

ORDINANCE NO _____

AN ORDINANCE AMENDING A PORTION OF CHAPTER 4 (ZONING), SECTION 9-4024 THROUGH 9-4029 OF THE TOWN OF CANTON CODE OF ORDINANCES RELATIVE TO "MOBILE FOOD UNITS" AS A PERMITTED USE IN THESE IDENTIFIED DISTRICTS, SPECIFICALLY SUBSECTION (D) "SPECIAL REQUIREMENTS FOR MOBILE FOOD UNITS"

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Canton that:

"1." of Subsection (d) "Special Requirements for Mobile Food Units" be amended as such:

(d) Special requirements for Mobile Food Units:

~~1. Mobile food units shall only operate on private property with written permission from the property owner. Operation on Town of Canton property can be approved on a case-by-case basis with discretion from the Town Manager upon the condition that public parking needs are given top priority.~~

1. Mobile food units shall only operate on private property located in approved commercial or industrial zones, with written permission from the property owner. Operations of a mobile food unit(s) on Town of Canton property may be allowed under one of the following circumstances:

- i) in association with a privately hosted and/or organized event previously approved by the Town of Canton's Mayor and Board of Aldermen/women for co-sponsorship by the Town of Canton or
- ii) at any event hosted and/or organized by the Town of Canton on any Town of Canton owned property, at Recreation Park in lieu of Canton operated concessions, and in any other circumstance which the Town Manager or his/her designated staff feel a mobile food unit(s) could have a positive impact.

Additionally, under this provision the Town of Canton has full discretion in the selection of mobile food trucks for participation, the application process, requirements, number, etc as determined by need. In the event the Town, at its discretion, chooses to require a

permit fee for an event (in the form of a vendor fee and/or deposit) failure of the vendor to provide agreed upon services and/or notify the Town of Canton within (7) seven days prior to the event if they are unable to participate will result in forfeiture of any permit fee or deposit paid.

2. A private property owner allowing mobile food vending must ensure there is adequate code parking on the site for patrons including a designated space for the mobile food unit.
3. Mobile food units shall be set back a minimum of 100' from brick and mortar restaurants.
4. Mobile food units shall be positioned in an existing parking space, must be set back from fire lanes, hydrants, utility boxes, and loading areas, and shall not block driveways. Units shall not be allowed within property setbacks.
5. Units shall not be permitted to vend in a public right-of-way unless approved for a special event.
6. All mobile food units shall purchase a permit from the Town of Canton to operate within its corporate limits, the cost of which is established annually in the Town's Fee Schedule. Permits shall be renewed each year. Additionally, the mobile food unit wishing to operate must provide a signed health department permit from Haywood County before permit approval will be issued.
7. Permit applications shall require proof of a valid driver's license, proof of insurance, photos of the mobile food unit, copies of health department certificate, and a description of the food and beverages to be sold.
8. The Town of Canton permit and approved health department health inspection grade certificate shall be placed on mobile food units in a conspicuous location.
9. A mobile food unit vendor shall submit a letter of approval from private property owners they intend to partner with for vending. The letter shall include a location map for the site, address, site plan showing the proposed location for the mobile unit, and a list of any special conditions imposed.
10. The Town Manager shall have the ability to revoke mobile food permits if the operation causes parking issues, traffic congestion, litter problems, and/or health and safety risks either on or off the property where the vending occurs.
11. Pushcarts selling food shall not be allowed as permitted uses unless for Town-approved special events. Pushcarts shall not block sidewalks and must allow a minimum of 48" clearance for pedestrians and must not exceed 42" in width, 77" in length, or 60" in height.

12. Pushcarts selling food shall require the same health inspection as mobile food trucks and shall be required to pay the Town of Canton a one-time permit fee, as established in the Town's Fee Schedule, per event.
13. Mobile food vendors shall not operate between the hours of 10pm and 7am.
14. Mobile food vendors shall return to their commissary at the end of each business day as required by State and County healthy code.
15. Mobile food vendors shall provide trash and recycling receptacles for customers and clean up all litter from the property prior to departure.
16. Mobile food units can use generators if they operate at 65 decibels or less and if they are properly attached to the mobile food vehicle, per the manufacturer's standards.
17. Mobile food units must be registered and insured and in good working condition. Units must be properly registered with the DMV, clean, painted, and free of rust and damage.
18. Food truck operators shall not operate trucks as drive-up windows.
19. No signage shall be allowed except that which is painted on the food truck body and a portable menu sign no more than 6 square feet in display area on the ground in the customer waiting area.
20. Vendors shall not erect temporary facilities such as tents, shade cloths, or temporary restrooms to the site. A single 8' portable table and chairs shall be allowed.
21. Mobile food shall not use amplified sound or music to attract the public and must follow all Town of Canton sound ordinance requirements.
22. Alcohol shall not be sold from mobile food units.
23. Any act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, shall subject the offender to a civil penalty of up to \$50.00 or as modified by the Town of Canton's Code of Ordinances. Each day's continuing violation shall be a separate and distinct offense.
24. All mobile food vendors shall operate in conjunction with a permitted restaurant or commissary in accordance to 15A NCAC 18A .2670, *General Requirements for Pushcarts and Mobile Food Units* or operate as its own commissary N.C.G.S. 130A-248(c1).
25. Mobile food unit vendor shall submit signed copies of commissary agreement to the Town as a condition for a vending permit.

Section 2. Chapter 4 (Zoning), Section 9-4025 (General Business) of the Town of Canton Code of Ordinances be amended to include "*Mobile Food Unit Commissaries*" under a new sub-section (d) *Conditional uses* with the following requirements:

1. Standalone commissaries shall meet all state and federal food safety requirements, specifically 15A NCAC 18A .2600, *Rules Governing the Food Protection and Sanitation of Food Establishments* and the 2009 *FDA Food Code*.
2. No more than one (1) commissary shall be permitted within a distance of two (2) miles measured in a single straight line as the crow flies.
3. Stand-alone commissaries shall be approved by the Planning Board.

Section 3. The Town Manager is directed to incorporate and codify the above language into the sections of the Code indicated and has the discretion to renumber the new provisions, if needed, in such a way as to avoid duplication of the “Special Requirements for Mobile Food Units” in various sections.

Section 4. All provisions of any Town ordinance in conflict with the provisions of this Chapter are hereby repealed.

Section 5. This ordinance shall become effective on the date of adoption.

Adopted this ___ day of _____, 2018.

Zeb Smathers, Mayor

ATTEST:

Melisa Stinnett, Town Clerk

Approved as to Form:

William C. Morgan, Jr. Town Attorney