

STATE OF SOUTH CAROLINA

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CITY OF YORK

COUNTY OF YORK

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ORDINANCE 17-581

AMENDING THE ZONING ORDINANCE TO PROVIDE  
REQUIREMENTS FOR MOBILE FOOD ESTABLISHMENTS

WHEREAS, the York City Council and Planning Commission find that different choices of cuisine should be encouraged in York; and,

WHEREAS, the York City Council and Planning Commission find that existing "brick and mortar" restaurants should be afforded a certain level of protection from mobile services; and,

WHEREAS, the York City Council and Planning Commission find requirements should be established to control setup and use of mobile food establishments;

NOW, THEREFORE, BE IT ORDAINED by the City Council of York, South Carolina that the City of York Zoning Ordinance be amended as follows:

Mobile food establishments are allowed in B1-Central Business, HC-Highway Commercial and GI-General Industrial zoning districts subject to the requirements detailed in this section:

1. A mobile food establishment is allowed to setup in the City only two times per week.
2. Mobile food establishments shall be located a minimum of 500 feet from any established "brick and mortar" restaurant.
3. All vending operations shall be located not less than twenty (20') feet from the nearest street right-of-way and provide at least two off-street parking spaces.
4. Only one vendor shall be allowed for each two hundred (200') feet of street frontage.
5. No goods or merchandise offered for sale may be stored in or sold from a tractor-trailer.
6. Permitted merchandise shall be limited to edibles, hot and cold beverages containing no alcohol, and items related to such merchandise;
7. Written permission must be obtained from the property representative;

8. No more than one mobile food vendor shall be allowed on any given lot at the same time without first obtaining a special events permit, except that there shall be no limit on the number of pushcart vendors occupying a particular lot, nor shall there be a limit on the number of pushcart vendors or vendors with small, tow-behind carts occupying a shopping center;
9. Required parking for the primary business(es) shall be minimally affected;
10. Signage shall be permitted on the vehicle only to identify the name of the product or the name of the vendor, and the posting of prices. A separate menu board is allowed, not exceeding 12 square feet in area and 40 inches in height. This sign must be located on the same property as and within close proximity to the mobile vending unit, and should not be placed on the sidewalk or in the public right-of-way;
11. The mobile vendor shall only use single-service plates and utensils. Garbage and recycling receptacles must be available for patron use and removed from the site daily by the vendor;
12. Vendors shall meet all applicable DHEC regulations for mobile food units and possess a valid DHEC permit where applicable;
13. Any mobile food vendor or vending unit that has been issued a notice of health violation by any department of the State of South Carolina, which remains uncorrected upon a subsequent inspection, shall have its food vendor permit revoked;
14. All vendors must obtain from the town an appropriate, current business license;
15. No vendor shall:
  - a. Leave any vehicle unattended;
  - b. Store, park or leave any vehicle overnight on any street or sidewalk;
  - c. Leave from any location without first picking up, removing and disposing of all trash or refuse remaining from sales by the vendor;
  - d. Solicit or conduct business with persons in motor vehicles;
  - e. Sell anything other than that for which a license to vend has been issued;
  - f. Sound or permit the sounding of any device that produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public;
  - g. Allow any item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property;
  - h. Change vending locations without first notifying the Planning Department and submitting the required permissions and site plan; and

- i. Discharge fat, oil, grease, or waste water into the sanitary sewer system. All waste shall be properly stored and disposed of at a properly designated disposal location.

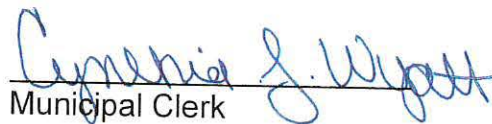
*Exemption(s):*

1. The provisions of this section shall not apply to special events, festivals, community projects or public events which occur on a periodic basis and which are specifically approved by County Council or as an approved Special Event. This section shall not apply to activities conducted pursuant to a franchise agreement or other contract with the City of York, SC.

DONE IN COUNCIL ASSEMBLED on the dates hereafter set forth.

  
J. EDWARD LEE, MAYOR

ATTEST:

  
Municipal Clerk

First Reading: February 7, 2017

Public Hearing: March 7, 2017

Second Reading: March 7, 2017