

MOBILE FOOD VENDORS

Adopted by Town Council: August 9, 2016, per ZTA 2016-01

Article 3-4.9 Public-Semi-Public Institutional District

3-4.9.2 Permitted Uses (by-right)

- Accessory buildings and uses, including dwellings accessory to a permitted use
- Cemeteries
- Child care center, day care center, or nursery school
- Churches
- Community buildings
- Fairgrounds, showgrounds, or exhibition center
- Family care homes, foster homes, or group homes
- Hospitals, nursing homes, and clinics
- Institutional uses
- Mobile Food Vendors as permitted per Article 9-24.1
- Offices for business or professional use
- Off-street parking for permitted uses subject to Article 7
- Open space subject to Article 9
- Parks and playgrounds
- Public or governmental buildings
- Rescue squad or volunteer fire company
- Schools
- Senior citizen center
- Signs subject to Article 6
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Yard sale or other special sale or event conducted on the premises of and for the benefit of a permitted use in the district

Article 3-4.12 Industrial District

3-4.9.2 Permitted Uses (by-right)

- Accessory buildings
- Active and Passive Recreation and Recreational Facilities
- Banks and savings and loan offices
- Broadcasting studios and offices
- Business and office supply establishments
- Cabinet, upholstery, and furniture shops

- Cafeteria or snack bar for employees
- Clinics, medical or dental
- Commercial uses constituting up to 15% of permitted site or building area
- Conference Centers
- Contractor's office and warehouse without outdoor storage
- Crematory
- Dwellings for resident watchmen and caretakers employed on the premises
- Employment service or agency
- Flex Office and Industrial uses
- Health and Fitness Facilities
- Institutional buildings
- Janitorial service establishment
- Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines
- Light manufacturing uses which do not create danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries
- Mobile Food Vendors, as permitted per Article 9-24
- Monument sales establishments with incidental processing to order but not including shaping of headstones
- Motion picture studio
- Nurseries and greenhouses
- Offices- business, professional, or administrative
- Off-street parking and loading subject to Article 7
- Open space subject to Article 9
- Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses
- Private club, lodge, meeting hall, labor union, or fraternal organization or sorority -
- Rental service establishment
- Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use
- Rug and carpet cleaning and storage with incidental sales of rugs and carpets
- Security service office or station
- Sign fabricating and painting
- Signs, subject to Article 6
- Studios
- Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Wholesale establishment, storage warehouse, or distribution center. furniture moving

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Article 9-24 Mobile Food Vendors

9-24.1 Purpose

The Town of Warrenton shall administer a program to receive, review and approve permit applications for Mobile Food Vendors that desire to vend in designated zoning districts. The associated policy and procedures document sets out guidelines for the permitting process for vending in designated Mobile Food Vendor areas in specified zoning districts. This policy does not cover participation in Special Events (such as, festivals). To participate in Special Events, all vendors must comply with the rules and regulations laid forth in the Special Event permit provided to the event organizer.

9-24.2 Allowable Zoning Districts

Mobile Food Vendors are allowable in the following zoning districts only, subject to the Mobile Food Vendor policy and procedures document: Public/Semi-Public Institutional (PSP), and Industrial (I).

9-24.2.1 Operation on Private Property

Mobile Food Vendors may operate on private property within the Industrial (I) zoning district from an existing, improved parking-area with the expressed, written consent of the property owner. All operations, on public or private property, must comply with the Mobile Food Vendor policy and procedures document.

9-24.2.2 Operation on Public Property

Mobile Food Vendors may operate on public property only at public parks with on-site parking. All operations, on public or private property, must comply with the Mobile Food Vendor policy and procedures document. The following standards apply to parking and operation for Mobile Food Vendors.

1. The entire operation of a Mobile Food Vendor must fit in the allowed public parking area. Vehicles that do not fit within the designated parking area will not be permitted to operate in the program.
2. Each Mobile Food Vendor parking area shall not be within 10 feet of an intersection, crosswalk, driveway, bus stop, taxi stand or handicapped parking space. Nor will any Mobile Food Vendor be situated in any part of a designated loading zone or fire lane.
3. Mobile Food Vendors are to comply with the vending hours between 8:00 AM and 9:00 PM, or lesser time as administered by the Town Manager, and not leave Mobile Food Vendor vehicles beyond the allowable vending hours. Mobile Food Vendor vehicles left beyond these hours are subject to towing.
4. The Town may adjust these sites in cases of construction or other circumstances, as approved by the Town Manager.
5. The Town may consider additional locations based on demand and impact, as approved by the Town Manager.

9-24.5 Program Fees and Operation Costs

Participants are subject to annual program and business license fees as specified in the Mobile Food Vendor policy and procedures document, including routine collection of meals and consumption taxes. Mobile Food Vendors are required to comply with all other applicable local, state and federal taxes including remittance of sales tax in accordance with state law. Fees are subject to change with Town Manager approval.

9-24.6 Rules and Regulations

- 9-24.6.1 Allowable vehicles include, but are not limited to, Mobile Food Vendor vehicles from which service is provided to customers through the side of the vehicle or trailer.
- 9-24.6.2 Mobile Food Vendors are required to maintain minimum Mobile Food Vendor vehicle standards for continued participation in the program. Standards include, but are not limited to, the following:
1. Floors, walls, ceilings and food contact surfaces must be easily cleanable (i.e. stainless steel, aluminum or other approved non-corrosive and non-rusting metal).
 2. Surfaces must be waterproof, smooth, readily cleanable, and resistant to dents and scratches.
 3. All outer openings must be screened and/or sealed when not operating.
 4. Serving areas on top of carts and truck serving windows may be made of whatever material is appropriate for food preparation: metal, tile, synthetic countertop, etc.).
 5. There should be no structural defects (i.e. holes, openings, rust, seams or broken parts).
 6. The business name should be affixed to the back or side of the operation and clearly visible to customers.
 7. Mobile Food Vendor vehicles must be sized to fit into designated parking areas.
- 9-24.6.4 If any area is closed for an emergency or other permitted activity, no vendors will be allowed to set up. Areas will be monitored for compliance and any violations could result in a permit being suspended or revoked. 9-24.6.5 The entire operation must be fully mobile. For Mobile Food Vendors, coolers may not be placed on the ground, nor may tables and chairs be provided for customers. Generators should be whisper or quiet models that do not present a nuisance.

9-24.7 Prohibited Items

- 9-24.7.1 Radio or sound-amplifying devices;
- 9-24.7.2 Flashing signs or signs that move or give the appearance of moving;
- 9-24.7.3 Sign, menu board, tables, chairs, waste receptacles or other objects in the roadway or sidewalk;

9-24.7.4 Water, sewer, gas or electrical connections to a building.

9-24.8 Refuse Control

- 9-24.8.1 Participants must ensure that no pollutants, including waste/grease, liquid wastes, gray water garbage/debris, and other materials are discharged to the Town's storm drain system (including gutters, curbs, and storm drains).
- 9-24.8.2 A waste receptacle shall be provided for the use of customers and shall be affixed to the Mobile Food Vendor Vehicle or be placed on the ground near the Mobile Food Vendor, so long as they meet Article 9-24.7.3. All trash must be removed from the site by the Mobile Food Vendor. Use of Town waste receptacles by Mobile Food Vendors is prohibited.
- 9-24.8.3 Participants are required to pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed from the vending vehicle and any residue deposited on the street from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire area within a 25-foot radius of the location where Mobile Food Vending is occurring. Assistance in cleaning any public eating spaces is appreciated.

9-24.9 Insurance Coverage

The vendor shall secure and maintain a policy of automobile liability insurance coverage issued by a company authorized to do business in the Commonwealth of Virginia in the amount of at least \$1,000,000 for injury to or death of any person or persons in any one incident and \$100,000 for property damage, and the policy shall list the Town of Warrenton as an additional insured.

9-24.10 Monthly Reports

Monthly Mobile Food Vendor Sales data reports and meals tax receipts are required to be submitted each month for the calendar year. Failure to comply and submit in a timely manner may result in revocation or suspension of vendor participation in the program.

9-24.11 Revocation or Suspension

9-24.11.1 The participant may be removed from the Program at the discretion of the Town Manager in the event of any of the following:

1. The use of conditions under which the truck or trailer is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity;
2. The property is operated or maintained so as to constitute a nuisance;
3. Operation in violation of the conditions of the program; or
4. Any other violation of applicable law.

9-24.12 Renewal Process

Please refer to the Mobile Food Vendor Program policy and procedures document for specific license renewal requirements. Please note the following regarding license renewal:

- 9-24.12.1 Vendor licenses expire on June 30th of each calendar year with annual renewals subject to administrative review, modification (if necessary) and approval.
- 9-24.12.2 Proof of current health department permit, fire inspection, insurance, and property owner authorization (as described in the Mobile Food Vendor Program policies and procedures document) are required at the time of renewal.
- 9-24.12.3 The Annual Program Fee and Annual Business License Fee are required at the time of renewal.

9-24.13 Violation and Penalties

Any violation of this Article and the penalties for all such violations shall be as set forth in the Zoning Ordinance, in accord with Article 11 of this Ordinance and §15.2-2286 (A) (5) of the Code of Virginia.

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Article 12 Definitions

Mobile Food Vendor: Any itinerant merchant who engages in the sale of food or beverages, whether prepared on-site or off-site, and does so through the use of a mobile unit.