

ORDINANCE NO. 2019-__

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE II, SECTION 4-36 FOOD TRUCK REGULATIONS

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA, THAT:

SECTION I. The Code of Ordinances, Chapter 4, Article II, Section 4-36 is hereby amended to read as follows:

Sec. 4-36. - Food trucks.

(a) *Findings and Intent.*

- 1) Allowing food truck businesses to operate in North Topsail Beach promotes diversification of the town's economy and employment opportunities.
- 2) Food trucks support the incubation and growth of entrepreneurial/start-up businesses.
- 3) North Carolina General Statute 160A-174 grants towns the power to define, prohibit, regulate, acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the town through the creation of ordinances.
- 4) Pursuant to North Carolina General Statute 160A-178, The Town has the express statutory authority to regulate the activities of peddlers and other itinerant salespeople.

(b) *Definitions.* The following definitions apply to this article:

- 1) *Food truck:* A readily movable trailer or motorized wheeled vehicle, currently registered with the N.C. Division of Motor Vehicles, designed and equipped to serve food.
- 2) *Regulatory fee:* A fee assessed to cover the cost of regulating a business activity that is assessed to the particular business being regulated.

(c) *Permitting.*

- 1) A food truck permit shall be required prior to operation. All food truck operators shall obtain a permit from the Town Manager or their designee, unless otherwise exempted in this chapter. The food truck permit shall always be posted in a visible location on the food truck.

- a) *Annual Fee:* The regulatory fee is \$500 annually or as indicated in the fee schedule, as amended. A food truck annual permit expires on December 31st of the year upon which the permit was issued.
 - b) *Special Event Fee:* The one-time special event fee is \$100 or as indicated in the fee schedule, as amended. A food truck special event permit expires at the discretion of the Town Manager.
- 2) Food truck operators shall have the signed approval of the property owner for each location at which the food truck operates. This approval must be made available with the permit application.
 - 3) Food truck operators shall provide documentation of approval from the North Carolina Department of Health. A valid health permit must be maintained for the duration of the food truck permit and shall be placed in a conspicuous location for public inspection.
 - 4) Food truck operators will show proof of \$1,000,000 in liability insurance. This policy must be made available with the permit application.
 - 5) A food truck permit does not include peddler, solicitor, or transient vendor as defined by the Town Code.
 - 6) No permit issued shall authorize a food truck to operate on or from a public street.
- (d) *Regulations.* Food trucks shall be allowed in commercial districts or at a location allowed by the Town Manager with the following restrictions:
- 1) The food truck shall be positioned at least one hundred feet from the customer entrance of an existing restaurant during its hours of operation, unless the food truck vendor provides documentation that the restaurant owner supports a closer proximity.
 - 2) A trash receptacle shall be provided for customers. All associated equipment must be contained within vehicle. Trash receptacles must be within three feet of the food truck.
 - 3) Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
 - 4) Food trucks shall only operate on private property, unless they are part of a town approved special event.
 - 5) No food truck shall conduct business on any public right-of-way, sidewalk, upon any public road in the town, or on any property owned by the town; except for town approved special events.
 - 6) No liquid, grease or solid wastes may be discharged from the food truck. Absolutely no waste may be disposed of in tree pits, storm drains, the sanitary

sewer system or public streets.

- 7) Food trucks must have the following fire extinguisher on board during hours of operation: minimum Class 2A, 10B, and C rated extinguisher. If food preparation involves deep frying, a Class K fire extinguisher must also be on the truck. All National Fire Protection Association (NFPA) standards shall be met to include fire extinguishers and fire suppression hood systems shall be maintained.
- 8) A food truck vendor shall not operate the food truck as a drive-in window.
- 9) Lighting shall be such that minimizes the glare on roadways and surrounding properties.
- 10) No signage shall be allowed other than signs permanently attached to the motor vehicle.
- 11) The noise level from the food truck shall comply with the municipality's noise ordinance.
- 12) The food truck will be removed from the premises when business operation ceases daily.
- 13) Food trucks shall be positioned at least three feet away from any fire hydrants, any fire department connection, utility box or vault. The food truck shall not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular traffic. A food truck shall not impede ingress and egress from driveway entrances, handicapped parking spaces & ramps, building entrances and exits.

(e) *Suspension and revocation of permit.*

- 1) The permit issued for the food truck business may be revoked if the vendor violates any of the provisions contained in this article.
- 2) The Town Manager may revoke a permit if he or she determines that the food truck vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.
- 3) The Town Manager reserves the right to temporarily suspend food truck permits during times of special events.

SECTION II. WAIVER CLAUSE. The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of Board of Aldermen.

SECTION III. CODIFICATION. The provisions of Section I of this Ordinance shall be published as appropriate in the North Topsail Beach Code of Ordinances as soon as practical.

SECTION IV. SEVERABILITY CLAUSE. If any section, part of this Ordinance is declared

unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the Board of Aldermen in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION V. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage and publication according to law.

READ, CONSIDERED, PASSED AND APPROVED at a regular meeting of the Board of Aldermen of North Topsail Beach, North Carolina, at which a quorum was present, and which was held on the 2nd day of May 2019.

North Topsail Beach, NC Code of Ordinances

§ 4-35 BEACH VENDORS.

The town shall allow beach vendors with strict limitations and conditions.

- (a) The town shall limit the number of licenses to ten.
- (b) Each licensee is permitted to operate up to five locations or sales/service stands or carts.
- (c) Priority in allocating the licenses shall be given to licensees who demonstrate that they have sufficient means to comply with this chapter. Consideration will be given to licensees from prior years provided said prior licensees have not violated the provisions of this chapter; all remaining unallocated licenses will be awarded first come first served.
- (d) Beach vendors may operate from April 1 to March 31, and from dawn to dusk every day of the week.
- (e) Beach vendors may be mobile or stationary, and may operate on the beach, as defined; however, no stands, carts or merchandise, or any other equipment or supplies for a beach vendor will be left upon the beach overnight.
- (f) Sales/service stands or carts, including merchandise to be sold or rented will be limited to 20 square feet of space occupied on the beach per license. Also, no sign may be more than six square feet, and no stand or cart may be more than eight feet in height. Beach vendor carts may display a maximum of two signs, not exceeding six square feet in area for each sign.
- (g) No hawking, music, bells or noisemaking of any type to attract business will be allowed.
- (h) No motorized conveyances will be allowed on the beach.
- (i) No sales or rental of motorized vehicles, boats or other motorized devices will be allowed.
- (j) No sales of alcoholic beverages, tobacco products, fireworks, firearms, ammunition or products requiring an ABC license or Health Department license will be allowed. Also, no open flames are allowed.
- (k) Beach vendors shall be required to carry liability insurance with a minimum coverage of \$1,000,000.

(Ord. 2010-2, passed 3-4-2010; Ord. 2014-3, passed 5-1-2014) Penalty, see § 1-5



Town of North Topsail Beach
Mobile Food Truck/Pushcart
Plan Review Application

Tracking Information (Staff Only)

Permit Number:	Date/Time received:	Application verified by:
Mobile Food Truck \$500 Push Cart \$50 Special Event \$100	Check #:	Receipt #:

Applicant

Name(s):	
Contact Person:	Telephone:
Address:	Fax:
City/State/ZIP:	Email:
I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.	
_____	_____
Applicant Signature	Date

Mobile Food Unit/Push Cart

Name of proposed mobile food truck or push cart:	Location when not in service:
Make and Model (mobile food truck) or Manufacturer Name and address (push cart):	VIN (mobile food truck)/ Serial Number (push cart):

Commissary

Name:	Time of day for initial service:
Address:	Time of day to return for cleaning, disposal of waste:

Property Information

Site Address:	Parcel #:	Zoning District(s) :
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Statement of property owner:

By signing on the line(s) below, I hereby state that I am the owner of the property and I have authorized the above mentioned mobile food to set up, use my property on the dates, days and time indicated.

Name(s):

Name:	Telephone:
Address:	Fax:
City/State/ZIP:	Email:
Owner Signature	Date