

**TOWN OF KILMARNOCK - PLANNING COMMISSION**  
**STRATEGY / GUIDELINES FOR MOBILE TRUCK & PUSH CART VENDORS**

The Town of Kilmarnock's Planning Commission recommends that Town Council consider the following strategies, as a package, to allow for and regulate mobile truck and push cart vendors in certain zoning districts (see below) located within the Town of Kilmarnock. The Commission recommends that mobile truck and push cart vendors be allowed to sell both merchandise and/or food and beverages.

**Short Term:**

**1. Adoption of Administrative Rules and Guidelines:** Pursue adoption of temporary administrative rules and guidelines for implementation by staff to allow for and govern the activities of mobile truck and push cart vendors operating within the various zoning districts identified in #2 below. The guidelines are temporary until such time as: **A)** an ordinance is adopted to define and regulate the activities of mobile truck and push cart vendors within certain districts; and **B)** Kilmarnock's new town park is developed and operational with master plan guidelines in place to regulate mobile truck and push cart vending.

**Long Term:**

**2. Ordinance Amendments:** Develop an ordinance to amend the Town Code to allow for and govern mobile truck and push cart vendors. Based on the definitions and guidelines on the following page, language would be added to the following chapters of the Town's Code: **A)** Chapter 14 (Businesses) Article II "Peddlers, Solicitors, Itinerant Vendors;" **B)** Chapter 54 (Zoning) Article 1, Sec. 54-2 "Definitions;" **C)** Chapter 54 (Zoning) Article III (District Regulations) Division 5 "General Commercial District or C-1;" **D)** Chapter 54 (Zoning) Article III (District Regulations) Division 8 "Industrial District or M-1" (*Note: The "Technology Park" is the only area in Kilmarnock classified as an "Industrial District" with an "M-1" zoning designation*) and Chapter 54 (Zoning) Article VIII "Steptoe's Overlay District."

**3. Development of Guidelines for Kilmarnock's Town Park:** Guidelines should be developed and incorporated in the master plan for Kilmarnock's new town park which, among other things, would allow for and regulate mobile truck and push cart vending. This approach may also encourage mobile vendors to co-locate in one area as opposed to spreading throughout the Steptoe's Overlay District.

**Currently in Effect:**

**4. Policies for Special Events:** Town Council adopted "Special Events Policies and Procedures" on April 21, 2008, which apply throughout the town. Mobile truck and push cart vendors are currently allowed subject to the policies and procedures for official "Special Events."

**5. Chapter 14 (Businesses) Article II "Peddlers, Solicitors, Itinerant Vendors" of Kilmarnock's Town Code.** This section requires, among other things, that a peddler, solicitor and / or itinerant vendor obtain the appropriate permit and / or license from government officials prior to commencing business operations.

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The Town of Kilmarnock's Planning Commission recommends that Town Council consider the following definitions and guidelines to allow for and regulate mobile truck and push cart vendors in certain zoning districts (see long term strategies above for specific zoning districts) located within the Town of Kilmarnock. New language, as requested by Council, added by the Planning Commission to the definitions and guidelines during the last meeting on March 14, 2016.

**DEFINITIONS:**

***Push cart*** means any various type of wheeled light cart to be pushed by hand as would be used by a street vendor for the sale of food or merchandise.

***Mobile Truck Vending*** means a vehicle and / or a trailer supplied with the basic equipment or materials necessary for selling food and beverages or merchandise on public or private property utilizing no more than 2 parking spaces or not exceeding a total length of 40 feet. No temporary or permanent water, sewer or storm drainage connections are permitted by a mobile truck vendor.

***Vendor*** means any person, including an employee or agent of another, engaged in the selling, or offering for sale of merchandise or food and beverages whether from a pushcart or mobile truck on any sidewalk, private property, public property, such as a parking lot or park under the ownership of the Town of Kilmarnock, but not within a public road right-of-way.

**GUIDELINES:**

- Mobile truck and push cart vendors must comply with all applicable state and county health and food safety laws and regulations.
- Prior to conducting any activity, the mobile truck or push cart vendor shall obtain a business license from the Town of Kilmarnock.
- All sales from a food truck or push cart vendor within Town limits are subject to the meals tax. Sales of merchandise from a mobile truck or pushcart vendor within Town limits are subject to the retail sales tax.
- Mobile truck vendors and push carts shall be allowed to occupy any one site for a maximum of 48 consecutive hours during any one week.
- Within the Steptoe's Overlay District, mobile truck and push cart vendors are encouraged to set up on public property owned by the Town of Kilmarnock, such as a public parking lot. Vendors located in a public parking lot may utilize up to 2 parking spaces. Once Kilmarnock's new town park is developed and operational with master plan guidelines in place to regulate mobile truck and push cart vending, vendors will be encouraged to co-locate in the park as opposed to being spread throughout the Steptoe's Overlay District. Written permission from the

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Town Manager or designee is required prior to any vendor setting up on property owned by the Town of Kilmarnock.

- Mobile truck and push cart vendors may set up on private property within designated zoning districts subject to the property owner's permission in each case and the guidelines contained in this document.
- Mobile truck and push cart vendors are prohibited from setting up within any public right-of-way, with the exception of a public parking lot or park owned by the Town of Kilmarnock.
- Failure to comply with any of the above listed conditions may result in revocation of a license and prohibition of selling merchandise, food and beverages from a mobile truck or push cart within the Town limits.
- Modification of any of the above requirements shall require approval of a conditional use permit.