

Mobile Food and/or Beverage Vending Unit Ordinance (7/7/2026)

Title

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

Jurisdiction

On and after [Date of Adoption], this ordinance shall govern the use of all Mobile Food and/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 complete the applicable applications and obtain the necessary approvals.

Section 2: Definitions

Concession Cart. A mobile food and/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 and/or beverage vending unit that is pulled by a motorized unit and has no power to move on its own. A concession trailer may 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 and/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 and/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 and/or beverage vendor license from the Town of Cape Charles.
- B. Applications for all mobile food and/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 while the business is operating 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 and/or beverage vending unit to be used, if other than the applicant.
 4. Information on the mobile food and/or beverage vending unit, such as the year, make, and model of the vehicle, and the vehicle or trailer's license plate number, if applicable.

5. The intended location of the mobile food and/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 and/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 and/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. ~~A mobile food and/or beverage vendor may be permitted to operate within one hundred fifty (150') linear feet of an existing brick and mortar food service establishment when the establishment is closed to the public, subject to approval of an administrative Conditional Use Permit by the Town Manager.~~

Mobile food and/or beverage vendors may be located on the non-residential side of Bay Avenue.

2. ~~Mobile food and/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.~~

Mobile food and/or beverage vendors may be located on private/town property that is appropriately zoned for commercial activity, with written approval from the property owner. Operation within one-hundred fifty (150') linear feet of an existing brick-and-mortar food service establishment is subject to approval of an administrative Conditional Use Permit by the Town Manager.

3. ~~Mobile food and/or beverage vendors may only be located on the non-residential side of Bay Avenue.~~

Mobile food and/or beverage vendors may be located on private/town property that is not commercially zoned during special events, subject to approval of an administrative Conditional Use Permit by the Town Manager. ***All special events and town-sponsored event applicants must complete the special events application, which includes a section that identifies the number of mobile food and beverage vendors.***

B. Hours of Operation

1. A mobile food and/or beverage vendor with a generator may only operate between the times of 10:00 am and 8:30 pm, Sunday – Saturday.
2. A mobile food and/or beverage vendor without a generator may only operate between the times of 7:00 am and 8:30 pm, Sunday – Saturday.
3. A mobile food and/or beverage vending unit must be attended by an authorized representative who can operate it at all times. Units may not be set up or left unattended at any location outside approved hours of operation.

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 and/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. A-frame 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.
2. Signage associated with the mobile food and/or beverage vending unit, including any permanently affixed signage on the unit, as well as any temporary signs, shall comply with Town Code Chapter 32, Article V (Signs).

3. Signs may only be up during hours of operation and must be removed after closing.
4. No signs are permitted on Town property without permission.

D. Trash and Refuse

1. Operators of mobile food and/or beverage vending units shall provide their own waste receptacles sufficient to collect all trash and refuse generated by their operations. Operators are prohibited from depositing any waste into receptacles owned or maintained by the Town. All waste generated by the operation shall be removed from the site daily by the operator.
2. The mobile food and/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 and/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. All food and beverage display and sale shall occur exclusively within or immediately adjacent to the mobile food and/or beverage vending unit.
2. The mobile food and/or beverage 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 and/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 and/or beverage vending unit.
5. Food and beverage service shall be provided only on the non-driving lane side of the mobile food and/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, “calling out”, or any other audible means of gaining attention that causes a nuisance or safety hazard.
2. Generators used by mobile food or beverage vending unit operators shall not exceed 65 decibels (dB), which is consistent with the level of a normal conversation. Generators shall not be placed on the ground and must be mounted on the unit.
3. ~~Generator noise must be directed towards the beach.~~

G. Lighting

1. Any exterior lighting used by the mobile food and/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 downward to minimize light pollution.

H. Utilities

1. No utilities shall be drawn from the public right-of-way
2. Mobile food and/or beverage vending 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.
3. All propane tanks utilized in connection with a mobile food and/or beverage vending unit shall be securely mounted to the unit and maintained in accordance with all applicable codes. Propane tanks shall not be placed on the ground adjacent to the unit during operation.

I. Appearance/Maintenance

1. A mobile food and/or beverage vending unit shall be kept in good repair, clean, and sanitary.

2. A mobile food and/or beverage vending unit must be free of leaking fluids. Any leaking equipment must be removed from the location immediately. 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 if the permit holder fails to comply with any requirements set forth in this section and to correct such noncompliance within the timeframe specified in a notice of violation. Notice of revocation shall be provided in writing to the permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals.