



# City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414  
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## **A Resolution creating a Mobile Food Vending Pilot Program within the City of Charles Town**

**WHEREAS**, the City received public input regarding mobile food vendors including holding an open workshop on March 23, 2023; and

**WHEREAS**, a well-regulated mobile food vending program may activate the streetscape and increase vibrancy; and,

**WHEREAS**, mobile food vending has a relatively low barrier to entry and encourages entrepreneurship; and,

**WHEREAS**, increasing economic opportunities for people to support themselves and their families is a priority for the City; and,

**WHEREAS**, regulating the sale of food and non-alcoholic beverages in the public right of way and in city parks is needed to protect public health, safety, and welfare; and,

**WHEREAS**, a Mobile Food Vending Pilot Program will allow the City to assess feasibility over five months to ascertain value and reveal any potential deficiencies of allowing mobile food vendors via City Ordinance.

**NOW, THEREFORE**, the City of Charles Town resolves to create the Mobile Food Vending Pilot Program as follows:

### 1. General Guidelines

- a. Mobile food vendors shall only operate during specified hours of 7am to 8pm, and only on the following specified days:

Tuesday, June 6, 2023  
 Wednesday, June 7, 2023  
 Monday, July 3, 2023  
 Wednesday, July 5, 2023  
 Thursday, August 3, 2023  
 Friday, August 4, 2023  
 Friday, September 15, 2023  
 Saturday, September 16, 2023\*  
 Sunday, October 1, 2023  
 Monday, October 2, 2023

Mobile Food Vendors are permitted to operate at different hours and days, subject to approval of a Special Activity Permit. \*No Mobile Food Vendors will be allowed on the 100 Block of S. Samuel St from 7:00am-12:00pm on Saturday, September 16, 2023, due to the regularly scheduled Charles Town Farmers Market.

- b. Only food and non-alcoholic drinks may be sold by the Mobile Food Vendor.
- c. In order to operate in the City of Charles Town, Mobile Food Vendors:
  - (1) Shall obtain all applicable health department and State Fire Marshal permit(s) before applying for a City Business License and a Temporary Mobile Food Vendor Pilot Program License.
  - (2) May not operate until all approvals are obtained through the City of Charles Town.
  - (3) Shall keep their Health Permit and Business License in plain sight.
- d. Mobile Food Vendors are not permitted to set up seating, tents, or other items in such a manner as to negatively impact public safety. Sidewalks, handicap parking spaces, access ramps and stairs, and building entrances and exits, may not be blocked or have access impaired by a mobile food vendor.
- e. Any electricity generators required for mobile food vendors located in the public right-of-way or in a parking lot of the city's parks shall be self-contained and self-provided. Vendors shall not draw on public utilities from a public source. No utility cable shall be extended on or across any City street or sidewalk.

## 2. Location

- a. Parking spaces within the public right-of-way not be reserved for specific vendors. Placement is first come, first served.
- b. Within the public right-of-way, mobile food vendors may only locate in metered parking spaces along the 100 block of N. Charles Street (2 hour meters), the 100 block of N. Lawrence Street (8 hour meters), the 100 block of S. Samuel Street (8 hour meters) and 200 block W. Congress Street (2 hour and 8 hour meters). However, no more than 1 mobile food vendor may set up at a time at any of these separate locations listed above.
- c. Parking a mobile food vending unit on private commercially zoned property is permitted if notarized written permission is given from the property owner, and such authorization is included with the Mobile Food Vending Pilot Program application. Mobile food vendors on private commercially zoned property are subject to the specified times and days listed in section 1(a) above, and only one food truck is permitted at any private commercially zoned property at a time unless a Special Activity Permit has been obtained.

- d. Mobile food vendors are permitted to operate at other locations beyond those specified in subsections b and c above, subject to approval of a Special Activity Permit.
- e. A mobile food vending unit is not permitted to park:
  - (1) Within 50 feet of the entrance of any restaurant,
  - (2) Within 15 feet of any bus stop zone,
  - (3) Within 15 feet of a pedestrian crosswalk or intersection,
  - (4) Within 15 feet of a handicapped parking space,
  - (5) Within any loading zone or other area where vehicles are prohibited to park.
  - (6) Within the public right-of-way in any residential zoning district in the City of Charles Town when not in use.
  - (7) In a manner that would force customers to stand in a city street or an additional parking spot to conduct business with the mobile food vendor.
  - (8) Additionally, it is not permitted to be parked on any street of Charles Town when not in use in accordance with these regulations.
- f. Mobile food vending units shall be subject to Ordinance 361 Parking Generally and Ordinance 365 Charles Town Parking District.

### 3. Advertisement and Signage

- a. Signage may be imprinted on the exterior body of a licensed mobile food vending unit and include the use of an attached or detached menu board. This is the only signage permitted.
- b. No banners or balloons may be attached to a mobile food vending unit or otherwise located on the mobile food site. No flashing or blinking or strobe lights are allowed.

### 4. Noise

- a. Mobile food vendors shall be subject to Ordinance 527 Noise Control.

### 5. Waste Material Disposal

- a. All waste shall be removed and disposed of daily by the mobile food vendor.
- b. No liquid or solid waste may be discharged from the mobile food vending unit.

- c. Public trash receptacles shall not be used for disposal of waste that is directly generated by the mobile food vending unit, such as grease, food scraps, food packaging material, and other waste products.
- d. Receptacles for the disposal of waste materials or other litter must be provided for customers by the Mobile Food Vendor.

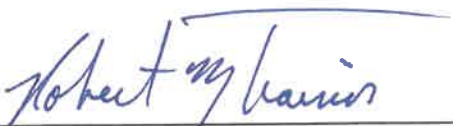
6. Approval Process:

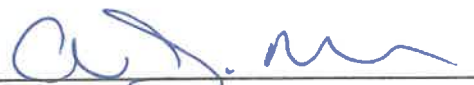
- a. The Zoning Administrator shall approve the issuance of a Temporary Mobile Food Vending Pilot Program License only if the application is complete, complies with the requirements of this Resolution, including applicable Health Department approvals, City Business License and provided the application is accompanied by the required fee.
- b. The Zoning Administrator shall have the authority to revoke any Temporary Mobile Food Vending Pilot Program License at any time.
- c. All Temporary Mobile Food Vending Pilot Program Licenses shall expire on October 3, 2023.

7. Fees:

- a. A fee of \$50 shall accompany each Temporary Mobile Food Vending Pilot Program License application.
- b. Application fees shall not be refunded in part or in full if the application is denied or a Temporary Mobile Food Vending Pilot Program License is revoked.

Signed this day, the 16<sup>th</sup> of May, 2023.

  
Robert M. Trainor, Mayor

  
Alissa Meeks, Clerk