



City of Walhalla
206 N Church St.
cityofwalhalla.com

****MOBILE FOOD REGULATION CHANGES****

City council has voted in favor of the following changes to the City of Walhalla mobile food vendor regulations effective immediately:

APPLICATION PROCESS

- If a SCDEHC permit is required under the DHEC 61-25 regulations you must provide a copy of said permit with the application. If a permit is required by these regulations a permit is required to operate within the city limits.
- Must submit to an inspection by the Fire Marshall and the Code Enforcement official.
- Color Copy of the drivers' licenses of both the owner(s) and operators and two-color photographs of the owner(s) taken within 30 days of the filing of a permit application.
- Temporary permits will be issued by the day and will be \$20 per day

OPERATION

- If operating within the downtown overlay you must either be located on the city leased lot at the corner of E Main St and N Spring Street (TMS# 500-16-10-005) or on private property. If you locate on private property, you must be 200 ft away from a lawfully established restaurant.
- When a mobile food vendor is operating outside of the downtown overlay, they must be located 250 feet away from the door of a lawfully established restaurant, or have written consent.
- Catering trucks may operate for events anywhere in the city providing they do not sell products to the public.

The ordinance may be read in full on our website, cityofwalhalla.com. it is located under the Codes and Zoning department page. **Current operators will be held to the new regulations and should contact the Code and Zoning Administrator at the contact information below for any questions or concerns.**

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STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
CITY OF WALHALLA)

ORDINANCE 2021-16

AN ORDINANCE RESCIND ORDINANCE 2019-1/2019-9/2021-13, REGULATIONS FOR MOBILE FOOD VEHICLES, ENTIRELY AND REPLACE WITH ORDINANCE 2021-16

WHEREAS, the City of Walhalla desires to regulate mobile food vehicles.

WHEREAS, the City of Walhalla desires to provide a clear process for the permitting of mobile food vehicles.

Then, Let It Therefore Be Resolved, by the City Council of the City of Walhalla, South Carolina rescind ordinance 2019-01/2019-9/2021-13 and replace in its entirety with ordinance 2021-16, Regulations for Mobile Food Vehicles, to read as follows;

SECTION 1- Title and Purpose

The provisions embraced within the following sections shall constitute and be known and may be cited as “The Mobile Food Vending Ordinance”. The purpose of this ordinance is to promote health, safety, convenience, prosperity and general welfare of the citizens of Walhalla by establishing reasonable guidelines and regulations for mobile food vehicles.

SECTION 2- Definitions

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

“Catering Truck” is defined as a truck, van or similar vehicle from which the vendor offers for sale foods and beverages that are prepackaged to a private audience.

“Food trailer” is defined as an attached or detached trailer equipped with facilities for preparing, cooking and selling various types of food products.

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

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

“Mobile food vendor” is defined as any person selling food from a mobile vehicle.

“Mobile food vehicle” is defined as a self-contained non-motorized unit (push cart), motorized vehicle mounted food service unit that returns daily to its base of operations as approved by DHEC and is used for either preparation or the sale of food products or for both.

“Mobile market food truck” is defined as an motor vehicle equipped with facilities for the sale of locally grown fresh produce. The produce is sold in its original form and has not been altered or cooked in any other way consistent with coming fresh from the fields or gardens in which it was grown.

“Restaurant” a brick-and-mortar establishment where meals are generally served and eaten on premises or prepares and serves food and/or drink to customers for consumption on the premises in return for money, either paid before the meal, after the meal or with running a tab. A restaurant does not include a food service that is delivery only.

SECTION 3 Required

- A) 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 a mobile food permit to do so.
- B) If a SCDHEC permit is required under the DHEC 61-25 regulations you must provide a copy of said permit with the application.
- C) To obtain a State of South Carolina Retail License.
- D) At 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 business and if conducted on public streets or city owned property amounts, the minimum amount is 1,000,000.
- E) Each licensed mobile food vendor must maintain for patrons’ use, a litter receptacle of sufficient size to accept litter being generated by the sales from the vendor’s vehicle at the point of sale. The receptacle must be maintained in such a manner as to preclude an over flow of refuse. Each vendor shall pick up litter which is associated with the vendor’s sales in the vicinity of the vendors’ mobile food vehicle prior to departing a sales location. Recycling is encouraged.

- F) Mobile food vendors shall be limited to edibles hot and cold beverages containing no alcohol. The selling of nonfood or drink items shall be limited to merchandise displaying mobile food vendor company and logo and branding.
- G) To display decal and picture of the unit.
- H) To collect and remit Hospitality Taxes in the same manner as other food services.
- I) All power shall be self-contained.
- J) Provide proof of ownership or lease of the property from the owner for such purposes.
- K) Must provide to the City a lease or the written expressed consent from the owner to use the business property on which they propose to operate.
- L) Provide a site plan including photo of site and detailed layout noting truck orientation and service plan for each site.
- M) Must submit to an inspection by the Fire Marshall and the Code Enforcement official.
- N) Color Copy of the drivers' licenses of both the owner(s) and operators and two-color photographs of the owner(s) taken within 30 days of the filing of a permit application.

SECTION 4 Temporary permits

Temporary permits a will be issued by the day, fees are referenced in Appendix A of the current budget document.

SECTION 5 Fees

Upon approval of an application the annual permit fee shall be reflected in appendix A in the current budget document.

SECTION 6 Operation

All mobile food vendors shall be subject to the following regulations in their operation on private property:

- A) No mobile food vendor shall operate in any city parking lots or parking spaces within the downtown overlay except within the city leased lot located at the corner of East Main Street and North Spring Street. TMS#: 500-16-10-005. A mobile food vendor may operate on private property within the downtown overlay provided they are located 200 feet away from an operating food establishment. Alternate locations may be approved by the City Administrator for bona fide city approved events within the downtown overlay.
- B) When a mobile food vendor is operating outside of the downtown overlay, they must be located 250 feet away from the door of a lawfully established eating establishment, unless the food truck vendor provides documentation, which is signed by the restaurant owner(s), that the restaurant owner interposes no objection to a closer proximity.
- C) When a Catering truck, or a mobile food vendor operating as a catering truck, is operating within the downtown design overlay for a private event, they may be located on private property as long as food and beverage items are not sold to the public and only provided to the private audience. The code official must be notified of the situation 3 days beforehand.
- D) No mobile food vendor shall operate outside the hours of 8:00 a.m. to 10:00 p.m. However, a mobile food vendor may apply for additional authorization to operate after 10:00 p.m., but under no conditions operate later than 1:00 a.m. the following day.
- E) No mobile food vendor shall use any public address system or sound 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.
- F) Mobile food vendors must keep all areas within five feet of the truck and any associated seating clean of grease, trash, paper cups or cans associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto sidewalks, streets or other public spaces. Under no circumstances can grease be released or disposed of in a sanitary sewer system.
- G) 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. All exterior paint work shall be maintained in good condition, free of substantial scratches, chips, rust, dents and abrasions. 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, and/or other type of damage or possible public hazard deemed appropriate by the Codes enforcement officer.

- H) Food vendors shall not obstruct the use of any street intersection, pedestrian crosswalk or space. Shall not impede ingress or egress of any driveway.

SECTION 7 Denial, Revocation, Suspension of Permit

- A) A permit may be revoked, suspended, modified, or not renewed by the City for failure to comply with provisions of this ordinance, or any provisions of this Code or other ordinance of the city.

- B) A permit may also be revoked for the following reasons:

- i. whenever in the judgement of the City Council deems it necessary for the protection of the public good or for prevention of disorders; provided, however, that the City Council shall first give reasonable notice to the permittee of a public hearing on the matter of such revocation.
- ii. The permittee or any of its principals fails to satisfy any qualifications or requirement imposed by this ordinance or other local, state, or federal laws or regulations that pertain to the particular license or
- iii. The permittee or any of its principals is or has engaged in a business, trade or profession without having obtained a valid license, permit or work card when such applicant or principal knew or reasonably should have known that one was required.
- iv. The permittee or any of its principals has been convicted of any crime as a result of having perpetrated deceptive practices upon the public within the last ten years.
- v. The permittee or any of its principals had been convicted of any crime that involves any local, state, federal law or regulation arising out of the operation of similar business.
- vi. The motor food vehicle on which the business is conducted does not satisfy all local state or federal laws or regulations which relate to the activity that is to be licensed after a notice of opportunity to cure.

- vii. The permittee or any of its agents is in default of any payments owed to the city.
- viii. The application contains material omissions or false, fraudulent, or deceptive statements.
- ix. The motor food vehicle is operated in such a manner as constituting a public nuisance.
- x. The SCDHEC denies, revokes or suspends the license of the mobile food vehicle.

The provisions of this section are not exclusive. This section shall not preclude the enforcement of any other provisions of this Ordinance or local state and federal laws and regulations.

SECTION 8 Ice Cream Trucks

All ice cream trucks are subject to requirements as stated above. Ice cream trucks must remain mobile, except for short periods of time in order to make a sale, or except by contract or authorization from the City for a special event or contracted through the parks and recreation department. Ice Cream trucks shall not operate before 9:00 a.m. and must cease operations one half hour before sunset as stated by the National Weather Service.

Ice cream trucks may not use any public address system on the vehicle to announce or advertise its products. A bell or musical recording may be sounded for a period of time to announce the arrival of the vehicle at each location as deemed appropriate by the Code Enforcement Officer.

SECTION 9 Farmers Market

Produce, pre-made food items and mobile market food trucks at city sponsored "Farmers Markets" are exempt from these regulations

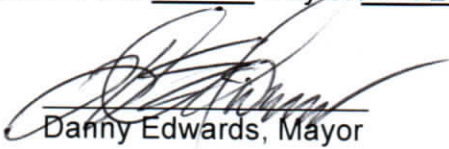
SECTION 10 Term

Every permit issued under the provisions of this division shall valid from July 1st to June 30th. Permits issued prior to this ordinance will be allowed to continue operating until the new expiration date provided, they adhere to this ordinance in its entirety.

SECTION 11 Severability

If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by declaration of any court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions of this ordinance.

DONE AND RATIFIED in Council Duly Assembled this 17 Day of AUG 2021



Danny Edwards, Mayor

ATTEST:

Timothy B. Burt

Timothy B. Burton, City Administrator

Introduced By: Ms. MELENDEZ

First Reading: 7/20/21

Public Hearing,
Second Reading
And Adoption: 8/17/21