

AN ORDINANCE TO ADOPT CITY ORDINANCE §121 (MOBILE FOOD VENDORS) TO REGULATING MOBILE FOOD VENDORS OPERATING INSIDE THE CITY OF EASLEY

WHEREAS, the City of Easley passed an Ordinance regulating Mobile Food Vendors inside the City of Easley as a Pilot Program from May 15, 2018 through November 30, 2018; and

WHEREAS, the City of Easley passed an Ordinance regulating Mobile Food Vendors inside the City of Easley as a Second Pilot Program from December 1, 2018 through May 31, 2019; and

WHEREAS, the City of Easley desires adopt the regulation under the Second Pilot Program to set regulations related to the permitting of mobile food vendors in the City, regulations related to health and safety of operations, and hours and location of operations; and

WHEREAS, City Council has determined to adopt §121 (Mobile Food Vendors) within the Easley Code of Ordinance to govern the operation of Mobile Food Vendors within the City Limits of Easley after expiration of the Pilot Program; and

THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF EASLEY, SOUTH CAROLINA AS FOLLOWS:

Section 1. Enactment and effective dates.

The provisions contained in the attached exhibit shall continue as §121, which shall be titled "Mobile Food Vendors" and incorporated herein by reference. The effective date shall be June 1, 2019.

Section 2. Codification

The American Legal Publishing Co. shall in consultation with the City Attorney have discretion to make such adjustments in the numbering and sequencing of the article numbers and section numbers as will reasonably assure compliance with standard practices in codification and is instructed to codify the new provisions as soon as feasible after their effective dates.

DONE, RATIFIED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF EASLEY, SOUTH CAROLINA, ON THIS _____ DAY OF _____

First Reading: _____

Second Reading: _____

Mayor

Attest:

City Clerk

Food Truck Permit Application – FY2018/2019 Pilot Program

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 in the TIF District? Yes No Private property sites? Y

B. Mobile Food Vendor Vehicle Type:

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, 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 (Sect. 121-400): (Mobile food vendors shall not operate within 115 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, or they are operating on public property within the TIF district per Section 121-300.

- 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. Mobile Food Vendors on Public Property (Sect. 121-300):

- 1. Attach intended hours of operation.
- 2. Attach a detailed map of each public parking area requested for the Mobile Food Vendor Vehicle(s) to be parked.

E. **Required Documents:** (Include with your application)

- Give a brief description of the nature of the business and goods to be sold. If available a menu may be attached.
- City Business License Application
- Completed Background Check. (Required for owner(s) and any manager(s); <https://catch.sled.sc.gov/>)
- Copy of permits required by the SCDHEC (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 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 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.**
- 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 listed as Co-Insured.

F. **Fees:** (The following is a list of fees that will be required upon final approval and are due yearly (May 30))

1. Business License: *(Based on revenue)*
2. City Decal Certificate (Per each mobile food vendor vehicle): \$50.00 *(Payable upon Application/Non-refundable)*

PROPOSED SECTION 121 MOBILE FOOD VENDOR VEHICLE

Sec. 121-100. – Definitions.

Sec. 121-200. – Required compliance with division.

Sec. 121-300. – Mobile food vendors on city property.

Sec. 121-400. – Mobile food vendors on private property.

Sec. 121-500. – Contents of application.

Sec. 121-600. – Submitting false information.

Sec. 121-700. – Mobile food vendor city decal permits fee and display.

Sec. 121-800. – Contents of decal permit.

Sec. 121-900. – Records.

Sec. 121-1000. – Display.

Sec. 121-1100. – Term.

Sec. 121-1200. – General maintenance requirements.

Sec. 121-1300. – Inspections, suspensions, and revocation.

Sec. 121-100 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.

Façade is defined as the face of a building, especially the principal front that looks onto a street or open space. The boundaries of a façade are determined by drawing a line from the edges of the façade to the public right-of-way.

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 or trailer 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. 121-200 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 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. 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 be limited to merchandise displaying the Mobile Food Vendor company logo and/or branding. No items may be displayed outside of the vehicle. All trash within the food vending area, must be removed from the premises at the end of each day's business operation.

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 unless approved by the City.

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.

This Ordinance is proposed as a Pilot Program, and if not revoked by Ordinance on or before May 30, 2019, shall remain in effect.

Sec. 121-300 Streets and public property.

A. Food Trucks, Mobile Market Food Truck within the TIF Boundary on Public Property

1. 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 operating under the approved guidelines within the TIF District.
 - i. There can be no more than four (4) total Mobile Food Vendors in operation, per Section 121-300, A (ii), at the same time within the TIF District and only one (1) operating in each quadrant of the TIF District. The Quadrants are established by using the Pendleton Street railroad crossing at the center point to establish the four areas.
 - ii. Mobile Food Vendors may only park in City owned parking spaces (not to exceed 2 spaces) and must serve to a curb or additional parking space. They may not set up with a service window facing traffic or the railroad.

- iii. Because of concerns for pedestrian and traffic safety, no Mobile Food Vendors (MFVs) shall operate on Main Street, East Main Street, West Main Street, North East Main Street, and North West Main Street.
 - 1. In the northeast quadrant, MFVs shall not operate within 115 feet of an entrance to an eating establishment that is actively open for business and serving customers.
 - 2. In the southeast quadrant, MFVs shall not operate within 115 feet of an entrance to an eating establishment that is actively open for business and serving customers.
 - 3. In the southwest quadrant, MFVs shall not operate within 115 feet of an entrance to an eating establishment that is actively open for business and serving customers.
 - 4. In the northwest quadrant, MFVs shall not operate within 115 feet of an entrance to an eating establishment that is actively open for business and serving customers.
 - iv. No signage may be placed in the public right-of-way that impedes pedestrian or vehicular traffic and may only be similar in style to a sandwich board sign that does not exceed 12 ft squared.
2. 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. No mobile food vendors shall be present in the designated food truck parking spaces during the Farmers Market unless permitted as part of the market.
 3. No Mobile Food Vendor shall use any lighting, sound any device which produces an offensive or loud noise, or use any public address system on the vehicle to broadcast or advertise products.
 4. No Mobile Food Vendor shall operate outside the hours of 7 A.M. to 11:00 P.M. However, a Mobile Food Vendor may apply for additional authorization to operate after 11 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.
 5. Catering Trucks cannot serve to the general public.
 6. Mobile Food Vendors must adhere to the City's Zoning Ordinance Section 94.30 "Smoking in Public Places and Places of Employment."

B. Ice Cream Truck

1. Ice cream trucks must not operate within primarily Downtown commercial areas, unless approved by the City as part of a permitted special event.
2. In all locations outside of the primary Downtown commercial area, ice cream trucks must remain mobile, except for periodic stops for short periods of time in order to make a sale.

Sec. 121-400 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 within the City of Easley.

- 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.

- 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 use any lighting, sound any device which produces an offensive or loud noise, or use any public address system on the vehicle to broadcast or advertise products.
- D. No Mobile Food Vendor shall operate within 200 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 200' 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.
- E. Mobile food vendors will be permitted to locate in all nonresidential zoned areas. 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.
- F. No Mobile Food Vendor shall operate outside the hours of 7 A.M. to 11:00 P.M. However, a Mobile Food Vendor may apply for additional authorization to operate after 11 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.
- G. 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.
- H. Catering Trucks cannot serve to the general public.
- I. Mobile Food Vendors must adhere to the City's Zoning Ordinance Section 94.30 "Smoking in Public Places and Places of Employment."

Sec. 121-500 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. 121-600 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 in a schedule of fees. When the annual permit expires on April 30 of any given year, the fee shall also be due upon the applicant submitting a renewal application. Only one decal may be issued per business, owner, or vendor, and no one person may have more than one truck operations inside the City at any given time.

Sec. 121-700 Contents of decal permit.

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 (\$5.00) 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. 121-800 Records.

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

Sec. 121-900 Term.

Every permit issued under the provisions of this division shall expire April 30 each year.

Sec. 121-1000 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. All Mobile Food Vendors shall replace, repair, or remove any other type of damage or possible public hazard deemed appropriate by the city inspector.

Sec. 121-1100 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 their 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 section 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. 121-1200 Penalties, suspension, and revocation.

Violations of this Section shall be subject to the City Code of General Penalties Section 10-99. The City may also issue a stop order or may suspend or revoke the permit.

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: _____

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

Does this business have an ABL License? Yes If yes, License Number: _____ No

***** 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): _____

Print Name (owner/applicant): _____