

ORDINANCE 2025-12

AN ORDINANCE AMENDING THE CLARENDON COUNTY UNIFIED DEVELOPMENT CODE OF REGARDING THE REGULATION OF MOBILE FOOD VENDORS AND OTHER MATTERS RELATED THERETO.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF CLARENDON COUNTY, IN A MEETING DULY ASSEMBLED:

Section 1 Findings. The County Council of Clarendon County (the “*Council*”), the governing body of Clarendon County, South Carolina (the “*County*”), hereby makes the following findings of fact in connection with the enactment of this ordinance (the “*Ordinance*”):

(a) The County is a political subdivision of the State of South Carolina (the “*State*”), and as such possesses all general powers granted by the Constitution and statutes of the State to counties.

(b) Pursuant to Title 6, Chapter 29 of the Code of Laws of South Carolina 1976, as amended (the “*S.C. Code*”), the Council may guide the development and redevelopment of its area of jurisdiction in accordance with existing and future needs of the County and while promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. Accordingly, the County Council has enacted the Clarendon County Unified Development Code (the “*UDC*”) regulating land use and development within the County.

(c) At a meeting of the Planning Commission of the County (the “*Planning Commission*”) held on July 15, 2025, the Planning Commission considered draft amendments to the UDC regulating mobile food vendors and recommended that the County Council enact such amendments.

(d) Upon a review of the UDC and based upon the recommendations of the Planning Commission and public comments received at a properly-noticed public hearing before County Council held on [September 8, 2025], the Council has determined to amend the UDC to regulate mobile food vendors, which amendments are attached to this Ordinance as **Exhibit A** (the “*UDC Amendments*”).

Section 2 Enactment of Amendments. The UDC Amendments, as attached to this Ordinance at **Exhibit A**, are hereby approved and enacted. The County Planning Director and staff are hereby authorized and directed to codify the UDC Amendments and are further authorized and directed to make such changes to the enumeration of the various sections of the UDC Amendments, and cross-references contained therein, as may be necessary to effect such codification. The UDC, as previously enacted by various prior actions of the Council, is hereby amended accordingly.

Section 3 Severability. If any section, subsection, sentence, clause or phrase of this Ordinance, or the UDC Amendments enacted hereby, are for any reason held or determined to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance or the UDC Amendments, as applicable.

Section 4 Effective Date. The provisions of this Ordinance shall take effect upon the due enactment of this Ordinance following a public hearing.

DONE AND ENACTED IN A MEETING OF THE COUNTY DULY ASSEMBLED,
this 13th day of October 2025.

CLARENDON COUNTY, SOUTH CAROLINA

John E. Johnson, III, Chairman

ATTEST:

Dorothy M. Levy, Clerk to Council

First Reading:	August 11, 2025
Second Reading:	September 8, 2025
Public Hearing:	September 8, 2025
Third Reading:	October 13, 2025

Exhibit A

The following shall be inserted as new Section 35.06 of Article III of the Clarendon County Unified Development Code:

I. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) **Ice Cream Truck:** A mobile food vendor unit containing a commercial freezer and from which the mobile food vendor sells frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water, and similar products.
- b) **Mobile Food Vendor:** A person who prepares, cooks, or sells food and/or beverages from a mobile food vendor unit, including but not limited to ice cream trucks, food trucks, and food trailers.
- c) **Mobile Food Vendor Unit:** A self-contained, fully mobile vehicle or trailer-based unit equipped for the preparation, cooking, and/or sale of food. This includes vehicle-mounted trucks and towable trailers that return daily to an approved base of operations, as regulated by the South Carolina Department of Environmental Services (SCDES). The unit must meet all applicable health and safety regulations. This definition excludes mopeds.

II. Licensing of mobile food vendors.

- a) All mobile food vendors doing business in the county must obtain a temporary use permit and obtain approval from the county's fire marshal.
- b) The person obtaining a temporary use permit as a mobile food vendor must be eighteen (18) years of age or older.
- c) All mobile food vendors selling food and/or drinks which are not prepackaged shall obtain all necessary county and state health permits before a temporary use permit will be issued and shall comply with all laws, rules and regulations regarding food handling, and all mobile food vendor units shall comply with all the laws, rules and regulations respecting such vehicles as established by the State of South Carolina.
- d) The mobile food vendor shall be required to secure and maintain a policy of automobile liability insurance coverage issued by a company authorized to do business in the State of South Carolina.

III. Regulations of mobile food vendor units.

- a) No mobile food vendor unit shall be operated within 100 feet from the door of an operating restaurant unless the owner of the restaurant provides a letter of consent,

a copy of which shall be kept within the mobile food vendor unit and a copy at the planning department.

- b) No mobile food vendor unit shall be operated within 75 feet from the door of a residence, except for units powered without the use of a generator, and except for ice cream trucks as stated herein.
- c) No mobile food vendor unit shall be operated closer than ten (10) feet from any building or structure on the permitted property or adjoining property except as allowed for ice cream trucks as stated herein.
- d) No mobile food vendor unit shall be operated closer than fifty (50) feet from flammable combustible liquid or gas storage and dispensing structures.
- e) No mobile food vendor unit shall be operated within twenty (20) feet of any public right-of-way or within twenty (20) feet of the intersection of any public right-of-way and private driveway, per South Carolina Department of Transportation, except as allowed for ice cream trucks and food truck zones as stated herein.
- f) No signs or signage shall be permitted other than that which can be contained on the mobile food vendor unit or on a sandwich board, measuring no more two (2) feet in width and three (3) feet in height, which may be utilized to advertise during operating hours only.
- g) A mobile food vendor unit may utilize music at a reasonable volume.
- h) No mobile food vendor unit shall obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley, or any other public right of way, except as allowed for ice cream trucks as stated herein.
- i) All lighting must be permanently or semi-permanently affixed to the mobile food vendor unit. No lighting shall be permitted to shine on or into any public right-of-way or other private property or cause any glare that could be considered a public hazard or distraction to vehicular movement, neighboring business operations, or residential uses. In addition, no flashing or strobe lighting shall be permitted.
- j) All mobile food vendors shall place a thirty (30) gallon garbage receptacle at the permitted site of the permitted for customer use. All trash must be removed from the site by the mobile food vendor at the end of each day.
- k) All mobile food vendor unit shall be equipped with at least one (1) 2A40 BC fire extinguisher. The county fire marshal shall determine other fire-safety requirements based on how the mobile food vendor unit is outfitted.
- l) No portion of the mobile food vendor's inventory, sales, equipment, or any other structure or equipment used in the sales or solicitation process, including the mobile food vendor unit, shall be left overnight upon any unenclosed portion of any spot or site within the county.

- m) All sales must be made directly from the permitted mobile food vendor unit.
- n) Generators must be attached to the mobile food vendor unit and shall be whisper-quiet and produce no more than seventy-five (75) decibels (DB).

IV. Parking, allowable vehicles, and designated area.

- a) Allowable vehicles include trucks and trailers and must be sized to fit into the parking spaces in which service is provided to customers through the side of the mobile food vendor unit.
- b) Mobile food vendor units may be permitted on county property and in county parks at the discretion of the Planning Director or designee.
- c) Mobile food vendor units at designated public food truck zones is permitted from 8 a.m. to 10 p.m. Mobile food vendor units operating within designated food truck zones must comply with all requirements of this article.
- d) Mobile food vendor units operating on private property must provide a written agreement or written permission from the property owner/manager regarding the time(s) and location of use of the premises when applying for a temporary use permit.
- e) Mobile food vendor units may not operate in any area is closed for an emergency or other activity.

V. Regulation of ice cream trucks.

In addition to the requirements of this article pertaining to other types of mobile food vendor units, the following operational requirements and conditions shall apply to ice cream trucks:

- a) Ice cream trucks shall only sell, display, or offer to sell frozen prepackaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water, and similar products.
- b) Mobile food vendors operating ice cream truck shall be subject to a background check for Municipal, County, State, and National criminal history records including misdemeanor driving offenses, as part of the application and permitting process.
- c) No ice cream truck shall remain stationary on a public street or right-of-way more than thirty (30) minutes in any one (1) location while conducting business, after which time the Mobile food vendor must move the ice cream truck at least one (1) block or five hundred (500) feet, whichever is greater, and shall not return to the same block or location within the same day. No ice cream truck will be allowed on public streets before 9:00 a.m. or after 8:00 p.m.

- d) Each ice cream truck shall have available and maintain a litter receptacle for the use of patrons. Excessive litter caused by product packaging may result in revocation of the temporary use permit.
- e) Each ice cream truck must be equipped with flashing front and rear warning lights, which the mobile food vendor shall flash alternately, and shall be flashing when the ice cream truck is stopped for the purpose of selling frozen products.
- f) Each ice cream truck shall be equipped with signs stating "WATCH FOR CHILDREN" located on the front, back and both sides of the vehicle, in at least four-inch letters.
- g) No ice cream truck shall be stopped or positioned in manner that exposes customers to vehicular traffic, or otherwise in an unsafe manner. Mobile food vendors must immediately comply with any directive by a police officer.
- h) No non-food novelty items, such as noisemakers, or toys, shall be sold or distributed from an ice cream truck.
- i) No ice cream truck, or its mobile food vendor, shall sound any device which produces an offensive or loud noise to attract customers. The use of a public address system from an ice cream truck is prohibited. A bell or musical recording may be sounded from an ice cream truck for a period not to exceed three (3) minutes to announce the arrival of the ice cream truck at each location.

VI. Violations, suspension/revocations.

The Planning Director may suspend, revoke, and/or fine any mobile food vendor for the following reasons:

- a) The conditions under which the mobile food vendor unit is being operated or maintained is detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity, and the mobile food vendor fails to correct such conditions after notification by the Planning Director;
- b) The mobile food vendor unit is operated in violation of the permitted conditions or this Article;
- c) A repeated violation of this Article, other county ordinance, or other applicable law;
- d) The mobile food vendor is found to be improperly discharging pollutants, including waste/grease, liquid waste, gray water, garbage/debris, and other materials into the county's storm drainage, into waterways, onto the ground, or in any other unsuitable or unlawful location;
- e) Violations of this ordinance shall be subject to the violation procedures, fines, and penalties set forth at Article X of this Code. In addition, the Planning Director may refuse to issue subsequent temporary use permits to a mobile food vendor that

repeatedly violates the terms of this Article, the Code, other county ordinances, or State law.

- f) In the event that a violation of this Article, the Code, other county ordinance, or other State law creates an imminent threat to public health and safety, the Planning Director may immediately revoke a mobile food vendor's temporary use permit without advance notice.

VII. Renewal process.

- a) Temporary use permits for mobile food vendors expire on December 31st of each calendar year and must be renewed annually, subject to administrative review, modification (if necessary), and approval.

Copies of inspection reports and other applicable documentation from SCDES must be provided at the time of renewal.