

CHAPTER 111: FOOD TRUCKS

Section

- 111.01 Purpose
- 111.02 Definitions
- 111.03 Permitting
- 111.04 Location requirements
- 111.05 Additional requirements

§ 111.01 PURPOSE.

(A) The purpose of this chapter is to establish the requirements for the permitted operation of food trucks within the town limits and the extraterritorial jurisdiction (ETJ) of the Town of Four Oaks.

(B) This chapter applies to any food truck that:

- (1) Operates in the public right-of-way;
- (2) Operates on private property;
- (3) Offers food to the general public; and

(4) Where land use zoning regulations may apply.

(Ord. passed 8-10-2020)

§ 111.02 DEFINITIONS.

As used in this chapter:

DESIGNATED ON-STREET PARKING. The designated on-street parking location for food trucks will be on Railroad Street as long as the food truck does not impede traffic and all requirements within this chapter are met. Other areas will be considered on a case by case basis.

FOOD TRUCK. A food truck is a license, motorized wheeled vehicle or mobile food unit which is temporarily stored in a location and designed and equipped to serve food to the general public.

FOOD TRUCK OPERATOR. A food truck operator is any person who owns, operates, or manages a business that uses or applies for a food truck permit.

PERMIT HOLDER. A permit holder is any person who holds a current food truck permit.

PERMITTED PARKING SPACE. A permitted parking space is the location designated by the town where approved food truck vending is permitted to occur.

SPECIAL EVENT. A special event is a permitted organized public activity of limited duration. (Ord. passed 8-10-2020)

§ 111.03 PERMITTING.

(A) All food trucks must be in compliance with the regulations set forth in the NC Department of Health and Human Services *"Rules Governing the Sanitation of Food Truck Establishments," 15A NCAC 18A 2600*, as the same may be amended and all food trucks must also be in compliance with any future state laws or regulations pertaining to the operation of a food truck.

(B) All food truck operators shall obtain a permit from the Town Clerk or their designee, unless otherwise exempted from this chapter. This permit must be prominently posted on the food truck. Two types of permits: a per day permit and a special event permit.

(1) Per day permits shall cover the operation and location(s) the food truck(s) can serve per day.

(2) Special event permits shall cover the operation and location(s) of the food truck(s) for individual special events that are open to the public.

(C) Permit applications shall require, in addition to payment of a permit fee: food truck name, company name and address, owner name, signature and contact information; description of cooking apparatus, such as grill, deep fryer, microwave, BBQ smokers, etc.; size of vehicle; copy of vehicle/trailer registration; certificate of insurance, proof of liability insurance; and other information as required on the permit application.

(D) Food truck operators shall have the signed approval of the property owner or acting agent for each location at which the food truck plans to operate. This approval must be attached to the permit application and prominently posted on the food truck.

(E) Food truck operators shall provide documentation of current approval from the Johnston County Health Department or from the health department of the county in which the food truck's associated commissary/restaurant is located. This approval must be prominently posted on the food truck.

(F) When two or more food trucks participate on private property as part of the same special event, if the event is open to the public, the owner of the property must obtain a special event permit from the Town Clerk or his/her designee. To obtain such a permit, the property owner must provide: a brief explanation of the event's purpose, the number and name of participating food trucks, a site plan showing food truck placement, zones for loading and unloading, entry/exit route(s) for the site, and proof of liability insurance. Front and side setbacks for the applicable zoning district must be followed. (Ord. passed 8-10-2020)

§ 111.04 LOCATION REQUIREMENTS.

(A) Unless participating in a private event, food trucks may only operate in areas zoned B-1C on Railroad Street and B-2H on the Farmers Market Property or location as approved in the application for special events. In all cases, documented permission from the property owner is required.

(B) Food trucks shall be positioned at least 15 feet from fire hydrants, any fire department connections, driveway entrances, and street intersections.

(C) Food trucks shall not block drive aisles, other access to loading/service areas, pedestrian walkways, emergency access, or fire lanes.

(D) All food trucks must be situated to allow at least five feet of unobstructed space for pedestrians on sidewalks, pedestrian paths, and other locations intended primarily for pedestrian travel. If any applicable law, including Americans with Disability Act (ADA) regulations, shall require a greater distance, the greater distance shall apply.

(E) Food trucks shall not occupy parking spaces required to fulfill the minimum requirements of the principle use of the specific site.

(F) Food trucks may be positioned in a public right-of-way provided it is located in a designated on-street parking space between 8:00 a.m. and 5:00 p.m., Monday through Friday. However, food trucks are prohibited from parking in spaces reserved for handicapped accessible parking or in a vehicular sight distance triangle.

(G) Food trucks must be positioned at least 150 feet from the main entrance of an existing restaurant during its hours of operation, unless the food truck operator provides documentation that the restaurant owner supports a closer proximity.

(1) The minimum distance requirement is all measured in a straight line from the closest point of the proposed food truck location to the closest point of the main entrance of the restaurant.

(H) If a zoning permit is issued and a restaurant subsequently opens within 150 feet (measured from the restaurant's main entrance) of the approved food truck location, the food truck may continue to operate until the permit expires. (Ord. passed 8-10-2020)

§ 111.05 ADDITIONAL REQUIREMENTS.

(A) The hours for operating a food truck shall be between the hours 6:00 a.m. and 11:00 p.m.

(B) A food truck vendor shall not operate the food truck as a drive-thru window.

(C) Temporary connections to public utilities are prohibited. All plumbing and electrical connections shall be in accordance with the state building code.

(D) All equipment associated with the food truck, including trash receptacles, must be within five feet of the food truck.

(E) Food truck operators shall provide at least one, 32-gallon trash receptacle for customers.

(F) Food truck operators are responsible for the proper disposal of waste and trash associated with the operation.

(1) Operators shall remove all waste prior to leaving each location or as needed to maintain the health and safety of the public.

(2) Trash shall be disposed of at a licensed off-site waste processing or dumping facility or in a private dumpster on private property when given permission by the property owner or their designee. Town trash receptacles shall not be used by a mobile food vendor for purposes of waste disposal.

(3) No liquid waste or grease may be poured into any tree pit, storm drain, gutter pan, sidewalk, or any other public space. Grease cannot be released into the town's sanitary sewer system. Any grease spill must be treated in an approved manner so that no stain or residue is left behind in the right-of-way.

(G) Food trucks must have the following fire extinguishers 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.

(H) Any covering for a food truck shall be limited to an attached single mast umbrella or awning. The covering must not impede or inconvenience pedestrian, vehicular, or other modes of traffic, such as wheelchairs, bicycles, etc.

(1) Standalone tent-like structures or canopies are specifically prohibited unless participating in a special event conducted by the town or Chamber of Commerce.

(I) Any signage not attached to the food truck must adhere to the city's sign ordinance and be properly permitted.

(J) No amplified microphones or bullhorns shall be permitted as part of the food truck operation.

(K) The noise level of the food truck motor / generator must comply with the town's noise ordinance to avoid becoming a nuisance and shall in no case generate a noise level exceeding 59 decibels when measured at the property line that is across the street from the food truck or abutting a residential use. Sound absorbing devices may be used to contain or deflect the noise from external generators.
(Ord. passed 8-10-2020)

