

Mobile Food or Beverage Vending Unit Ordinance (3/17/2026)

Title

This ordinance shall be known and may be cited as the “Town of Cape Charles Mobile Food or Beverage Vending Unit Ordinance.”

Jurisdiction

On and after [Date of Adoption], this ordinance shall govern the use of all Mobile Food or Beverage Vending Units on all lands lying within the Town of Cape Charles.

Code Administrator

This ordinance shall be administered and enforced by the Zoning Administrator or their appointed designee.

Section 1: Purpose of Intent

The purpose of this section is to promote the health, safety, and general welfare of the citizens of the Town of Cape Charles by requiring that new and existing mobile food or beverage vendors provide residents and customers with a level of cleanliness, quality, and safety. It is also the intent of this section to establish reasonable standards, regulations, and licensing requirements. This ordinance is not intended to cover special events or town-sponsored events. All special events and town-sponsored events must fill out the applicable applications and get the necessary approvals.

Section 2: Definitions

Concession Cart. A mobile food or beverage vending unit that must be moved by non-motorized means, from which a mobile food vendor sells edible goods to the public. A concession cart must maintain its mobility at all times. This does not mean a table or booth.

Concession Trailer. A mobile food or beverage vending unit that is pulled by a motorized unit and has no power to move on its own. A concession trailer must remain attached to the towing vehicle during hours of operation, and the power supply must be attached to the concession trailer.

Commissary Location. A established location where food or beverage service providers can prepare and store their food or beverages, as well as a location to store a mobile unit while not in use.

Mobile Food Vendors. A motor vehicle, designed and equipped to sell food and/or beverages directly to consumers. It does not include wholesale food distributors. The vendor physically reports to and operates from an off-site kitchen for servicing, restocking, and maintenance each operating day.

Pushcart. A non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food, unless the equipment is commercially designed and approved to handle food preparation and service.

Traveling Vendor. A mobile food or beverage vendor that operates without a fixed location within the Town, that routinely moves about to sell their food. Example: Ice Cream Truck.

Vendor. A individual engaged in the business of mobile food or beverage vending; if more than one individual is operating a concession trailer, concession cart, pushcart, or mobile food or beverage vending unit, then the vendor shall mean all individuals operating such concession trailer, concession cart, pushcart, or mobile food or beverage vending unit that is designed to be portable and not permanently attached to the ground.

Section 3: Permit Required

- A. It shall be unlawful for any mobile food or beverage vendor to sell, display, or offer for sale any food, beverages, goods, or merchandise within the Town of Cape Charles without first obtaining a mobile food or beverage vendor license from the Town of Cape Charles.
- B. Applications for all mobile food or beverage vendor licenses shall be made in writing to the Zoning Administrator and shall contain the following information:
 1. A copy of a valid Town of Cape Charles business license. Such business license shall be posted and visible at all times when in operation in the Town of Cape Charles.
 2. A copy of a valid Northampton County Department of Health permit. Such permit shall be posted and visible at all times when in operation in the Town of Cape Charles.
 3. The name, mailing address, email address, phone number, and current business address of the applicant; and the name, mailing address, and phone number of the owners of the mobile food or beverage vending unit to be used, if other than the applicant.
 4. Information on the mobile food or beverage vending unit, such as the year, make, and model of the vehicle, and the vehicle or trailers license plate number, if applicable.

5. The intended location of the mobile food or beverage vending unit, subject to locational limitations set forth by the Town of Cape Charles. If located on private/town property that is appropriately zoned for commercial activity, the applicant must submit a written approval from the property owner; this excludes town-sponsored events. ****All special events and town-sponsored event applicants must fill out the special events application, which includes a section identifying the number of mobile food and beverage vendors, and get approval from the Town Manager.***
 6. Copies of required State Licenses and Approvals
 7. Proof of insurance. Applicant shall provide current registration for the mobile food or beverage vending unit, proof of mobile vehicle inspection, and proof of valid motor vehicle insurance for the mobile food or beverage vending unit.
 8. Applicant shall provide a valid driver's license for each person who will drive the mobile food or beverage vending unit, if applicable.
- C. A mobile food or beverage vending unit permit shall be valid for 1 calendar year (January 1 – December 31) and must be renewed annually.

Section 4: Performance Standards

A. Location

1. No mobile food or beverage vendor selling food shall be located within one-hundred fifty (150') linear feet of an existing brick and mortar or food service establishment.
2. Mobile food or beverage vendors may only be located in valid parking spaces. They will not be situated or located in a way that obstructs the free passage of pedestrians or vehicles, an entrance or exit, or access to a fire hydrant.
3. Mobile food and beverage vendors may only be located on the non-residential side of Bay Avenue.

B. Hours of Operation

1. A mobile food or beverage vendor with a generator may only operate between the times of 10:00 am and 6:00 pm, Sunday – Saturday.

2. A mobile food or beverage vendor without a generator may only operate between the times of 7:00 am and 6:00 pm, Sunday – Saturday.
3. Vendors are not able to drop off their mobile food or beverage vending unit and leave it unattended outside of operation hours. An authorized representative capable of driving the mobile vending unit must be with the unit at all times in case of an emergency.

C. Signs

1. No more than two (2) A-Frame signs may be used to display or advertise menu items and other information associated with the mobile food or beverage vending operation. Such signs shall not exceed six (6) square feet in area (e.g., each face of the A-Frame) and four (4) feet in height.
2. Signs shall be positioned within five (5) feet of the vehicle and in such a way that does not block visibility or impede pedestrian or vehicular traffic.
3. Signage that is permanently affixed to the mobile food or beverage vending unit shall be permitted; however, the Zoning Administrator may approve flags, banners, or other decorative appurtenances, whether attached or detached, on a case-by-case basis.
4. Signs may only be up during hours of operation and must be removed after closing.
5. No signs are permitted on Town property without permission.

D. Trash and Refuse

1. Receptacles, either those already available on site or temporary/portable ones provided by the mobile food or beverage unit vehicle operator, shall be positioned conveniently for disposal of all trash, refuse, compost, and garbage generated.
2. The mobile food or beverage unit vendor shall leave the site clean each day, including picking up all trash and litter within a twenty-five-foot (25') radius of the mobile food or beverage vending unit.

3. Any greywater, fats, oils, grease, or hazardous liquids generated in the mobile food or beverage vending operation shall be contained within the mobile food unit and transported off the premises for proper disposal.

E. Service

1. No food shall be prepared, sold, or displayed outside of the mobile food or beverage vending unit.
2. The mobile vendor may not set up tables or chairs for patrons for on-site dining.
3. No outdoor cooking facilities, including but not limited to grills and other heating elements, or outdoor refrigeration or storage units which are not contained in the mobile food or beverage vending unit.
4. All materials and supplies, including but not limited to plates, cups, napkins, eating or serving utensils, and condiments, must be stored in the mobile food or beverage vending unit.
5. Food and beverage service shall be provided only on the non-driving lane side of the mobile food or beverage vending unit.
6. No expanded polystyrene/Styrofoam® containers are to be distributed in accordance with Section [§ 10.1-1424.3](#) of the State of Virginia.

F. Sound

1. Vendors shall not use loud music, horns, amplification devices, “crying out”, or any other audible means of gaining attention that causes a nuisance or safety hazard.
2. Generators must be quiet (i.e., not to disturb nearby buildings or outdoor space operations), and no generators may be placed on the ground.
3. Generator noise must be directed towards the beach.

G. Lighting

1. Any exterior lighting used by the mobile food or beverage vending unit shall be designed and placed in such a manner that it does not result in glare or

light spillage onto other properties or interfere with vehicular traffic.
Lighting shall be directed in a downward manner to minimize light pollution.

H. Utilities

1. No utilities shall be drawn from the public right-of-way
2. Mobile Food Units must be self-contained, able to provide necessary power and running water. Vendors shall not utilize any electricity or other utilities without the prior written authorization of the utility customer(s), and no power cable or similar device shall be extended at or across any street, sidewalk, or path to cause a safety hazard, as determined by the Town of Cape Charles Code Official.

I. Appearance/Maintenance

1. A mobile food or beverage vending unit shall be kept in good repair and free of graffiti.
2. A mobile food or beverage vending unit must be free of leaking fluids. Any leaking equipment must be immediately removed from the location. The burden and cost of remediating any leak is the sole responsibility of the mobile food vendor owner/operator.

The Zoning Administrator may revoke the permit at any time for failure of the permit holder to comply with any requirements laid out in this section and to correct such noncompliance within the timeframe specified in a notice of violation. Notice of revocation shall be made in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals.