

# Mobile Food Services Ordinance

## Sec. 8-250. - Intent.

Allowing Mobile Food Service businesses to operate in Burgaw promotes diversification of the town's economy and employment opportunities. Mobile Food Services support the incubation and growth of entrepreneurial/start-up businesses. All Mobile Food Services shall comply with the regulations of this chapter, as well as, the Town of Burgaw Unified Development Ordinance. A Mobile Food Service as part a Special Event Permit is exempt from Chapter 8, Article IV.

## Sec. 8-251. – Definitions.

*Mobile Food Service or Food Truck* means a readily movable trailer or motorized wheeled vehicle, currently registered with the N.C. Division of Motor Vehicles, designed and equipped to serve food.

*Regulatory Fee* means fee assessed to cover the cost of regulating a particular business activity that is assessed to the particular business being regulated.

## Sec. 8-252. - Permitting.

- (a) A Mobile Food Service permit shall be required prior to the operation of a food truck. A regulatory fee, as set in the Town's Fee Schedule, will be assessed to cover the costs associated with regulation of Mobile Food Services. All food truck operators shall obtain an annual permit from the Town of Burgaw Parks and Recreation Department, unless otherwise exempted in this chapter.
- (b) A Mobile Food Service permit is valid for one (1) year from the month in which the permit was issued. This permit shall be posted in a visible location on the food truck.
- (c) The food truck operator 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. A Mobile Food Service permit allows permittee to operate at up to five (5) different properties. An applicant may apply for more than one (1) such permit.
- (d) Food trucks shall provide documentation of approval from the North Carolina Department of Health and Human Services. A valid health permit must be maintained for the duration of the Mobile Food Service permit and shall be placed in a conspicuous location for public inspection.
- (e) Proprietors wishing to operate a business under the mobile food service classification must be located on private property. No permit issued shall authorize a food truck to operate on or from a public street or sidewalk.

## Sec. 8-253. - Regulations.

- (a) Food truck operators shall only operate within the allowed zoning districts as approved in the Town of Burgaw's Unified Zoning Ordinance.
- (b) The food truck shall be positioned at least one hundred (100) 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.
- (c) A trash receptacle shall be provided for customers. Town trash receptacles are not to be used for this purpose. All associated equipment, including trash receptacles, must be within three (3) feet of the food truck.
- (d) Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
- (e) Food trucks shall only operate on private property, unless they are part of a town approved special event.

- (f) 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.
- (g) 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, or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.
- (h) 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.
- (i) Lighting shall be such that minimizes the glare on roadways and surrounding properties.
- (j) No signage shall be allowed other than signs permanently attached to the food truck and one (1) temporary sign.
- (k) The noise level from the food truck shall comply with the municipality's noise ordinance.
- (l) No vendor shall remain on site at one property for more than twelve (12) consecutive hours.
- (m) Food trucks shall be positioned at least three (3) 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 and ramps, building entrances and exits.

**Sec. 8-254. - Suspension and revocation of permit.**

- (a) The permit issued for the food truck business may be revoked if the vendor violates any of the provisions contained in this article.
- (b) If at any time evidence of the improper disposal of liquid waste or grease is discovered, all permits for the mobile food service shall be rendered null and void, and the operation will cease.
- (c) If at any time, the Environmental Health Department revokes or suspends the issued food vending permit, all Town permits shall be revoked or suspended simultaneously.
- (d) 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.
- (e) The town manager reserves the right to temporarily suspend food truck permits during times of special events in the downtown area.

**Sec. 8-255. – Penalties.**

- (a) This section shall be enforced by law as provided in G.S. 160A-175 or G.S. 14-4 or as provided in this code.
- (b) Operation without a valid permit shall be subject to a penalty in the amount of one-half (½) the permit cost stated in the Town of Burgaw fee schedule.

**Sec. 8-256. - Effective Date.**

This article shall become effective April 1, 2021.