

AN ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GOOSE CREEK, SOUTH CAROLINA, TO PROVIDE CHANGES TO TITLE XI: BUSINESS REGULATIONS, CHAPTER 110: OCCUPATIONAL LICENSES, TAXES, AND REGULATIONS, BY REPLACING IN ITS ENTIRETY THE CURRENT SECTIONS “MOBILE FOOD VENDOR” AS WELL AS “PEDDLERS, SOLICITORS AND TRANSIENT VENDORS” AND ADOPTING IN LIEU THEREOF, NEW SECTIONS “MOBILE FOOD VENDOR” AND “PEDDLERS, SOLICITORS AND TRANSIENT VENDORS” MADE A PART HEREOF AND SET OUT HEREIN.

WHEREAS, the Mayor and City Council of the City of Goose Creek, South Carolina, find it necessary to amend the Code of Ordinances of Goose Creek, South Carolina,

NOW, THEREFORE, IT IS HEREBY ORDAINED and ordered by the Mayor and City Council of the City of Goose Creek, in Council properly assembled, that the Code of Ordinances of Goose Creek, South Carolina, are hereby amended as follows:

CHAPTER 110: OCCUPATIONAL LICENSES, TAXES AND REGULATIONS

Mobile Food Vendor

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MOBILE FOOD VENDOR

§ 110.035 LICENSE REQUIRED.

It shall be unlawful for a person, firm or corporation to engage in the business of a mobile food vendor within the City of Goose Creek, without first obtaining a license therefor, as provided in this chapter, unless specifically exempted therefrom by the provisions of this chapter.

§ 110.036 DEFINITIONS.

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

MOBILE FOOD VENDOR. Any person or persons who operates or sells unprepared or prepared ~~meals and/or nonalcoholic beverages~~ food and/or beverages including alcoholic beverages from a stationary cart, food truck or trailer mounted on a chassis. Mobile food vendors shall not mean selling from a stand, booth. A mobile food truck may mean a privately-owned automobile if the meal is prepared and cooked in a commercial kitchen with an "A" from the Department of Health and Environmental Control.

§ 110.037 DURATION OF LICENSE; TRANSFER.

Each license shall be issued for one calendar year beginning ~~January 1~~ May 1 and shall expire on ~~December 31~~ April 30. A change of the business address must be reported to the Finance Director ten days prior for approval for the license to be valid at the new address. Failure to obtain the approval of the Finance Director of the change of address shall invalidate the license and subject the licensee to prosecution for doing business without a license.

§ 110.038 PERMITTED FOOD; BEVERAGES.

Permitted food and beverages shall be limited to edibles, hot and cold beverages containing no alcohol, unless a special license has been obtained from the South Carolina Department of Revenue and is on file with the City of Goose Creek Business License Office and other items related to such edibles. Sale of tobacco products and smoking paraphernalia is prohibited. No sale items may be displayed outside the mobile vending unit. Edibles with alcohol which are not regulated by the South Carolina Department of Revenue alcoholic beverage licensing including alcohol suspended in frozen form, gelatin, fruit, or other food product are prohibited to be sold by mobile food vendors unless the alcohol is cooked so as to cause the evaporation of burning off of all of the alcohol.

§ 110.039 LICENSE; FEES.

The license fee for each class of business shall be computed in accordance with the rate schedules established and approved by City Council and is on file in the offices of the Finance Director and City Clerk.

§ 110.040 HOURS OF OPERATION; LOCATION.

Operating hours shall be no earlier than ~~7:00~~ 6:00 a.m. and no later than 9:00 p.m., unless a special events permit has been issued. Mobile food vendor is limited to those zoning classifications that permit food service, unless a special event permit has been issued. When selling from a privately-owned automobile as described in § 110.036 ~~and an~~ invitation must be extended from the property owner in writing detailing the hours needed and specific location permitted.

§ 110.041 REQUIREMENTS.

~~(A) Application. Mobile food vendor must submit a completed City of Goose Creek business license application to the Business License Office.~~

(A) Permission from property owner/representative. Permission to operate must be obtained in writing from the property owner/representative. ~~Mobile food vendor must submit authorized property use letter,~~ unless ~~an~~ a special events permit has been issued, or is located on the naval weapons station.

~~(C) Mobile food vendors are not permitted outside the parking area of designated location.~~

(B) Parking. Required parking for the primary business(es) shall be minimally affected.

~~(E) Signage shall be permitted on the vehicle only to identify the name of the product or the name of the vendor, and the posting of prices. A separate menu board is allowed not exceeding 12 square feet in area and 40 inches in height. This sign must be located on the same property and within close proximity to the mobile food vendor, and must not be placed on the sidewalk or in the public right of way.~~

(C) Garbage disposal. The mobile food vendor shall only use single-service plates and utensils. Garbage and/or recycling receptacles must be made available for patron use and removed from the site daily by the mobile food vendor. Failure to remove trash/garbage/recyclables or to keep area of vending unit clean may result in the immediate revocation of the mobile food vendor business license.

(D) DHEC requirements. Mobile food vendor must meet all applicable DHEC regulations for mobile food units and possess a valid DHEC permit where applicable.

(E) Routine inspections. Any mobile food vendor or vending unit 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 vendor business license revoked.

(G) Site plan. Site plan must be submitted indicating the location of vending unit. ~~umbrellas and/or tents, dining equipment: i.e. tables and benches, property boundaries and adjacent buildings, parking area, entrances and exits, and the distance unit will be from roadway.~~

110.042 SIGNAGE

Signage shall be permitted on the vehicle only to identify the name of the product or the name of the vendor, and the posting of prices. A separate menu board is allowed not exceeding 12 square feet in area and 40 inches in height. This sign must be located on the same property and within close proximity to the mobile food vendor, and must not be placed on the sidewalk or in the public right-of-way

§ 110.042 PROHIBITED CONDUCT.

No vendor shall:

- (A) Leave any vehicle unattended ~~or overnight.~~
- (B) Store, park or leave any vehicle overnight on any street or sidewalk.
- (C) Leave from any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor, ~~and/or any items relating to the operation.~~
- (D) Solicit or conduct business with persons in motor vehicles.
- (E) Mobile food vendors are not permitted outside the parking area of designated location.
- (F) There will be no external lighting permitted.
- (G) Sell anything other than that for which a license to vend has been issued.
- (H) Sound or permit the sounding of any device that produces a loud and raucous noise or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public.
- (I) Allow any item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public or private property.
- ~~(J) Change vending locations without first notifying the Business License Department and submitting required permissions.~~
- (K) Discharge fat, oil, grease or waste water into the sanitary sewer system. All waste shall be properly stored and disposed of at a properly designated disposal location.

§ 110.043 HOSPITALITY TAX.

All mobile food vendors shall collect from any patron a 2% hospitality tax on all prepared food and beverages and will remit collected hospitality tax to the Finance Director no later than the twentieth day of the following month in which collected.

§ 110.044 EXEMPTIONS.

The following are exempt from the provisions of this ~~policy chapter~~; ~~eaterers: a person or company providing food and drink at a social event or other gathering for a contracted price and has obtained an annual city business license~~, vendors with a store front within the municipal limits of Goose Creek and possess an annual city business license. ~~and vendors that fall under a peddler or solicitor license.~~

PEDDLERS, SOLICITORS AND TRANSIENT VENDORS

§ 110.055 LICENSE REQUIRED.

It shall be unlawful for a person, firm or corporation to engage in the business of a hawker, peddler or itinerant merchant or vendor of any articles, goods, wares of merchandise or services within the City of Goose Creek, without first obtaining a license therefor, as provided in this chapter, unless specifically exempted therefrom by the provisions of this chapter.

§ 110.056 DEFINITIONS.

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

PEDDLER or HAWKER. Any person who sells, or offers to sell, commodities of any type from house to house, or from place to place, or on the streets, or in any other public place, or who, without traveling from place to place, sells, or offers to sell, commodities of any type from a wagon, vehicle, boat or other movable structure.

~~**RESIDENCE.** Every separate living unit occupied for residential purposes by one or more persons contained within any type of building or structure.~~

TRANSIENT MERCHANT or VENDOR. Any person intending to remain in business in the city for less than one year and is operating without a permanent place of business or from a temporary or roadside site, and does not have an annual business license, who:

- (1) Offers for sale tangible personal property or personal services; or
- (2) Takes or attempts to take orders for the sale of tangible personal property, advertising, subscriptions or services to be furnished or performed in the future.

§ 110.057 EXCEPTIONS.

Persons engaged in the following described activities are exempt from the duty of applying for a transient merchant license, however might be subject to business license requirements as defined in sections 110.001 to 110.021:

- (A) Persons selling at wholesale to merchants for the purpose of resale, see section 110.006 C;
- (B) Persons selling or distributing newspapers;
- ~~(C) Persons selling tangible personal property or services to business enterprises as opposed to the general public;~~
- (D) Persons selling at events for which a blanket **business** license has been obtained;
- (E) Persons selling tangible property at a garage, basement or yard sale held at ~~one of~~ the person's residence **premises** but not more than two sales within any 12-month period;
- (F) Persons conducting and selling admissions to or for theatricals, shows, rides, sports and games, concerts, or any other public amusements where no sales or other products are involved, and the sales are made on the premises where the event is to be conducted;
- (G) Bona fide nonprofit organizations, see section 110.006; **and**
- (H) Persons selling merchandise or services through an event sponsored by the United States Government, State Government or any governmental subdivision.; ~~and~~
- ~~(I) Mobile food vendor as defined in this chapter, are required to obtain an annual business license under NAICS code 722330.~~

§ 110.058 DISPLAY OF LICENSE.

Each transient merchant shall at all times while doing business in the city keep in the possession of the person, the license required by this chapter and shall prominently display the license so as to be visible to customers and city officials as evidence of compliance with the requirements of this chapter.

§ 110.059 GENERAL PROHIBITIONS

No peddler shall:

- (A) **Enter** upon a subdivision or private property where the property has **clearly** posted a visible sign indicating a prohibition against peddling, soliciting, and/or canvassing

- ~~(B) Remain upon any private property where a notice in the form of a sign or sticker is placed upon any door or entrance way leading into the residence or dwelling indicating a prohibition against peddling, soliciting, and/or canvassing~~
- (C) Refuse to leave a subdivision or private property after having been notified by the owner or occupant thereof, or his agent, to leave the premises and not return.
- (D) Engage in the business of peddling within the city between the hours of one-half hour before sunset and 9 a.m. the following morning, or at any time on Sundays, except by specific appointment ~~with~~ or invitation from the prospective customer.

§ 110.060 LICENSE.

- (A) Application shall be on the then-current standard business license application as established and provided by the Director of the South Carolina Revenue and Fiscal Affairs Office and shall be accompanied by all information about the applicant, the licensee, and the business deemed appropriate to carry out the purpose of this ordinance by the license official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross receipts and gross revenue figures.
- (B) The applicant shall certify under oath that the information given in the application is true, that the gross income is accurately reported (or estimated) without any unauthorized deductions, and that all assessments, personal property taxes on business property, and other monies due and payable to the Municipality have been paid.

~~An application for a transient merchant license shall give the following minimum information:~~

~~(A) The name or names of the person or persons having the management or supervision of the applicant's business during the time that it is proposed it will be carried on in the city, the local address or addresses of the person or persons while engaged in the business and the telephone numbers of the person or persons;~~

~~(B) The permanent address or addresses of the person or persons; whether the person will act as proprietor, agent, consignee or employee, and the credentials establishing the relationship, the name and address of the person, firm or corporation for whose account the business will be carried on, if any and if a corporation, under the laws of what state the same is incorporated and the telephone numbers of the person, persons, corporation or corporations;~~

~~(C) The place or places in the city where it is proposed to carry on the applicant's business and the length of time during which it is proposed that the business shall be conducted. A notarized copy of the applicant's lease or written permission form supplied by the city to sell from the owner's property must be attached to the application;~~

~~(D) The place or places other than the permanent place of business of the applicant, where the applicant within three years preceding the date of the application conducted a transient business, state the nature thereof and giving the post office box number and street address of any building or office in which the business was conducted;~~

~~(E) A statement of the nature, character and price of the tangible personal property or service to be sold or offered for sale by the applicant in the city; whether the goods are new, damaged or rejects, whether the same are proposed to be sold from stock in possession or by sample, or at auction or by direct sale or by having orders for future delivery, where the goods or property proposed to be sold are manufactured or produced and where the goods or products are located at the time the application is filed;~~

~~(F) Whether or not the person having management or supervision of the applicant's business has been convicted of any crime or violation of any federal, state or local laws or ordinances within the five years immediately preceding the date of the application, or of the violation of any law or ordinance relating to the same or similar business to be conducted by the applicant. If so, the nature of the offense, the date of the same, the jurisdiction in which the offense was heard and the punishment therefor;~~

~~(G) Whether the applicant has ever applied for a license under this chapter, which has been denied;~~

~~(H) Whether the applicant has ever held a license under this chapter, which has been revoked;~~

~~(I) Two photographs, two inches by two inches in size showing the head and shoulders of the individual in a clear and distinguishing manner for each individual applicant and for any person who will be conducting, managing, supervising or administering the business for, or on behalf of the applicant(s);~~

~~(J) The other reasonable information as to the identity or character of the applicant(s) or any other individuals who will be conducting, managing, supervising or administering the business for or on behalf of the applicant(s), or the method or plan of conducting the business, as the Finance Director may deem necessary or proper, in order to determine the fitness of the applicant(s) to have the license issued, for the protection of the public health, safety and welfare. The failure to provide the requested information will cause the application to be denied and returned without further action to the applicant; and~~

~~(K) The application shall provide written notice to the applicant(s) that the information obtained during the application process shall become public information in conformance with the State of South Carolina Freedom of Information Act, being S.C. §§ 30-4-10 et seq., in its entirety.~~

§ 110.061 INVESTIGATION; ISSUANCE; APPEALS.

(A) Application of license. Upon receipt of an application for a license under the provisions of this chapter, the Finance Director shall refer the application to the Police Department, the Planning and Zoning Department and other agencies or departments of the city deemed appropriate for review, investigation and recommendation, in order to determine whether the activities proposed to be undertaken would be contrary to any law or whether the issuance of the license would otherwise be contrary to the public health, safety or welfare. No license shall be issued until the Finance Director has received reports and recommendations from all departments and agencies to which the application has been referred.

(B) Issuance of license; appeals from denials or revocations.

(1) Upon receipt of reports and recommendations as herein provided, the application, together with all supporting information, shall be forwarded to the Finance Director, who shall determine ~~whether or not~~ whether to issue the license for which the application has been made. ~~The application shall be approved unless the Finance Director determines that the activities proposed to be undertaken would be contrary to law or the granting of the license would otherwise be detrimental to the public health, safety or welfare; specifically, the Finance Director shall take into consideration any reports of unethical conduct by any reporting agency, reports of habitual violations of rules, regulations and ordinances, and the potential for the creation of a public nuisance which shall constitute sufficient reason for the denial of a license.~~ If an application is denied, the Finance Director shall set forth his or her reasons in writing and a copy of the decision shall be provided to the applicant.

(2) See § 110.016(B) and (C) appeals to City Administrator and City Council.

(C) Approved application. An approved application, subject to the provisions codified in this chapter, may be issued by the Finance Director within a reasonable ~~period of~~ time. A fee will be charged as determined by § 110.062 allowing for the processing of the application.

§ 110.062 LICENSE; FEES.

The license fee for each class of business shall be computed in accordance with the rate schedules established and approved by City Council and on file in the offices of the Finance Director and City Clerk.

~~(A) Before an application shall be processed, the applicant shall pay an annual application fee for the initial application.~~

(B) Before a license shall be issued, the applicant shall pay all associated fees taxes and fees.

§ 110.063 FIXED LOCATION TRANSIENT MERCHANTS.

(A) No transient merchant shall engage in business at a fixed location without the written permission, by lease or otherwise, of the owner or person in control of the property.

(B) A property use agreement supplied by the Finance Director must be signed by all parties, it shall include the dates the transient merchant shall be conducting business and must be submitted with initial application.

(C) This agreement shall be displayed by the transient merchant at the fixed location when he or she is doing business there.

§ 110.064 DUPLICATE AND INDIVIDUAL LICENSES.

(A) When required, a transient merchant license may be issued to a person carrying on the business of transient merchant in the city through employees.

(B) The employees shall carry a duplicate license issued to the person, which shall be obtained from the Finance Director's office.

(C) If the business of transient merchant in the city is carried on through agents who are not employees or by consignees, or by an unincorporated firm or association, each person so conducting the business of transient merchant in the city shall be required to have a separate license.

§ 110.065 REVOCATION OF LICENSE; PROCEDURE.

(A) The Finance Director may revoke any license issued under the provisions of this chapter by sending a notice of revocation by certified mail to the license holder at his or her last known address, return receipt requested or by personal service on the license holder or its officers for any of the following causes:

- (1) Information showing that the license was erroneously issued initially;
- (2) For any violation of the provisions of this chapter; or
- (3) For any violation of any city or state law regulating the sales activities of the license holder.

(B) The license shall stand revoked unless within ten days after receipt of the notice of revocation from the Finance Director, the license applicant or holder files a written appeal pursuant to § 110.061(B)(2).

§ 110.066 CARNIVALS AND STREET SHOWS.

(A) All carnivals or street shows by whatever name known are hereby forbidden to show, parade or otherwise engage in business in the city, unless a special licensing permit is obtained from the City Council.

(B) No carnival show or riding devices exhibiting in the open or under a tent shall be issued a license or be permitted to operate within the city when any agricultural fair is being held in the county, nor during a period of ten days prior to the opening of the fair, unless the carnival show or riding devices are exhibited under the auspices of, or with the consent of, the parties conducting the agricultural fair.

INTRODUCED the 13th day of December 2022.

DONE the 10th day of January 2023.

All ordinances in conflict with this ordinance are hereby repealed.

This ordinance shall be effective on the date of final reading.




Mayor Gregory S. Habib

Attest: 


Kelly J. Lovette, MMC, City Clerk



Mayor Pro Tem Debra Green-Fletcher



Councilmember Jerry Tekac



Councilmember Christopher Harmon



Councilmember Gayla S.L. McSwain



Councilmember Hannah J. Cox



Councilmember Melisa Enos