

Chapter 3.5.13 Food Truck Courts [GC, HC, ICD, CCMX, LI, IMX, and NMX]

If the food truck court is located on land adjacent to or across a local street or alley from existing single-family detached residential development, then the provisions of a Type B buffer will be required.

Restrictions

Hours of operation. Food trucks shall not operate outside of the established operating hours of the food truck court.

Outdoor seating. Food Truck Courts may provide outside seating per an approved site plan.

Location of food trucks.

Food trucks shall operate only from designated, approved vending pads within the food truck court.

A separation of a minimum of 10 feet between food trucks must be maintained and kept clear of obstructions sufficient to provide emergency access to each food truck. This distance shall be increased by any amount deemed necessary for safety by the Fire Marshal.

Signage. One monument sign identifying the food truck court is permitted.

Food trucks shall not install any physical addition to the food truck court sign. Each food truck itself should function as a large-scale sign. Each food truck is allowed one temporary, freestanding sign which shall not be placed more than 8 feet from the ordering window. The sign shall be removed when the food truck is not in operation.

Waste disposal. Food truck courts shall be kept clean and free of debris and waste. City trash receptacles shall not be used to dispose of waste or trash. Grease and liquid waste (including "greywater") shall not be disposed of in stormwater drains, the sewer system, on the ground, or in the streets.

Noise. Audio amplification is prohibited.

Site Requirements

Site plan review. Food truck courts are required to submit a Major Site Plan in compliance with Section 15.8.1 of the UDO. In addition to any other requirements, the site plan shall include the designated vending pads from which food trucks may operate.

Each food truck shall be located on an all-weather surface (concrete, asphalt, or graded and compacted gravel). Food trucks shall not park on unimproved surfaces.

The food truck court shall provide electrical connections accessible from each vending pad. The use of power generators is prohibited.

The food truck court shall provide water service with at least one main water connection for on-site use.

Restrooms with toilet facilities. Restrooms must be provided within a permanent structure and must be in compliance with the Americans with Disabilities Act and the North Carolina Plumbing Code. Portable restrooms are prohibited. A minimum of two restrooms with separate entrances is required. The restrooms may be designated as unisex, all-gender, or family restrooms. The required number of restrooms may be increased depending on the size of the food truck court or number of food trucks on site or in operation.

Garbage receptacles.

Food truck use. At minimum, one two-yard commercial garbage receptacle shall be provided on site and shall be accessible to all food trucks. A larger garbage receptacle or additional receptacles may be required depending on lot size or number of food trucks on site or in operation.

Patron use. A minimum of one 20-gallon garbage receptacle per two food trucks shall be placed in the vending area for patron use. If seating is provided in an area not adjacent to the vending area, additional receptacles shall be placed in the seating area. If 10 or fewer seats are provided, one 20-gallon receptacle is required. If seating exceeds ten seats, the number of 20-gallon receptacles shall be increased by one for every ten seats. (For example, 11 to 20 seats requires two receptacles; 21 to 30 seats requires three receptacles.) Recycling and/or composting receptacles are permitted in addition to the required garbage receptacles. The approximate placement of receptacles shall be included on the site plan. City trash receptacles shall not be used for garbage disposal.

Grease disposal. The food truck court shall provide adequate facilities for grease disposal, which may be a grease interceptor/trap or a grease bin. Facilities and means for disposal of wastewater (including "greywater") must also be provided. Grease and wastewater disposal facilities shall be reviewed and subject to approval at the time of site plan review. Grease and wastewater shall not be disposed of in stormwater drains, the sewer system, on the ground, or in the streets.

Parking. If the site includes six or fewer food truck vending pads, two parking spaces shall be provided per each vending pad. If more than six vending pads are provided, parking spaces shall be provided as follows:

4 to 12 vending pads: 6 spaces for the first 3 vending pads, and 3 spaces for each additional pad.

Permit Requirements

Permit required. The operation of a food truck court requires a DCC from the City. An application for a DCC shall be submitted to the Land Development Division.

Application contents. An application for a zoning permit hereunder shall include:

An approved site plan pursuant to Section 4 above.

Proof of current liability insurance in an amount not less than \$1,000,000.00. The insurance policy shall protect the food truck court owner, the public and the City from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the zoning permit.

A warranty from the owner or applicant, if different, that each food truck vendor that operates for any amount of time on the site possess all required insurance, permits, inspections, or documents necessary for lawful operation, including specifically and without limitation NC Sales Tax Certificate, Wilson County Permit/Approval (including Commissary Form), vehicle registration, and proof of compliance with applicable Department of Agriculture requirements. The owner or applicant, if different, shall maintain copies (or other sufficient documentation) of above documents. Such records shall be maintained and available for inspection upon request.

Violations

Compliance with all provisions of this ordinance and the applicable provisions of the Code of Ordinances shall be enforced pursuant to Chapter 16 Violations and Penalties of the UDO. Regular inspections of the site will be made by all applicable City departments. If the City determines that activities are being

carried out in violation thereof, a notification of non-compliance shall be issued to the owner and a penalty may be applied.

All issues of non-compliance shall be corrected within 10 working days. If the owner fails to correct such issues, then the DCC may be suspended or revoked and additional penalties may apply.

Sec. 29-5. - Mobile food vendor sales.

- (a) *Mobile food vending unlawful.* It shall be unlawful for mobile food vendors to sell or offer for sale food or beverages except under the conditions set forth herein.
- (b) Definitions. The following words, terms and phrases, when used in this division shall have the meanings ascribed to them in this section, except where the content clearly indicates another meaning:
 - (1) *Beverages* shall mean drinkable, nonalcoholic liquids prepared for immediate human consumption and may be served only in cans, Styrofoam or plastic cups.
 - (2) *Canopy* shall mean an umbrella that is attached to the pushcart.
 - (3) *Food* shall mean food prepared for immediate human consumption, including condiments and prepackaged foods, all as allowed by the North Carolina Department of Human Resources, Division of Health Services.
 - (4) *Mobile food unit* shall mean a vehicle-mounted, vehicle-towed, or vehicle-carried, food service establishment designed to be readily moved and which is defined in 15A NCAC 18A.2601.
 - (5) *Mobile food vendor* shall mean a person or persons that prepare or serve food and/or beverages for sale to the general public on a recurring basis from a vehicle-mounted, vehicle-towed or vehicle-carried food service establishment designed to be readily moved and shall be either a motorized mobile food vendor, pushcart mobile food vendor, nonprofit on-premises mobile food vendor, or a nonprofit off-premises mobile food vendor.
 - (6) *Motorized mobile food vendor* shall mean a person or persons that prepare or serve food and/or beverages for sale to the general public on a recurring basis from a "mobile food unit" as defined in 15A NCAC 18A.2601.
 - (7) *Pushcart* shall mean any mobile piece of equipment or vehicle from which a pushcart mobile food vendor conducts sales and is defined in 15A NCAC 18A.2601.
 - (8) *Pushcart mobile food vendor* shall mean a person or persons that prepare or serve food and/or beverages for sale to the general public on a recurring basis from a mobile piece of equipment or vehicle which serves hot dogs or foods which have been prepared, preportioned, and individually prewrapped at a restaurant or commissary, or which serve foods and/or beverages exempt from health department regulations.
 - (9) *Vendor* shall mean a person who hawks, peddles, sells or offers for sale food.
- (c) *Maximum Number of Trucks per Property (as an accessory use):*
 - (1) For parcels less than ½ acre in size, only one food truck is allowed on the property at a time.
 - (2) Properties between ½ acre and 1 acre in size may have two food trucks.
 - (3) For parcels over 1 acre in size, a maximum of three food trucks are allowed on the property.
 - (4) Temporary outdoor seating and set up associated with a food truck is only permitted on lots approved as a Food Truck Court per Section 3.5.13 of the Unified Development Ordinance.
 - (5) Additional Food Trucks may be allowed for permitted special events.

(d) *Parking of Food Trucks:*

- (1) The parking of a Food Truck on private property is at the discretion of the property owner or their designee.
- (2) Parking on vacant lots, to include improved lots that are not currently occupied, will require a temporary use permit by the property owner. This can be obtained through the Land Development Division.

(e) *Hours of Operation*

- (1) 6 a.m. to 2 a.m. for food trucks in commercial (non-residential) locations.
- (2) 7 a.m. to 10 p.m. for food trucks located within 150 feet of a residential dwelling.

(f) *Operational Standards*

- (1) No audio amplification
- (2) Each food truck is allowed one temporary, freestanding sign, not to exceed 4 square feet, which shall not be placed more than 8 feet from the ordering window. The sign shall be removed when the food truck is not in operation.
- (3) City trash receptacles may not be used to dispose of trash or waste.
- (4) All areas within 20 feet of the food truck must be kept clean by the food truck vendor.
- (5) Grease and liquid waste shall not be disposed of in tree pits, storm drains, sanitary sewer system or public streets.
- (6) Food trucks are all subject to the city-wide noise ordinance. Sound absorbing devices may be used to contain or deflect the noise from external generators.

(g) *Health Department Requirements*

All mobile food vendors must have permits required by the Wilson County Health Department and/or the applicable health department of the resident county of the mobile food vendor and comply with all regulations of the NC Department of Health and Human Services, Division of Public Health.

~~(c) *Permits Required.* It shall be unlawful for any mobile food vendor to sell, or offer for sale, any food or beverage without first obtaining:~~

- ~~(1) A permit for a pushcart pursuant to section 29-6 or a mobile food unit pursuant to section 29-7 of this Chapter from the city manager, or his/her designee; and~~
- ~~(2) All permits required by the Wilson County Health Department or the applicable health department of the resident county of the mobile food vendor.~~

~~(d) *Application.* Any person desiring a permit to operate a mobile food unit or pushcart within the downtown municipal service district of the city shall prepare and file an application with the city manager or his designee which shall contain the following information:~~

- ~~(1) The type of permit the applicant is requesting. The applicant can apply for a Temporary/Special Event Permit or an Annual Permit.~~

- ~~(2) The name, home and business address of the applicant, the name and address of the owner of the vending business, or of the pushcart to be used in the operation of the vending business if other than the applicant;~~
 - ~~(3) A description of the types of food and beverages to be sold;~~
 - ~~(4) A description (including the size) and a photograph of any pushcart, trailer, or vehicle to be used in the operation of the business, including, if applicable, the license and registration number of any vehicle used in the operation of the business to restock or transport a pushcart;~~
 - ~~(5) Two (2) prints of a full face photograph, taken not more than thirty (30) days prior to the date of the application of any person who will sell or offer for sale any food or beverage within the city;~~
 - ~~(6) A copy of any approval required by the Wilson County Health Department pursuant to the rules governing the sanitation of restaurants and other food handling establishments, 10 NCAC Chapter 10, subch. 10A, and any other approval required by a governmental unit for the preparation and service of food;~~
 - ~~(7) Proof of an insurance policy, issued by an insurance company licensed to do business in the State of North Carolina, protecting the permittee and the city from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the permit. Such insurance shall name the city as additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the city. Such insurance shall afford minimum limits of one hundred thousand dollars (\$100,000.00) per person bodily injury, three hundred thousand dollars (\$300,000.00) per occurrence bodily injury, and twenty five thousand dollars (\$25,000.00) per occurrence property damage.~~
- ~~(e) *Application Fee.* An application shall be accompanied by payment of a permit fee, as specified in the City of Wilson schedule of rates and fees for each mobile food unit or pushcart for which a permit is sought.~~
 - ~~(f) *Appeal.* Any applicant denied a permit to operate a mobile food unit or pushcart may appeal the denial of the permit to the city council within 15 days after the date of the written denial. In response to the appeal, the city council may take such action as it deems necessary. The findings and determination of the city council shall be final.~~
 - ~~(g) *Permits to be displayed.* Permits issued under Section 29-6 or 29-7 shall be readily accessible at all times. Vendor shall present permit, and accompanying documentation upon the request of any city official. Accompanying documentation shall include the approved diagram identifying the location where vendor is operating.~~
 - ~~(h) *Permit suspension and revocation.* Any mobile food vendor's permit may be denied, suspended or revoked for fraud or misrepresentation in the application for the permit or in the conduct of the business, for conduct of the business in such a manner as to create a public nuisance, or constitute a danger to the public health, safety, welfare, or morals, or for conduct which is contrary to the provisions of this division. Any mobile food vendor whose permit is denied, suspended or revoked pursuant to this section shall not be granted a new permit for a period of thirty (30) days for the first offense and twelve (12) months for the second offense.~~
 - ~~(i) *Prohibited conduct.* No mobile food vendor shall:~~

- ~~(1) Vend within three hundred (300) feet of any church, while such church is holding a religious service.~~
- ~~(2) Vend on any handicapped space, fire lane, or loading area; or any grass or landscaped area.~~
- ~~(3) Block or otherwise prevent the public from using parking spaces when not in use by the vendor.~~
- ~~(4) Vend outside of the hours between 6:30 a.m. and 10:00 p.m.~~
- ~~(5) Leave any pushcart or mobile food unit unattended on a city right-of-way or street. Store, park or leave any pushcart or mobile food unit overnight on any right-of-way or sidewalk.~~
- ~~(6) Sell food or beverages for immediate consumption unless the vendor has available for public use their own, or a public, litter receptacle which is adequate and available for the vendor's patron's use and being no more than ten (10) feet distant from the pushcart or mobile food unit.~~
- ~~(7) Leave any location without first picking up, removing and disposing of all trash or refuse including products spilled on the sidewalk within twenty (20) feet of the push cart or mobile food unit location.~~
- ~~(8) Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the pushcart or mobile food unit, except required trash receptacles.~~
- ~~(9) Set up, maintain or permit the use of any table, crate, carton, rack, or any other device to increase the selling or display capacity of the pushcart.~~
- ~~(10) Solicit or conduct business with persons other than pedestrians. Sell anything other than that which the vendor is licensed to vend.~~
- ~~(11) Sound or permit the sounding of any device which produces noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public. All mobile food vendors shall be subject to and comply with all noise regulations set forth in the City of Wilson Code of Ordinances.~~
- ~~(12) Vend without the insurance coverage specified in this article.~~
- ~~(13) Violate any federal, state, county or city law or regulation that pertains to food, beverages or the preparation or selling thereof.~~
- ~~(14) No vendor selling from a pushcart, shall:

 - ~~a. Vend within ten (10) feet of an entranceway to any building or fifty (50) feet from an open business.~~
 - ~~b. Vend within fifty (50) feet of any driveway entrance to a police or fire station, or within ten (10) feet of any other driveway or of any alley.~~
 - ~~c. Vend within ten (10) feet of the crosswalk at any intersection.~~
 - ~~d. Vend within twenty (20) feet of any bus stop sign.~~
 - ~~e. Vend within ten (10) feet of any fire hydrant or fire escape.~~
 - ~~f. Allow the pushcart or any other item to rest upon, against or hang from any building or structure lawfully placed on public property, without the owner's permission.~~
 - ~~g. Vend within one hundred (100) feet of any other pushcart.~~
 - ~~h. Vend within fifty (50) feet of a sidewalk café that is open.~~~~

- i. — Pour waste products, (including hot water and drainage from coolers) down a storm drain.
- (15) — Provided further, it shall be unlawful for any person to maintain any pushcart upon any right-of-way or sidewalk which impedes, endangers, or interferes with the travel upon or use of the right-of-way or sidewalk. In the event it becomes necessary for the regulation of traffic or the safety or convenience of pedestrians, any law enforcement officer of the city may direct vendors to move to another location. No person may refuse to comply with a lawful order of a law enforcement officer when the order is given under the authority of this section.
- (16) — No vendor selling from a mobile food unit:
 - a. — Vend within fifty (50) feet of the main entrance of a restaurant during the restaurant's business hours, unless the restaurant gives written permission to the vendor.
 - b. — Vend within five (5) feet from any driveway, sidewalk, utility box or vault, handicapped ramp, building entrance or exit or emergency call box.
 - c. — Vend within ten (10) feet of any fire hydrant or fire escape.
 - d. — Pour waste products, (including hot water and drainage from coolers) down a storm drain.
 - e. — Vend within a private parking lot unless the parking lot owner(s) give written permission to the vendor specifying the parking spaces from which vendor may operate.
- (j) — *Safety requirements.* All mobile food vendors shall comply with the following requirements:
 - (1) — All equipment installed shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn.
 - (2) — All utensils shall be stored in a manner to prevent their being hurled about in the event of a sudden stop, collision or overturn. A safety knife holder shall be provided by the vendor to avoid loose storage of knives and other sharp or bladed instruments.
 - (3) — Compressors, engines, generators, batteries, battery chargers, gas-fueled water heaters, and similar equipment installed on a pushcart and used in the storage, preparation or vending of food shall be installed so as to be accessible from outside the pushcart.
 - (4) — All health rules and regulations in 10 NCAC Chapter 10, subch. 10A as amended, or as otherwise required by law.
 - (5) — Leave five (5) feet of unobstructed sidewalk for pedestrian passage. All applicable regulations pursuant to the Americans with Disabilities Act must be met.
- (k) — *Penalties.* Any person violating any provision of this article shall be guilty of a misdemeanor.

Sec. 29-6. — Temporary/special event permits.

- (a) — *Temporary/special event permits.* A temporary/special event permit may be issued by the city manager or his designee upon satisfaction that the requirements set forth in this section and section 29-5 of this Chapter have been met.
- (b) — *Location.* A temporary/special event permit may be issued for one location at a time. For purposes of this section, a location shall be an area specifically identified on the permit from where the vendor may operate.

- ~~(c) *Term and Renewal.* A permit issued pursuant shall this section shall:~~
- ~~(1) Specify the permitted days and hours of operation.~~
 - ~~(2) Expire not more than seventy-two (72) hours after the earliest time specified under the permit for operation.~~
 - ~~(3) Not be renewed or extended.~~
- ~~(d) *Limitation.* No mobile food vendor shall be issued more than one temporary/special event permit at any given time.~~
- ~~(e) *Issuance Factors.* A permit issued under this section is designed to allow temporary mobile food vendors a means of operation for a limited duration. As such, the unique circumstances under which the vendor will operate will require the city manager, or his designee, to carefully consider the circumstances and any permit issued under this section should address those circumstances. In determining whether to grant an annual permit, the city manager, or his designee may consider any factors that affect the public health, safety, or welfare and any factor he deems relevant to permit issuance.~~
- ~~(f) *Additional Requirements.* The permit may modify the requirements set forth in Section 29-5 or specify any additional requirements that the city manager, or his designee considers reasonably necessary to protect the public health, safety, and welfare given the circumstances. Any additional requirement, or modification from the requirements of Section 29-5 shall be specified in writing on the permit.~~

Sec. 29-7. Annual permits.

- (a) ~~Annual Permits.~~ An annual permit may be issued by the city manager or his designee upon satisfaction that the requirements set forth in this section and section 29-5 of this Chapter have been met.
- (b) ~~Locations.~~ An annual permit may be issued for up to five (5) locations per mobile food unit or pushcart. A separate application fee shall be required for each location. For purposes of this section, a location shall be defined as up to two parking spaces from which the mobile food unit may operate, or a sidewalk from which a pushcart may operate. For on-street parking, the vendor may occupy only one of the two parking spaces identified at that location at any given time. For parking lot locations, the mobile food unit may be located in one parking space and implement traffic cones to block the space adjoining the mobile food unit located on the side where the public will be served.
- (c) ~~Term and Renewal.~~ A Permit issued pursuant to this section shall:
- (1) ~~Expire on June 30 each year.~~ The permit fee for annual permits issued between January 1 and June 30 shall be one half the fee prescribed. No permit fee shall be abated, nor shall a refund of any part thereof be made, in any case where the permittee discontinues his business before the end of the period for which the permit was issued.
 - (2) ~~Be renewed for an additional year upon satisfaction of all requirements under this section.~~
- (d) ~~Diagram Required.~~ An applicant for an annual permit shall provide a diagram showing the location, or locations where the applicant desires to operate. The diagram shall be in sufficient detail to allow City staff to identify and visually inspect the parking spaces applicable to the request and shall identify all restaurants, churches, residences, fire hydrants, and trash receptacles, both public and vendor supplied, located within 50 feet of the location.
- (e) ~~Issuance Factors.~~ In determining whether to grant an annual permit, the City Manager, or his/her designee shall consider the following factors:
- (1) ~~The impact on:~~
 - a) ~~traffic;~~
 - b) ~~emergency responders, include police, fire fighters, and EMS personnel;~~
 - c) ~~pedestrians; and,~~
 - d) ~~adjoining businesses.~~
 - (2) ~~The location and proximity to other mobile food unit and pusheart vendors.~~
 - (3) ~~The demand for parking in the area.~~
 - (4) ~~The vendor's history, if any, of complaints or non-compliance with the requirements of this Chapter.~~
 - (5) ~~Any other factor or circumstance that affects the public safety and welfare.~~
- (f) ~~Permit issuance and denial.~~ Not later than thirty (30) days after the filing of a completed application for a permit, the applicant shall be notified by the city manager, or his designee, of the decision on the issuance or denial of the permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefore, which reasons shall be entered in writing.