

Mobile Food Vendors

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.

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.

Requirements for Mobile Food Vendors within the Town of Williamston

- 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 license as a mobile food vendor from the Williamston Tax Department.
- c) Vendors may operate only on private property with written permission from the property owners. The parcel must be zoned for non-residential uses.
- d) Vendors must be self-contained and cannot 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 10 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 in advance by the Williamston Fire Marshal.
- 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 signage affixed to the mobile vending unit identifying the vendors and menu/price information. All signage and graphics must be professionally constructed
- j) Vendor must display the Town of Williamston 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) Vendor must be located at least 250' from main entrance to existing food establishments except when doing special events at a business.
- m) Vendor must be located at least 1000' from any approved events permitted by the Town of Williamston except a qualified vendor of 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 waste 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.

Permit Requirements

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
- j) Current NC State Sales and Use Tax number

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.

Special or Multiple Vendor Events

This article and its requirements, rights, and privileges shall not apply in any respect to mobile food vendors at events regulated and permitted under this ordinance.

Permit Fees

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.

8-78 Maximum Number of Permits and Permit Denial

No more than ten (10) 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.

Penalties and Remedies

Operation of any mobile food vending unit in violation of this ordinance shall result in the assessment of a civil penalty of \$100. Each day the violation exists constitutes a separate violation for which an additional civil penalty will be imposed.

Example of how an applicant would move through the process:

1. Applicant contacts the Planning Department for a mobile food vendor permit and privilege license.
2. Applicant is provided an application form for a mobile food vendor permit. Applicant is told to consult with the Planning Department for various check off points on the application before returning the completed form to them.
3. Planning Department checks ownership, zoning, and general operation standards in ordinance & verifies information on application. Completed applications are given to applicant to take back to Tax Department.
4. Complete application & application fee are submitted to Tax Department. Tax Department reviews application and determines whether it can be issued. If yes, Tax Department collects application fee & issues the mobile food vendor permit. They also collect the Privilege License Tax & issues the License & instructs the applicant on submitting food & beverage tax.

Applicants actually receive 2 items: A Mobile Food Vendor Permit & a Privilege License

The Williamston Planning Board unanimously recommended approval of the Mobile Food Ordinance at the October 28th meeting with a Mobile Food Vendor permit of \$100 annually and any other permit fees necessary including Fire permit and Privilege license.