



Agenda Memorandum

Town Council Meeting Item Number: 6.a. & 6.b.

**Submitted by: Denise M. Harris, AICP, Interim Director of Planning & Community Development
September 13, 2016**

Issue: Adoption of an amendment to ZTA 2016-01, revision of Town Code Section 9-69, and creation of a Mobile Food Vendor Policy and Procedures

Background:

- This application is for a zoning text amendment (ZTA 2016-01) and Town Code Section 9-69 revision to allow Mobile Food Vendors to operate within the Town of Warrenton.
- Mobile Food Vendors are a growing industry that has proven successful throughout the country in providing not only additional food choices, but increased food sales overall and where multiple gather, creating new points of interest.
- Amendments to are proposed that would add Mobile Food Vendors as allowable uses in the Industrial and Public/Semi-Public districts, subject to a comprehensive Mobile Food Vendor Policy and Procedures (Attachment III). The proposed policy and procedures would be administered by the Town Manager and delineate hours, conditions, and fees for operation.
- On July 26, 2016, the Planning Commission recommended approval of ZTA 2016-01, the Town Code amendment to Section 9-69, and the Mobile Food Vendor Policy and Procedures.
- On August 9, 2013, the Town Council held a Public Hearing. Three (3) people spoke in favor, none against. The Town Council voted 7-0 to keep the Public Hearing open until the September 13, 2016 meeting to allow property owners adjacent to Rady Park on Bear Wallow, Foxcroft, and Fauquier roads to be notified.
- Since August 9, staff reached out to the athletic facility stakeholders at WARF and incorporated their input into the Mobile Food Vendor Policy and Procedures.

Discussion:

- Review of the proposed amendments to the Zoning Ordinance, Town Code, and draft Mobile Food Vendor Policy and Procedures.

Financial Impact:


- The long term impact of allowing Mobile Food Vendors is reported to be positive.

Recommended Action:

- Approval of ZTA 2016-01, the Town Code amendment to Section 9-69, and the Mobile Food Vendor Policy and Procedures or send to work session for further discussion.

Attachments:

- Staff Report
- Zoning Ordinance (Attachment I), Town Code (Attachment II), Mobile Food Vendor Policy and Procedures (Attachment III)



Town Manager



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
STAFF REPORT

TOWN COUNCIL PUBLIC MEETING

DATE OF PUBLIC HEARING: August 9, 2016; Held Open until September 13, 2016
TOWN COUNCIL DECISION DEADLINE: May 16, 2017
ZTA 2016-01, Town Code Amendment Section 9-69, Mobile Food Vendor Policy and Procedures

EXECUTIVE SUMMARY

This application is for a zoning text amendment (ZTA 2016-01) and Town Code Section 9-69 revision to allow Mobile Food Vendors to operate within the Town of Warrenton. Mobile Food Vendors are a growing industry that has proven successful throughout the country in providing not only additional food choices, but increased food sales overall and where multiple gather, creating new points of interest. Amendments to the Zoning Ordinance (Attachment I) and the Town Code (Attachment II) are proposed that would add Mobile Food Vendors as allowable uses in the Industrial and Public/Semi-Public districts, subject to a comprehensive Mobile Food Vendor Policy and Procedures (Attachment III/Resolution IV). The proposed policy and procedures would be administered by the Town Manager and delineate hours, conditions, and fees for operation.

TOWN COUNCIL PUBLIC HEARING OVERVIEW

The Town Council held a Public Hearing on August 9, 2016. Three (3) people spoke in favor of the Mobile Food Vendor Program; no one spoke against. Councilman Kravetz requested the Public Hearing be held open until the September 13, 2016 meeting and notice be sent to the adjacent Rady Park neighbors located on Bear Wallow, Fox Croft, and Fauquier roads. The Town Council voted 7-0 to keep the Public Hearing open and table the item for the September meeting.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission voted 5-0-2 (Helander and Kip absent) to forward the amendments to the Town Code and Zoning Ordinance, with the accompanying Mobile Food Vendor Policy and Procedures, to the Town Council with a recommendation of approval.

STAFF RECOMMENDATION

Staff recommends approval of the amendments to the Town Code and Zoning Ordinance, with the accompanying Mobile Food Vendor Policy and Procedures.

SUGGESTED MOTIONS

1. I move that the Town Council approve the Town Code Section 9-69 amendments, ZTA 2016-01,

and the Mobile Food Vendor Policy and Procedures Resolution.

OR

2. I move that the Town Council forward the Town Code Section 9-69 amendments, ZTA 2016-01, and the Mobile Food Vendor Policy and Procedures to the next Town Council work session.

OR

3. I move an alternative motion.

TOWN COUNCIL REVIEW

During the Town Council held a Public Hearing on August 9, 2016, several concerns/questions were raised, including:

1.) Potential noise produced by generators.

Staff Review: Section 9-24.6.4 of the proposed Zoning Ordinance states "*Generators should be whisper or quiet models that do not present a nuisance.*" At this time, staff does not recommend regulating noise through decibels as this requires the purchase of state compliant meters and software, annual calibration, and training for the people who are taking the readings. In addition, the "plainly audible" rule would be difficult to enforce. Instead staff recommends this concern be addressed through the proposed hours of operation. Currently, the proposed Ordinance allows for operation between 8 AM and 9 PM, or less as approved by the Town Manager. A review of noise complaints in Warrenton received this year found a rise after 8 PM, with the 11:00 PM hour being the peak time for calls.

2) Distinction between Mobile Food Vendors, Ice Cream Trucks, Dog Groomers, and Windshield Repairs.

Staff Review: Section 9-69 of the Town Code defines Itinerant Merchants as "*any person who engages in, does, or transacts any temporary or transient business in the town and who, for the purpose of carrying on such business, occupies any location for a period of less than one (1) year.*" The Code also states "*All itinerant merchants whether principal or agent or salesman who shall engage in, do or transact any temporary or transient business for the sale of goods, wares and merchandise in the town and who for the purpose of carrying on such business shall hire, lease, use, occupy any building or structure, motor vehicle, tent, car, boat or public room or any part thereof including rooms in hotels, lodging houses or houses of private entertainment for a period of less than one (1) year for the exhibition of or sale of such goods, wares or merchandise shall pay for the privilege a license tax which shall not be prorated. No such license shall be transferred.*" The addition of the proposed Mobile Food Vendors allows for this additional merchant to operate within the Town. Staff recommends Ice Cream Trucks be excluded from the restrictions of Mobile Food Vendors and instead be treated as in the general itinerant merchant sections to allow them to operate throughout zoning districts.

3) Purpose of the Mobile Food Vendor Program Fee

Staff Review: The Mobile Food Vendor Program fee is designed to help offset costs to administer the program.

4) Placement of waste receptacles.

Staff Review: The proposed Zoning Ordinance 9-24.8.2 requires waste receptacles be affixed or located on the ground near the Mobile Food Vendor provided they meet Section 9-24.7.3. This section states objects may not block the sidewalk or roadway.

5) Define designated parks as those greater than one (1) acre.

Staff Review: Language was added to the proposed Zoning Ordinance in Section 9-24.2.2.

6) Provision for reviewing the Mobile Food Vendor Program one (1) year from adoption.

Staff Review: Provision was added to the Mobile Food Vendor Policies and Procedures Section V.

Additional Staff Review included:

- 1) The proposed Mobile Food Vendor Policies and Procedures Section I.B.5 added language to state a copy of the Vendor's signed Policies and Procedure Program Compliance document must be kept on board and produced during random spot checks. A signature line for the Town Manager, or designee, was also added to the Program Compliance sheet.
- 2) The proposed Mobile Food Vendor Policies and Procedures Section II added language that specific parking spots within the parking lots of the designated parks will be identified by the Town Manager. This is to control the specific location of the parking within lots for safety reasons.
- 3) The proposed Mobile Food Vendor Policies and Procedures Section IV "*Exception to Permitted Operations*" is new language to address special events at the designed parks. During tournaments and special events, the Special Events Coordinator works with potential vendors on an individual basis. Mobile Food Vendors will be excluded from automatically being permitted to operate during these times and will need to work through the Events Coordinator to obtain permission. This supports the proposed language in Section 9-24.1 of the Zoning Ordinance.
- 4) The proposed Mobile Food Vendor Zoning Ordinance Section 9-24.2.2.1 added language requiring grills and outdoor cooking devices not contained in the Mobile Food Vehicle to be fenced for safety.

Councilman Kravitz requested the Public Hearing be held open until the September 13, 2016 meeting. The Town Council voted 7-0 to hold the meeting open.

PLANNING COMMISSION REVIEW

The Planning Commission held a Public Hearing on May 17, 2016 on the proposed Zoning Ordinance text amendment, and Town Code text amendment, and Mobile Food Vendor Policies and Procedures. The Planning Commission voted 7-0 to table the request for thirty (30) days pending a meeting to be held with vendors, Commission members, elected officials, and the public for discussion of the Mobile Food Vendor issues. A work session on June 21 further discussed the changes to the text amendment and Mobile Food Vendor Policies and Procedures. Discussion highlights included appropriate zoning

districts, parking provisions, designated public sites, and the balance between the Zoning Ordinance requirements with the Mobile Food Vendor Policies and Procedures. One significant discussion centered around the desire to list Eva Walker Park as a permitted public site. However, the Planning Commission recommended the Central Business District not be included in the allowable zoning districts of Mobile Food Vendors. As the on-street parking associated with Eva Walker Park is zoned (CBD), this precludes the park from meeting the requirements for a Mobile Food Vendor permit. However, it is important to note that Eva Walker Park may still utilize Mobile Food Vendors through the special event permit process. Article 9-19 (temporary uses) allows for special event permits with the provisions¹ that:

- Permits are valid for a period not to exceed thirty consecutive (30) days unless extended by the Zoning Administrator.
- Each event or activity on a site shall be separated by a period of not less than thirty (30) consecutive days.
- Carnivals, festivals, fairs, or similar outdoor entertainment events may have four (4) permits per parcel, per calendar year.
- Additional permits may be authorized by the Town Council.

On July 26, 2016, the Planning Commission voted 5-0-2 (Helander and Kip absent) to forward the amendments to the Town Code and Zoning Ordinance, with the accompanying Mobile Food Vendor Policy and Procedures, to the Town Council with a recommendation of approval.

BACKGROUND

Mobile Food Vendors, or food trucks, continue to gain popularity and use across the country. Their mobile nature presents new intricacies and challenges for localities. Like many localities, Warrenton's Town Code and Zoning Ordinance do not envision this type of business.

Currently, Mobile Food Vendors are able to operate on private property for a limited time-period. However, these businesses are not able to receive a business license or remit meals tax without a zoning permit.

Therefore, several amendments are necessary that will define what a Mobile Food Vendor is and indicate within which zoning districts it is an allowable use. Additionally, rules and regulations on how and when Mobile Food Vendors must operate, and other requirements are desired.

Staff reviewed the programs for Mobile Food Vendors in several localities (including City of Charlottesville, Fairfax County, and the City of Norfolk), as well as best practice documents from the National Association of Food Trucks and data on industry trends and impact.

The goals are to create a program that is uncomplicated, can be administered with minimal cost, and that can be adapted as Warrenton's experience with Mobile Food Vendors grows. Staff found the model used by the City of Norfolk to be most suitable. To follow this model, the Town of Warrenton would need to do the following:

- Amend the Town Code to define Mobile Food Vendors;

¹ Any use located on government-owned property which is approved by the Town shall not be considered a temporary use subject to these restrictions.

- Amend the Zoning Ordinance to allow Mobile Food Vendors as allowable uses in the Public Semi-Public and Industrial Districts, subject to the policies and procedures of a Mobile Food Vendor Program; and
- Create a Mobile Food Vendor Program, including Policies and Procedures document that the Town Manager administers and may amend.

Specifying the rules and regulations in a policy document administered by the Town Manager allows the program to operate more succinctly and evolve over time. This document specifies:

- Requirements and process for application into the Mobile Food Vendor Program.
- Fee schedule and meals bond requirement.

At this time, it does not require the use of a decal system or specially marked areas. However, a copy of the signed Mobile Food Vendor Policies and Procedures Program Compliance form must be kept in the vehicle.

ECONOMIC & FISCAL IMPACT

The long-term impact of allowing Mobile Food Vendors is reported by national research to be positive. Among the benefits are increased sales, customers, diversity, entrepreneurship opportunities, and tax revenue as well as a positive reflection of community values. These can all benefit existing restaurants, as well as Mobile Food Vendors. Potential benefits include:

Increased sales to customers who may not otherwise purchase food, due to:

- **Location**—For example, at the WARF parents may not be inclined to leave while their child participates in sports and there are no food options available.
- **Cost**—The low cost of some trucks attracts customers who wouldn't normally go to a restaurant to eat or wouldn't go to a restaurant for a lunch or a snack.

Increased draw of new customers and new sales. Including customers that:

- **Follow a specific Mobile Food Vendor**—Some loyal foodies will drive upwards of 20 miles for their favorite Mobile Food Vendor. This potentially draws new customers in from outside areas.
- **Are attracted by a specific food type or dish**—For example, specialty offerings (like lobster rolls, fugu kimbap, or watermelon jalapeno lemonade) and international flavors not available in the current market create interest and draw new customers to dine on a 'must-have'.

Creates new business opportunities. The small size and mobile nature of Mobile Food Vendors allows Mobile Food Vendor entrepreneurs to:

- **Try out new markets**—Testing demand can be very helpful for would-be restaurant owners. For example: Vietnamese and Korean food are very popular in northern Virginia, but are not offered in the Warrenton area. Successful Mobile Food Vendor sales of these cuisines would demonstrate demand to the Mobile Food Vendor operator and other potential restaurateurs that a potential market opportunity exists.
- **Sustain a business with smaller sales volumes**— Mobile Food Vendors are often what many would consider 'micro-businesses', employing only one or two people. The smaller volume of sales required to keep a Mobile Food Vendor operation running allows entrepreneurs with limited cash-flow or time a new opportunity to start their own business. Additionally, smaller sales volumes allow owners to prepare smaller amounts of food at a time, which can be an important cost savings for those using organic or other specialty products (such as, gluten-free dough, etc.).

- **Expand into mobile sales (in addition to a brick and motor location)**—With the swell of interest in Mobile Food Vendors, many traditional restaurateurs are capitalizing on the Mobile Food Vendor scene by taking their cuisine mobile as an additional revenue stream and a way to reach new customers.

Capture of tax revenue. Creating opportunities for Mobile Food Vendors to operate legally allows the Town to capture tax revenue from Mobile Food Vendor vendors, including business license taxes and meals tax. The 4% meals tax applied by the town is one of the largest sources of revenue for the Town. The Mobile Food Vendor policy, as proposed, would make applying to operate a Mobile Food Vendor in Town a simplified process and make timely submission of meals tax a requirement of continued operation.

ATTACHMENTS

Attachment I	Proposed Zoning Ordinance Amendments
Attachment II	Proposed Town Code Amendment
Attachment III	Draft Mobile Food Vendor Policies and Procedures
Attachment IV	Mobile Food Vendor Policies and Procedures Resolution

DRAFT – June 9, 2016
Revised – June 13, 2016
June 14, 2016
June 28, 2016
July 26, 2016
September 13, 2016

Proposed Text Amendment - ZTA 2016-01
Article 9-24 Mobile Food Vendors

9-24.1 Purpose

The Town of Warrenton shall administer a program to receive, review and approve permit applications for Mobile Food Vendors that desire to vend in designated zoning districts. The associated policies and procedures document sets out guidelines for the permitting process for vending in designated Mobile Food Vendor areas in specified zoning districts. These policies does not cover participation in Special Events (such as, festivals). To participate in Special Events, all vendors must comply with the rules and regulations laid forth in the Special Event permit provided to the event organizer.

9-24.2 Allowable Zoning Districts

Mobile Food Vendors are allowable in the following zoning districts only, subject to the Mobile Food Vendor policies and procedures document: Public/Semi-Public Institutional (PSP), and Industrial (I).

9-24.2.1 Operation on Private Property

Mobile Food Vendors may operate on private property within the Industrial (I) zoning district from an existing, improved parking-area with the expressed, written consent of the property owner. All operations, on public or private property, must comply with the Mobile Food Vendor policies and procedures document.

9-24.2.2 Operation on Public Property

Mobile Food Vendors may operate on public property only at public parks greater than one (1) acre in size with on-site parking. All operations, on public or private property, must comply with the Mobile Food Vendor policies and procedures document. The following standards apply to parking and operation for Mobile Food Vendors.

I.

1. The entire operation of a Mobile Food Vendor must fit in the allowed public parking area. Vehicles that do not fit within the designated parking area will not be permitted to operate in the program. Grills and outdoor cooking devices which are not contained inside the Mobile Food Vendor vehicle must be fenced for safety.
2. Each Mobile Food Vendor parking area shall not be within 10 feet of an intersection, crosswalk, driveway, bus stop, taxi stand or handicapped parking space. Nor will any Mobile Food Vendor be situated in any part of a designated loading zone or fire lane.
3. Mobile Food Vendors are to comply with the vending hours between 8:00 AM and 9:00 PM, or lesser time as administered by the Town Manager, and not leave Mobile Food Vendor vehicles beyond the allowable vending hours. Mobile Food Vendor vehicles left beyond these hours are subject to towing.
4. The Town may adjust these sites in cases of construction or other circumstances, as approved by the Town Manager.
5. The Town may consider additional locations based on demand and impact, as approved by the Town Manager.

9-24.5 Program Permit Fees and Operation Costs

Participants are subject to annual program and business license fees as specified in the Mobile Food Vendor policies and procedures document, including routine collection of meals and consumption taxes. Mobile Food Vendors are required to comply with all other applicable local, state and federal taxes including remittance of sales tax in accordance with state law. Fees are subject to change with Town Manager approval.

9-24.6 Rules and Regulations

9-24.6.1 Allowable vehicles include, but are not limited to, Mobile Food Vendor vehicles from which service is provided to customers through the side of the vehicle or trailer.

9-24.6.2 Mobile Food Vendors are required to maintain minimum Mobile Food Vendor vehicle standards for continued participation in the program. Standards include, but are not limited to, the following:

1. Floors, walls, ceilings and food contact surfaces must be easily cleanable (i.e. stainless steel, aluminum or other approved non-corrosive and non-rusting metal).
2. Surfaces must be waterproof, smooth, readily cleanable, and resistant to dents and scratches.
3. All outer openings must be screened and/or sealed when not operating.

I.

4. Serving areas on top of carts and truck serving windows may be made of whatever material is appropriate for food preparation: metal, tile, synthetic countertop, etc.).
5. There should be no structural defects (i.e. holes, openings, rust, seams or broken parts).
6. The business name should be affixed to the back or side of the operation and clearly visible to customers.
7. Mobile Food Vendor vehicles must be sized to fit into designated parking areas.

9-24.6.4 If any area is closed for an emergency or other permitted activity, no vendors will be allowed to set up. Areas will be monitored for compliance and any violations could result in a permit being suspended or revoked. 9-24.6.5 The entire operation must be fully mobile. For Mobile Food Vendors, coolers may not be placed on the ground, nor may tables and chairs be provided for customers. Generators should be whisper or quiet models that do not present a nuisance.

9-24.7 Prohibited Items

- 9-24.7.1 Radio or sound-amplifying devices;
- 9-24.7.2 Flashing signs or signs that move or give the appearance of moving;
- 9-24.7.3 Sign, menu board, tables, chairs, waste receptacles or other objects in the roadway or sidewalk;
- 9-24.7.4 Water, sewer, gas or electrical connections to a building.

9-24.8 Refuse Control

- 9-24.8.1 Participants must ensure that no pollutants, including waste/grease, liquid wastes, gray water garbage/debris, and other materials are discharged to the Town's storm drain system (including gutters, curbs, and storm drains).
- 9-24.8.2 A waste receptacle shall be provided for the use of customers and shall be affixed to the Mobile Food Vendor Vehicle or be placed on the ground near the Mobile Food Vendor, so long as they meet Article 9-24.7.3. All trash must be removed from the site by the Mobile Food Vendor. Use of Town waste receptacles by Mobile Food Vendors is prohibited.
- 9-24.8.3 Participants are required to pick up, remove and dispose of all garbage, refuse or litter consisting of foodstuffs, wrappers, and/or materials dispensed from the vending vehicle and any residue deposited on the street from the operation thereof, and otherwise maintain in a clean and debris-free condition the entire

I.

area within a 25-foot radius of the location where Mobile Food Vending is occurring. Assistance in cleaning any public eating spaces is appreciated.

9-24.9 Insurance Coverage

The vendor shall secure and maintain a policy of automobile liability insurance coverage issued by a company authorized to do business in the Commonwealth of Virginia in the amount of at least \$1,000,000 for injury to or death of any person or persons in any one incident and \$100,000 for property damage, and the policy shall list the Town of Warrenton as an additional insured.

9-24.10 Monthly Reports

Monthly Mobile Food Vendor Sales data reports and meals tax receipts are required to be submitted each month for the calendar year. Failure to comply and submit in a timely manner may result in revocation or suspension of vendor participation in the program.

9-24.11 Revocation or Suspension

9-24.11.1 The participant may be removed from the Program at the discretion of the Town Manager in the event of any of the following:

1. The use of conditions under which the truck or trailer is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity;
2. The property is operated or maintained so as to constitute a nuisance;
3. Operation in violation of the conditions of the program; or
4. Any other violation of applicable law.

9-24.12 Renewal Process

Please refer to the Mobile Food Vendor Program policies and procedures document for specific license renewal requirements. Please note the following regarding license renewal:

- 9-24.12.1 Vendor licenses expire on June 30th of each calendar year with annual renewals subject to administrative review, modification (if necessary) and approval.
- 9-24.12.2 Proof of current health department permit, fire inspection, insurance, and property owner authorization (as described in the Mobile Food Vendor Program policies and procedures document) are required at the time of renewal.

I.

9-24.12.3 The Annual Program Fee and Annual Business License Fee are required at the time of renewal.

9-24.13 Violation and Penalties

Any violation of this Article and the penalties for all such violations shall be as set forth in the Zoning Ordinance, in accord with Article 11 of this Ordinance and §15.2-2286 (A) (5) of the Code of Virginia.

DRAFT

Town of Warrenton
Town Code Proposed Revision
2016-08

AN ORDINANCE AMENDING CHAPTER 9, TITLED "LICENSES," ARTICLE 1, IN
GENERAL; SPECIFICALLY, SECTION 9-69, "ITINERANT MERCHANTS," OF THE
CODE OF THE TOWN OF WARRENTON

Section 9-69 is amended to add:

"(d) Any itinerant merchant who engages in the sale of food or beverages (excluding ice cream trucks which are included under Section 9-69 a – c above), whether prepared on-site or off-site, and does so through the use of a mobile unit with a current certificate of inspection from the local health department, shall only be permitted in specific areas as provided within the rules and regulations administered by the Town Manager, or his designee. All other ordinances applicable to Mobile Food Vendors remain in effect and shall be enforced by the Town."

III.

Warrenton Mobile Food Vendor Program

Policies and Procedures

The following is a guidance document for the Mobile Food Vendor Program. The regulations that govern the program are listed under Article 9-24 of the Zoning Ordinance. The program is administered by the Town Manager's Office. Permitting for the program is processed through the Department of Planning & Community Development. If you have any questions about the program details specified in the Zoning Ordinance or herein, please contact the Department of Planning & Community Development at (540) 347-2405, Monday through Friday between 8:00 am and 4:30 pm.

I. Vending Permit Application Process

- A. Interested Mobile Food Vendors must submit a completed Application for a Mobile Food Vendor Permit and required documentation via email or in person at Town Hall at 18 Court Street, from 8 a.m. to 4:30 p.m. The Town will verify all permits have been obtained prior to issuing a vending permit to the selected vendor.
- B. The Mobile Food Vendor must submit all required documents, pass all physical inspections, provide payment and hold a permit to participate in the program. The following permits and documentation are required:
 1. A Health Permit from the Virginia Department of Health;
 2. Proof of Current Fire Inspection;
 3. Statement of authorization from property owner or their agent if operating on private property;
 4. Certificate of insurance (see Article 9-24.9 of the Zoning Ordinance); and
 5. Signed Policies and Procedures Program Compliance form document (a copy must be kept at all times in the Mobile Food Vendor vehicle and supplied for random inspection).
- C. The Mobile Food Vendor must supply at the time of application all applicable Program Fees (see descriptions below).
- D. Staff will review applications for completion and no application will be accepted unless deemed complete.

II. Designated Public Sites

The following are designated as public vending sites for Mobile Food Vendors:

- A. Warrenton Aquatic and Recreation Facility, Parking Area as established by the Town Manager.

III.

- B. Rady Park, Parking Area as established by the Town Manager.

III. Program Fees

- A. All Mobile Food Vendors (new and renewing) must submit all fees and taxes as outlined below.
- B. Annual Permit Program Fee. The full annual permit program fee is due upon acceptance into the Warrenton Mobile Food Vendor Program. If a vendor chooses to withdraw from the program, the annual fee is forfeited. The annual fee for renewing Mobile Food Vendors is due by June 30th.
- C. Annual Business License Fee. The business license fee for Mobile Food Vendors is an annual flat fee and cannot be refunded. The business license fee for the first year is due at the time of application. Business License Renewal applications will be mailed each year and are due by March 1st. The business license fee is due by June 30th.
- D. Meals and Consumption Tax. Mobile Food Vendors are required to collect Meals and Consumption Tax on all applicable food and beverage sales at a rate of 4%, and remit to the Town on a monthly basis. The Meals Tax return and payment are due on the 20th of the month following the month in which the tax was collected.
- E. Meals and Consumption Tax Bond (New Vendors). At the time of application to the program, a one-time Meals and Consumption Tax Bond in the amount of \$300 is required. The Bond is refundable only if the vendor application is not approved, or if before incurring any meals tax liability the participant goes out of business, moves their business, or otherwise ceases to operate in the Town of Warrenton.
- F. Meals and Consumption Tax Bond (Other). Mobile Food Vendors that do not maintain participation in the program for a period of two years or more will be considered "new vendors" and will be required to provide the meals tax bond again upon application to re-enter the program. Mobile Food Vendors that are delinquent in the remittance of meals tax may be required to provide the meals tax bond annually, at the discretion of the Town Manager.
- G. Mobile Food Vendors are required to comply with all other applicable local, state and federal taxes, including remittance of Sales Tax in accordance with state law.

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Font: (Default) Times New Roman

Formatted: Indent: Left: 0.5", No bullets or numbering

Formatted: Font: Bold

Formatted

Formatted: Font: Not Bold

Formatted: Font: Not Bold

IV. Exceptions to Permitted Operations

- A. As stated in Section 9-24.1 of the Zoning Ordinance, Mobile Food Vendor permits do not extend to special events. In addition, Mobile Food Vendors may not operate in designated Public Parks during special events, athletic meets, and tournaments without express permission

Warrenton Mobile Food Vendor Program (May 2016)

Page 2 of 4

Modified 6-13-2016

Modified 6-28-2016

Modified 7-26-2016

Modified 8-9-2016

Modified 9-13-2016

III.

from the Department of Parks and Recreation events coordinator. The Department of Parks and Recreation event coordinator will consult with athletic organizations to determine when such events are scheduled. Possession of an annual permit does not guarantee a Mobile Food Vendor will be granted permission during special events. It is the sole discretion of the events coordinator which Mobile Food Vendors may have access to events. It is the responsibility of the Mobile Food Vendor to stay informed of restricted events.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font: (Default) Times New Roman

Formatted

G.V. The Warrenton Mobile Food Vendor Program will be reviewed in its entirety one year after its adoption by the Town Council.

H.A. Fee Chart

Fees	Town of Warrenton	Other Agencies
Annual Downtown Mobile Food Vendor Program Fee (per vendor)	\$100	
Annual Business License Fee (per vendor)	\$50	
One-time Meals Tax Bond (per vendor)	\$300	
Annual Fire Inspection Fee (per vehicle)	\$50 ¹	
Annual Health Permit Fee (per vehicle)		VA Department of Health (Fauquier County Office)
Total	\$500	

W-VI. Associated Fees

Reserved.

¹ \$50.00 up to 2,500 sq. ft. plus \$0.01 per sq. ft. for every square foot over 2,500.

III.

VII. Program Compliance

I understand and will abide by the regulations in Article 9-24 of the Zoning Ordinance and by the Policies and Procedures for the Warrenton Mobile Food Vendor Program. I further understand that should I commit any violation of the Ordinance and/or this policy, my participation in this program may be revoked.

Vendor Signature

Date

Printed Name

Town Manger, or Designee, Signature

Date

Printed Name

**MOBILE FOOD VENDOR POLICIES AND PROCEDURES
RESOLUTION**

WHEREAS, the policies and practices of the Town of Warrenton are to promote and support compatible economic development; and

WHEREAS, the Town of Warrenton has a goal to promote stable and healthy commercial tax base that expands in proportion to the residential tax base; and

WHEREAS, Mobile Food Vendors have continued to gain popularity across the country; and

WHEREAS, Mobile Food Vendors currently do not have the ability to receive a business license or remit meals tax in the Town of Warrenton; and

WHEREAS, the Mobile Food Vendors are reported to have a long term positive impact on entrepreneurship opportunities, tax revenue, and benefitting exiting businesses; and

WHEREAS, the Town of Warrenton recognizes the benefit to allowing Mobile Food Vendors to operate in designated areas; and

WHEREAS, the Town of Warrenton is amending its Town Code Itinerant Merchant and Zoning Ordinance to allow for Mobile Food Vendors; and

WHEREAS, the Town of Warrenton Mobile Food Vendor Policies and Procedures creates a process within which Mobile Food Vendors may operate in designated areas; and

WHEREAS, the Town of Warrenton Mobile Food Vendor Policies and Procedures will be administered by the Town Manager and is subject to review by the Town Council one year after adoption; and

NOW, THEREFORE, LET IT BE RESOLVED by the Town of Warrenton Town Council this 13th day of September 2016 That the Mobile Food Vendor Policies and Procedures dated September 13, 2016 is hereby adopted.