

## **City of Portsmouth Food Truck Policies and Procedures Manual**

### **I. Permitting Process**

- a. Any vendor applying for a Food Truck Permit is required to submit documentation of possession of the following permits:
  - i. A valid Health Department Mobile Food Service Permit;
  - ii. A Fire Inspection permit. Permits from other cities will be accepted as long as they have not expired.
  - iii. Valid automobile and fire liability insurance
  - iv. Pictures of all sides of the food truck visible from the street with a time and date stamp from within the past week

Failure to supply the requested documentation will prohibit the submittal of a Food Truck Permit application. A loss of any of the required permits will result in the revocation of the Food Truck Permit, and requests for a new Permit will require another application and its associated fee.

- b. A non-refundable application fee of \$50 is required at the time of submittal for operations within the City.
- c. Applications shall be made to the Planning Department.
- d. Each application will be reviewed by City of Portsmouth staff. When staff has determined that the application is acceptable, the applicant will be directed to the Commissioner of the Revenue to secure their Business License.
- e. After the applicant has received their Business License, it shall be brought back to the Planning Department for confirmation. At that point, the applicant will be assigned a specific, non-transferable Food Truck Permit allowing the food truck to vend in the City.
- f. A Food Truck Permit is only valid for a single vehicle. Food truck operators with more than one truck shall require a separate Permit for each truck.

### **II. Legally Operating Without a Food Truck Permit**

- a. Food trucks may operate at special events and festivals after receiving approval from the event or festival organizer and after establishing and/or reactivating a Trustee Account, provided they have a Business License from another Virginia locality. Trustee Accounts can be set up in the Commissioner of the Revenue's office.
- b. Food trucks operating under the Trustee Account provision of subsection (a) above shall be required to undergo inspections by the Health Department and the Fire Marshall on the day of the event before they may be allowed to vend. Failure to pass both inspections before commencing vending shall result in their automatic and immediate expulsion from said event.
- c. Food trucks operating under the Trustee Account provision of subsections (a) and (b) above shall only be allowed to vend at the event requested.

### III. Permit Renewal

- a. All permitted food trucks requesting a renewal of their Food Truck Permit shall be required to pay the application fee BEFORE the expiration of their current Permit. The renewed permit will be valid for one year beginning with the date of expiration of the old permit. Food trucks that fail to renew their Food Truck Permit will be required to reapply for a Food Truck Permit.

### IV. General Rules and Regulations

- a. The City Manager is authorized to make changes to this Manual at any time in order to ensure that the Program is running efficiently, safely, fairly, and in a manner that achieves City of Portsmouth goals and objectives.
- b. No food truck operator may operate anywhere in the City of Portsmouth without a Food Truck Permit. A loss of the required Mobile Food Service Permit or failure to pay business taxes will result in the revocation of the said Permit.
- c. Possession of a Food Truck Permit does not grant or entitle the holder to sole possession of a specific vending location or route, unless such a location has been granted by the City of Portsmouth.
- d. It shall be the responsibility of the food truck vendor to be familiar with and understand all of the rules and regulations related to food trucks found in the City Code, the Zoning Ordinance, and this Manual, as well as the rules and inspections associated with Portsmouth Department of Health requirements.
- e. Food trucks may be temporarily prohibited from operating on public property, including in designated parking locations, or temporarily moved to a nearby location at the request of the City in cases of emergency purposes, construction, or other public benefit or service. The City will provide notification of such removal at least fourteen (14) days ahead of time.

### V. General Operation Requirements

The following requirements shall apply to all food trucks and ice cream trucks while in operation:

- a. Food trucks shall sell food that is fresh, cooked-to-order, and not already permitted by the City's vendor policy in Chapter 32 of the Zoning Ordinance. Therefore, food trucks shall not sell entrees such as hot dogs, pre-made sandwiches, food that is frozen until immediately before cooking, or any such similar items. This restriction shall not apply to side dishes such as french fries, onion rings, or other similar items, or to trucks selling a single, non-entrée item like cupcakes or ice cream..
- b. Valid Mobile Food Service, Food Truck, and/or Special Events permits must be openly displayed on all approved food trucks.
- c. All food and ice cream trucks must carry at least \$1,000,000.00 in auto liability insurance for injury to or death of any person or persons in any

one incident, and \$100,000.00 for property damage. The policy shall list the city as an additional insured and fire liability Insurance. The City of Portsmouth shall not be liable for any damages caused by the location or operation of a food truck or ice cream truck in the City of Portsmouth right-of-way or on City of Portsmouth property.

- d. All food trucks will be maintained in proper working order and will be free of visible damages, including but not limited to rust, dents, cracked or broken glass, and chipped paint.
- e. No objects associated with the food truck or ice cream truck shall be placed around the vehicle in or on the street, right-of-way, sidewalk, or ground while the vehicle is in operation, including but not limited to chairs, tables, or signs. As described in Section 32-282(b), a waste receptacle may be used, but it must be emptied regularly so that it is never completely filled and must be removed before the vehicle departs from the spot where it is operating.
- f. The vehicle shall be entirely self-sufficient, and shall not hook up to or attach to any water, sewer, gas, or electric utility. An electric generator may be used while the vehicle is stationary and operating as long as it does not generate noise that can be heard inside any building or violate the standards found in City Code Section 32-280.
- g. All exchanges between vendors and customers shall take place from a single point of the food or ice cream truck. When the food or ice cream truck is parked on a street, the point of sale must face towards a sidewalk or curb. If no sidewalk or curb is present, the point of sale shall face away from the nearest street. Under no circumstances shall customers be served while they are in or on a street.
- h. No by-product of food truck operations, including but not limited to trash, grease, grey water, or excess food, shall be disposed of in or on any City of Portsmouth property, including but not limited to City trash cans, curbs, gutters, man holes, storm drains, or sewer grates.

## VI. Violations

- a. The City Manager or the City Manager's designee shall have the ability to suspend or revoke a vendor's designated parking location, Food Truck Permit, or participation in the Food Truck Program for any violation of the Portsmouth City Code, Zoning Ordinance, or Food Truck Policies and Procedures Manual.
- b. Any food truck that loses its Food Truck Permit for any such violation listed in subsection (a) above will be prohibited from reapplying for a new Food Truck Permit for a period of six (6) months from the date of the revocation of the original Permit.
- c. Food truck vendors who are suspended or removed from the Food Truck Program for violations listed above in subsection (a) will not be entitled to a refund of any application, parking, or other such fees.

## VII. Special Events

- a. Food trucks and ice cream trucks will be permitted to operate at various special City events. To participate in such events, vendors should apply directly to the Department in charge of the event, usually the Parks and Recreation Department.
- b. If food trucks are seeking to vend at a concert or special event at the Portsmouth Pavilion, and their parking location would be within 500 feet of an entrance to the Portsmouth Pavilion, the City Manager or their designee will confer with the Portsmouth Pavilion Contractor to establish acceptable times and locations where the truck or trucks can vend so as not to directly compete with food vendors working within or for the Pavilion. A request for such an arrangement must be made by the food truck at least seven days prior to the concert or special event.
- c. The City Manager may waive any portion of this Manual for special events on City of Portsmouth property.