

POLICY TITLE: Mobile Food Vendors on County Property

POLICY NUMBER: IC-17

ADOPTION DATE: December 23, 2021

EFFECTIVE DATE: December 23, 2021

REVISION DATE:

A. POLICY STATEMENT

Mobile Food Vendors, especially food trucks, have become popular attractions with requests to operate on Berkeley County owned property becoming more frequent. However, their unregulated activity can lead to (among other things) foodborne illnesses, explosions, fires, and property damage. The purpose of this policy is to establish rules for the location and operation of Mobile Food Vendors.

B. SCOPE OF POLICY

This policy applies to all Mobile Food Vendors wishing to conduct business on property and/or facilities owned or leased by the Berkeley County Building Commission and/or Berkeley County Council.

C. PERTINENT DEFINITIONS

1. **Designated Parking Space** means an assigned parking space identified by the County Council as available for use by Mobile Food Vendors.
2. **Mobile Food Vendor** means a self-contained food service operation, located in a readily movable motorized, wheeled, self-propelled or towed vehicle, used to store, prepare, display, or serve food intended for individual portion services.
3. **Mobile Food Vehicle** includes any mobile van, truck, trailer, or movable module used for the purpose of preparing or selling food.

D. PROCESSES/PROCEDURES/GUIDELINES

1. Mobile Food Vendors wishing to operate on County Property must submit the attached Application to Operate a Mobile Food Vehicle on County Property.
2. Mobile Food Vendors must possess a non-transferable permit to operate from the Morgan-Berkeley County Board of Health.
 - a. All Mobile Food Vendors will be subject to inspection by Sanitarians assigned to the Morgan-Berkeley County Board of Health.
3. Mobile Food Vendors must possess at least \$1 million per occurrence/\$2 million aggregate in general liability insurance issued by an insurance company authorized to do business in West Virginia.
 - a. The Berkeley County Council must be listed as an Additional Insured and provided with the appropriate Certificate of Insurance.
4. The Council will review, discuss, and act on the request as an agenda item during a regularly scheduled public meeting.
5. Unless otherwise specified, an approved Mobile Food Vendor may park in their designated area from 7:00 AM to 7:00 PM, Monday through Friday including setup

and breakdown times.

6. Mobile Food Vendors must remove equipment from their assigned spot daily. No overnight parking is allowed.
7. Mobile Food Vendor shall not establish a dining area as delineated by tables and or chairs.
8. While located on County property, Mobile Food Vendors must maintain a mobile-ready vehicle with its own power and water sources.
9. The Mobile Food Vendor shall not sell alcohol or tobacco products while on County property.
10. The Mobile Food Vendor will adhere to all policies and directives provided by the County Council.
11. Mobile Food Vendors shall comply with all requests from County officials or Public Safety personnel regarding safety on County property, which includes requests to relocate or to leave County property.
12. At the close of business, the Mobile Food Vendor must remove from County property all forms of waste, recyclables, and compostable products resulting from their presence and located within 100 feet of their designated parking spot.
13. If approved the Mobile Food Vendor will be allowed to operate at the designated location for a period of six (6) months.
14. The County Council reserves the right to terminate the Mobile Food Vendor's right to operate on County property at any time and for any reason.





Date Approved _____

Date Expires _____

BERKELEY COUNTY, WEST VIRGINIA

Application to Operate a Mobile Food Vehicle on County Property

Name of Applicant: _____

Residence Address: _____

Date of Birth: _____ Home Telephone: _____ Cell: _____

Driver's License Number: _____ State: _____

Trade Name of Business: _____

Business Address: _____

Business Telephone: _____ Number of Employees: _____

Email Address for business or owner: _____

Vehicle and /or unit make: _____ Model: _____

Vehicle identification number: _____ License plate number: _____

Sales Tax identification number: _____

Description of products to be sold: _____

If Applicant is a corporation, complete the following:

Name of Corporation: _____

State where incorporated: _____

Business Address: _____

List names and addresses of Directors, Partners, or Principals:

Officers:

Name

Residence Address

_____	_____
_____	_____

The applicant agrees to park their mobile food vehicle in the assigned spot and position the vehicle in such a way that it does not impede or hinder the use of any required parking spaces or drive aisles for the permanent business on site. Mobile food vehicles may only be placed on lots that exceed their minimum parking requirements and must be positioned in such a way that they do not create sight obstructions for vehicular traffic and maintain a ten (10) foot clearance from all surrounding buildings. The applicant acknowledges that he/she has read, understands, and will comply with Policy #IC-17; Mobile Food Vendors on County Property.

Signature of Applicant

Date

List of items required with submission of application:

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| _____ | 1. Copy of charter or articles of incorporation (if applicable). |
| _____ | 2. Certificate of general liability insurance with Berkeley Co. as an additional insured. |
| _____ | 3. Copy of applicant driver's license. |
| _____ | 4. Proof of vehicle insurance and registration. |
| _____ | 5. Copy of license(s) to do business in West Virginia. |
| _____ | 6. Copy of Health Department Permit(s). |
| _____ | 7. Copy of inspection report by the WV State Fire Marshal (if applicable). |