



Ordinance No. 2018-03

FOOD TRUCKS

Purpose

The purpose of this article is to minimize any negative or detrimental effects of food trucks on neighborhood properties and adjacent land uses while ensuring that permitted food trucks do not become a hazard or public nuisance. All food trucks approved and operating within the limits of the Town of Hope Mills shall be in accordance with the provisions of this article. Where there is conflict between the provisions of this ordinance and the provisions or regulations elsewhere within the Town's Code of Ordinances, the more restrictive standard shall apply.

These regulations have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for food trucks and with a view to conserving the value of other uses within the boundaries of the Town of Hope Mills.

Contained herein are provisions providing for the administration, amendment and enforcement of this ordinance and defining the duties and powers of the Town of Hope Mills with respect to the approval of the operation of food trucks.

Title

This ordinance shall be known and may be cited as the "Town of Hope Mills Food Truck Ordinance."

Authority

The Town of Hope Mills Board of Commissioners, pursuant to the authority conferred by N. C. GEN. STAT. § 160A-381 *et seq.* does hereby adopt, approve, ordain and enact into law this ordinance.

Jurisdiction

On and after August 6, 2018, this ordinance shall govern the use of food trucks on all lands lying within the Town of Hope Mills

Application

This provisions of this ordinance shall be interpreted and applied as minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the operation of food trucks within the town.

Ordinance administrator

This ordinance shall be administered and enforced by the Town Manager or the manager's designee. This official or their representative shall have the right to enter upon the premises in any manner authorized by law as required to carry out the necessary duties for the fair and impartial enforcement of this ordinance. All questions arising in connection with enforcement and interpretation of this ordinance shall be presented first to the Development and Planning Administrator who is charged with the day-to-day enforcement of this ordinance.

Zoning permit

(a) *Zoning permit required.* It shall be unlawful to commence the operation of a food truck in any manner within the town limits until the Development and Planning Administrator has issued a zoning permit for such. Such permit shall include a statement that the specifications for, and intended use of such food trucks, in all respects, conform with the provisions of this ordinance. Application for a zoning permit shall be made in writing to the Development and Planning Administrator on forms provided for that purpose. Zoning permits shall be required to be renewed on an annual basis.

(b) *Approval of plans.* The Development and Planning Administrator shall review all applications for a zoning permit for any purpose regulated by this ordinance and for conformity with this ordinance. To this end, every application for a zoning permit shall be accompanied by a plan or plat showing the following in sufficient detail to enable the Development and Planning Administrator to ascertain whether the proposed food truck is in conformance with this ordinance:

- (1) The actual shape, location and dimensions of the lot proposed for use;
- (2) The shape, size and location of all buildings or other structures on the lot and proximity to any adjacent residential and commercial uses;
- (3) Location of any other food trucks to be operated on such property;
- (4) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance have been met;
- (5) Clearly delineated location of all parking spaces located on the lot and the exact location for the operation of the proposed food truck;
- (6) All associated food trucks must be listed in the application;
- (7) Approval from the Cumberland County Health Department is required;
- (8) Proof of vehicle liability insurance is required;

- (9) Zoning approval must be placed inside food truck at all times;
- (10) Zoning permit must be approved annually.
- (11) Proof of workers compensation insurance is required.

(c) *Complete Application.* In addition to the zoning permit application and plat submittal, all applications for the operation of food trucks must be accompanied by the following:

- (1) Authorization from property owner for use of property and operation of food truck.
- (2) Approval from Cumberland County Health Department
- (3) Copy of liability insurance
- (4) Application for business privilege license

(d) *Issuance of zoning permit.* If the proposed activity as set forth in the application conforms with the provisions of this ordinance, the Development and Planning Administrator shall issue a zoning permit for such purpose. If any application for a zoning permit is not approved, the Development and Planning Administrator shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provision of this ordinance and the town reserves the right to rescind any zoning permit mistakenly issued in contravention of the provisions of this ordinance.

Definitions

For the purposes of interpreting this article, the following words and terms are herin defined:

- (a) *Food Truck:* A licensed mobile and motorized vehicle food unit that is temporarily utilized on a privately owned piece of property where food items are being sold to the general public.
- (b) *Push Cart:* A mobile cart from which food or other goods are sold.

Permitted Districts

Food trucks are permitted for operation in the Town of Hope Mills in the following zoning districts:

- (a) C1(P) – Planned Local Business District
- (b) C2(P) – Planned Service and Retail District
- (c) C(P) – Planned Commercial District

(d) M1(P) – Planned Light Industrial District

(e) M(P) – Planned Industrial District

(f) MXD _ Mixed Use

Development Standards

The following development standards shall apply to the operation of all food trucks within the limits of the Town of Hope Mills:

(1) Subject property must have a primary use.

(2) No sales while parked on a public street. (without being tied to a Town of Hope Mills event).

(3) Capacity:

a. 2 food trucks allowed on parcels less than ½ acre.

b. 3 food trucks on parcels between ½ acre and 1 acre.

c. 4 food trucks allowed on parcels over 1 acre. (except for special events)

(4) Temporary outdoor seating allowed only on lots 1 acre or more.

(5) Distance Requirements:

a. 200 feet from any existing restaurant

b. 50 feet from another food truck

c. 40 feet from any sidewalk or driveway

d. 40 feet from any fire hydrant

e. 200 feet from any residential district

(6) Parking:

a. Approved location must be physically marked

b. Cannot impeded or block other existing parking areas

(7) Hours of Operation:

a. 7:00am – 10:00pm Sunday - Saturday

(8) Free standing sandwich board signs are allowed only within the permitted area not to exceed 20 square feet in size.

(9) Food truck service window must be faced away from driving lanes to prevent public safety issues.

(10) Trucks may only operate within the Town of Hope Mills limits 4 days per week.

Civil Penalties and Violations

If the Chief Building Inspector shall find that any food truck is unsafe or is a menace to the public or has been operating in violation of this ordinance, the inspector shall give written notice of such violation to the owner of the food truck or the owner of the property where the truck is located. If the owner of the truck, or the property owner, fails to comply with the required standards such food truck may be subject to the revocation of all permits to operate within the Town of Hope Mills. The Chief Building Inspector may cause any food truck which is an immediate peril to persons or property to be promptly removed. Once a food truck has been cited by Town Staff as a result of the violation of this ordinance, any additional operation by the same food truck shall be considered a Class 3 misdemeanor and shall be subject to a civil penalty of \$500 as authorized by G.S. 14-4. Each day's continuing violation shall be considered a separate and distinct offense.

Outdoor Event Permit

The following regulations apply to all outdoor event permits that will utilize food trucks:

- (1) Must have approved outdoor event zoning permit that includes the following:
 - a. All associated food trucks listed
 - b. Copy of zoning approvals for all associated food trucks
 - c. Food truck distance requirements are waived for outdoor events
 - d. No cap on the number of allowed food trucks.
 - e. Outdoor events for food trucks must comply with section 102A-1101(a) of the Town of Hope Mills Zoning Ordinance.
 - f. All other distance requirements in this ordinance apply.

Fees

The zoning permit fees for the operation of food trucks will be an annual fee of \$50 per truck.