



Council

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Mayor Pro Tempore

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COOL. COASTAL. FAR FROM ORDINARY.

ORDINANCE 2022-7

AN ORDINANCE CREATING SECTION 12-91 FOOD TRUCK GUIDELINES IN CHAPTER 12 LICENSES AND BUSINESS REGULATIONS, ARTICLE VIII FOOD TRUCKS OF THE PORT ROYAL CODE OF ORDINANCES IN THE TOWN OF PORT ROYAL.

WHEREAS, in 2021, Port Royal Town Council enacted an Ordinance creating Section 12-92 of the Town Code of Ordinances dealing with Ice Cream Trucks; and

WHEREAS, recently food truck businesses have been on a rise in the area; and

WHEREAS, the Town currently allows food trucks to sell at the Sands Beach, Bruce Edgerly Park and in the front green of the Town Hall; and

WHEREAS, Town Council finds that it is in the best interest of the Town to provide more opportunity for the operation of food trucks.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Port Royal duly assembled and with authority of the same that Section 12-91 Food Truck Guidelines be created and added to Chapter 12 of the Code of Ordinances of the Town of Port Royal, South Carolina:

Chapter 12, Article VIII, Section 12-91: Food Truck Guidelines:

Article VIII. Food Trucks

Sec. 12-91.

I. 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, fully mobile vehicle-mounted 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, as allowed by sections. 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.

II. Licensing of food truck vendors.

- a) All food truck vendors doing business in the town must obtain a town business license [per the] Code of Town Ordinances, Chapter 12, Licenses and Business Regulations and obtain approval by the town's fire marshal.
- 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.

III. Regulations of food truck units and food trailers.

- a) No food truck units or food trailers shall be located within 100 feet from the door of an established restaurant unless the owner of the restaurant provides a letter of consent, a copy of which shall be kept within the food truck and a copy at the Town Hall.
- b) No food truck unit or food trailer shall be located within 75 feet from the door of a residence, except for units powered without the use of a generator.
- 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 license property or adjoining property except as allowed for ice cream trucks as stated here.
- 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 set up south of Ribaut Road when a special event or festival is taking place. Refer to town staff for event calendar.
- 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 and food truck zones 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 board utilized to sell food or merchandise during operating hours only.
- h) A food truck unit or food trailer may utilize music at a reasonable level.
- 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 town waste receptacles is prohibited.
- l) All food truck units or food trailers shall be equipped with at least one (1) 2A-40 BC fire extinguisher. The fire marshal will determine what is required based on how the food truck unit is outfitted.
- m) 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 spot or site within the Town of Port Royal.
- n) All sales must be made directly from the permitted food truck unit or food trailer.
- o) 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).

IV. Parking, allowable vehicles, and designated area.

- a) Allowable vehicles include trucks and trailers and must be sized to fit into the parking spaces in which service is provided to customers through the side of the vehicle at the sidewalk only.
- b) Food trucks may be permitted on town property and in town parks at the discretion of the Administrator.
- c) On Paris Avenue south of Ribaut Road, food trucks or food trailers are permitted in the right-of-way in designated food truck or food trailer zones (see Food Truck Zones map).
- d) Vending at designated public food truck or food trailer zones is permitted from 7 AM to 10 PM.
- e) Food trucks or trailers are permitted on private property in the T4NC-O, T4UC, and T5MS zoning districts. Food trucks or trailers may be permitted in all other zoning districts for nonrecurring special occasions.

- f) Food trucks or food trailers on private property must have a written agreement on file with the Town from the property owner/manager regarding the time(s) and location of use of the premises must be provided with the application.
- g) 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 fine and/or suspension/revoked business license.

V. Violations, suspension/revocations.

The town manager may suspend, revoke, and/or fine any licensed participant for the following reasons:

- 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 town 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 town's storm drainage;
- e) All violators will be subject to a fine of one hundred dollars (\$100.00 per day for uncorrected violations) and suspension/revocation of license.

VII. Renewal process.

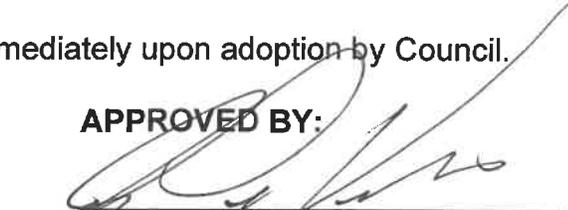
- a) Food truck business licenses expire on December 31st of each calendar year, and must be renewed annually, subject to administrative review, modification (if necessary), and approval.
- b) Copies of inspection reports and other applicable documentation from SC DHEC must be provided at the time of renewal.
- c) Business licenses must be renewed by April 30th or a late fee will be incurred.

This Ordinance shall become effective immediately upon adoption by Council.

REQUESTED BY:


Milton E. Willis
Town Manager

APPROVED BY:


Joe DeVito
Mayor

ATTEST:



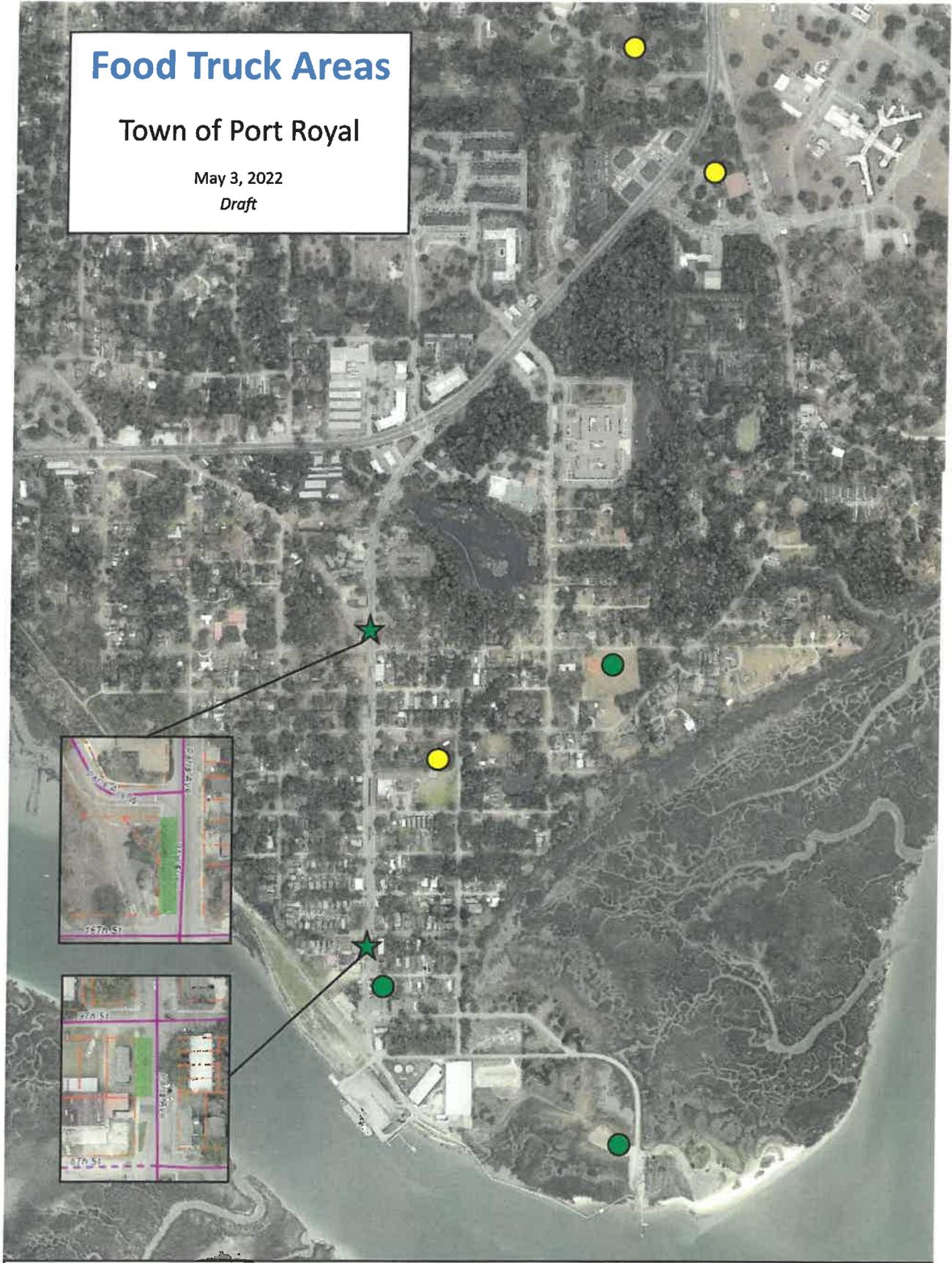
Introduced: 05/11/2022

Final Reading: 07/13/2022

Food Truck Areas

Town of Port Royal

May 3, 2022
Draft



Permitted with proper licensing



Permitted with proper licensing & staff approval



Designated Food Truck Zone