ORDINANCE #2025-06
"AN ORDINANCE TO INCLUDE SUBSECTION 5.30 – MOBILE FOOD VENDING TO BUSINESS LICENSES AND REGULATIONS"

TITLE 5 – BUSINESS LICENSE AND REGULATIONS

Chapter 5.30 - Mobile Food Vending

Sec. 50.30.200 through Sec. 5.30.900. - Reserved.

Sec. 5.30.010. - 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:

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

Mobile food vendor vehicle is defined as any motorized vehicle that is used for the preparation or the sale of food products or for both.

Sec. 5.30.020. - General Requirements.

(a) It shall be unlawful for any person to engage in business as a mobile food vendor within the City without first obtaining all necessary approvals by South Carolina Department of Health and Environmental Control (DHEC), South Carolina Department of Revenue, or any other applicable state agencies, a City business license, and a mobile food vendor license. Upon being granted a mobile food vendor license, the vendor must comply with the affirmative mandates and must not violate the prohibitions regarding sales, operations, locations and restrictions contained in this chapter.

(b) At the time of application for a mobile food vendor 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 in amounts reasonably determined by the Business Department or h.is designee. This insurance must be maintained for as long as the mobile food vendor is in operation.

(c) 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 overflow of refuse. 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.

(d) Mobile food vendors hall be limited to the sale of edibles and beverages. The selling of nonfood or drink items shall be limited to merchandise displaying the mobile food vendor company logo and/or branding.

(e) All mobile food vendors shall prominently display the original DHEC food inspection report that shows a posted grade, unless exempt.

(f) It shall be unlawful for any person to operate or work for a mobile food vendor who has ever been convicted of a felony or crime of moral turpitude.

Sec. 5.30.030. - Mobile Food Vendor License Application.

Applicants for a mobile food vendor license shall file with the Business Department or desi1mee a sworn application in writing on a form to be furnished by the Business Department or designee, which shall give the following information:

(a) SLED background checks for the applicant, if an individual, and for all persons working for the applicant.
(b) The names, permanent addresses, mailing addresses, and telephone numbers of the applicant and all persons working for the applicant.
(c) A description of the applicant's mobile food vendor vehicle and a copy of the vehicle registration.
(d) A brief description of the nature of the business and goods to be sold.
(e) For each person that will be driving the mobile food vendor vehicle, a ten-year driving record from the South Carolina Department of Motor Vehicles or comparable state agency of any state said person has lived in for the past ten years.
(f) Such other relevant information as may be reasonably required by the Business Department or designee after a review of the submission of the above material in order to ensure 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. 5.30.040. - Submitting False Information.

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

Sec. 5.30.050. - Mobile Food Vendor License Decals

Each applicant, upon being issued a Mobile Food Vendor License under this chapter, 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 Business Department or designee shall approve in writing. The license and decal are issued to a specific vendor for a specific vehicle. No vendor may transfer a license or decal to another vendor. No vendor shall transfer a license or decal to another vehicle owned or controlled by the same vendor. Ln 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 license and decal; then a replacement license and decal shall be issued and the original license and decal shall become null and void and must be returned to the City prior to the issuance of replacements.

Sec. 5.30.060. - Mobile Food Vendor License Fees.

There shall be due at the time of application for a Mobile Food Vendor License in an amount set by the Business Department or designee in a schedule of fees. When the annual license expires on March 30 of any given year, the fee shall also be due upon the applicant submitting a renewal application.

Sec. 5.30.070. - Records.

The Business Department or designee shall keep a permanent record of all licenses issued under this chapter.

Sec. 50.30.080. - Term.

Every perm it issued under the provisions of this a1ticle shall expire on December 3 1 of each year.

Sec. 5.30.090, - Mobile Food Vendors on Public Property.

It shall be unlawful for any mobile food vendor to operate on any City owned property or public property including, but not limited to public streets, parks, trails, and sidewalks, except for areas of public property that shall be specifically authorized for mobile food vending by the Business Department or designee. The Business Department or designee may also authorize specific dates and times, rules, and regulations for the operation of mobile food vendors in specifically authorized areas of public property that must be adhered to by all mobile food vendors operating in said areas.

Sec. 5.30.100. - Mobile Food Vendors on Private Property.

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

(a) Unless specifically authorized in writing by the Major for a special event, a mobile food vendor shall only be permitted to operate on private property in the following zoning districts: C2 General Commercial District, AC1 - Residential/Commercial District, U1 - Industrial District.

(b) Unless specifically authorized in writing by the Business Department for a special event, no mobile food vendor shall operate on private property outside the hours of 6:00 a.m. until *12:00* p.m.

(c) At the end of each business day's operation, the mobile food vendor must remove from the parcel the mobile food vendor vehicle and all materials associated with the business.

(d) No mobile food vendor shall sound any device which produces an offensive or unreasonably loud noise to attract customers or advertise products.

Sec. 5.30.110. - General Maintenance Requirements for Mobile Food Vendor Vehicles.

(a) All exterior body work and mechanical equipment 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 interior equipment and food service equipment shall be kept in proper repair and sanitary conditions at all times.

(e) The Business Department or designee may prohibit the operation of any mobile food vendor vehicle with any other type of damage or condition that may pose public health hazard.

Sec. 5.30.120. - Inspections.

(a) Nothing in this chapter shall be construed as limiting or replacing the role of the DHEC (Department of Health and Environmental Control), which has the primary task of inspecting mobile food vendors.

(b) The Business Department or designee 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 ascertaini11g whether or not any of the provisions of this chapter are being violated.

(c) Any mobile food vendor vehicle which is found, after any inspection. to be un safe or in any way not compliant with this a1ticle may be directed to be out of operation until the cited deficiency is corrected, and before again being placed in service shall be delivered to the Business Department or designee at a designated point for re-inspection.

Sec. 5.30.130. - Public Nuisance.

The operation of a mobile food vendor business in violation of this chapter such shall constitute a public nuisance.

Sec. 5.30.140. - Violations.

Any person in violation this chapter shall be guilty of an ordinance violation, and upon conviction thereof, shall be punished in accordance with Section 1- 12 of the City of Williamston Code of Ordinances. The Business Department or designee may also suspend or revoke the mobile food vendor license and/or business license of any person operating a mobile food vendor business in violation of this chapter.

Sec. 5.30.150-Sec. 5.30.190. - Reserved.

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Mayor

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ATTEST:

Felicia Jany Nato

Felicia Sawyer-Norton

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Final Reading: 5-13-25