

TOWN COUNCIL



STAFF REPORT

Department of Growth Management

MEETING DATE:	August 9, 2016
PROJECT:	Workshop on Mobile Vendors
PROJECT MANAGER:	Kevin P. Icard, AICP Planning & Community Development Manager

RECOMMENDATION:

Direct Town staff on whether or not the Town should consider revisions to the current Mobile Vending Ordinance as outlined. This is one of the strategic initiatives of the Town's Strategic Action Plan 2017-18. The goal is to ensure that the current Mobile Vendor Ordinance is meeting the needs of the Town and is following a best practice model for users and staff.

BACKGROUND:

Staff is currently researching other communities in the region on what their standards are for allowing mobile vendors – (including Food Trucks & Carts). Attachment #1 provides an overview of the Town's current checklist for a Mobile Food Truck (Article III. Soliciting – Section 6-75 through 6-77) which includes the following forms and approvals from other agencies:

- Business License Application
- Authorization form for Solicitation
- Background Check Authorization Form
- SC Retail License
- DHEC Permit Inspection Report
- Landowners written approval
- Copy of Liability Insurance
- Map of site where truck will be set up
- Picture of site setup

Attachment #2 indicates the business license requirements for Ice Cream Trucks (Section 6-75 through 6-77) and Non-Motorized Vendors (Section 7-71 through 7-82).

Ice Cream Truck:

- New Business License Application
- Home Occupation (if applicant lives in the Town limits)
- Background Check
- DHEC Certification
- Copy of Vehicle Insurance
- Pictures of Vehicle (all four sides)
- Signed copy of Town of Bluffton Ordinance 2014-13 Section 6-75 through 6-77 by applicant

Non-Motorized Vendor:

- New Business License Application
- Home Occupation Application (if Applicant lives in the Town limits)
- Copy of Valid Driver's license of Applicant and all employees
- Copy of Vehicle Insurance (minimum coverage \$100,000 bpdliy injury one person and \$300,000 for more than one person in sane accident & \$25,000 for property damage)
- Picture of Vehicle
- Certificate of completion of a Bluffton History Class (Heyward House)
- Tour route pre-approved by the Chief of Police of Bluffton
- Signed copy of Town of Bluffton Ordinance 2014-13 Section 7-71 through 7-82 by applicant

Attachment #3 is a table created by staff showing other communities throughout the state and how each one addresses mobile vendors.

Questions for Town Council to consider:

- Do you want to make any changes to the current ordinance?
 - If so here are some questions to consider.

Staff Generated Questions to Consider

- Currently, per Section 6-77-b.5 of the Town's code, there are three types of products that can be sold via a mobile vendor; **Type A** Prepared Food, **Type B** Agricultural/Seafood Products, & **Type C** Ice Cream. Does Town Council want staff to include any other types of mobile vendors?
 - If yes, this could include retail uses (clothing), publications, mobile vending machines (snacks, sodas), etc.
- Should we allow food trucks or carts on public property?
 - If yes – what are the provisions, i.e. Special Events (festivals, parades, etc.)?
- Should we allow food trucks or carts on private property?
 - If yes – some items to consider;
 - written consent from property owner
 - where on the property (paved surface or grass)
 - signage requirements
 - should extra parking be provided to accommodate patrons
 - which zoning districts would they be permitted?
- If we expand the current ordinance to allow motorized food trucks, do we limit the number of permits or limit the distance from the front door of legal establishments?

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- If yes – what is an appropriate amount of permits to be issued at any one time, what is a sufficient distance from legal establishments 200 feet, 300 feet, etc.
 - Should staff research and determine if a Food Truck Overlay Zone should be designated?
 - If yes – where are some appropriate locations?

ATTACHMENTS:

1. Town of Bluffton – Mobile Food Truck Checklist and Requirements
2. Town of Bluffton – Business License Requirements
3. Regional Mobile Vendors

Lisa Sulka
Mayor

Larry Toomer
Mayor Pro Tempore

Marc Orlando
Town Manager



Council Members
Fred Hamilton
Dan Wood
Harry Lutz

Sandra Lunceford
Town Clerk

Mobile Food Truck Checklist

- Business License Application
- Authorization form for Solicitation
- Background Check Authorization Form
- SC Retail License
- DHEC Permit Inspection Report
- Landowners written approval
- Copy of Liability Insurance
- Map of site where truck will be Set Up
- Picture of site setup

ORDINANCE NO. 2014-13
SECTION 6-75 – 6-77
TOWN OF BLUFFTON, SOUTH CAROLINA
ORDINANCE FOR THE AMENDMENT OF THE
TOWN OF BLUFFTON BUSINESS LICENSE ORDINANCE

ARTICLE III. SOLICITING

Section 6-75 Solicitors conditionally prohibited

Unless approved by the Town Manager, it shall be unlawful for the operator, owner, manager or agent of any rooming house, boarding house, or lodging house, restaurant, café, tearoom, lunchroom, storage garage, or any other business, hereafter called "establishment", to employ or use any person to solicit patrons therefor, by going upon the streets and accosting pedestrians or occupants of vehicles, either verbally or by means of signs or any other device whatsoever.

Section 6-76 Use of streets for sales and distribution prohibited

Unless approved by the Town Manager or Town Council, it shall be unlawful for any person or group of persons to sell, solicit sales, or offer for distribution any merchandise, publication, handbill, or pamphlet while such person is standing in the street and right-of-way, areas reserved for parking spaces, or the areas reserved for loading and unloading, or to enter any of said areas for the purpose of sale and/or delivery of any said items.

Section 6-77 Use of private property for mobile vendor Provisional /Privilege License.

6-77-a. Unless approved by the Town Manager, it shall be unlawful for any mobile vendor to sell, solicit sales, or offer for distribution any food, drink, merchandise, publication, handbill, or pamphlet while operating on owner-approved private property. However, the Town Manager will set the criteria for operation of mobile vendor businesses as far as the quantity of this type of business, duration, and zoning location for all Provisional/Privilege Licenses. During the initial pilot period, the quantity of businesses of this type in a non-appropriate zone will be limited to a maximum of 5 for a period of 90 days to be evaluated at that time and subject to change or cancellation at the discretion of the Town Manager. The rules and regulations for operating this type of business are as follows:

6-77-b. MOBILE VENDING UNIT RULES AND REGULATIONS

1. Type of License: Provisional/Privilege License
2. Cost: \$50.00 per three-month period.
3. License Period:
 - A. License expires after 3 months. License may be renewed.
 - B. License may be changed or cancelled for any reason, at any time, by the Town Manager.
4. Locations: Limited to Old Town Area
 - A. Calhoun Street north of Bridge Street.
 - B. May River Road for that area identified as Neighborhood Core - HD per the Unified Development Ordinance.
 - C. May only occur on private property only with express permission (in writing) from property owners.
 - D. May only occur within right-of-ways on Town-owned streets with Town Manager's approval.
 - E. May not block or otherwise interfere with Department/EMS access or parking spaces on any public or private street.
 - F. May not block or otherwise interfere with safe passage of public or private sidewalk areas.
 - G. No mobile vending unit may block an ingress/egress route to property or building.
 - H. No more than 2 mobile vending units may be operated on any individual parcel.
 - I. No more than 2 mobile vending units may be licensed by same operating entity.
 - J. Properties and/or structures may not be altered for purpose of operating mobile vending unit.
 - K. Electricity and/or other required utility service must come from property where mobile vending unit is to be located.

5. Product Type:

TYPE A: Prepared Foods.

1. Vendors must be licensed by State and County
2. Food preparation facility must be located in Town of Bluffton.
3. Food preparation facility must be licensed by
4. Appropriate health and licensing agencies.

Type B: Agricultural/Seafood Products – to facilitate local agricultural/seafood industries.

1. Vendor must be licensed by state and County Authorities.
2. Products must come from within 20 miles of Town of Bluffton.

Type C: Ice cream – Any frozen dairy or frozen water-based food product.

1. Vendors can operate out of a motor vehicle used for selling, displaying or offering to sell ice cream only.
2. Vendor 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 process.
3. No vendor shall remain stationary on a public street or right-of-way more than 30 minutes in any one location conducting business, after which time such vendor must move at least one block or 500 feet, whichever is greater, and shall not return to the same block or location within the same day.
4. Each vendor must maintain a litter receptacle for patrons' use. Excessive litter caused by product packaging may result in revocation of this license.
5. Vendors must equip motorized vehicles with a flashing amber dome light and front and rear warning lights, which the vendor shall flash alternately and shall be flashing when such vehicle is stopped for the purpose of selling ice cream.
6. Signs stating "WATCH FOR CHILDREN" must be provided on the front, back and both sides of the vehicle in at least 4" letters of contrasting colors.
7. Vendors shall not be positioned so as to expose customers to vehicular traffic, or otherwise in an unsafe manner. Any directive by a police officer in this regard shall be immediately complied with.

8. Vendors shall not sell non-food novelty items, noisemakers, or toys.
9. No 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. A bell or musical recording may be sounded for a period not to exceed five minutes to announce the arrival of the vehicle at each location.
6. Duration: Hours of operation and setup/take down requirements.
 1. Can only set-up/take down and operate between hours of 10:45 am and 7:00 pm (months of May through September).
 2. Can only set-up/take down and operate between hours of 10:45 am and 5:00 pm (other months).
 3. Units and all accessory elements (i.e. power cords, cables, trash receptacles, etc.) must be removed daily.
 4. Trash, recyclables, and other refuse must be disposed of properly on a daily basis.
7. Form:
 - a. Mobile vending units must be fully mobile with operable wheels (minimum size 6 inches in diameter) on rigid axels or mountings. Trailers or carts pulled behind vehicles must be licensed by SC DOT.
 - b. Mobile vending units may not be motorized.
 - c. Mobile vending units may not remain attached to motorized vehicles during hours of operation.
 - d. Signage shall be required to have valid permits from Town of Bluffton.
 - e. Mobile vending units may not be placed under temporary tents, tarps, or other non-permanent covering.
 - f. Shade features may be used if attached to mobile vending unit and detached during transport.
 - g. Shade features may not be attached to trees, structures, or other permanent feature on any property.

6-77-c. Other Requirements:

1. Federal and State Tax Identification Numbers must be provided at time of application.
2. Certificate of proof of insurance must be provided at time of application.
3. Proof of DHEC approval must be provided at time of application.
4. This information must be posted on mobile vending unit.



**TOWN OF BLUFFTON
NEW BUSINESS LICENSE APPLICATION**

Business License
PO Box 386
20 Bridge Street
Bluffton, SC 29910
phone (843)706-4501
fax (843)706-4503

COMPANY INFORMATION

Company Name: _____

DBA: (Doing Business As, if different than Company Name)

Date the business opened or work
began in the Town of Bluffton:

Please describe in detail your business: (Retail, Restaurant/Bar, Construction, Professional)

If a Restaurant or Bar, a Supplemental Business License Application must be submitted

PHONE/ADDRESS INFORMATION

Business Phone: _____ Business Fax: _____

Physical Address Street/Suite Number _____ City _____ State _____ Zip _____

Mailing Address Street/Suite Number _____ City _____ State _____ Zip _____

OWNERSHIP INFORMATION

Name(s) of Owner(s), Partnership(s), and/or Principal(s): _____

(Please Check One) Corporation _____ Partnership _____ LLC _____ Non Profit _____ Sole Proprietorship _____ Other _____

(Please Complete One) Federal Tax ID# _____ (OR) Social Security# _____

Owner's Drive Lic. # _____ State Issued _____ Number of Employees: _____

Contact Person: _____ Phone: _____ Email: _____

IF APPLICABLE TO YOUR BUSINESS:

I. SC DEPARTMENT OF LABOR, LICENSING AND REGULATION # _____
(General Contractor, Home Builders, Specialty, Real Estate, Cosmetology, Physicians, Fire/Alarm, etc.)

II. SC RETAIL # _____

- A copy of your SC Retail License is required and DHEC Health Certificate if applicable to business type.
- Does your business prepare food/beverages? If so, you are required to collect and remit a 2% Hospitality Tax (HTAX) quarterly to the

III. Does your business rent accommodations for intervals less than 90 days? If so, you are required to collect and remit a 3% Accommodations Tax (ATAX) quarterly to the Town of Bluffton.

**ARE YOU A HOME OCCUPATION
LOCATED IN THE TOWN OF BLUFFTON?**
NO _____ YES _____
(If yes, Home Occupation Application required)

ALL BUSINESS LICENSE ARE VALID FOR THE CALENDAR YEAR AND EXPIRE ON DECEMBER 31ST. RENEWAL NOTICES ARE MAILED IN JANUARY AND PENALTIES WILL BE ASSESSED FOR PAYMENTS RECEIVED AFTER APRIL 15TH. IN THE EVENT YOU DO NOT PLAN TO CONTINUE DOING BUSINESS WITHIN THE TOWN OF BLUFFTON, PLEASE CONTACT OUR OFFICE TO CLOSE YOUR ACCOUNT.

I DO HEREBY CERTIFY THE ABOVE INFORMATION IS TRUE AND CORRECT. I AM FAMILIAR WITH THE PENALTY PROVISIONS OF THE ORDINANCE AND THE GROUNDS FOR REVOCATION OF THE LICENSE, INCLUDING MAKING FALSE OR FRAUDULENT STATEMENTS IN THIS APPLICATION. I CERTIFY THAT ALL BUSINESS PERSONAL PROPERTY TAXES DUE AND PAYABLE TO THE TOWN/COUNTY HAVE BEEN PAID, AND THE ABOVE BUSINESS NAME IS THE SAME AS REPORTED ON DOCUMENTS FILED WITH THE STATE AND FEDERAL GOVERNMENTS. I UNDERSTAND MY BUSINESS TAX RETURNS AND OTHER DOCUMENTS MAY BE INSPECTED BY THE TOWN OF BLUFFTON TO VERIFY GROSS INCOME OR OTHER BUSINESS DATA.

SIGNATURE/AUTHORIZED REPRESENTATIVE

PRINTED NAME & TITLE

DATE

**Approval of a Business License does not constitute approval to make any changes to the building or property.
Separate permits and approval must be obtained prior to any changes
Please contact the Customer Service Center for additional information 843-706-4500**

Lisa Sulka
Mayor
Larry Toomer
Mayor Pro Tempore
Marc Orlando
Town Manager



Council Members
Fred Hamilton
Harry Lutz
Dan Wood
Sandra Lunceford
Town Clerk

**AUTHORIZATION FORM
FOR SOLICITATION IN THE TOWN OF BLUFFTON**

Name of Applicant: _____ Phone: _____

Address: _____

Name of Organization: _____ Phone: _____

Address of Organization: _____

Town of Bluffton Business License # _____

Dates of Solicitation: From: _____ to _____

Solicitation will be allowed between the daytime hours of 10:45am and 7:00pm (months of May through September) and 10:45am and 5:00pm (other months). We caution you to honor all "NO SOLICITATION" OR "NO SOLICITING" signs. Please note that gated communities are subject to their own POA rules.

A COPY OF THIS FORM MUST BE CARRIED AT ALL TIMES DURING SOLICITATION

Please describe the goods, wares, services, or merchandise to be offered for sale:

Please list all the areas of the Town of Bluffton in which the soliciting will be conducted:

The Town Manager reserves the right to suspend or revoke this approval to solicit at any time for any reason that he, in his sole discretion, deems appropriate.

Applicant: _____ Date: _____

Approved: _____ Date: _____
Marc Orlando, Town Manager



AUTHORIZATION FOR RELEASE OF VENDOR PERSONAL BACKGROUND INFORMATION

To: (business owner) _____

Address: _____

Fax number: _____

I, the undersigned, grant permission for any and all Municipal, County, State, and National criminal records (including felony and misdemeanor records), and motor vehicle records background check to be released to:

THE TOWN OF BLUFFTON, SOUTH CAROLINA

I also understand that this is required as part of the Mobile Vendor Business license application process per Town of Bluffton Code of Ordinances, NO. 2014-13, Section 6-77(b).

Print Name: _____

Social Security Number: _____

Date of Birth: _____ (Required for Criminal Background)

Address: _____

City: _____ State: _____ Zip Code (required) _____

Driver's License: (State/Expiration Date/Number)

Signature: _____ Date: _____

Fax this information to: **Business License Dept.**

Business License Coordinator

Fax number: **843-706-4503**

Ice Cream Truck - Business License Requirements

Mobile Vendor Ordinance 2014-13 Section 6-75 through 6-77

- New Business License Application
- Home Occupation Application (if Applicant lives in the Town limits)
- Background Check
- DHEC Certification
- Copy of Vehicle Insurance
- Pictures of Vehicle (all four sides)
- Signed copy of Town of Bluffton Ordinance 2014-13 Section 6-75 through 6-77 by applicant

Type C License - Provisional License

Prepackaged frozen dairy or frozen water-based food product only

Provisional License is valid for 3 months from the date of issuance

Business license fee \$50.00

Limited to Old Town Area - Calhoun St. north of Bridge Street - Neighborhood Core HD

Vehicle must be equipped with a flashing amber dome light and front and rear warning lights

“Watch for Children” must be on all four sides of the vehicle, in a minimum of “4 letters

Litter Receptacle must be available for patrons’ use

Licensee shall not sell non-food novelty items, noisemakers or toys

No more than 2 Mobile Vending Units may be licensed by the same operating entity

Town Manager may cancel at any time for any reason

Non-Motorized – Business License Requirements

Ordinance 2014-13 Section 7-71 through 7-82

- New Business License Application
- Home Occupation Application (if Applicant lives in the Town limits)
- Copy of Valid Driver’s license of Applicant and all employees
- Copy of Vehicle Insurance (minimum coverage \$100,000.00 bodily injury one person and \$300,000.00 for more than one person in same accident, \$25,000 for property damage)
- Pictures of Vehicle
- Certificate of completion of a Bluffton History Class (Heyward House)
- Tour route pre-approved by the Chief of Police of Bluffton
- Signed copy of Town of Bluffton Ordinance 2014-13 Section 7-71 through 7-82 by applicant

Annual Business license fee \$50.00

Hours of Operation 8:30 am to 10:00 pm

The name of the tour company shall be clearly displayed and visible on each vehicle

Each vehicle shall have lamps or reflectors in operation 30 minutes after sundown in accordance with South Carolina Code 56-5-4650

No more than two (2) non-motorized companies shall be licensed to operate in the Town

The Town may limit the number of vehicles that tour companies may be operating at any one time.

It is unlawful to consume or transport alcoholic beverages aboard any non-motorized tour vehicle

Town Manager may temporarily suspend the non-motorized business license for violation of any provisions of Ordinance 2014-13 Section 7-71 through 7-82. The business company may appeal any such suspension to Town Council provided a written appeal has been submitted to the Town Manager within seven (7) days of the Town Manager’s decision.

REGIONAL MOBILE VENDORS

Jurisdiction	Location	Parking & Access	Hours of Operation	Taxes/Permit Fees	Type of Vehicle	Other
Bluffton	<ul style="list-style-type: none"> Limited locations in Old Town Area 	<ul style="list-style-type: none"> Written permission from property owner Within ROW with Town Manager approval Can't block access 	<ul style="list-style-type: none"> Ice Cream Truck is only one listed; May-Sept. 10:45am-7:00pm & all other months 10:45am-5pm 	<ul style="list-style-type: none"> Permit fee \$50/3 months. Expires every 3 months and can be renewed or cancelled 	<ul style="list-style-type: none"> Food Vendor must be non-motorized (trailer) & can't be attached to vehicle during operation Ice Cream Truck must have flashing lights and "Watch for Children" signs on all four sides 	<ul style="list-style-type: none"> Food vendor must be associated with food preparation facility that is located in the Town of Bluffton
Beaufort County	<ul style="list-style-type: none"> Specific zoning districts 	<ul style="list-style-type: none"> Written permission from property owner, can't block existing businesses or activities 	<ul style="list-style-type: none"> Not listed, however, can't be parked overnight & can't be at same location weekly 	<ul style="list-style-type: none"> Annual Permit issued by Zoning Dept. Collect & remit Hospitality Taxes, same as other food service enterprises 	<ul style="list-style-type: none"> Permits motorized vehicles Must provide picture of unit 	<ul style="list-style-type: none"> DHEC Approval, must show suitable access to restroom for employees
Savannah (Draft)	<ul style="list-style-type: none"> Private property, can't conduct in ROW unless it's part of a special event recognized by the City with pre-approval Only in specific zoning districts 	<ul style="list-style-type: none"> Written consent from the property owner, 	<ul style="list-style-type: none"> No specific time is listed 	<ul style="list-style-type: none"> Permit issued annually 	<ul style="list-style-type: none"> Must provide photo of truck, make, model, license plate number 	<ul style="list-style-type: none"> Food trucks can't conduct business within 200 feet as measure from the main entrance of a brick and mortar restaurant
Greenville, SC	<ul style="list-style-type: none"> Specific zoning districts 	<ul style="list-style-type: none"> Written consent from property owner 	<ul style="list-style-type: none"> Until 10 pm, but can receive permit to 	<ul style="list-style-type: none"> Yearly decal \$500 	<ul style="list-style-type: none"> Permits motorized vehicles Must provide picture of vehicle, and the 	<ul style="list-style-type: none"> Food Trucks can't conduct business within 250 feet from the door of an eating establishment, unless a waiver is signed by the lawful business

REGIONAL MOBILE VENDORS

			operate till 1 am		owner(s) taken within the past 30 days	• Must provide own litter receptacle
Hilton Head Island	<ul style="list-style-type: none"> • Mobile vending is not specifically licensed • Peddlers, solicitors, canvassers, door-to-door sales, direct retail sales of merchandise and promoters of arts/crafts fairs are licensed 	• N/A	• N/A	• N/A	• N/A	• N/A
Port Royal	<ul style="list-style-type: none"> • Mobile vending is not specifically licensed 	• N/A	• N/A	• N/A	• N/A	• N/A
Columbia	<ul style="list-style-type: none"> • Public ROW • In established vending district est. by city council 	<ul style="list-style-type: none"> • Can't be located within 10' of any entrance & 25' of any bus stop 	<ul style="list-style-type: none"> • Not allowed between 11pm and 6am 	<ul style="list-style-type: none"> • Permit issued by city council after public hearing 	<ul style="list-style-type: none"> • Prohibits motorized vehicles • Permits sidewalk vending 	<ul style="list-style-type: none"> • Can't be within 50' of business selling same merchandise • Requires public hearing with posting a notice w/in 100; of proposed location 15 days prior to meeting • Items must remain in cart • Can't operate as 'drive-thru'
Charleston	<ul style="list-style-type: none"> • Old and Historic District 	<ul style="list-style-type: none"> • Can't be located within 50' of a church or place of worship 	•	<ul style="list-style-type: none"> • City council issues franchise license to 17 designated spaces to the highest bidder 	<ul style="list-style-type: none"> • Permits motorized vehicles by peddlers 	<ul style="list-style-type: none"> • Focus is on tour companies