

**TOWN OF BADIN ORDINANCE 20-2, AN ORDINANCE REGULATING
FOOD TRUCKS, PEDDLERS AND ITINERANT MERCHANTS**

WHEREAS, G.S. §160A-174 grants municipalities the power to define, prohibit, regulate, acts, omissions, or conditions, detrimental to the health, safety or welfare of its citizens and the peace and dignity of the city through the creation of ordinances, and;

WHEREAS, Badin Town Council finds it necessary and desirable to promote and/or enhance:

1. Quality of urban attractiveness and aesthetic appearance of the Town,
2. Protection of property values throughout Town,
3. Preservation of livability and attractiveness of neighborhoods,
4. Tourism, conventions, and economic development opportunities for the Town,
5. Attractiveness of Town thoroughfares, commercial roads, sidewalks, and public ways which present the primary, public visibility to visitors and to passers-by of the Town, and
6. Promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of commercial food trucks, peddlers and itinerant merchants;

NOW, THEREFORE, BE IT RESOLVED by the Town of Badin Town Council:

FOOD TRUCKS

Definition, Intent, Permit, General Requirements, Location Requirements, Penalties, Enforcement

DEFINITION

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning. *FOOD TRUCK*. A readily movable trailer or motorized wheeled vehicle, currently registered with the N.C. Division of Motor Vehicles, designed and equipped to serve items that provide nourishment. This shall not include alcoholic beverages.

INTENT

1. Town of Badin finds allowing food trucks to operate in Badin would promote diversification of the town economy and employment opportunities, and would support incubation and growth of entrepreneurial/start-up businesses.
2. Food trucks bring benefits to communities, but also present unique regulations challenges.

PERMIT

1. A food truck permit shall be required prior to the operation of a food truck. A \$50 fee will be assessed to cover the costs associated with regulation of food trucks.
2. Food truck permits are valid through December 31 of the year the permit was issued.
3. A food truck permit allows permittee to operate up to ten different properties. An applicant may apply for more than one such permit.
4. A food truck permit does not include any peddler, solicitor, itinerant merchant, or transient vendor as defined by ordinance.
5. No permit issued shall authorize a food truck to operate on or from a public street. (*See LOCATION REQUIREMENTS 1(d): Location requirements shall not apply in any respect to food vending at any non-profit fundraising event, a market, festival, or activity, arts and crafts, exhibit, or event sanctioned by the town.*)

GENERAL REQUIREMENTS

1. Food trucks shall provide documentation of approval from the North Carolina Department of Health. A valid health permit must be maintained for the duration of the food truck permit and shall be placed in a conspicuous location for public inspection.
2. Food trucks shall provide documentation of approval from the Stanly County Department of Health. A valid health permit must be maintained for the duration of the food truck permit and shall be placed in a conspicuous location for public inspection.
3. A food truck permit shall be placed in a conspicuous location for public inspection.
4. Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
5. No liquid, grease, or solid wastes may be discharged from the food truck. Absolutely no waste may be disposed of in tree pits, storm drains, sanitary sewer system or public streets.
6. All areas within five feet of the food truck, (including truck footprint), must be kept clean.
7. Trash receptacles shall be provided for customers to dispose of all waste associated with the food truck. The food truck shall be responsible for removing all trash, litter, and refuse from the site at the end of each 24 hour period. This includes all waste improperly discarded by customers. Public trash receptacles shall not be used for compliance with this section.
8. Noise from the food truck shall comply with all municipal noise and nuisance ordinances.
9. No signage shall be allowed other than signs permanently attached to the movable trailer or motorized vehicle and a portable menu sign no more than six square feet in display area on the ground in the customer waiting area.
10. No vendor shall remain on site at one property for more than 48 consecutive hours, with exception of a holiday weekend if the holiday falls on Friday or Monday.
11. A food truck shall not operate as a drive-through.
12. Food trucks shall not connect to electric receptacles owned by the Town of Badin.
13. Food trucks must have the following fire extinguisher 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. Fire extinguishers shall be maintained pursuant to National Fire Protection Association (NFPA) standard 10.

LOCATION REQUIREMENTS

1. Food trucks may only conduct business in the following locations:
 - a. On privately owned property in the following zoning districts: Central Business District (C-B), subject to the approval of the property owner; General Business District (G-B), subject to the approval of the property owner.
 - b. On any zoning lot, when performing a solely catering function for the owner and not selling food to the general public.
 - c. On any zoning lot, when authorized by the owner, and when participating in a special event or specialty market when such activity is authorized as an accessory use to the property's current use.
 - d. Location requirements shall not apply in any respect to food vending at any non-profit fundraising event, a market, festival, or activity, arts and crafts, exhibit, or event sanctioned by the town.
2. A food truck may locate on a vacant lot, or on a lot with another principal use.
3. The food truck shall not block drive aisles, access to loading/services areas, or emergency access and fire lanes. Food trucks shall be positioned at least three feet away from any fire hydrants, any fire department connection, utility box or vault. The food truck shall not locate within any area of the lot that impedes, endangers, or interferes with pedestrian or vehicular

traffic. A food truck shall not impede ingress and egress from driveway entrances, handicapped parking spaces or ramps, building entrances or exits.

PENALTIES AND ENFORCEMENT

Any violations shall be subject to penalty. Any person, firm or corporation violating any of the provisions of any section of this code, or failing, neglecting or refusing to comply with this code, shall be, upon conviction, guilty of a misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days. Each day any of the provisions of this code are violated shall constitute a separate offense. Statutory reference: ordinance enforcement, G.S. § 160A-175

1. A food truck permit may be denied, suspended, or revoked for fraud or misrepresentation in the permit application, or business conduct, or if it constitutes a danger to public health, safety, welfare, or morals, or for conduct contrary to the provision of this division, section or ordinance. Revocation notices shall be made in writing to the permit holder.

PEDDLERS AND SOLICITORS

Statutory reference: Authority of town to regulate businesses generally, see G.S. § 160A-194.

Authority of town to regulate solicitation campaigns and itinerant merchants, see G.S. § 160A-178

PERIODICALS

It shall be unlawful for any person to go in or upon, or permit his or her representative to go in or upon, any private residence or premises in the town as solicitor, peddler, hawker, itinerant merchant or transient vendor of periodicals, not having been requested or invited so to do by the occupants of the private residence or having secured their permission to do so for the purpose of soliciting orders for the sale of periodicals, or for the purpose of distributing, disposing of, peddling or hawking the same. Each day's violation of this section shall constitute a separate offense.

EXEMPTIONS FROM CHAPTER

The provisions of this chapter shall not apply to the sale or solicitation of farm or dairy products by the producer or to organizations or representatives of organizations organized and operating exclusively for educational, benevolent, religious, fraternal, charitable or civic purposes and not operating for profit and where the solicitation or sales are made without remuneration to the solicitor.

PENALTIES

Any person, firm or corporation violating any provision of any section of this code, or failing, neglecting or refusing to comply with same, shall be, upon conviction, guilty of a misdemeanor and subject to a fine not to exceed \$50 per offense and/or imprisonment not to exceed 30 days. Each day any provisions of this code are violated shall constitute a separate offense. Statutory reference: ordinance enforcement, G.S. § 160A-175

Adopted this the 10th day of November, 2020.