ORDINANCE _____

LICENSING AND REGULATION OF FOOD TRUCKS, FOOD TRAILERS AND RELATED VENDORS

Section 1: Definitions:

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

a. Food truck vendor means a person selling food from a mobile unit to include vendors in an ice cream truck.

b. Food truck unit means a self-contained, vehicle-mounted food service unit, including ice cream trucks, 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 both. This does not include mopeds.

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

Section 2: Licensing of Food Truck Vendors:

a. All food truck vendors doing business in the Town must obtain a Town business license.

b. A food truck vendor must be eighteen (18) years of age or older.

c. All food truck vendors selling food and/or drinks which are not prepackaged shall obtain all necessary county and state health permits before a business 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.

d. The food truck vendor shall be required to secure and maintain a policy of automobile liability insurance coverage issued by a company authorized to do business in the State of South Carolina. The amounts of liability required is one million dollars ($1,000,000.00) for injury and/or death of any person(s) in any one incident and one million dollars ($1,000,000.00) for property damage, and the policy must list the city as an additional insured.

Section 3: Regulation of Food Truck Units and Food Trailers:

a. No food truck units or food trailers shall be located in a residential zoned districts, except as allowed for ice cream trucks as stated herein. Food truck units and food trailers, other than ice cream trucks, can only operate on property within the zoning districts:_____

b. No food truck unit or food trailer shall be located for business within twenty (20) feet separation from any residential use, except as allowed for ice cream trucks as stated herein. The limitation shall not apply to or within the boundaries of a Town of Elgin permitted community event.

c. No food truck unit or food trailer shall be located for business closer than ten (10) feet from any building or structure on the licensed property or adjoining property except as allowed for ice cream trucks as stated herein.

d. No food truck unit or food trailer shall be located closer than fifty (50) feet from flammable combustible liquid or gas storage and dispensing structures.

e. No food truck unit or food trailer shall be located for business closer than two hundred (200) feet of a city permitted community event without the written permission of the event organizers.

f. No food truck unit or food trailer shall be located for business within twenty (20) feet of any public right-of-way or within twenty (20) feet of the intersection of any public right-of-way and private driveway, per South Carolina Department of Transportation, except as allowed for ice cream trucks as stated herein.

g. No signs or signage shall be permitted other than that which can be contained on the food truck or trailer or on a sandwich boards utilized to sell food or merchandise.

h. No food truck unit or food trailer shall utilize music or other noise in the sale of goods or services, without a special permit, except as allowed for ice cream trucks as stated herein.

i. No food truck unit or food trailer shall obstruct or cause to be obstructed the passage of any sidewalk, street avenue, alley, or any other public right of way, except as allowed for ice cream trucks as stated herein.

j. 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, or distraction to vehicular movement, neighboring business operations, or residential uses. In addition, no flashing or strobe lighting shall be permitted.

k. All vendors shall place a 30-gallon garbage receptacle upon site of businesses for customer use. All trash must be removed from the site by the vendor. Use of city waste receptacles is prohibited. The entire area within a 25-foot radius must be maintained clean of debris.

l. All merchandise, goods, wares, or food shall only be displayed or offered for sale from the vendor's vehicle, unless there is a permitted alternative area of sale.

m. All food truck units or food trailers shall be equipped with at least one (1) 2A-40 BC fire extinguisher.

n. After business activities, the vendor shall clean all debris, trash and litter generated by the vendor's business activities.

o. No portion of the 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 Town of Elgin.

p. All sales must be made directly from the permitted food truck unit or food trailer.

q. Coolers associated with food trucks or food trailers may not be placed on the ground, and any tables and chairs shall be staged for the customers. Generators must be attached to the food truck or food trailer and are required to be whisper or quiet and produce no more than seventy-five (75) decibels (DB).

r. The entire food truck or food trailer vending operation must be fully mobile.

Section 4: Regulation of Ice Cream Truck:

a. As used herein, the term ice cream truck shall mean a motor vehicle containing a commercial freezer and from which vendor sells frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water, and similar products.
b. In addition to the requirements of this chapter pertaining to food trucks, the following operational requirements and conditions shall apply to ice cream trucks:

    1. Vendors from an ice cream truck shall only sell, display, or offer to sell frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water, and similar products.

    2. Vendors from an ice cream truck shall be subject to a background check for Municipal, County, State, and National criminal history records including misdemeanor driving offenses, as part of the application and permitting process.

    3. No ice cream truck shall remain stationary on a public street or right-of-way more than thirty (30) minutes in any one (1) location while conducting business, after which time the vendor must move the ice cream truck at least one (1) block or five hundred (500) feet, whichever is greater, and shall not return to the same block or location within the same day. No ice cream truck will be allowed on public streets before 9:00 a.m. or after 9:00 p.m.

4. Each ice cream truck shall have available and maintain a litter receptacle for the use of patrons. Excessive litter caused by product packaging may result in revocation of the vendor license.

5. Each ice cream truck must be equipped with flashing front and rear warning lights, which the vendor shall flash alternately, and shall be flashing when the ice cream truck is stopped for the purpose of selling frozen products.

6. Each ice cream truck shall be equipped with signs stating "WATCH FOR CHILDREN" located on the front, back and both sides of the vehicle, in at least four-inch letters.

7. No ice cream truck shall be stopped or positioned in manner that exposes customers to vehicular traffic, or otherwise in an unsafe manner. Vendors must immediately comply with any directive by a police officer.

8. No non-food novelty items, such as noisemakers, or toys, shall be sold or distributed from an ice cream truck.

9. No ice cream truck, or its vendor, shall sound any device which produces an offensive or loud noise to attract customers. The use of a public address system from an ice cream truck is prohibited. A bell or musical recording may be sounded from an ice cream truck for a period not to exceed three (3) minutes to announce the arrival of the vehicle at each location.

Section 5: Vending Permit Application Process and Fees:

The city business license staff will review applications for completion and no applications will be accepted unless deemed complete. All procedures for obtaining a business license will be followed for applications and enforcement of food truck and food trailer vending permits.

a. All food trucks and food trailer vendors must submit the appropriate food vendor program fee as outlined in this chapter.

b. The business license fee is a separate fee and cannot be refunded.

c. The permitting fee for each food truck or food trailer shall be two hundred dollars ($200.00) annually.

d. Fees are subject to change with Town Council approval.

Section 6: Parking, Allowable Vehicles and Designated Areas:

a. Allowable vehicles include trucks and trailers for parking spaces in which service is provided to customers through the side of the vehicle at the sidewalk only.

b. Food trucks or food trailers must be sized to fit into the parking spaces.

c. Vending at designated public food trucks or food trailer zones will be allowed at the times listed. No vending operations shall take place outside the hours noted.

    Sunday: 8:00am-10:00pm
    Monday-Thursday: 8:00am-10:00pm
    Friday: 8:00am-10:00pm
    Saturday: 8:00am-10:00pm

d. Food trucks or food trailers on private property. A written agreement from the property owner/manager regarding the time(s) and location of use of the premises must be provided with the application.

e. If any area is closed for an emergency or other permitted activity, no food truck vendors will be allowed to set up. Areas will be monitored for compliance and any violation could result in a permit being suspended or revoked. The city's parking management company will notify permitted participants of any planned special event that would close the area.

Section 7: Violations, Suspensions/Revocations:

The Mayor may suspend or revoke any permitted participant if:

a. The conditions under which the food truck/trailer is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity, and the vendor fails to correct such conditions after notification by a city official;

b. The use is operated in violation of the conditions permitted;

c. A repeated violation of applicable law;

d. A vendor is found to be discharging pollutants including waste/grease, liquids wastes, gray water garbage/debris, and other materials are discharged to the city's storm drainage;

e. All violators will be subject to a fine of one hundred dollars ($100.00) and suspension/revocation of permit.

Section 8: Renewal Process:

Food truck permits expire on December 31 of each calendar year, and must be renewed annually, subject to administrative review, modification (if necessary) and approval.

Date of First Reading_____

Date of Second Reading_____

Attest:

_____
Becky Summey, Town Clerk

_____
Melissa Emmons, Mayor

_____
Councilman, Brad Hanley

_____
Councilwoman, Dana Sloan

_____
Councilwoman, Cristy Bradley

_____
Councilman, Ed Smith