



CITY OF SENECA

Planning & Development

To: Operators of Mobile Food Trailers, Food Trucks and Food Carts

We welcome your interest in operating a mobile food vendor unit in the City of Seneca.

The Mobile Food Vendor Application will need to be completed and submitted for approval along with copies of the following: approval to operate as a mobile food vendor from the South Carolina Department of Agriculture, general liability insurance, property owner permission form, and City of Seneca business license. At the time of application an inspection will be scheduled with the fire marshal and a \$50 application fee will be due.

Application may be made online at seneca.sc.us or in person at the Planning & Development Department at City Hall. Once the application, along with required documentation, has been submitted, application fees are paid, and the Mobile Food Unit Inspection has been approved by the Fire Marshal, a Mobile Food Unit Permit will be issued. This permit will need to be kept on the mobile food unit and presented upon request.

Mobile Food Unit Permits shall be renewed annually by April 30th and **Mobile Food Vendors shall pay the required hospitality taxes by the 20th of each month.** For questions regarding business licensing and hospitality taxes, the business license administrator may be reached at 864-916-1512.

Attached you will find the Mobile Food Vendor Application, Property Owner Permission form, and the Mobile Food Vendor Ordinance.

Please contact the Planning & Development Department at 864-885-2726 with any questions regarding the application process.



Mobile Food Vendor Application

City of Seneca

Planning & Development

Required for Mobile Food Vendor Approval and Renewal:

- ☐ **Approval to operate as a mobile food vendor from the South Carolina Department of Agriculture.**
- ☐ **Proof of general liability insurance.**
- ☐ **Property Owner Permission Form for Mobile Food Vendors.**
- ☐ **A City of Seneca business license.**
- ☐ **Mobile Food Unit Inspection approval by the Fire Marshal (scheduled at time of application).**
- ☐ **\$50 Mobile Food Vendor Application fee.**

Date of Application: _____ Renewal Required Date: _____

Mobile Food Business Name: _____

Mobile Food Unit Name: _____

Business Address: _____

Contact Name: _____

Contact Phone #: _____ Contact Email: _____

Type of Unit: ☐ Trailer ☐ Truck ☐ Cart ☐ Other ☐ Prepackaged Food ☐

Type of Food: _____ ☐ Prepared Food ☐

- Mobile Food Vendor Permit, Property Owner Permission Form (for each location of operation), and Seneca Business License must be obtained prior to engaging in business, must be maintained and shall be renewed annually by April 30th.
- Payment of the required two (2) percent hospitality tax on the gross proceeds of the sale of all prepared food and beverages shall be remitted by the vendor to the City of Seneca on a monthly basis, not later than the twentieth day of the month, and shall cover the tax due for the previous month.
- Permitted food and beverages shall be limited to edibles and hot and cold beverages containing no alcohol, unless otherwise approved by the City.
- Operating hours shall be no earlier than 6:00 a.m. and no later than 10 p.m., unless otherwise approved by the City as part of a special event.
- At the end of each business day's operation, the Mobile Food Vendor shall remove from the parcel/permitted location, the Mobile Food Unit and all materials and waste associated with the business.
- Mobile Food Vendors are prohibited from operating on any street, sidewalk, alley, trail, or other right-of-way or on any City -owned property, including plazas and parks, unless otherwise approved by the City.

By my signature, I affirm that: I have read and understood the information provided on this form and will abide by the City of Seneca Mobile Food Vendor Ordinance.

Signature of Applicant

Date



Property Owner Permission Mobile Food Vendor

City of Seneca

Planning & Development

Property Tax Map Number: _____

Property Owner Name: _____

Property Owner Designee Name (leave blank if none): _____

Property Owner/Designee Phone Number: _____

Property Owner/Designee Email Address: _____

Location Address: _____

Mobile Food Vendor Business Name: _____

Mobile Food Vendor Owner/Contact Name: _____

Mobile Food Vendor Phone Number: _____

Mobile Food Vendor Email Address: _____

Mobile Food Vendor Dates of Operation at this Location:

Mobile Food Vendor Hours of Operation at this Location:

By my signature, I affirm that: I am the owner or owner's authorized designee of the property listed above, and I give the listed Mobile Food Vendor permission to operate the Mobile Food Unit listed at this location for the dates and hours indicated.

Signature of Property Owner/Designee

Date

For Zoning Official Use

Property Zoning Designation: **OC NC HC GC CC LI BI PD-C CF**

Owner's Name Matches Oconee County Property Records: ☐ **No** ☐ **Yes**

☐ **Approved** ☐ **Disapproved**

Comments: _____

Zoning Official Signature

Date

CITY OF SENECA

ORDINANCE NO. 2025-03

AN ORDINANCE TO AMEND THE
OFFICIAL ZONING ORDINANCE OF THE CITY OF SENECA

BE IT ENACTED BY THE governing Body of the City of Seneca and Council duly assembled, and by the authority of the same that the Official Zoning Ordinance of the City of Seneca,

Article 7 Section 741 MOBILE FOOD VENDOR ORDINANCE

741.1. DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context indicates or requires a different meaning.

Food trailer is defined as an enclosed attached or detached trailer that is equipped with facilities for preparing, cooking and selling various types of food products.

Food truck is defined as an enclosed motor vehicle equipped with facilities for preparing, cooking and selling various types of food products. A mobile food truck may mean a privately-owned automobile if the meal is prepared and cooked in a commercial kitchen.

Mobile Food Vendor is defined as any person or persons who operates or sells unprepared or prepared food and/or beverages from a stationary cart, truck, trailer or other vehicle. Mobile food vendors shall not mean selling from a stationary stand, booth.

Mobile Food Unit is defined as a self-contained vehicle or trailer-mounted food service unit that returns daily to its base of operations, as approved by the appropriate state-level agency, and is used for preparing, cooking and/or selling various types of food products.

1. For purposes of this definition and the provisions of this section, some vehicles that may be considered Mobile Food Units include food trucks, food trailers, and food carts.

741.2. PERMIT & BUSINESS LICENSE REQUIRED.

1. It shall be unlawful for a person, firm or corporation to engage in business as a mobile food vendor within the City of Seneca without first obtaining a Business License and Mobile Food Vending Permit therefore, unless specifically exempted therefrom by the provisions of this section.
2. The Mobile Food Vendor shall maintain a current Mobile Food Vending Permit and Business License, which shall both be renewed annually by April 30. The license year runs from May 1 to April 30. Permit fees will not be prorated.
3. Prior to a Mobile Food Vending Permit being issued or renewed, the Mobile Food Vendor must provide documentation of approval to operate from the South Carolina Department of Agriculture, or another state-level agency that the duty and authority of overseeing retail food establishments may be transferred to.

4. Prior to a Mobile Food Vending Permit being issued or renewed, the City Fire Marshal must complete the appropriate inspection of any Mobile Food Unit that contains cooking equipment that produces smoke or grease-laden vapors.
5. The Mobile Food Vendor must provide proof of general liability insurance, for the operation of the motor vehicle as a vehicle, as applicable, and the conduct of business, in the currently required amount by the state at the time of application. Failure to maintain this insurance can result in immediate revocation of the license.

741.3. PERMITTED FOOD; BEVERAGES.

Permitted food and beverages shall be limited to edibles and hot and cold beverages containing no alcohol, unless otherwise approved by the City. The proper licensing to serve alcoholic beverages shall be obtained from the South Carolina Department of Revenue and provided to the City at the time of permitting.

741.4. HOURS OF OPERATION; LOCATION.

1. Operating hours shall be no earlier than 6:00 a.m. and no later than 10:00 p.m., unless otherwise approved by the City as part of a special event..
2. Mobile food vendors will be permitted to locate in the OC, NC, HC, GC, CC, LI, BI, PD-C and CF zoning districts.
3. Permission from private property owner or their designee required. Permission to operate must be obtained in writing from the private property owner or their designee. Mobile Food Vendors must obtain written consent from the property owner detailing the date(s) and hours the Mobile Food Vendor is permitted to operate and the specific location permitted. Permission from the private property owner must be provided to the City at the time of permitting.
4. At the end of each business day's operation, the Mobile Food Vendor shall remove from the parcel/permitted location, the Mobile Food Unit and all materials and waste associated with the business.
5. Mobile Food Vendors are prohibited from operating on any street, sidewalk, alley, trail, or other right-of-way or on any City-owned property, including plazas and parks, unless otherwise approved by the City.
6. Mobile Food Units shall not be permitted to operate any more frequently than two (2) days per calendar week on the same public property.
7. The requirements of this sub-section shall not apply to City-sponsored or City-operated events.

741.5. GENERAL REQUIREMENTS

1. Required parking for the primary business(es) in a location a Mobile Food Vendor is permitted to operate shall be minimally affected by the operation of the Mobile Food Unit.
2. Mobile Food Units shall not occupy any handicap accessible parking space nor block American Disabilities Act ("ADA") access to the primary business(es) or public facilities.

3. Mobile Food Units shall not occupy a parking space or spaces that would negatively affect the safe operation and movement of motor vehicles.
4. Mobile Food Units shall be positioned so as not to block:
 - a. a driver's line of sight to oncoming traffic
 - b. emergency access and fire lanes.
5. Mobile Food Units must be positioned at least 15 feet away from fire hydrants, any fire department connection, driveway entrances, alleys, and five (5) feet away from tree trunks and vegetation.
6. Mobile Food Vendors are responsible for the proper disposal of waste and trash associated with the operation of their Mobile Food Unit. Garbage and/or recycling receptacles must be made available for patron use and removed from the site daily by the Mobile Food Vendor.
 - a. The receptacle must be maintained in such a manner as to preclude an overflow of refuse.
 - b. Each Mobile Food Vendor shall pick up any litter which is associated with the vendor's sales in the vicinity of the vendor's Mobile Food Unit at the end of each day, prior to departing the sales location.
 - c. Failure of the Mobile Food Vendor to remove all waste generated by the operation of the Mobile Food Unit and its patrons and/or to keep the service area(s) clean while in operation may result in the immediate revocation of the Mobile Food Vending Permit and/or Business License.
7. Any Mobile Food Vendor that has been issued a notice of health violation by any Department of the State of South Carolina, which remains uncorrected upon a subsequent inspection, shall have its Mobile Food Vending Permit revoked.
 - a. The Mobile Food Vending Permit will not be re-issued until the Mobile Food Vendor provides documentation from a Department of the State of South Carolina that all repeat health violations have been resolved and the Mobile Food Vendor is approved to operate in the state of South Carolina.
8. Signs affixed to the Mobile Food Unit advertising the name of the Mobile Food Vendor's business and a menu of items sold are permitted. No other form of advertising is permitted.
9. Nothing in this section shall be construed as limiting or replacing the role of the South Carolina Department of Agriculture, which has the primary task of inspecting mobile food vendors.
10. Any Mobile Food Unit which is found, after any required inspection by City staff, to be unsafe or in any way not compliant with this section may be directed to be out of operation until the cited deficiency is corrected, and before again being placed in service shall be delivered to the inspector for reinspection.

Permanent fixtures accessory to a food truck are subject to zoning regulations and building code.

741.6. PROHIBITED CONDUCT

1. The use of any sound amplification cast from the exterior of the Mobile Food Unit is prohibited regardless of the intended purpose. The noise level from the Mobile Food Unit motor and/or generator must comply with Chapter 18, Article IV (Noise) of the City's general code of ordinances.
 - a. In addition to the generally applicable noise ordinance and other City ordinances, the use of a generator by a Mobile Food Unit is prohibited within 100 feet of a residential district.
2. Mobile Food Units, and any related temporary amenities (chairs, tables, etc.) are prohibited from being left unattended or left at a sales site overnight, unless otherwise approved by the City.
3. Mobile Food Vendors shall not store, park or leave any Mobile Food Unit overnight on any public street, parking lot or sidewalk, unless otherwise approved as a City-sponsored or City-operated event.
4. No external lighting shall be provided on site where the Mobile Food Unit is operating, except that localized lighting may be used on or in the Mobile Food Unit for the purpose of food preparation and menu illumination.
5. Mobile Food Vendors shall not discharge fats, oils, grease or wastewater into the sanitary sewer system. All waste shall be properly stored and disposed of at a properly designated disposal location.
6. Mobile Food Vendors shall not operate the Mobile Food Unit as a drive-in/drive-up/drive-through window.

Operation of a Mobile Food Unit is prohibited on vacant and unimproved property.

741.7. HOSPITALITY TAX

In accordance with Chapter 24, Article III of the City of Seneca's general Code of Ordinances, all Mobile Food Vendors shall collect from any patron a two (2) percent hospitality tax on the gross proceeds of the sale of all prepared food and beverages. Payment of the hospitality tax shall be remitted by the vendor to the City of Seneca on a monthly basis, not later than the twentieth day of the month, and shall cover the tax due for the previous month.

741.8. SPECIAL EVENTS

Nothing in this section should be construed to prohibit the City from conducting special events that feature Mobile Food Units.

741.9. SUSPENSION AND REVOCATION OF PERMIT

1. Violations of this section shall be subject to the City of Seneca's general penalties clause, as detailed in Chapter 1, Section 1-15 of the City's general code of ordinances.
2. The Mobile Food Vending Permit issued for the Food Truck business may be revoked if the vendor violates any provisions of this section or if the Mobile Food Vendor's South

Carolina Department of Agriculture permit to operate as a Mobile Food Unit is suspended or revoked.

3. The Zoning Administrator may revoke a Mobile Food Vending Permit if he or she determines that the Mobile Food Vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public's health or safety.

PROPOSED ORDINANCE APPROVED AS TO FORM this 11th day of February 2025.



R. BOATNER BOWMAN, City Attorney

APPROVED AND RATIFIED on First Reading this 11th day of February 2025 by a vote of

8 YES 0 NO 0 ABSTAIN

APPROVED, RATIFIED and ADOPTED on Second and Final Reading this 11th day of March 2025 by a vote of

8 YES 0 NO 0 ABSTAIN


_____, Clerk

Attest:



Ronnie O'Kelley
Mayor Pro Tem