

ORDINANCE NO. 2010-17
TOWN OF BLUFFTON
BUSINESS LICENSE ORDINANCE AMENDMENT

WHEREAS, the Town of Bluffton, South Carolina, desires to add rules and regulations regarding mobile vending units; and

WHEREAS, the Town of Bluffton, South Carolina desire to amend Chapter 6, Business Licenses and Regulations, Article III, Soliciting, to add Section 6-77;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL AS FOLLOWS:

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 Center per the Old Town Historic District Code.
 - 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:**
- a. **TYPE A:** Prepared Foods.
 - 1. Venders must be licensed by State and County Authorities.
 - 2. Food preparation facility must be located in Town of Bluffton.
 - 3. Food preparation facility must be licensed by appropriate health and licensing agencies.
 - b. **Type B:** Agricultural/Seafood Products – to facilitate local agriculture/seafood industries.
 - 1. Venders must be licensed by state and County Authorities.
 - 2. Products must come from within 20 miles of Town of Bluffton.
- 6. Duration:** Hours of operation and setup/take down requirements.
- a. Can only set-up/take down and operate between hours of 10:45 am and 7:00 pm (months of May through September).
 - b. Can only set-up/take down and operate between hours of 10:45 am and 5:00 pm (other months).
 - c. Units and all accessory elements (ie. power cords, cables, trash receptacles, etc) must be removed daily.
 - d. 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.
 - a. Mobile vending units may not be motorized.
 - b. Mobile vending units may not remain attached to motorized vehicles during hours of operation.
 - c. Signage shall be required to have valid permits from Town of Bluffton.
 - d. Mobile vending units may not be placed under temporary tents, tarps, or other non-permanent covering.
 - e. Shade features may be used if attached to mobile vending unit and detached during transport.

- f. 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.

This ordinance shall be effective upon adoption by the Town Council of the Town of Bluffton, South Carolina.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF BLUFFTON ON THIS NINTH DAY OF NOVEMBER, 2010.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:

Sandra Lunceford, Town Clerk
Town of Bluffton, South Carolina

First Reading: August 10, 2010

Final and Second Reading: November 9, 2010