## City Council
### Agenda Item Summary

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<th>Prepared For</th>
<th>Staff Contact</th>
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<td>City Council</td>
<td>Chris Shelton, City Attorney</td>
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### Agenda Item Wording
Consideration and approval of Proposed Ordinance #19-14 to amend Section 18-381 of Article X, Division 2 of Chapter 18, to create a separate taxing classification for mobile food units and exemption for new mobile food units as provided in Senate Bill 1425 adopted during the 2019 session of the Virginia General Assembly - Chris Shelton, City Attorney

### Background Information
Senate Bill 1425 provides for an exemption for new mobile food units, in that the owner pays BPOL only in the jurisdiction where the vehicle is registered for the first two years, but not in any other jurisdiction in which it may operate. The Bill also allows the city to require the owner of the mobile food unit to register (without paying BPOL) the mobile food unit if it operates in the city but is not garaged here during the exemption period. Proposed Ordinance Number 19-14 amends Chapter 18 of the City Code accordingly, and creates a separate BPOL classification for food trucks. A corresponding proposed ordinance to amend the regulation of food trucks has been submitted to the Planning Department for consideration by the Planning Commission.

### Previous Relevant Action
None

### Staff Recommendation
That City Council adopt proposed ordinance #19-14.

### Sample Motion
I move that City Council adopt proposed ordinance #19-14.

### Attachments
- [Proposed Ordinance #19-14](#)
ORDINANCE #19-14

PROPOSED ORDINANCE #19-14

AN ORDINANCE TO AMEND SECTION 18-381(2) OF ARTICLE X, DIVISION 2 OF CHAPTER 18 OF THE WILLIAMSBURG CODE TO CREATE A SEPARATE BPOL CLASSIFICATION FOR MOBILE FOOD UNITS AND EXEMPTION AS PROVIDED IN SENATE BILL 1425 ADOPTED BY THE VIRGINIA GENERAL ASSEMBLY AT ITS 2019 SESSION

WHEREAS, at its 2019 Session the Virginia General Assembly enacted Senate Bill 1425 to require localities to set the rate for mobile food units subject to business privilege and license taxes at the same rate as retailers, subject to certain exemptions as there stated; and

WHEREAS, City Council deems it in the best interest of the City to set the mobile food units tax rate under the City’s business privilege and license taxes at the same rate as retailers and to include an exemption for new mobile food units as provided by Section 58.1-3715.1 of the Code of Virginia;

IT IS, THEREFORE, hereby ORDAINED, that Section 18-371 (2) of the Williamsburg Code is hereby amended by adding a new subsection n as follows:

n. For mobile food units, $0.20 per $100.00 of gross receipts subject, however, to the following:

Mobile food unit means a restaurant that is mounted on wheels and readily moveable from place to place at all times during operation.

New business means a business that locates for the first time to do business in a locality. A business shall not be deemed to be a new business based on a merger, acquisition, similar business combination, name change, or change to its business form.

If the owner of a new business that operates a mobile food unit pays the license tax required by the locality in which the mobile food unit is registered, such owner shall not be required to pay any further license tax imposed hereunder for conducting business from such mobile food unit in the confines of the City. However, this exemption from paying the license tax hereunder shall expire two years after the payment of the initial license tax in the locality in which the mobile food unit is registered, and during the two-year period, the owner shall be entitled to exempt up to three mobile food units from license taxation hereunder.

The owner of a mobile food unit shall be required to register with the City’s Commissioner of the Revenue for each year or any part thereof in which he conducts business in the City from such mobile food unit, regardless of whether the owner is exempt from paying license tax pursuant to the provisions of this subsection.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

This Ordinance shall take effect immediately upon its adoption.