

## CHAPTER 117: MOBILE FOOD VENDORS

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### § 117.01 INTENT

The Town of Williamston recognizes that the diversity of prepared food options can be enhanced by allowing mobile food vendors to serve prepared food within the city limits. The Town further recognizes that mobile food vendors have the same responsibilities to their customers and the community as do food service establishments with fixed locations and should be required to abide by local permit and tax requirements in the same manner as facilities with fixed locations. The requirements of this section apply to mobile food vendors who return to the same location or service area daily or on a set schedule within the city limits of Williamston and its ETJ.

### § 117.02 DEFINITIONS

The following terms, as used in this Chapter of the Town Code, shall have the following meaning:

***Mobile Food Vendor.*** A vehicle-mounted food service establishment designed to be readily moved.

***Street Vending Unit (Food Truck or Concession Trailer).*** A mobile food vendor business in which food that is prepared and made ready for consumption at the point of sale is sold from or out of a motor vehicle that does not exceed eight feet in width or twenty-five feet in length and that is removed each day from the location where the food is sold.

***Sidewalk Vending Unit (Pushcart).*** A mobile food vendor business in which food that prepared elsewhere and ready for consumption at the point of sale is sold from or out of a non-motorized

mobile piece of equipment or vehicle that is removed each day from the location where the food is sold. Only hot dogs, tacos, ice cream, snow cones and popcorn may be prepared for consumption in a pushcart.

### **§ 117.03 REQUIREMENTS FOR MOBILE FOOD VENDORS**

- (A) Vendors must have a current permit from Martin County Health Department (Except ice and ice cream vendors which are not regulated by the Health Department).
- (B) Vendors must have a current privilege licensed as a itinerate merchant from the Williamston Tax Department.
- (C) Vendors may operate only on private property with written permission form the property owners. The parcel must be zoned for non-residential uses.
- (D) Vendors must be self-contained and not use outside water, sewer, or electrical at vending site.
- (E) Must have Sales and Use Tax registration number from Department of Revenue.
- (F) Mobile vending units shall be located at least ten feet away from the nearest building, provided that a mobile vending unit may be located closer than ten feet to a building if the location has been approved by the Williamston Fire Marshall.
- (G) Vendors shall only serve walk-up customers, not customers in a motor vehicle.
- (H) Vendors shall not broadcast music or loud advertisements.
- (I) No signage allowed except the signage affixed to the mobile vending unit identifying the vendor and menu/price information. All signage and graphics must be professionally constructed.
- (J) Vendors must display the Town of Williamston Mobile Food Vendor Permit & Business License in a prominent location on the unit.
- (K) Only one vendor may locate on any parcel at one time, unless vendors are participating in a special event separately permitted under the event provisions of Chapter 95 Section 95.01 of this ordinance.
- (L) Vendors must be located at least 250' from the main entrance to existing food establishments except when doing special events at a business.
- (M) Vendors must be located 1000' from any approved events permitted by the Town of Williamston except a qualified vendor at that event.
- (N) Vendors must provide for adequate waste collection from their customers and remove waste from the site daily without using public waste receptacles.
- (O) Vendors must operate in a safe, sanitary, and non-offensive manner. Complaints of unsafe conditions, excessive waster or noise (from patrons or machinery), or other disruptive conditions to neighboring owners or occupants will be investigated and may be the cause for revoked permits or denied permit renewal.

### **§ 117.04 APPLICATION FOR PERMIT**

Mobile Food Vendors must obtain a permit to operate within the Town of Williamston. Permits will only be issued in conjunction with the privilege license required by Town Code Chapter 110, and both must be

renewed on a fiscal year (July 1-June 30) basis. The following information shall be provided with each application for a mobile food vendor permit:

- (A) Name of Mobile Food Vendor
- (B) Make, model, and license plate number of vending unit
- (C) Owner's contact information
- (D) Operator's contact information
- (E) Type of vendor (street vending unit or sidewalk vending unit)
- (F) Copy of approved permit from Martin County Health Department (except ice and ice cream vendors which are not regulated by the Health Department)
- (G) List of operating locations.
- (H) Signatures from property owners indicating consent for the use of their property i) Signature indicating agreement to the listed requirements
- (I) Current NC State Sales and Use Tax number from Department of Revenue

#### **§ 117.05 PERMIT REVIEW**

Permit requests shall be submitted to the Town Planning Department staff and shall be referred to the Tax Department, Police Department, Public Works Department, and/or Fire Marshal for review prior to action.

#### **§ 117.06 PERMIT FEES**

- (A) Fee of \$200 for Mobile Food Vendor Permit and \$100 for Itinerate Merchant License required each year.
- (B) The Town Board may establish, and from time to time amend, a fee amount for Mobile Food Vendors Permits, which may be in addition to the privilege license and Prepared Food and Beverage Tax payment.

#### **§ 117.07 LIMITATION ON NUMBER OR MOBILE FOOD VENDORS**

No more than five (5) active mobile food vendor permits shall be allowed at any given time. Permits shall be issued to qualified applicants on a first come, first served basis. The Town may refuse a permit if the Town determines that issuing the permit will negatively impact traffic flow, or will otherwise be detrimental to the general public health and safety, or if the number of issued Mobile Food Vendor Permits is already exhausted. Mobile Food Vendors will be encouraged to adjust the locations or times of their proposed sales to accommodate the Town's ability to ensure public health and safety. The Town may refuse a permit to anyone seeking a Mobile Food Vendor Permit if the entity has a poor record of conformance with permit requirements. No permit shall be issued until the permit fee established by the schedule of fees has been paid in full. Any entity denied a permit may appeal that denial to the Town Board.

**§ 117.07 SUSPENSION OR REVOCATION**

**Enforcement of this ordinance shall be as provided for in Section 10.99 of Chapter 10 of the Code of Ordinances of the Town of Williamston.**