permit.**
- Sec. 8-369. – Records.**
- Sec. 8-370. – Display.**
- Sec. 8-371. – Term.**
- Sec. 8-372. – General maintenance requirements.**
- Sec. 8-373. – Inspections.**
- Sec. 8-374. – Revocation.**

Sec. 8-361 Definitions

Mobile Food Vendor is defined as any person selling food from a mobile vehicle – this does not include a Food Trailer.

Mobile Food Vendor Vehicle is defined as a self-contained, motorized vehicle mounted food service unit that returns daily to its base of operations as approved by DHEC and is used for either the preparation or the sale of food products, or for both.

Food Truck is defined as an enclosed motor vehicle equipped with facilities for preparing, cooking and selling various types of food products.

Food Trailer (Concession Style) is defined as an enclosed attached or detached trailer that is equipped with facilities for preparing, cooking and selling various types of food products.

Mobile Market Food Truck is defined as an enclosed motor vehicle equipped with facilities for the sale of locally grown fresh produce. The produce sold is in its original form and has not been altered or cooked in any other way inconsistent with it coming fresh from the fields and/or gardens in which it was grown.

Catering Truck is defined as a truck, van, or similar vehicle from which the vendor offers for sale foods and beverages that are prepackaged. It serves mostly manual labor type venues (example: construction sites).

Ice Cream Truck is defined as a motor vehicle containing a commercial freezer and from which a vendor sells frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water and similar.

Sec. 8-362 Required.

It shall be unlawful for any person to engage in business as a mobile food vendor within the city without first obtaining a City of Greenville business license and mobile food vendor decal to do so. Upon being granted a business license and mobile food vendor decal the vendor must comply with the affirmative mandates and must not violate the prohibitions regarding sales, operations, locations, and restrictions contained in this division. The failure to do so may result in the revocation or suspension of the business license and decal.

At the time of application for a business license, the mobile food vendor must provide proof of general liability insurance for operation of the vehicle as a motor vehicle and the conduct of the business if the business is to be conducted on public streets or city owned property in amounts reasonably determined by the city in consultation with its risk manager. Failure to maintain this insurance will result in immediate revocation of the license.

Each licensed Mobile Food Vendor must maintain for patrons' use a litter receptacle of sufficient size to accept the litter being generated by the sales from the vendor's vehicle at the point of sales. The receptacle must be maintained in such a manner as to preclude an over flow of refuse. The city highly encourages recycling receptacles for recyclable material. Each vendor shall pick up litter which is associated with the vendor's sales in the vicinity of the vendor's mobile food vehicle prior to departing a sales location. A pattern of leaving excessive litter caused by product packaging shall be a basis of suspension or revocation of the business license.

Mobile Food Vendors shall be limited to edibles and hot and cold beverages containing no alcohol. The selling of nonfood or drink items shall limited to merchandise displaying the Mobile Food Vendor company logo and/or branding. No items may be displayed outside of the vehicle.

The licensee must provide to the city, at time of application for a business license, proof of public liability insurance in the currently required amount by the state. Failure to maintain this insurance can result in immediate revocation of the license. All Mobile Food Vendors must be self-contained and not utilize any outside power source.

Mobile Food Vendor shall prominently display the original South Carolina DHEC (Department of Health Environmental Control) food inspection report that shows a posted grade, unless exempt.

Sec. 8-363 Streets and public property.*A. Ice cream trucks*

- a. Ice cream trucks must not operate within the Central Business District (CBD), unless approved by the city as part of a permitted special event or contracted with the Parks and Recreation Department.
- b. In all locations outside the CBD, ice cream trucks must remain mobile, except for periodic stops for short periods of time in order to make a sale.
- c. The allowable hours of operation are between 9:00am and one half hour before sunset, as stated for that day for the Greenville area by the National Weather Service.
- d. Ice Cream Truck may not sound any device which produces an offensive or loud noise to attract customers, and shall not use any public address system on the vehicle to broadcast or advertise products. A bell or musical recording may be sounded for a period not to exceed five minutes to announce the arrival of the vehicle at each location.

B. Food Trucks, Mobile Market Food Truck

- a. Food Trucks and Mobile Market Food Truck are prohibited from operations on any street, sidewalk, alley, trail, or other right of way or on any city owned property, including plazas and parks, unless approved by the City as part of a permitted special event or contracted with the Parks and Recreation Department or parked in a City designated food truck parking space within the assigned dates and times.

- b. Mobile Food Truck and Mobile Market Food Trucks that are part of a permitted special event from out of town or out of state will not be required to obtain the Mobile Food Vendor decal. They will be required to obtain the SC DHEC permit and pass the general maintenance requirements.
- c. No Mobile Food Vendor shall sound any device which produces an offensive or loud noise to attract customers, and vendors shall not use any public address system on the vehicle to broadcast or advertise products.

Sec. 8-364 Mobile food vendors on private property.

Food Trucks, Mobile Market Food Truck, Ice Cream Trucks and Catering Trucks

All Mobile Food Vendors shall be subject to the following regulations in their operation on private property.

1. No Mobile Food Vendor shall operate within 250 feet from the door of a lawfully established eating establishment that is actively open for business serving customers unless the food truck vendor provides documentation that the restaurant owner supports a closer proximity. If a restaurant opens within the 250' zone after the Mobile Food Vendor has their annual decal, the Food Truck Vendor may remain in that location until the following annual permit is due at which time they would have to obtain written permission from the new restaurant owner.
2. Mobile food vendors will be only be permitted to locate in Zoned areas C1, C2, C3, C4, RDV and S1. In addition, a Mobile Food Vendor operating under this division shall submit to the city an application that must include:
 - a. The written permission from the private property owner for each location.
 - b. A list of all request sites to include the property owner and physical address.
3. No Mobile Food Vendor shall operate outside the hours of 8 A.M. to 10:00 P.M. However, a Mobile Food Vendor may apply for additional authorization to operate after 10 P.M. but under no conditions later than 1:00 A.M. the following day. At the end of each business day's operation, the vendor shall remove from the parcel the Mobile Food Vendor vehicle and all materials associated with the business.
4. No Mobile Food Vendor shall sound any device which produces an offensive or loud noise to attract customers, and vendors shall not use any public address system on the vehicle to broadcast or advertise products.
5. Catering Trucks cannot serve to the general public.

Sec. 8-365 Contents of application.

Applicants for a permit under this division shall file with the revenue administrator a sworn application in writing on a form to be furnished by the revenue administrator, which shall give the following information:

1. The name and a description of the applicant.
2. The applicant's permanent street address and mailing address.
3. A brief description of the nature of the business and goods to be sold.
4. Two color photographs of the applicant taken within 30 days immediately prior to the date of filing the application, photographs shall be two inches by two inches in size, showing the head and shoulders of the applicant in a clear and distinguishing manner.
5. A ten (10) year background check as to whether or not the applicant has been convicted of any criminal offense, other than a moving violation, and the punishment or penalty assessed therefor.
6. A ten (10) year Driving Record. Certified by the South Carolina Department of Transportation or the comparable agency of any state in which the applicant has lived in the last ten years.

7. A copy of the vehicle(s) registration.
8. Color photographs of the vehicle(s) interior and exterior in sufficient number to provide permitting officials to be familiar with all the exterior and interior views of the mobile food vendor vehicle. Such other relevant information as may be reasonably required by city after a review of the submission of the above material in order to assure a full review of information needed to assess the impact of the proposed operation on the health, safety, and well-being of the public.

Sec. 8-366 Submitting false information.

It shall be unlawful for any person to provide any false or misleading information in connection with his application for a permit required by this subdivision or to withhold relevant information otherwise required.

Sec. 8-367 Mobile Food Vendor city decal permit fee and display.

Each applicant upon being issued a permit under this division shall also be issued a decal which the vendor must display on the front right windshield's lower corner, or at such other location as the city in writing shall approve. There shall be due at the time of application a fee for the permit and decal in an amount set by the City Manager in a schedule of fees. When the annual permit expires on December 31 of any given year, the fee shall also be due upon the applicant submitting a renewal application.

Sec. 8-368 Contents of decal permit.

Each city decal permit issued under this division shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the permittee, the class of permit issued and the kind of goods to be sold thereunder, the date of issuance, and the length of time the permit shall be operative, as well as the permit number and other identifying description of any vehicle used in such business. The permit and decal are issued to a specific vendor for a specific vehicle. No vendor may transfer a permit or decal to another vendor. No vendor shall transfer a permit or decal to another vehicle owned or controlled by the same vendor. In the event the vendor acquires during a calendar year a replacement vehicle to serve the same purpose as the vehicle for which the city issued a permit and decal, then a replacement permit and decal shall be issued at a nominal fee and the original permit and decal shall become null and void, and must be returned to the city prior to the issuance of replacements.

Sec. 8-369 Records.

The revenue administrator shall keep a permanent record of all permits issued under this subdivision.

Sec. 8-370 Term.

Every permit issued under the provisions of this division shall expire December 31 each year.

Sec. 8-371 General maintenance requirements.

- A. All exterior body work and mechanical equipment of any mobile food truck vendor shall be maintained in good and clean condition and free of excessive wear or damage.
- B. All exterior paint work shall be maintained in good condition, free of substantial scratches, chips, rust, dents and abrasions.
- C. All windshield and window glass shall be maintained free from cracks, scratches, pitting, abrasions or any other conditions that may cause a hazard or reduce clarity of vision below the level specified by the manufacturer.
- D. Any other type of damage or possible public hazard deemed appropriate by the city inspector.

Sec. 8-372 Inspections.

- A. Nothing in this division shall be construed as limiting or replacing the role of South Carolina DHEC (Department of Health and Environmental Control), which has the primary task of inspecting mobile food vendors.
- B. The city inspector or his agents shall have the right, at any time, after displaying proper identification, to enter into or upon any mobile food vendor vehicle for the purpose of ascertaining whether or not any of the provisions of this division are being violated.
- C. Any Mobile Food Vendor vehicle which is found, after any city inspection, to be unsafe or in any not compliant with this division may be directed to be out of operation until the cited deficiency is corrected, and before again being place in service shall be delivered to the inspector at a designated point for re-inspection. Every Mobile Food Vendor must institute a system of regular weekly inspections of all the vendor's Mobile Food Vendor vehicle(s) and equipment and must keep all equipment in proper repair and sanitary conditions at all times.

Sec. 8-373 Penalties, suspension, and evocation.

Violations of this division shall be subject to the City Code's general penalties clause of Section 1-5. The City may also issue a stop order ~~of~~ or may suspend or revoke the permit and ~~the~~ business license ~~Ordinance~~.

Sec. 8-374 Reserved



BACKGROUND INVESTIGATION FORM

Date of application: _____

BUSINESS INFORMATION

Business Name: _____ Type of Business: _____

Business Address: _____ City: _____ State: _____ Zip: _____

Business Phone: _____ Cell: _____ Fax: _____ Email: _____

BUSINESS OWNER(s): (A separate investigation form is required for each owner. See reverse)

Name: _____ Address: _____ Zip: _____

Birthdate: ____ / ____ / ____ SSN#: ____ - ____ - ____ DL #: _____ State: _____

Home Phone: _____ Cell: _____ Email: _____

Have you ever had a license or permit revoked, denied or suspended? Yes or No If yes, list the jurisdiction, date, and reason: _____

Have you ever been convicted of any criminal charges (misdemeanor or felony) in the last 10 years? Yes or No If yes, explain: _____

Are there any charges (misdemeanor or felony) against you that are still pending? Yes or No If yes, list jurisdiction, date, and reason: _____

Has applicant (Owner) previously owned or operated a business? Yes or No If yes, names of business and location: _____

Provide a brief statement of applicant's background and employment history for the past five years: _____

BUSINESS INFORMATION:

Manager:

Name: _____ Address: _____ Zip: _____

Birthdate: ____ / ____ / ____ SSN#: ____ - ____ - ____ DL #: _____ State: _____

Home Phone: _____ Cell: _____ Email: _____

Building Leased From:

Name: _____ Address: _____ Zip: _____

Home Phone: _____ Cell: _____ Email: _____

Planned Business Hours: Days open for business: _____ Hours of operation: _____

Does this business have an ABL License? Yes If yes, License Number: _____ No If no, does this business plan to apply for an ABL License? _____

Does this business have any coin-operated amusement machines? Yes No If yes, do you own or lease? _____

Leased from: _____ Type of machines: _____ Number of machines: _____

******* I HEREBY ATTEST THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. I UNDERSTAND THAT FALSIFYING THIS APPLICATION IS GROUNDS FOR DENIAL OR REVOCATION OF MY LICENSE(S).**

Signature (owner/applicant): _____ **Required on each page.**

Print Name (owner/applicant): _____ **Required on each page.**

BUSINESS INFORMATION

Business Name: _____ Type of Business: _____

BUSINESS OWNER #2:

Name: _____ Address: _____ Zip: _____

Birthdate: ____ / ____ / ____ SSN#: ____ - ____ - ____ DL #: _____ State: _____

Home Phone: _____ Cell: _____ Email: _____

Have you ever had a license or permit revoked, denied or suspended? Yes or No If yes, list the jurisdiction, date, and reason: _____

Have you ever been convicted of any criminal charges (misdemeanor or felony) in the last 10 years? Yes or No If yes, explain: _____

Are there any charges (misdemeanor or felony) against you that are still pending? Yes or No If yes, list jurisdiction, date, and reason: _____

Has applicant (Owner) previously owned or operated a business? Yes or No If yes, names of business and location: _____

Provide a brief statement of applicant's background and employment history for the past five years: _____

BUSINESS OWNER #3:

Name: _____ Address: _____ Zip: _____

Birthdate: ____ / ____ / ____ SSN#: ____ - ____ - ____ DL #: _____ State: _____

Home Phone: _____ Cell: _____ Email: _____

Have you ever had a license or permit revoked, denied or suspended? Yes or No If yes, list the jurisdiction, date, and reason: _____

Have you ever been convicted of any criminal charges (misdemeanor or felony) in the last 10 years? Yes or No If yes, explain: _____

Are there any charges (misdemeanor or felony) against you that are still pending? Yes or No If yes, list jurisdiction, date, and reason: _____

Has applicant (Owner) previously owned or operated a business? Yes or No If yes, names of business and location: _____

Provide a brief statement of applicant's background and employment history for the past five years: _____

******* I HEREBY ATTEST THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. I UNDERSTAND THAT FALSIFYING THIS APPLICATION IS GROUNDS FOR DENIAL OR REVOCATION OF MY LICENSE(S).**

Signature (owner/applicant): _____ Required on each page.

Print Name (owner/applicant): _____ Required on each page.

Code of Laws of South Carolina

Title 56 - Motor Vehicles

Section 56-5-4435

UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS

SECTION 56-5-4435. Safety equipment required for motor vehicles used in vending food.

A motor vehicle which performs business in a residential or abundant housing area and makes frequent or unscheduled stops for the purpose of vendor sales of frozen dairy products or other types of snack foods must be equipped with the following safety features:

- (1) an audible alarm signal device when the vehicle is in reverse gear, but the signal must not emit an unreasonably loud or harsh sound;
- (2) signal lamps mounted on the front and on the rear as high and as widely spaced laterally as practicable, which are capable of displaying two alternately flashing red lights at the same level. These lights must have sufficient intensity to be visible at five hundred feet in normal sunlight;
- (3) an extended mirror outside on both the right and left side of the vehicle to reflect to the driver a view of the street or highway for a distance of at least two hundred feet behind the vehicle;
- (4) a rear mirror situated to provide the operator a view of the area immediately behind the vehicle; and
- (5) a swing arm located on the front and rear of the vehicle that prohibits a person from walking directly in front of or behind the vehicle. The swing arm must be engaged when the vehicle is stopped for the purpose of vending products.

This section does not apply to a vehicle that delivers or distributes foods to commercial properties or construction sites only.

****ICE CREAM TRUCKS****

INSTRUCTIONS FOR FILING A NEW, FIRST TIME RENEWAL AND EXISTING BUSINESS LICENSE APPLICATION**PERSON REQUIRED TO FILE AN APPLICATION:**

- Every person engaged in, or intending to engage in, any business, in whole or in part, in the City of Greenville (except the professions of public school teachers and ministers of the gospel), shall file with the City Business License Office an application, under oath, for a license to engage in such business.
- For further information and additional applications, please call the City Business License Office at (864) 467-4505

RENEWAL INFORMATION:

- Please verify and correct, as necessary, all pre-printed information shown. Complete all other blank items, in full, to avoid delays in processing.
- **If you are no longer in business, please indicate in writing and return this application.**

DUE DATES, PENALTIES AND 2% EARLY DISCOUNT FOR RESIDENT BUSINESSES:

- **NEW** business applications, with payment in full, must be filed at the City of Greenville Business License Office **prior to opening or beginning operation** in the City. A penalty is charged for applications filed after the starting date. The penalty is dependent on when the application is filed.
- **RENEWAL** business applications, with payment in full, must be filed with the City of Greenville Business License Office and post marked, by the U.S. Postal Service, **on or before the last day of February of each year**. A penalty will be assessed as of March 1st for each additional month, or portion thereof that the tax remains unpaid.
- **RESIDENT BUSINESSES 2% EARLY DISCOUNT.** For resident businesses only, if the business files their business license renewal application on or before the last day of January each year, they will be eligible for a 2% early filing discount off of their business license tax. **(NEW)**

COMPLETION OF THE APPLICATION:

- **Please complete in full. Do not leave any items blank.**
- **Print clearly or type all information.**
- **This application will not be processed unless all requested information is provided.**

IMPORTANT NOTES TO REMEMBER:

A resident business located **within** the City limits must report all gross revenues, whether derived from within or outside the City limits. The reported gross revenue must correspond with the records of the business and with the returns filed for the corresponding year with the South Carolina Department of Revenue and the Collector of Internal Revenue of the United States.

Allowable Ordinance Deductions: Deductions from your gross revenues are allowed if you are a resident business that a business license has been paid to another municipality. The deduction is limited to the gross revenues that were reported on that license. **Satisfactory proof of this deduction must be attached to this application before the deduction will be allowed.** A business may deduct sales, use, or excise taxes if these amounts are included in the total gross revenues amount reported.

A non-resident business located **outside** the City must report all gross revenues earned **within** the City limits only.

I. New Business complete this section:

1. A **New resident** business must provide an estimate of total gross revenue/sales/receipts/contracts from the time of opening to December 31. A **New non-resident** business must provide an estimate of gross revenue/sales/receipts/contracts expected to be earned inside the City from the time of beginning operation in the City to December 31.
2. Calculate the business license fee based on the estimated provided on line I.1. (Refer to the Rate Sheet.)

II. Businesses renewing for the first time, complete this section.

1. Report the actual gross revenues from beginning operation until December 31 of the previous year.
2. See above section on Allowable Ordinance Deductions.
3. Total gross revenues from previous year (II.1. minus II.2.)
4. This is the estimate that was provided to the City as your expected gross revenues for the first year of operation.
5. This is the difference in the actual and estimated gross revenues from the first year of operation. The difference is an adjustment to the first year's receipt figure. Subtract line II.4. from line II.3. and indicate whether + or -.
6. This is the total of the adjusted gross revenue amount.
7. Calculate the Business License tax based on the amount in line II.6. (Refer to Rate Sheet.) All businesses must pay at least the base fee amount.

III. Existing Business, after 2nd year of operation, complete this section.

1. All gross revenues earned during the prior calendar year or previous fiscal year should be given here. Resident businesses give the total gross. Non-resident businesses give total gross earned in the City.
2. See the section on Allowable Ordinance Deductions.
3. This is the total reported gross revenues amount (line III.1. minus line III.2.).
4. Calculate the Business License tax based on the amount in line III.3. All businesses must pay at least the base fee amount. (Refer to Rate Sheet.)

IV. PENALTIES AND 2% EARLY DISCOUNT FOR RESIDENT BUSINESSES

- (A) Penalties are due if the taxes for a **new business license** are not paid prior to opening or beginning operation/business in the City. No proration of the license tax will be given to new resident businesses who fail to file prior to opening. Penalties are due on **renewal business license's** if they are not paid in full and postmarked by the U.S. Postal Service, on or before the last day of February.

New Business Penalties

10% if not filed prior to beginning operation in the City.
10% additional for each month thereafter, until paid.
Maximum annual penalty is 50%.

Renewal Penalties

10% if filed or postmarked on March 1st.
10% additional for each month thereafter, until paid
Maximum annual penalty is 50%.

All penalties are a percentage of, and are added to, the license tax.

- (B) For resident businesses only that are in "good standing" with the City Code, there will be a 2% discount allowed to be deducted off the calculated renewal business license tax remitted. **(NEW)**

Businesses that fail to purchase the license after formal notification shall be subject to a Uniform Summons.

V. Enter total tax, plus penalties or minus 2% early discount, if applicable.

Note: All appropriate state licensing is required prior to obtaining a City business license.

A SIGNATURE MUST BE PLACED ON THE BOTTOM OF THE BUSINESS LICENSE APPLICATION, ALONG WITH THE SIGNEE'S TITLE OR CAPACITY WITH THE BUSINESS.

**CITY OF GREENVILLE
2015 BUSINESS LICENSE FEES
(864) 467-4505
FAX (864) 467-5715**

New Resident Business License taxes are calculated on an estimate of gross revenue from the time you begin operation until December 31, and the rates are shown below. The base fee (\$135) is prorated quarterly, depending on the starting date. Proration is not allowed if the business opened prior to obtaining a Business License.

Businesses renewing for the first time must make an adjustment to their estimated gross revenues from the previous year. The Business License tax will be based on the actual gross revenues from the prior year plus or minus the adjustment. All businesses must pay at least the base fee amount.

Renewal License taxes are calculated on the gross revenue for the year ended December 31, **2014**, or the fiscal year ended in **2014**.

A. Resident Business License taxes are calculated as follows:

\$135.00 on the first \$2,000 gross receipts/revenues (base fee)
\$1.75 per \$1,000 or portion thereof in excess of \$2,000

New Nonresident Business License taxes are calculated on an estimate of gross revenue to be earned in the City from the time you begin operation in the City until December 31. The rates are shown below.

Nonresident Renewal License taxes are calculated on the gross revenue earned within the City of Greenville during the year ended December 31, **2014**.

B. Nonresident Business License taxes are calculated as follows:

\$270.00 on the first \$2,000 gross receipts/revenues earned in the City (base fee)
\$3.50 per \$1,000 or portion thereof in excess of \$2,000

Penalties:

Business Licenses expire December 31st each year. Business License renewal taxes are due and payable on or before the last day of February. Renewal Business License Applications must be postmarked, by the U.S. Postal Service, the last day of February to avoid penalties. New businesses must apply for their license prior to beginning business in the City to avoid penalties. These penalties are a percentage of and added to the Business License fee.

New Business Penalties

10% if not filed prior to beginning operation in the City.
10% additional for each month thereafter, until paid.
Maximum annual penalty is 50%.

Renewal Penalties

10% if filed or postmarked March 1st.
10% additional for each month thereafter, until paid.
Maximum annual penalty is 50%.

Note: If you have an ABL license please include the hours of operation and the ABL license number and expiration date (item #13). Failure to complete this section may result in delays in processing your 2013 Business License

Article II – Mobile Food Service – 7/22/16

Section 6-2700. Purpose and Intent.

It is the purpose of this Article to protect the public health, safety and general welfare of individuals and the community at large; to establish uniform regulations for the operation of mobile food service units; and to enhance street-level economic opportunities within the City.

Section 6-2701. Scope.

This Article shall apply to the operation of all mobile food service units within the corporate limits of the City.

Section 6-2702. Definitions.

The following words, terms and phrases as used in this Article shall mean:

(a) “Base of Operation” means a food service establishment, or any other permitted location in which food, containers or supplies are kept, handled, prepared, packaged, stored, or placed in containers for subsequent transport, sale or service elsewhere.

(b) “Fixed Food Service Establishment” means a non-mobile public or private establishment which prepares and serves meals, lunches, short orders, sandwiches, frozen desserts, or other edible products directly to the consumer either for carry out or service within the establishment. The term includes restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which retail sandwiches or salads, soda fountains, and similar facilities by whatever name called. This term shall not apply to establishments offering food service incidental to their operations.

(c) “Food truck” encompasses all mobile food service units with the exception of pushcarts. Food trucks shall be no larger than 30x8 feet.

(d) “Mobile Food Service Unit” means a trailer, pushcart, vehicle vendor or any other similar conveyance operating as an extension of and under the managerial authority of the permit holder of its permitted base of operation. The mobile food service unit and its permitted base of operation together make a mobile food service establishment.

(e) “Pushcart” means a human propelled, self-contained, enclosed food service cart that operates at pre-determined locations as approved by the Health Authority and the City of Savannah. Pushcarts shall be no larger than 5x10 feet.

Section 6-2703. Approvals and Licensing.

(a) *In general.* No person shall operate a mobile food service unit within the corporate limits of the City without first obtaining the proper licenses and/or permits from the state, county, and City of Savannah. Mobile food service unit operators shall at all times comply with the provisions of this Article and all other applicable local, state and federal laws, regulations or rules. All approvals will be issued annually based on the calendar year. No approval issued under this Article may be prorated, transferred, or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

(b) *Specific requirements.* Any person intending to operate a mobile food service unit within the corporate limits of the City of Savannah shall obtain, prior to commencing operation:

(1) All permits as may be required to operate a mobile food service unit by the state, including the Department of Public Health, and Chatham County, including the Health Department;

(2) A City of Savannah Mobile Food Service Unit Location Approval; and

(3) A City of Savannah Business Tax Certificate

(c) *Mobile food service unit location approval application - contents.* Applicants seeking Mobile Food Service Unit Location Approval shall submit, on an annual basis, an application for such approval to the City Manager, or his/her designee. The application shall be furnished under oath on a form specified by the City Manager, accompanied by a non-refundable application fee as set forth in the City’s annual Revenue Ordinance. Such application shall include:

(1) The name, address, telephone number, and email address of the mobile food service unit’s owner(s) of record. An approval shall be required for each mobile food service unit, notwithstanding unity of ownership or operation. Where an owner(s) is a non-natural person whether or not formally organized, the

application shall identify all partners, officers, directors and/or natural person with a financial interest in any such entity, including personal contact information for each;

(2) Information identifying the mobile service unit including, its make, model and license plate number, together with a photograph of the mobile food service unit;

(3) The corporate and, where applicable, trade name of the base of operations associated with the mobile food service unit, together with a copy of the base of operation's City of Savannah Business Tax Certificate. Where the base of operation is located outside the City limits, the applicant shall provide evidence of licensing in the base of operation's home jurisdiction;

(4) A copy of the approved permit and inspection certificate for the base of operation issued by the Chatham County Public Health Department or Georgia Department of Agriculture;

(5) A listing of operating locations, schedule for operation, and hours of operation for each site on which the mobile food service unit intends to conduct business;

(6) A fully executed copy of the lease agreement for each operating location;

(7) A scaled drawing for each location illustrating the location of the mobile food service unit, the dimensional requirements referenced in Section 6-2704;

(8) Temporary seating may be provided if the Mobile Food Service Unit is at least 400 feet from a brick and mortar restaurant. A scaled drawing, indicating where the seating will be located and number of seats must be furnished;

(9) Any other information that the City Manager may, from time-to-time, deem material to the approval of mobile food service units within the City limits; and

(10) Application for location approval and renewal shall be accompanied by such fee as established by the annual revenue ordinance.

Section 6-2704. Grant or Denial of Application.

Review and consideration of an application shall be conducted in accordance with principles of due process. Applications may be denied where an applicant fails to demonstrate that he or she meets the conditions and requirements of this Article, or where an applicant fails to comply with applicable local, state or federal law. Any false statements, material omissions or substantially misleading information provided in an application or furnished by an applicant in connection with an application constitute grounds for any one or combination of the following sanctions: denial; refusal to renew; revocation; suspension; and imposition of penalties.

Section 6-2705. Operational Requirements and Provisions.

(a) *Food trucks.* The following operational requirements and conditions apply to food trucks:

(1) Food trucks shall not conduct business within the public right-of-way, with the exception of special events recognized by the City of Savannah for which the food truck has received pre-approval from the City Manager.

(2) Food trucks shall not operate on private property without the written consent of the property owner.

(3) No operator or employee of a food truck may, at any time, utilize amplified sound devices.

(4) Food trucks shall comply with the City's grease interceptor standards, as set forth in the Sewage Collection and Disposal Ordinance, as amended.

(5) The Georgia Department of Public Health mobile food service unit permit, together with all applicable health certificates, including food inspection reports, pertaining to the unit, shall be firmly attached in a prominent location, which shall be plainly visible to the public at all times the food truck is conducting business.

(6) Any driver of a food truck must possess a valid driver's license.

(7) Food trucks may conduct business only within the zones designated for such activity set forth in the Zoning section of the City Code, as amended.

(8) When conducting business, food trucks shall provide no less than nine feet of unobstructed horizontal pedestrian clearance on private property, as measured from the main service window.

(9) Food trucks may not be left unattended or otherwise stored on sites at which they offer the sale of food and beverage to the public, unless allowed by the Zoning Ordinance. All mobile food service units must return to their base of operations when not in use.

(10) Food trucks shall comply with all applicable local, state and federal health and safety laws, regulations and rules.

(11) Food trucks may place one temporary sandwich board for advertisement purposes no more than four feet from the main service window and must comply with the Temporary Use of Public Right of Way Menu Board regulations.

(12) Food trucks may not conduct business within 200 feet as measured from the main entrance of the brick and mortar restaurant to the service window of the food truck.

(13) Food trucks may not conduct business in a location that might block or impede either pedestrian or vehicular traffic.

(14) Food trucks may not conduct business with any person while such person is situated in a motor vehicle.

(15) Toilet Facilities- See Georgia Department of Public Health Rule 511-6-1-.06(2)(h).

(16) Food trucks shall comply with Sec. 8-3013 Visual Clearance Zone as amended.

(b) *Push carts.* The following operational requirements and conditions apply to push carts:

(1) No operator or employee of a push cart may, at any time, utilize amplified sound devices.

(2) The Georgia Department of Public Health mobile food service unit permit, together with all applicable health certificates, including food inspection reports, pertaining to the unit, shall be firmly attached in a prominent location, which shall be plainly visible to the public at all times the push cart is conducting business.

(3) Push carts may conduct business only within the zones designated for such activity set forth in the Zoning section of the City Code.

(4) When conducting business, push carts shall provide no less than six feet of unobstructed horizontal pedestrian clearance on private property, as measured from the main service window.

(5) Push carts shall comply with all applicable local, state and federal health and safety laws, regulations and rules.

(6) Push carts may not display signage not affixed to the vehicle.

(7) Push carts may not conduct business in a location that might block or impede either pedestrian or vehicular traffic.

(8) Push carts may not conduct business with any person while such person is situated in a motor vehicle.

(9) Push carts may not furnish temporary seating.

(10) Push carts shall comply with Sec. 8-3013 Visual Clearance Zone as amended.

(11) Vendors operating from registered push carts are permitted to sell food and cut flowers only. Push carts may operate in certain areas of the city. The Revenue Department, with assistance from the Traffic Engineering Department, is authorized to assign spaces to push cart operators and to enforce such assignments. The Revenue Department, assisted by the Traffic Engineering

Department, is authorized to determine appropriate placement of push carts within the authorized and assigned areas, and may require inappropriately placed push carts to be moved.

(12) Push carts must receive written approval from Traffic Engineering Department authorizing a specific location prior to the issuance of a business tax certificate.

Section 6-2706 Litter.

(a) Each mobile food service unit shall provide a suitably-sized receptacle for litter, which shall be located within ten feet of the service window of the unit. It shall be maintained and regularly emptied. All waste generated by the mobile food service unit's operation, including that associated with its customers and staff, must be disposed of at the base of operation.

(b) The area within which a mobile food service unit operates shall, at all times, be kept clean and free from litter, garbage, rubble and debris. For purposes of this Section, a mobile food service unit shall be responsible for maintaining in a safe and hygienic manner, the premises on which it is situated.

Section 6-2707 Fire Safety.

To minimize the threat to public safety posed by fire, the following apply:

(a) *Combustible gas detector.* Prior to the operation of any combustible gas-fueled appliances, all visible connections shall be inspected for leakage utilizing a combustible gas detector. Detected leaks shall be repaired before any gas-fueled appliance is operated.

(b) *Propane cylinders.* Propane and natural gas tanks shall be shut off while the mobile food vehicle is in motion, unless the tank is equipped with an impact detection shut off device approved by the U.S. DOT. Propane and natural gas tanks must always be shut off while the vehicle is unattended and/or in overnight storage. Mounted tanks must be secure (NFPA 58—5.2.4) and conform with NFPA standards relating to the safe mounting of tanks as described in NFPA 58—6.23.3.3. and be capable of withstanding impact requirements as required by the NFPA (NFPA 58 6.23.3.4.)

(c) *Portable fire extinguishers.* All mobile food service units shall be equipped with a readily accessible multipurpose dry chemical portable fire extinguisher with a minimum rating of 2A 10BC. All mobile food service units utilizing fats or cooking oils, including those that produce grease, grease laden vapors or oily byproducts, shall, in addition to the ABC fire extinguisher, be equipped with a readily accessible Class K portable fire extinguisher. All required fire extinguishers shall be maintained in compliance with National Fire Protection Association 10, as amended.

(d) *Operations prior to set up.* Propane and natural gas tanks shall be shut off while the mobile food vehicle is in motion, unless the tank is equipped with an impact detection shut off device approved by the U.S. DOT. Mobile food service units are prohibited from igniting, starting or operating any cooking appliances requiring heat, electricity or combustible gases while traveling upon any street, road or highway. Food warming or hot holding appliances are exempt from this requirement.

(e) *Smoke free air.* Mobile food service units shall comply with the Savannah Smoke Free Air Ordinance, as amended.

(f) *Exhaust creating nuisance.* Emission of exhaust gases or smoke shall not be handled in such a manner as to constitute a nuisance.

(g) *Hood cleaning and maintenance.* Mobile food service units shall be maintained and regularly cleaned to minimize the buildup of grease and other combustible residues. This includes all interior and exterior surfaces upon which grease can or may accumulate including, but not limited to, hold filter surfaces, plenums, ducts, exhaust fans and exterior cowling.

(h) *Fire suppression system inspections.* All mobile food service unit fire suppression systems shall be inspected and maintained in accordance with the applicable provisions of the National Fire Protection Association. The system shall be tagged in accordance with the Rules and Regulations of the Georgia Safety Fire Commissioner.

Section 6-2708 Special Events.

The City Manager may permit licensed mobile food service units to operate at special events pursuant to the City of Savannah's Special Events Policy and

Procedures. Special event permits are of a limited duration and not subject to the prohibitions set forth in subsections (a)(7), (12) and (b)(4) of Section 6-2705.

The City of Savannah's Mayor and Alderman must be listed as a certificate holder for any mobile food service unit operating on the public right-of-way.

Section 6-2709 Enforcement and Sanctions.

(a) To ensure the continued application of the intent and purpose of this Article, the City Manager shall notify the owner(s) and operator(s) and, where applicable, the Chatham County Health Department, of all instances in which a citation is issued to a mobile food service unit.

(b) The City Manager shall maintain a record of all code violation charges, founded accusations and convictions concerning mobile food service units. When a mobile food service unit owner or operator accumulates three code violations for a particular mobile service unit within a period of twelve consecutive months, the City shall revoke the mobile food service unit's location approvals and reject all applications for mobile food service unit location approvals by the concerned owner(s) and operator(s) for a period of twelve consecutive months following the date of revocation.

(c) If a mobile food service unit owner or operator has been cited for and found to be in violation of any zoning, health or life safety code provision, the owner or operator must demonstrate compliance with the applicable code prior to being eligible to continue operations under the current approval.

(d) Violations of this Article are subject to the following sanctions, which may not be waived or reduced and which may be combined with any other legal remedy available to the City:

(1) First violation: \$500.

(2) Second violation within the 12 months following the first violation: \$750.

(3) Third violation within the 12 months following the first violation: \$1,000 and revocation of the mobile food service unit location approvals. Mobile Food Service Unit Location Approvals will be revoked for six months from the date of the third violation.

(f) Nothing in this section shall limit the City from enforcement of its code, state or federal law by any other legal remedy available to the City. Nothing in this section shall be construed to limit or supplant the power of any City inspector, deputy marshal or other duly empowered officer under the City's ordinances, rules and regulations or the authority granted under state law, as amended, to take necessary action, consistent with the law, to protect the public from operation of a mobile food service unit as a nuisance, including abatement thereof by lawful means.

Section 6-2710 Variance Process.

The Zoning Administrator may administratively grant minor variances with conditions. Either the owner/occupant of the physical site upon which a Mobile Food Service Units wishes to operate, or a Mobile Food Service Unit operator wishing to conduct business thereon, when accompanied by written authorization from the property owner/occupier, may request a variance from the terms of this chapter, where such variance will not be contrary to the public interest and where, owing to special conditions, strict enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship; provided, however, that the spirit of this chapter shall be observed, and public safety and welfare secured. Such variance may be granted in an individual case upon a finding by the Zoning Administrator that:

- (1) Relief shall not be granted for a use of land or building that is prohibited by this chapter in the district in question;
- (2) The intent and spirit of the ordinance is not compromised;
- (3) The strict application of this chapter to this particular piece of property or Mobile Food Service Unit would create an unnecessary hardship;
- (4) The request for relief is due to an unusual or peculiar circumstance;
and
- (5) Relief, if granted, would not cause detriment to public safety and welfare.

Section 6-2711- 2750 Reserved.

19 Sep Draft of Proposed Ordinance for Food Trucks CITY OF BEAUFORT

Posted at 12:36h in Business by BillyK

Over the course of the past council meetings, City Council and citizens have discussed ways to encourage food trucks when the current ordinance in fact discourage this entrepreneurial venture. The following is a working draft of what will be discussed at our work session Tuesday night.

Please let us know if you have any thoughts.

City of Beaufort

Food Vendor Program Ordinance September 2016

The Purpose of this program is to provide standards for mobile food vendors while balancing the interests of public health, safety, and overall community well-being.

1. LICENSE REQUIRED

- 1.(A) Unless otherwise exempted, every vendor or food truck vendor, before commencing business within the City of Beaufort, shall make application in writing and under oath to the Business License Department.
- 2.(B) It shall be unlawful for any vendor to engage in business within the City of Beaufort except when licensed as a stationary or mobile vendor or food truck vendor.
- 3.(C) A separate license shall be required for each vendor and for each vehicle or other conveyance engaged by a mobile vendor or food truck vendor.

2.VENDOR STANDARS

All vendors licensed under this section shall conform to the following standards:

- 1.(A) A vendor must be 18 years or older.
- 2.(B) No vendor shall be licensed for a location in a Residential Zoned Districts (T3 and T4-HN – new code) R-1, R-2, R-3, R-4, and GR Districts (current 2016 code).
- 3.(C) No, vehicle, other conveyance or temporary stand shall be a minimum of 200 feet separation from any residential use or residential zoning district. The distance shall be measured as the shortest distance between the nearest point of the vending facility to the closest residential property line or district. The limitation shall not apply to or within the boundaries of the City of Beaufort permitted community event.
- 4.(D) No vehicle, other conveyance or temporary stand shall be located closer than 10 feet from any building or structure on the licensed property or adjoining property.
- 5.(E) No vehicle, other conveyance or temporary stand shall locate closer than 50 feet from flammable combustible liquid or gas storage and dispensing structures.
- 6.(F) No vehicle, other conveyance or temporary stand shall locate closer than 200 feet of a City of Beaufort permitted community event without the written permission of the event organizers.

7.(G) No vendor shall locate his or her vehicle, other conveyance, or temporary stand within 20 feet of any public right-of-way or within 20 feet of the intersection of any public right-of-way and private driveway.

8.(H) No signs or signage shall be permitted other than that which can be contained on the vehicle, conveyance or temporary stand utilized to sell food or merchandise.

9.(I) No vendor shall utilize music or other noise in the sale of goods or services, which music or noise may be considered to be unreasonably loud, harsh or excessive and in violation of City Ordinance.

10.(J) No vendor shall obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where vending items are being sold or offered for sale.

11.(K) All lighting must be permanently or semi-permanently affixed to the vending facility. No lighting shall be permitted to shine on or into any public right-of-way or other private property, or cause any glare that could be considered a public hazard, nuisance or distraction to vehicular movement, neighboring business operations, or residential uses. No flashing or strobe lighting shall be permitted.

12.(L) All vendors shall place at least one 30-gallon garbage receptacle upon site of business for customer use.

13.(M) All merchandise, goods, wares or food shall only be displayed or offered for sale from the vendor's vehicle, other conveyance or temporary stand.

14.(N) All vehicles, other conveyance or temporary stands shall be equipped with at least one 2A 40 BC fire extinguisher. If cooking operations produces grease-laden vapors, a Type I Hood System with Fire Suppression must be installed. This system must be inspected annually by a SC licensed company.

15.(O) At the conclusion of business activities, the vendor shall clean all debris, trash and litter generated by the vendor's business activities.

16.(P) No portion of a vendor's inventory, sales equipment, or any other structure or equipment used in the sales or solicitation process shall be left overnight upon any unenclosed portion of any lot or site within the City of Beaufort.

3. HEALTH REGULATION

All vendors or food truck vendors selling food and/or drinks which are not prepackaged shall obtain all necessary County and State Health permits before a license will be issued and shall comply with all laws, rules and regulations regarding food handling, and all vehicles used for the sale of food shall comply with all the laws, rules and regulations respecting such vehicles as established by the State of South Carolina.

4. VENDING PERMIT APPLICATION PROCESS

The Business License staff will review applications for completion and no application will be accepted unless deemed complete. All procedures for obtaining a business license will be followed for applications and enforcement of vending permits.

5. PROGRAM FEES

1.(A) All vendors must submit the appropriate food vendor program fee as outlined below.

2.(B) The full annual program fee is due upon acceptance into the City of Beaufort Food Vendor Program. If a vendor chooses to withdraw from the program, the annual fee is forfeited.

3.(C) The business license fee is a separate fee and cannot be refunded.

6.RULES AND REGULATIONS

1.(A) Allowable vehicles include enclosed trucks and trailers for parking spaces in which service is provided to customers through the side of the vehicle at the sidewalk only. Canteen trucks that require or encourage standing in the street or behind the vehicle are not allowed.

2.(B) Trucks or trailers must be sized to fit into the parking spaces.

3.(C) Vending at designated public food truck zones will be allowed at the times listed below. No vending operations shall take place outside the hours noted. ☐ 500 Carteret Street and Bladen Parking area locations daily, 8am to 3pm only

a No vending is allowed on Bay Street, West Street, and Scott Street or in the “Point” area of the City or is on Private property unless approved by City Council.

b All other food trucks zones as approved by Planning and Zoning regulations:

4.(D) Vending Private Property – A written agreement from the property owner/manager with regard to the time(s) and location of the use for the premises must be provided with the application.

5.(E) All sales must be made directly from the licensed unit.

6.(F) If any area is closed for an emergency or other permitted activity, no vendors will be allowed to set up. Areas will be monitored for compliance and any violations could result

Sunday 8:00am – 12:00am

Monday-Thursday 8:00am – 12:00am

Friday 8:00am – 12:00am

Saturday 8:00am – 2:00am

in a permit being suspended or revoked. The Division of Parking will notify participants in the program and any planned special event that would close the area.

7.(G) The entire operation must be fully mobile. For trucks/trailers, coolers may not be placed on the ground, nor any tables and chairs provided for customers. Generators must be attached to the mobile unit and should be whisper or quiet generators are required that produce no more than 75 decibels (dB). No extension cords shall be used to supply vendor with power from any other electrical source on site.

8.(H) Fees are subject to change with City Manager approval.

9.(I) Prohibited items: ☐ Radio or sound-amplifying devices;

☐ Flashing signs or signs that move or give the appearance of moving

☐ Sign, menu board, tables, chairs, waste receptacle or other objects in the roadway, or sidewalk;

☐ The sales of merchandise or any other article other than food;

☐ Water, sewer, gas or electrical connections to a building;

☐ Participants must ensure that no pollutants, including waste/grease, liquid wastes, gray water garbage/debris, and other materials are discharged to the City’s storm drain system (including gutters, curbs, and storm drain).

10.(J) A waste receptacle shall be provided for the use of customers. Trash must be removed from the site by the vendor. Use of City waste receptacles is prohibited. Participants are required to pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed from the vending vehicle and any residue deposited on the street from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire area within a 25-foot radius of the location where mobile food vending is occurring.

11.(K) The vendor shall secure and maintain a policy of automobile liability insurance coverage issued by a company authorized to do business in the State of South Carolina in the amount of at least \$1,000,000 for injury to or death of any person or persons in any one incident and \$1,00,000 for property damage, and the policy shall list the City of Beaufort as an additional insured.

7. REVOCATION OR SUSPENSION

The participant may be removed from the Program at the discretion of the City Manager in the event that:

- ☐ The use of conditions under which the truck, trailer, is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity;
- ☐ The property is operated or maintained so as to constitute a nuisance;
- ☐ The use is operated in violation of the conditions of the program; or
- ☐ Any other violation of applicable law.

☐ And will be subject to a fine of \$100.00 and loss of permit.

RENEWAL PROCESS

Vendor license expire on December 31st of each year with annual renewals subject to administrative review, modification (if necessary) and approval.

8. ASSOCIATED FEES

2017 Fees Food Trucks/Trailers
 Annual Food Vendor Program Fee and Annual Fire Inspection Fee (per vehicle)
 \$200

9. DEFINITIONS

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Mobile food vendor: means any person selling food from a mobile unit.

Mobile food unit: means a self-contained, vehicle-mounted food service unit that returns daily to its base operations as approved by DHEC and is used for either the preparation or the sales of food products, or both. This does not include mopeds.

Food trailer: means enclosed attached or detached trailer that is equipped with facilities for preparing, cooking and selling various types of food products.

Food truck: means an enclosed motor vehicle equipped with facilities for preparing, cooking and selling various types of food products.

Ice cream truck: means motor vehicle containing a freezer and from which a vendor sells frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water, etc.

Mobile food pushcart: means any portable vending device, pushcart or other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the department of motor vehicles, used for displaying, storing or transporting of articles offered for sale by a vendor, and which does not exceed four feet in width, six feet in length, and five feet in height, excluding canopy or cover.

Prepackage food truck: means an enclosed motor vehicle equipped to sell various types of prepackage food products.

Snow cone/ice truck: means motor vehicle containing a freezer and from which a vendor sells prepared frozen foods such as flavored ice, etc.

10. PROGRAM COMPLIANCE

I understand and will abide by these Policies and Procedures for Food Vendor Program. I further understand that should I commit any violation of this policy, my participation in this program may be revoked.

Signature

Date