

# Hampton Health Department Requirements for Mobile Food Units

## Information on Starting a Mobile Food Trailer or Push Cart



Hampton Health Department  
Environmental Health  
1320 LaSalle Ave  
Hampton, VA 23669  
757-727-2570



This document is intended as a general guide for operators who wish to vend food from a mobile food unit or pushcart to become familiar with the standards for construction and operation of these units. Before beginning construction or operation of such units, the local health department should be contacted for a thorough explanation and understanding of the rules and requirements. All mobile units in the City of Hampton are regulated under **The Commonwealth of Virginia Board of Health Food Regulations 12 VAC 5-421** ([www.vdh.virginia.gov](http://www.vdh.virginia.gov)) and the **Hampton City Code**. Rev 5/15/19

## What is a Mobile Food Unit?

"Mobile food unit" means a food establishment that is mounted on wheels that is readily moveable from place to place and shall include pushcarts, trailers, trucks, or vans. There is no size limit to mobile food units but they must be mobile at all times during operation and must be on wheels (excluding boats in the water) at all times. The unit, all operations, and all equipment must be integral to and be within or attached to the unit. Below are several types of "mobile food units."

- A push cart that is a non-motorized vehicle or open cart typically pulled behind a vehicle and is limited to serving non-potentially hazardous foods; food prepared in a commissary that is individually wrapped and maintained at proper temperatures; or frankfurter-like foods such as hot dogs and smoked sausages.
- A motorized vehicle or enclosed trailer that is operated as a self-contained food service facility containing approved food preparation areas, a forced-air ventilation hood (for cooking), a generator, a three-compartment sink, a hand washing sink, hot and cold water under pressure, and at least one wastewater holding tank.
- A vending truck that dispenses prepackaged sandwiches and other commissary prepared foods as well as assorted beverages. Because there is no actual food handling these units may not be required to be equipped with onboard dishwashing or hand washing fixtures.

Mobile food units **DO NOT** include automobiles, trucks, or vans not designed for food preparation (e.g. the trunk of a car).

Mobile food units possessing a valid Commonwealth of Virginia Mobile Food permit can operate on a daily basis anywhere within the Commonwealth of Virginia provided they have the property owner's permission. They are different from ***temporary food service establishments***, which are defined as "food establishments that operate for a period of no more than 14 consecutive days in conjunction with a single event or celebration" such as a fair, carnival, circus, public exhibition, or other similar gathering. A participant in a temporary event must apply separately for each temporary event food permit and each event. A mobile food unit can serve at such events without the issuance of a separate permit provided they are operating within the confines of the mobile unit (e.g. any foodservice preparation or cooking outside of the mobile food unit shall require a temporary food permit) and notify the local health department of their intent to participate.

## How do I obtain a permit for my mobile food unit?

An operator intending to seek approval for a mobile food unit permit shall be required to complete a plan review process with the Hampton Health Department that includes the following steps and specifications:

- Provide a menu and floor plan for a plan review to the local Environmental Health Department in the jurisdiction where the commissary is located. There may be other agencies from which you will be required to obtain approval such as the Commissioner of Revenue, Community Development, and/or the Fire Marshal.
- Plans shall include a scale drawing of the interior of your unit. Spaces are to be allocated for distinguishing the location of important items such as sinks, refrigeration equipment, prep tables, shelving and the hot water heater. If you have a manufacturer's diagrams and cut-sheets that shows the interior of the unit this will be extremely valuable. If you are looking at an existing unit our department recommends that you submit photographs taken from different angles that would give a representative view of the interior of the unit or bring the vehicle to a health department location for their inspection and recommendations.
- Include a listing of the materials to be used for constructing the floors, walls and ceiling. The materials proposed must be of smooth, durable construction, non-absorbent, and easily cleanable. No bare wood is allowed.
- The mobile food unit shall be constructed and arranged so that food, drink, utensils and equipment will not be exposed to insects, dust and other contamination. Protection against flies shall be provided by screening or effective use of air curtains of all openings to the outside (doors and windows). Mobile units must be positioned to keep the general public away from the food preparation and cooking areas of the unit.

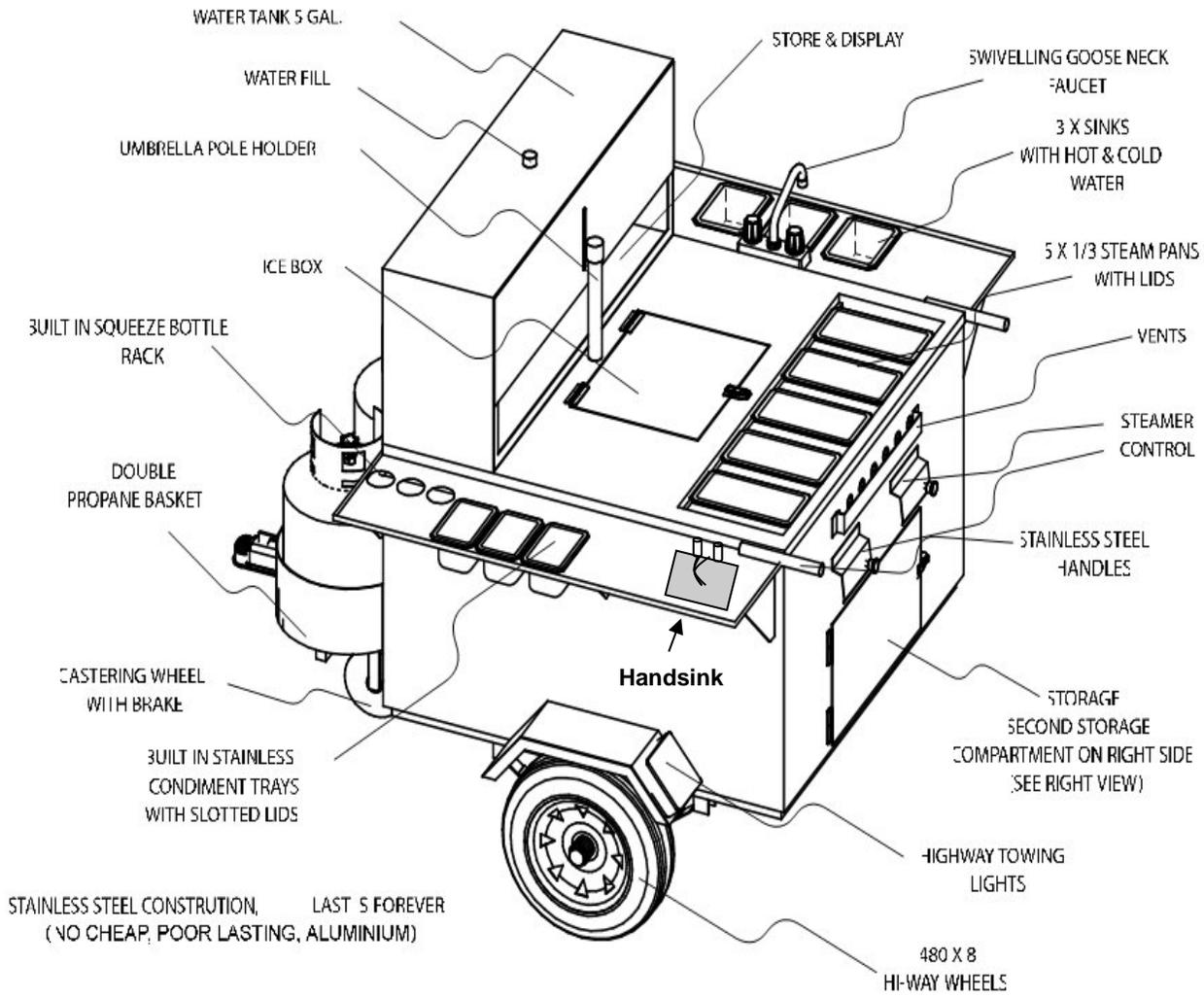
- The mobile food unit must have a potable water system under pressure. Water heating facilities must be provided. The system must provide hot and cold water sufficient for all preparation, hand washing and cleaning requirements for a full day of operation. The water inlet must be protected from contamination and be a different size from the sewage outlet. The water hose used to fill the water tank must be food-grade/food safe.
- A permanently installed sewage/wastewater holding tank must be provided, and shall be at least 15% larger than the potable water tank. The outlet must be lower than the water inlet connection.
- A hand wash sink with hot and cold water, combination faucet with a mixing valve, and soap and towels must be provided.
- A three-compartment sink of sufficient size with drainboards on each end to submerge, clean and sanitize all of the utensils used.
- A servicing area shall be provided at the commissary. Potable water connections shall be installed so as to protect the water and equipment from contamination. All sewage shall be discharged to an approved sewage disposal system.
- If cooking is proposed on-board the mobile food unit then detailed information regarding the ventilation hood system is to be provided. Hoods that are to vent grease laden vapors shall be of commercial-grade construction designed to be cleaned in place or with removable filters. All hoods need to vent to the outside.
- All grills, burners, and cooking equipment must be installed inside the unit. No free standing, external BBQ grills or other cooking equipment is allowed to be used in addition to your unit unless at a temporary event after you have obtained a temporary food event permit.
- An important requirement for any mobile food unit is that it **must be operated in conjunction with a permitted restaurant or grocery; otherwise known as a commissary, and shall report on the days it is operated to that commissary for supplies, cleaning, and servicing. The locality in which the commissary is located will issue the permit for the mobile food unit.**
- An agreement must be signed by the commissary operator and the mobile food unit. This agreement will give access to the commissary sufficient to meet all requirements in the regulations such as water supply, food storage, food preparation, solid and liquid waste disposal, and utensil cleaning (e.g. three compartment sink).
- **There shall be no storage of food or supplies at the operator's home** unless they are stored on the trailer and the trailer is supplied with power to ensure refrigeration is adequate to maintain food at or below 41°F.
- **There shall be no food preparation or cooking at the home of the owner.**
- Submit a completed permit application with the State fee of \$40.00.
- Depending on the menu, an operator shall have a current Food Handler's Card or Hampton Certified Food Manager Certificate. To obtain a Hampton Certified Food Manager certificate, the operator must successfully complete an approved food managers safety and sanitation course and upon completion and successful passing of the exam, register with the Hampton Health Department (\$10 fee). A permit to operate a mobile food unit shall not be issued until the operator has submitted to the Hampton Health Department proof of registration in an approved food safety course. A list of approved courses is available at the Hampton Health Department. Food Handlers Cards are provided anytime Monday through Friday 8:30 am to 11:45 am and 12:30 pm to 3:45 pm; the cost is \$10.
- A written employee health policy shall be provided. Guidance documents are available at the Hampton Health Department.
- **THERE SHALL BE NO OPEN COOKING OF FOOD UPON THE STREETS OF HAMPTON EXCEPT FOR APPROVED TEMPORARY EVENT PERMITS.**
- All food, equipment and supplies must be stored on the unit and at least 6 inches off the ground and must have overhead protection such as truck ceiling, umbrella, canopy, awning, etc.
- Only coolers that are made of durable, hard plastic shall be used for food and beverage storage and shall be drained as often as needed. No Styrofoam coolers are allowed.
- A smooth and easily cleanable table may be assembled next to the unit **ONLY** for the purpose of serving condiments, napkins, and straws.
- No crock pots or sterno type heating units may be used unless they fit on your unit.
- All mobile unit operators in the City of Hampton must obtain a business license from the Commissioner of Revenue and obey the rules and regulations for street vending (copy of street vending ordinance may be obtained from the Zoning Department).

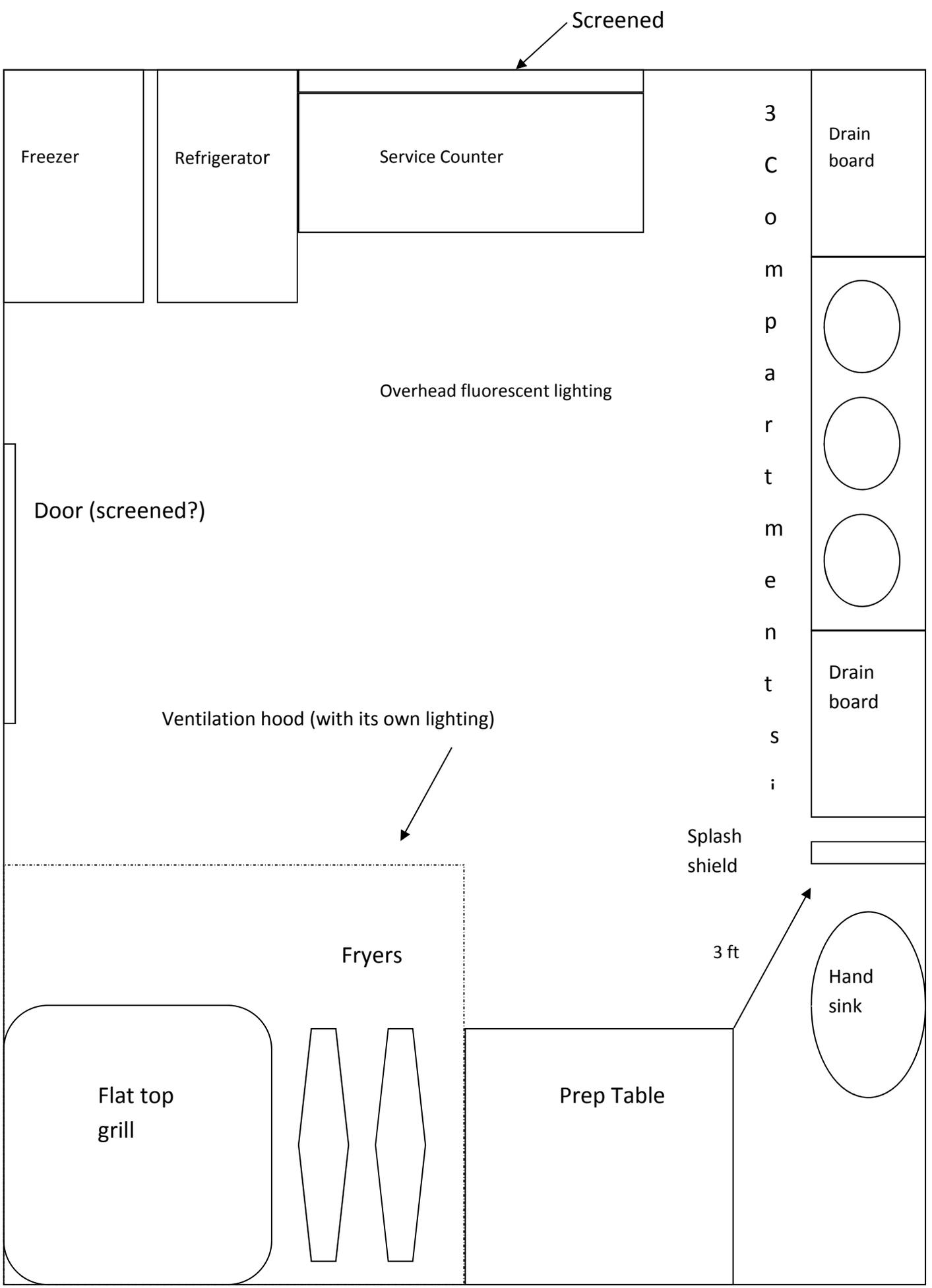
**Sections of the Commonwealth of Virginia Board of Health Food Regulations  
that pertains to Mobile Food Units**

The Regulations are available at [www.vdh.virginia.gov](http://www.vdh.virginia.gov)

<b>Food Regulations</b>	<b>Potentially Hazardous Menu</b>		<b>Not Potentially Hazardous Menu</b>
	<i>Food Preparation</i>	<i>Prepackaged</i>	<i>Food Preparation</i>
<b>Personnel</b>	Applicable Sections of sections 80-250 2230 (B)	Applicable Sections of sections 80-250 2230 (B)	Applicable Sections of sections 80-250 2230 (B)
<b>Food</b>	260 270-320 390; Applicable Sections of sections 450-690 820 840 (A) & (C)	260 270-320 530 (A)610, 620 (Applicable to Service Area or Commissary)	260 280 390 Applicable Sections of sections 450-690
<b>Temperature Requirements</b>	340; Applicable Sections of sections 700-760 & 770-870	340 820	NONE
<b>Equipment Requirements</b>	Applicable Sections of Part IV and sections 25902780	Applicable Sections of sections 960-1440; 770-1870 and 2590-2780	Applicable Sections of sections 960-1440; 1570-1870 and 2590-2780
<b>Water &amp; Sewage</b>	2160 2230 (A) & (B) sections 2360 - 2490; 2500 2540 - 2560	2230 (B)	2160 2230 (A) & (B) sections 2360 - 2490 2500 2540 - 2560
<b>Physical Facility</b>	2790; 2810 2800 (A) & (B) 2930; 3170 3180; 3270	2790 2800 (A) & (B) 2930 3270	2790; 2810 2800 (A) & (B) 2930; 3170 3180; 3270
<b>Toxic Materials</b>	Applicable Sections of Part VII	Applicable Sections of Part VII	Applicable Sections of Part VII
<b>Servicing</b>	2960 / As necessary to comply with the Food Regulations	2960 / As necessary to comply with the Food Regulations	2960 / As necessary to comply with the Food Regulations
<b>Compliance and Enforcement</b>	Applicable Sections of Part VIII	Applicable Sections of Part VIII	Applicable Sections of

3D VIEW





GENERIC MOBILE UNIT LAYOUT (SAMPLE)



# COMMONWEALTH of VIRGINIA

## HAMPTON HEALTH DEPARTMENT

3130 VICTORIA BOULEVARD  
HAMPTON, VIRGINIA 23661

### Commissary Agreement

This letter serves to notify the Hampton Health Department that the mobile food vendor known as \_\_\_\_\_ has the expressed permission of the presently permitted establishment known as \_\_\_\_\_ at \_\_\_\_\_

to use as their base of operations/commissary. In accordance with Chapter 15 of the City Code of Hampton governing food establishments, this operator has my permission to:

1. Operate daily from my facility to clean and service their mobile unit;
2. Flush and drain liquid waste to an approved sewerage system in accordance with the Board of Health Food Regulations;
3. Construct, if necessary, a service area of smooth, nonabsorbent material which shall be kept in good repair, kept clean and properly graded to drain;
4. Approved potable water service shall be provided and shall be used and handled in a way that protects the water supply from contamination.
5. Store food and supplies as needed for their operation.

\_\_\_\_\_  
Signature of permitted food establishment operator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name of permitted food establishment operator

\_\_\_\_\_  
Phone and/or email of permitted food establishment operator

## HAMPTON HEALTH DEPARTMENT MOBILE UNIT PLAN REVIEW CHECKLIST

\_\_\_\_\_ Permit application and \$40 fee submitted to local health department

\_\_\_\_\_ Completed HHD Commissary agreement (local code requirement)

\_\_\_\_\_ Copy of the proposed menu and list of food suppliers

\_\_\_\_\_ Proof of and registration of Certified Food Protection Manager (CFPM) (\$15)

\_\_\_\_\_ Floor plan of the mobile food unit. The following information will be included in the form of a drawing, digital images, or a combination of both and shall identify and describe:

- equipment for cooking, hot and cold holding
- hand sink
- work tables
- three-compartment sink with drain boards or equivalent
- customer service areas
- food storage
- single-service, single-use articles storage
- hot water unit
- power source
- potable water tank(s)
- sewage holding tank
- garbage disposal
- finishes for floors, walls, and ceilings

\_\_\_\_\_ Specifications provided for:

- potable water tank(s) (construction and design, location, and capacity) 12 VAC 5-421: 2360-2410, 2430-2490
- potable water hose (design and construction) 12 VAC 5-421-2420
- sewage holding tank (construction and design, location, and capacity) 12 VAC 5-421-2500, 2540-2560
- potable water hose (design and construction)
- backflow prevention 12 VAC 5-421-2200, 2210, 2260, 2270, 2320, 2470, 2520
- hot water unit (size and type) 12 VAC 5-421-2120
- refrigeration equipment (capacity)

\_\_\_\_\_ Employee health policy provided

\_\_\_\_\_ Allergen awareness program

\_\_\_\_\_ Clean-up protocol for vomit and diarrhea incidents

## The Health of Food Handlers Can Affect the Safety of Food Served

Foodhandlers experiencing certain symptoms or illnesses pose a high risk of transmitting foodborne illness through the food to the persons consuming the food.

As a foodservice operator or manager you are required to:

- **Report** - train your food handlers to **report** to you certain symptoms or diagnosed illnesses
- **Restrict** - act to **restrict** them from food handling or exclude them from the facility
- **Release** - **release** them from restrictions or exclusion when the symptom or illness is over

<u>Report</u>	<u>Restrict/Exclude</u>	<u>Release</u>
Train your employees to report to you:	Act to restrict or exclude them from food handling:	Release the restriction or exclusion from food handling:
When they experience the following symptoms: <ul style="list-style-type: none"> <li>• Diarrhea</li> <li>• Vomiting</li> <li>• Jaundice</li> <li>• Sore throat with fever (HSP--Highly Susceptible Population )</li> </ul>	<b>Exclude the Food Handler</b>  They may not be present in the food establishment	<b>Remove the exclusion when the</b> employee has had no symptoms for at least 24 hours or provides medical documentation from a health practitioner.
When they experience the following symptoms: <ul style="list-style-type: none"> <li>• Sore throat with fever (NON-HSP)</li> <li>• Infected wound or cut or lesions containing pus on the hand, wrist, an exposed body part (<i>such as boils and infected wounds, however small</i>)</li> </ul>	<b>Restrict the Food Handler</b>  They may not work with exposed food, clean equipment, utensils, linens or unwrapped single service articles	<b>Remove the restriction when the</b> employee presents medical documentation stating they are not infectious or the infected wound is properly covered.
When they, or a family member, are diagnosed with the following diseases: <ul style="list-style-type: none"> <li>• Shigellosis</li> <li>• Norovirus</li> <li>• Shiga toxin-producing E. coli</li> <li>• Hepatitis A</li> <li>• Salmonella (S.typhi and non-typhoidal)</li> </ul>	<b>Exclude the Food Handler:</b>  -They may not be present in the food establishment;  - Report to Health Dept.	<b>Remove the exclusion when:</b>  They present a written medical release stating that their condition is no longer infectious.

## Hampton City Departments Regulatory Authority re: Mobile Units

### Hampton Health Department

Permits and inspects food trucks in accordance with the Virginia Food Regulations. Virginia Food Regulations does not mandate what type of ventilation hood system or fire suppression system is required. Inquiries regarding ventilation hoods and fire suppression systems should be referred to the City of Hampton Fire Marshal's office.

Food Regulations <i>Areas/Part</i>	Potentially Hazardous Menu		Not Potentially Hazardous Menu
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<b>Compliance and Enforcement</b>	Applicable Sections of Part VIII	Applicable Sections of Part VIII	Applicable Sections of Part VIII

### Community Development: Zoning Department

*City Code 34-7 Sales Conducted on or Adjacent to Public Right of Way*

(a)

*For the purposes of this section, "sale or exchange" shall be defined as the advertising, displaying, offering or exchanging, for value, of any item mentioned in subsection (b) of this section.*

(b)

*The sale or exchange of any item, including, but not limited to, any and all goods, wares, flowers, prepared or unprepared food or any other product, by any person from any temporary structure, including, but not limited to, any table or stand, or from any motor vehicle, trailer, cart, dray, wagon, pushcart or any hand or pedal-propelled vehicle, which sale or exchange*

is conducted in any public right-of-way or on any private property adjacent to a public right-of-way, shall be subject to the regulations set out in this section.

(c)

No sale or exchange mentioned in subsection (b) above shall be made in any street or public right-of-way along any street, for which the posted speed limit is greater than forty-five (45) miles per hour, nor shall any such sale or exchange be made in any street or public right-of-way within twenty-five (25) feet of any intersection.

(d)

No person conducting a sale or exchange mentioned in subsection (b) above in any street or public right-of-way may remain within any one (1) block area for more than fifteen (15) minutes before moving to another block. Additionally, such sale or exchange may not be repeated in the same block within any eight-hour period. A block shall be understood to mean a section of a street between its intersection with two (2) adjoining streets, or a section of street five hundred (500) feet in length, whichever is shorter.

(e)

Persons conducting a sale or exchange of the type described in subsection (b) of this section on private property adjacent to a public right-of-way, and persons allowing their private property to be used for such sale or exchange, shall be subject to the following regulations:

(1)

No sale or exchange shall take place or be conducted, and no structure used for such sale or exchange shall be located, within fifty (50) feet of the closest edge of the nearest sidewalk pavement, or street pavement if there is no sidewalk, of any public right-of-way.

(2)

The person conducting the sale or exchange shall have obtained written permission to conduct such activity from the owner of the property involved, and shall have also obtained, from such owner, exclusive control over any area of the property, within the allowed area, sufficient to ensure that there is adequate space for the safe circulation of traffic. Such area shall not be less than eight hundred (800) square feet. The person conducting the sale or exchange shall not allow any other activity to be conducted within this minimal eight hundred (800) square foot area.

(3)

Such sale or exchange shall not be conducted on or from vacant lots.

(4)

Before any person may conduct such sale or exchange, such person must have provided to and have had approved by the commissioner of revenue a plat or site plan identifying the location of the property on which the activity is to be conducted and showing the location of the structure from which the sale or exchange activity will occur, the area under the control of such person and provisions for well-defined vehicular entrances and exits. Such plat or site plan shall be accompanied by a nonrefundable fee of twenty-five dollars (\$25.00) for processing. After review and approval of such plat or site plan by the commissioner of revenue, application shall be made to the commissioner of revenue for a permit to engage in the activities covered by this section, in accordance with this section and the approved plat or site plan. Such application shall state the name, address and telephone number of the person conducting the activity and the days and hours of operation, and shall include evidence of the property owner's permission to so use the property, as required above, as well as a copy of the approved plat or site plan. A copy of the permit issued by the commissioner of revenue, as well as a copy of the approved plat or site plan and the written permission of the property owner, shall be kept at the site of the activity, in a convenient place, and shall be exhibited, upon request, to any police officer or agent of the commissioner of revenue. Such permit must be obtained before a business license for such activity may be issued, and shall be renewed annually prior to the renewal of any business license.

The requirements of this subsection shall not apply to outdoor sales and exchanges which occur as an incidental part of the retail sales activity of a merchant regularly conducting business from a permanent building, where such sales are conducted on the premises of the building and in close proximity to the building; nor shall they apply to the otherwise lawful sale of market produce and related items from the site on which they are grown; nor to garage sales in residential areas.

(f)

Nothing in this section shall exempt any person conducting a sale or exchange of the type described herein from the requirements of the zoning ordinance or any other applicable provision of law.

(Ord. No. 720, 4-28-82; Ord. 1456, 1-24-07; [Ord. No. 15-0010, 3-25-15](#))

**Cross reference**— Mobile food service facilities generally, [§ 15-136](#) et seq.; vehicles used for sale of ice cream, [§ 15-166](#) et seq.

## **Fire Marshal's Office**

Hampton Fire Marshal's office follows the City of Chesapeake Mobile Food Vendors Guidelines:

### ***City of Chesapeake Guidelines for Mobile Food Vendors Participating in Outdoor Special Events***

*These guidelines are designed to assist mobile cooking unit owners and operators understand the regulations regarding process of cooking with grease-laden vapors and solid fuels in locations that pose a risk of injury or significant fire should a fire be ignited. The limited egress inherent in these small mobile structures poses a significant life safety risk as well as increased fire spread and control problems due to the close proximity of other structures. Large crowds and the placement of trailers at events could limit quick access by fire apparatus at outdoor special events.*

#### **Virginia Statewide Fire Prevention Code (SFPC) 2009 Edition:**

*Section 101.2 Scope. The SFPC prescribes regulations affecting or relating to maintenance of structures, processes and premises and safe guards to be complied with for protection of life and property from hazards of fire and explosion.*

*Section 101.3 Purpose. The purposes of the SFPC are to provide for statewide standards to safeguard life safety property from the hazards of fire or explosion arising from improper maintenance of life safety and fire prevention and protection materials, devices, systems and structures, and the unsafe storage, handling, and use of substances, materials and devices.*

#### **Fire Protection:**

*Mobile Cooking Units which contain one (1) fryer less than six (6) square feet in surface area and one (1) cooking appliance (Griddle, Range etc.) will require one (1) K-Class fire extinguisher. All other cooking equipment exceeding these quantities which produce grease-laden vapors will be required to have a Type I Hood and shall be protected with approved automatic fire extinguishing system.*

*All cooking appliances must be certified by an approved testing agency such as Underwriters Laboratories (UL) or Factory Mutual (FM).*

*A portable fire extinguisher is required for all mobile food trucks and trailers in addition to the K-Class fire extinguisher (Minimum Size of 2 A 10 BC). All fire extinguishers shall be maintained and inspected in accordance with NFPA 10 on an annual basis.*

*Ventilation control systems shall be appropriate for the operations conducted and shall be capable of exhausting the byproducts of the cooking operation.*

#### **Hazardous Materials Storage of Flammable and Combustible Liquids:**

*Hazardous materials or liquids shall be disposed of in a proper manner and shall not be released into any sewer, storm drain, ditch, drainage canal, creek, stream, river, lake or tidal water or on the ground, sidewalk, street, highway or into the atmosphere.*

*Individual containers, cartons, or packages shall be conspicuously marked or labeled in an approved manner identifying the material.*

#### **Propane:**

*Propane tanks shall be secured in a manner to prevent the tanks from tipping over or falling off the vehicle while in transit. All applicable DOT regulations must be adhered to during transport.*

*Propane tanks shall be shut off while the mobile food unit is in transit, unattended or in overnight storage.*

*Propane storage tanks shall not be stored or used inside of the mobile cooking unit at any time.*

## **Commissioner of the Revenue**

The Commissioner's office requires a VDH permit before purchasing a peddlers license. In addition, depending on the scenario, other requirements may need to be met:

- Scenario 1: If the food truck is setting up at a location (other than a special event) the owner must comply with 34-7(e)(4) under Community Development: Zoning Department and obtain a peddler's permit and peddler's license.
- Scenario 2: If the food truck is here for a special event covered by a promoter's license they do not need to purchase a peddler's license; however, they still have to register with the COR to collect and remit the food and beverage tax.
- Scenario 3: If the food truck is here for a special event and there is NO promoter's license they need to register with the COR and purchase a peddler's license as well as collect and remit the food and beverage tax.

In accordance with Hampton City Code 37-227 the levied food and beverage tax is seven and one-half (7.5) percent.

The food and beverage tax code can be accessed at:

[https://www.municode.com/library/va/hampton/codes/code\\_of\\_ordinances](https://www.municode.com/library/va/hampton/codes/code_of_ordinances)

For questions please contact the Business License Dept. at (757) 727-6700 or email [bl-excisedept@hampton.gov](mailto:bl-excisedept@hampton.gov)

- **Sec. 37-227. - Levied; amount.**

*There is hereby imposed and levied by the city, in addition to all other taxes, fees and charges of every kind now or hereafter imposed by law, upon all food and beverages sold in the city in or from a food establishment a tax equal to seven and one-half (7.5) percent of the charge, one-half cent or more being treated as one cent (\$0.01).*

- **Sec. 37-229. - Collection.**

(a)

*Every person receiving any payment for food with respect to which a tax is levied hereunder shall collect and remit the amount of the tax imposed by this article from the person on whom the same is levied or from the person paying for such food at the time payment for such food is made, whether such payment is made in cash or on credit by means of a credit card or otherwise; provided, however, no blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Blind and Vision Impaired and located on property acquired and used by the United States for any military or naval purpose shall be required to collect or remit such taxes.*

(b)

*The seller shall separately state the amount charged for food and beverages.*

(c)

*The taxes collected under this article shall be deemed to be held in trust by the seller collecting the same until remitted as provided in this article.*