



Legislation Details (With Text)

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Title:	Ordinance to Amend and Re-Enact Chapter 34 of the City Code of The City Of Hampton, Virginia Entitled "Streets and Sidewalks" by Amending Article I, Section 34-7 Regarding Food Truck Sales Conducted on or Adjacent to Public Right-Of-Ways				
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Date	Ver.	Action By	Action	Result
5/24/2023	1	City Council Legislative Session	approved	Pass

Ordinance to Amend and Re-Enact Chapter 34 of the City Code of The City Of Hampton, Virginia Entitled "Streets and Sidewalks" by Amending Article I, Section 34-7 Regarding Food Truck Sales Conducted on or Adjacent to Public Right-Of-Ways

Background Statement:

This amendment, if approved, would remove the peddler's permit requirement for food trucks and refer food truck operators to the licensing and zoning requirements being added to the City Code and zoning ordinance.

In 2022, City Council directed staff to bring forward amendments which would streamline and improve food trucks' ability to operate in Hampton. This amendment, in conjunction with two related City Code amendments, and seven related Zoning Ordinance amendments, is staff's effort to achieve that directive. If the set of seven zoning ordinance amendments are granted, "food truck host sites" would become a use within the Use Table, enabling operation of food trucks at various locations on property throughout Hampton. Additional standards proposed would define where on the property and how the food trucks would be allowed to operate. If the set of City Code amendments are granted, they will streamline the permitting and licensing process for food trucks by eliminating the peddler's permit and clarifying that food trucks are allowed as part of neighborhood special events.

Recommendations:

Staff Recommendation:
Approval of the ordinance.

BE IT ORDAINED by the Council of the City of Hampton, Virginia that chapter 34 of the City Code of the City of Hampton, Virginia, be amended and re-enacted as follows:

CHAPTER 34 - STREETS AND SIDEWALKS

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ARTICLE I. - IN GENERAL

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SECTION 34-7 - SALES CONDUCTED ON OR ADJACENT TO PUBLIC RIGHT-OF-WAYS

....

(a) For the purposes of this section, "sale or exchange" shall be defined as the advertising, displaying, offering or exchanging, for value, of any item mentioned in subsection (b) of this section.

(b)

(1) The sale or exchange of any item, including, but not limited to, any and all goods, wares, flowers, prepared or unprepared food or any other product, by any person from any temporary structure, including, but not limited to, any table or stand, or from any motor vehicle, trailer, cart, dray, wagon, pushcart or any hand or pedal-propelled vehicle, which sale or exchange is conducted in any public right-of-way, shall be subject to the regulations set out in this section. The sale or exchange of prepared or unprepared food from a "mobile food service facility," also referred to as a "food truck," shall also be governed by the applicable requirements of Chapter 15 of the City Code and the Zoning Ordinance.

(2) Seasonal sales. Sale or exchange shall also include "seasonal sales," which for purposes of this section shall mean the sale or exchange of market produce and agricultural products sold or exchanged during the local growing season, including but not limited to Christmas trees, pumpkins, and summer vegetables and produce. Seasonal sales shall not to include seafood products.

(c) No sale or exchange mentioned in subsection (b) above shall be made in any street or public right-of-way along any street, for which the posted speed limit is greater than forty-five (45) miles per hour, nor shall any such sale or exchange be made in any street or public right-of-way within twenty-five (25) feet of any intersection.

(d) On streets with a posted speed limit forty (45) miles per hour or less and not within twenty-five (25) feet of any intersection, food trucks may conduct a sale or exchange mentioned in subsection (b) above of pre-packaged, pre-prepared foods but shall not remain within any one (1) block area for more than fifteen (15) minutes before moving to another block. Additionally, such sale or exchange may not be repeated in the same block within any eight-hour period. A block shall be understood to mean a section of a street between its intersection with two (2) adjoining streets, or a section of street five hundred (500) feet in length, whichever is shorter.

(e) Seasonal sales shall be permitted in accordance with the requirements of this section and shall

not occur at any one parcel more than 120 days in any one calendar year.

- (f) The requirements of this section 34-7 shall not apply to:
- (1) Outdoor sales and exchanges which occur as an incidental part of the retail sales activity of a merchant regularly conducting business from a permanent building, where such sales are conducted on the premises of the building and in close proximity to the building;
 - (2) The otherwise lawful sale of market produce and related items from the site on which they are grown;
 - (3) Garage sales in residential areas; or
 - (4) Sales or exchanges authorized as part of a special event permit issued pursuant to the City Code.
- (g) Nothing in this section shall exempt any person conducting a sale or exchange of the type described herein from the requirements of the zoning ordinance or any other applicable provision of law.