



# MOBILE FOOD ESTABLISHMENT PERMIT APPLICATION

Please submit the Mobile Food Establishment application along with the Town Business License application. Once both applications are complete and paid for, the Town Manager will begin processing them. Please allow up to five (5) business days for the permitting process.

*NOTE: This application must be filled out completely and submitted with the Business License application for approval by the Town Manager. Once the permit application is approved, the Treasurer will issue the Town Business license and Mobile Food Establishment permit to the applicant. Approval of this application is REQUIRED to proceed to do business within the Town Limits.*

ZONING ACTIVITY:  Mobile Food Establishment

APPLICATION COST: **\$50.00**

## PERMIT HOLDER INFORMATION

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone# \_\_\_\_\_ Email \_\_\_\_\_

*I, as owner or authorized agent for the above-referenced parcel, do hereby certify that I have the authority to make the foregoing application and that the information provided herein is correct. Mobile Food Establishment referenced above will comply with the ordinances of the Town of Haymarket and any additional restrictions as detailed in the Mobile Food Establishment ordinance.*

Applicant Signature \_\_\_\_\_

Business Owner Signature \_\_\_\_\_

**Valid Town Business License Attached**

Yes  No

**Business License Application Attached**

Yes  No (Mobile Food Establishment License \$200.00)

NAME OF BREWERY / WINERY: \_\_\_\_\_

SITE ADDRESS: \_\_\_\_\_

Brief Description: \_\_\_\_\_

Applicant Initial: \_\_\_\_\_

Days and Hours of Operation (Sec. 14-173 (1-2)):

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Parking Exhibit Attached (Sec 14-172 (3)):  Yes  No

Acknowledgement that the Town of Haymarket does have a Meals Tax (Sec. 42-186 – Food & Beverages), the tax shall be due and payable on the 20th day of the month following the month of collection. There shall be a penalty of one percent per annum, applied to any outstanding balances owed to the Town of Haymarket.

Applicant Initial: \_\_\_\_\_

<b>Office Use Only</b>	
Zoning Approval Granted	<input type="checkbox"/> Yes <input type="checkbox"/> No
Date Issued to Applicant: _____	
Conditions of Approval: _____	
<u>Approved by:</u> _____	

**Zoning Contact Information:**

Lydia Schauss  
[lschauss@townofhaymarket.org](mailto:lschauss@townofhaymarket.org)  
703-753-2600 x 208

**Business License Contact Information:**

Alexandra Elswick  
[aelswick@townofhaymarket.org](mailto:aelswick@townofhaymarket.org)  
703-753-2600 x 203

**Town Hall Address**

15000 Washington Street, Suite 100  
Haymarket, VA 20169

**Hours of Operation: Monday through Friday 9:00 am to 4:00 pm**

**Applicant Initial:** \_\_\_\_\_

## MOBILE FOOD ESTABLISHMENT ORDINANCE

### Article V. Mobile Food Establishment.

The intent of this article is to establish operational standards for mobile food establishments as well as appropriate protections of public health, safety, and welfare for their operation on private property.

#### Sec. 14-170. - General requirements.

For the purposes of this article, a Mobile Food Establishment shall mean an itinerant mobile food licensee, permittee, owner or vendor who is not permanently affixed to a specific property or location including, but not limited to, mobile food units.

(1) A Mobile Food Establishment must obtain an approved business license and a Mobile Food Establishment permit from the Town Manager prior to the operation of a Mobile Food Establishment within the Town.

- a. The cost of the business license application for Mobile Food Establishments shall be provided in the Town of Haymarket fee schedule.
- b. The cost of the Mobile Food Establishment permit application shall be provided in the Town of Haymarket fee schedule.
- c. A Mobile Food Establishment's business license and the Mobile Food Establishment permit is valid from May 1<sup>st</sup> of the year of issuance until April 30<sup>th</sup> of the following year and both must be renewed by April 30<sup>th</sup> of every year.
- d. If there is a special event, the Mobile Food Establishment shall complete a separate permit request and pay a separate fee for the one-time event.

(2) Mobile Food Establishments that have obtained the required business license and Mobile Food Establishment Permit shall only operate at breweries, wineries, and distilleries, referred to herein as the "Host Business", located within the Town limits.

(3) Mobile Food Establishments are responsible for paying the Town's Meals Tax and shall comply with the Meals Tax Ordinance in Sec. 42-186 of the Town Code.

(4) No Mobile Food Establishment business license or Mobile Food Establishment permit authorized and issued by the Town Manager shall authorize a Mobile Food Establishment to operate on or from a public street or public park.

#### Sec. 14-171. - Suspension or revocation

(1) A Mobile Food Establishment's business license and Mobile Food Establishment permit may be suspended or revoked by the Town Manager at any time due to the Mobile Food Establishment's failure to comply with all requirements of this article and any other applicable federal, state, and local laws.

- a. Prior to ordering the suspension or revocation of a Mobile Food Establishment's business license and Mobile Food Establishment permit, the Town Manager shall notify the business licensee and Mobile Food Establishment permit holder in writing providing the reasons for the suspension or revocation. This notice shall be mailed postage prepaid to the business licensee and Mobile Food Establishment permit holder at the business address appearing on the permit application, or if there is none, to the residential address appearing thereon.
- b. The Town Manager shall suspend or revoke a Mobile Food Establishment's business license and Mobile Food Establishment permit issued under this article without prior notice if the business licensee and Mobile Food Establishment permit holder have been notified in writing of their violation of any provision of this article on three or more separate occasions within a 12-month period.

**Sec. 14-172. - Mobile Food Establishments shall be operated from an approved location, subject to the following procedures.**

- (1) The Mobile Food Establishment business license application must be accompanied by a copy of the approved Mobile Food Establishment permit obtained by the owner of the Mobile Food Establishment for the operation of Mobile Food Establishments within the Town. The Mobile Food Establishment permit application shall list every address and location of operation of the Mobile Food Establishment. A Mobile Food Establishment shall only operate on the approved location or locations listed in the Mobile Food Establishment permit. If a Mobile Food Establishment intends to operate on more than one site, then only one Mobile Food Establishment business license application is required, provided the Mobile Food Establishment owner has obtained a Mobile Food Establishment permit for each location of operation. The operation of any Mobile Food Establishment is subject to all requirements of Chapter 22 of the Town Code and all Virginia Department of Health regulations.
- (2) A maximum of two Mobile Food Establishments are permitted at any one location at the same time, provided that additional Mobile Food Establishments may be permitted in conjunction with administrative permits or other special events regulated by any proffered condition, development condition, special exception, or special permit.
- (3) A Mobile Food Establishment's mobile food unit shall not be parked in any fire lane, travel lane, entrance/exit, or any required parking space and shall not block any drive aisles, ingress and egress from the property, turn lanes or designated fire lanes. In no situation shall a Mobile Food Establishment's mobile food unit be permitted to operate on grass, dirt, or other non-improved parking surfaces.
- (4) A Mobile Food Establishment's mobile food unit must be located on a level, paved, or gravel surface with safe pedestrian access.
- (5) All Mobile Food Establishments and their generators shall be located no less than 100 feet from any residential properties.
- (6) The Mobile Food Establishment shall comply with any request of a police officer or other public safety personnel to move and cease vending in the case of an emergency.

**Sec. 14-173. - Operational requirements.**

- (1) Mobile Food Establishments are only allowed to operate at the designated location from Wednesday through Sunday of each week; Mobile Food Establishments will not be allowed to conduct business within Town limits on Monday or Tuesday of any given week.
- (2) No Mobile Food Establishment shall remain on site at one property for more than 12 consecutive hours. Operational hours are from 10:00 am to 10:00 pm. Mobile Food Establishment are expected to cease all operations and be off property by 10:00 pm eastern standard time, with no exceptions.
- (3) Mobile Food Establishments shall comply with Chapter 18 of the Town Code pertaining to noise control.
- (4) Only food and non-alcoholic beverages incidental to the permitted Mobile Food Establishment shall be sold from the Mobile Food Establishment. The retail sales of merchandise of the Mobile Food Establishment are permitted as an accessory use to the primary use of food sales.
- (5) Portable trash receptacles for the disposal of waste materials or other litter shall be provided by the Mobile Food Establishment. All waste shall be removed and disposed of daily by the Mobile Food Establishment. Public trash receptacles shall not be used for compliance with this section. The vicinity around the Mobile Food Establishment must be kept clean and free of debris.
- (6) Liquid or solid waste shall not be discharged from the Mobile Food Establishment.
- (7) Signage.

**Applicant Initial:** \_\_\_\_\_

- a. Signage may be imprinted on the exterior body of a licensed and permitted Mobile Food Establishment and may include the use of an attached or detached menu board.
- b. Advertisements for businesses other than the Mobile Food Establishment shall not be utilized.
- c. All signage for Mobile Food Establishments shall be temporary and must comply with the Town's sign ordinance.

(8) Tables or chairs shall not be set up in association with the Mobile Food Establishment.

(9) The Mobile Food Establishment must conspicuously display an approved Department of Health permit, Mobile Food Establishment permit and business license for public inspection.

(10) All required taxes shall be paid by the Mobile Food Establishments in conformance with Chapter 42 of the Town Code.

(11) A three-foot wide clearance area must be maintained around the Mobile Food Establishment.

**Sec. 14-174. - Location requirements.**

- (1) Mobile Food Establishments shall only be permitted in zoning districts that permit Mobile Food Units by-right.
- (2) Parking spaces that are needed to satisfy a Zoning Ordinance parking requirement shall not be converted into a parking space or vending area to accommodate a Mobile Food Establishment.

**Sec. 14-175. - Enforcement and Penalties.**

- (1) Host Businesses are responsible for ensuring all Mobile Food Establishments operating on site have obtained the necessary Mobile Food Establishment business license and Mobile Food Establishment permit from the Town of Haymarket prior to operating from the site. Any Host Business that allows unlicensed or unpermitted Mobile Food Establishments to operate on site shall be fined in accordance with this section for hosting a non-compliant Mobile Food Establishment.
- (2) Mobile Food Establishments shall be removed from Hosting Business's premises if they are non-compliant with this article or the applicable laws and regulations.
- (3) If the Town Manager determines that a violation has occurred, she shall give written notice thereof to any and all persons committing or permitting such a violation prior to imposing the civil penalties provided in this section. Any person or entity who commits, permits, assists in, or attempts, whether by act or omission, a violation of any section of this article shall be liable and the violation shall be enforced. The penalty for each individual violation shall be \$100 for the first violation, \$250 for the second violation, and \$500 for any third or subsequent violation. Enforcement under this article shall not preclude the enforcement of any other articles of the Town Code that may be applicable.

**Signature of applicant acknowledging Ordinance Requirements and restrictions.**

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Applicant Initial:** \_\_\_\_\_