

Section 521: Food Vending Ordinance

Intent: The purpose of this ordinance is to provide standards relative to the accessibility, appearance, and safety in regards to commercial food vending.

521.1 Definitions: The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cart: means any portable vending device, pushcart or other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the department of motor vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor, and which does not exceed four feet in width, six feet in length, and five feet in height, excluding canopy or cover.

521.2 General Requirements

(A) Mobile food vending carts may be allowed as a conditional use in the following zones: HC, NC, CC, TRS, RCS, RE-1, RE-2, RE-3, RE-4 provided they meet the following:

1. Evidence of compliance with health and fire regulations: a certificate of inspection or compliance as required by applicable health regulations and evidence of compliance with the fire code shall be provided;
2. The vending cart meets a 25' front setback, and the side and rear setback requirements of its underlying zoning district;
3. There is a principal structure and/or business on site;
4. Only one vending cart may be permitted per parcel;
5. A minimum of two (2) parking spaces must be provided and maintained in addition to the minimum parking required for the principal business;
6. No portion of the vending cart shall be allowed to occupy or obstruct access to any parking stall, or parking aisle required by the Zoning Ordinance;
7. The carts are located on a parcel with no less than a paved thirty feet (30 ft.) driveway throat length;
8. Ingress, egress, and internal circulation of vehicular traffic shall not create a hazard for traffic on an adjacent street or on the subject parcel;

9. The cart is not located within seventy-five (75) feet of the principal public entrance to any food service business not owned by the vendor or property owner, which sells merchandise which is approved for sale in this ordinance (unless the adjacent food service business owner provides a legal affidavit agreeing to a lesser distance);
10. The cart is not within ten (10) feet of an entranceway to any business open to the public;
11. A letter and/or copy of an official lease agreement from the property owner to vend on the subject parcel and a copy of the property owner's business license must be provided. If applicable, the vendor must provide a copy of the approved county hospitality tax application and a State sales tax number to the Zoning Administrator before a vending permit is issued;
12. The applicant must submit a site plan showing the proposed location of the vending operation on the plan. The Zoning Administrator must find that the proposed operation complies with all applicable provisions of this Section, and that the proposed operation will not adversely affect the traffic accessibility, or health and public safety;
13. The vending cart must obtain an annual zoning compliance;
14. Issuance of food cart vending permits shall be within the Temporary Vending Zones as established in Section 723.10, and pay an annual permitting fee based on the following allowance:

Temporary Vending Overlay Zone	Number of food vending carts allowed per zone	Permitting Fee Per Location
Western Temporary Vending Overlay Zone (WTVO)	12	\$300.00
Northern Waccamaw Temporary Vending Overlay Zone (NWTVO), Northern Strand Temporary Vending Overlay Zone (NSTVO), Southern Waccamaw Temporary Vending Overlay Zone (SWTVO), Southern Strand Temporary Vending Overlay Zone (SSTVO).	5	\$750.00

(B) Permitted Merchandise:

No merchandise shall be sold by a vendor from a cart in a vending district except the merchandise approved for the specific location of the cart. Permitted merchandise shall be limited to hot dogs, corn dogs, pizza, soft ice cream and other similar foods approved by SCDHEC.

(C) Signage:

1. No advertising shall be permitted on any cart except to identify the name of the product or the name of the vendor, and the posting of prices;
2. Electronic or illuminated signs shall not be utilized by vendors;
3. Temporary off-site signs for the vending cart shall be prohibited.

(D). Prohibited Conduct:

No vendor shall:

1. Vend on any street or sidewalk where vending is otherwise prohibited;
2. Vend between the hours of 11:00 p.m. through 6:00 a.m.;
3. Leave any vending cart unattended;
4. Store, park, or leave any vending cart overnight at any location;
5. Sell food or beverages for immediate consumption unless there is a litter receptacle available for the patrons' use;
6. Leave any location without first removing and disposing of all trash or refuse remaining from sales made by the vendor;
7. Allow any items relating to the operation of the vending business to be placed anywhere other than within, on, or under, the cart;
8. Set up, maintain or permit the use of any crate, carton, rack, or any other device to increase the selling or display capacity of the vending cart with the exception of one table 3' x 5' in size, and no taller than 4' in height is allowed;
9. Sell anything other than permitted merchandise as detailed in this ordinance;
10. Utilize or permit the utilization of any device which produces loud noise, or use and operate any loudspeaker, public address system, radio, sound amplifier, or similar noise creating device to attract the attention of the public;
11. Allow the cart or any other item relating to the permitted vending operation to lean against or hang from any building, utility pole, or other structure.

(E) Exemptions:

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 Horry County.

(F) *Violations:*

The vendor, property owner/lessee and assigns shall be responsible for any violation of this section or any other sections of the Horry County Code of Ordinances. Such violations may result in the revocation or denial of a Certificate of Zoning Compliance and vending permit, and may also result in the revocation and denial of a Certificate of Zoning Compliance and for any future vending permits.