

ARTICLE III. - SOLICITING AND MOBILE VENDING^[2]

- **Sec. 6-78. - Approvals, fees and taxes.**

(a) All approvals for mobile vending units will be issued annually based on the ~~calendar year~~ business license year. No approval issued under this article may be prorated, transferred, or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

(b) Annual mobile vending fee. Separate from the annual business license fee, an annual mobile vending provisional privilege fee of \$400.00 is due upon approval of the application. If a vendor chooses to withdraw operating in the Town, the annual fee is forfeited.

(c) Hospitality taxes shall be collected on all applicable sales according to [Sections 24-62](#) through [24-65](#) and remitted to the Town.

(Ord. No. [2017-01](#), § 1(Exh. A), 2-14-2017; [Ord. No. 2021-09](#), § 2(Exh. B), 8-10-2021)

- **Sec. 6-80. - Specific requirements.**

(a) Any person or entity intending to operate a mobile vending unit within the corporate limits of the Town of Bluffton shall obtain, prior to commencing operation:

(1) All permits as may be required to operate a mobile food service unit by the State, including the [SC Department of Agriculture](#)

(2) A Town of Bluffton business license;

(3) A fire safety inspection (applicable to food trucks only); and

(4) Mobile food service unit location approved application (excludes ice cream trucks). Applicants seeking mobile food service unit location approval shall submit, on an annual basis, an application for such approval. Such application shall include:

a. The name, address, telephone number, and email address of the mobile food service unit's owner(s) of record. An approval shall be required for each mobile food service unit, notwithstanding unity of ownership or operation. Where an owner(s) is a non-natural person whether or not formally organized, the application shall identify all partners, officers, directors and/or natural person with a financial interest in any such entity, including personal contact information for each;

b. Information identifying the mobile service unit including its make, model and license plate number, together with a photograph of the mobile food service unit;

c. The corporate and, where applicable, trade name of the base of operations associated with the mobile food service unit, together with a copy of the base of operation's Town of Bluffton's Business License. Where the base of operation is located outside the Town limits, the applicant shall provide evidence of licensing in the base of operation's home jurisdiction;

d. A copy of the approved permit and inspection certificate for the base of operation issued by the -SC Department of Agriculture;

- **Sec. 6-82. - Operational requirements and provisions.**

(3) SC Department of Agriculture mobile food service unit permit, together with all applicable health certificates, including food inspection reports, pertaining to the unit, shall be firmly attached in a prominent location, which shall be plainly visible to the public at all times the food truck is conducting business.

- **Sec. 6-82. - Operational requirements and provisions.**

(b) *Push carts*. The following operational requirements and conditions apply to push carts:

(1) No operator or employee of a push cart may, at any time, utilize amplified sound devices.

(2) SC Department of Agriculture mobile food service unit permit, together with all applicable health certificates, including food inspection reports, pertaining to the unit, shall be firmly attached in a prominent location, which shall be plainly visible to the public at all times the push cart is conducting business.

- **Sec. 6-83. - Fire safety.**

To minimize the threat to public safety posed by fire, prior to submitting a mobile vendor permit, food trucks and mobile food service units shall be inspected to ensure that the vehicle meets the conditions below.

An annual fire and life safety inspection shall be completed and approved prior to the issuance of a business license. All mobile vending shall be in compliance with the South Carolina Fire Code and all applicable rules and regulations (as amended).

(Ord. No. [2017-01](#), § 1(Exh. A), 2-14-2017; [Ord. No. 2021-09](#), § 2(Exh. B), 8-10-2021)

- **Sec. 6-84. – Violations and penalties.**

(a) It shall be a violation of this article to:

(1) Operate a mobile food service unit or mobile retail vendor vehicle without complying with the requirements of this article and the Town Code of Ordinances;

(2) Advertise without first complying with the requirements of this article, including applying for and obtaining a mobile vending permit;

(3) Operate a mobile food service unit or mobile retail vendor vehicle that has received two or more notifications of violations during any one-year permit period.

a. When there is a change of ownership, the number of allowable notices and violations shall be reset upon the issuance of a new mobile vending permit.

(4) Knowingly provide false information to the Town

(b) Failure of the mobile food service unit or mobile retail vendor vehicle to timely appear to two or more complaints regarding violations may be grounds for penalties including but not limited to, revocation of the permit as set forth in this article.

(c) Upon conviction for a violation hereof, the violator shall be guilty of a misdemeanor punishable as provided in Section 1-7 of this Code.

(d) In the event payment for an annual permit is not timely remitted to the Town as set forth in this article, the mobile food service unit or mobile retail vendor vehicle failing to remit shall also pay a penalty of five percent of the unpaid amount for each month or a portion thereof until said permit is paid in full.

(e) For good cause shown, but not otherwise, a mobile food service unit or mobile retail vendor vehicle may petition the Town Manager, or designee for a reduction of the penalties otherwise due when the failure to pay is not willful and is more than mere oversight and inadvertence.

