

AN ORDINANCE AMENDING SECTION 8 OF THE TOWN CODE
OF THE TOWN OF HILLSBOROUGH

THE BOARD OF COMMISSIONERS OF THE TOWN OF HILLSBOROUGH ORDAINS:

Section 1. Section 8 of the Town Code is amended to add the following sections:

8-70 Mobile Food Vendors

8-71 Intent

The Town of Hillsborough 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 Hillsborough.

8-72 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) – 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 shall be prepared, handled, or served from a pushcart; however, foods which have been prepared, pre-portioned and individually pre-wrapped at a restaurant or commissary may be served from a pushcart.

8-73 Requirements for Mobile Food Vendors within the Town of Hillsborough

- a) Vendors must have a current permit from a County Health Department in North Carolina (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 Hillsborough Finance Department.
- c) Vendors must pay the Hillsborough Food and Beverage Tax pursuant to Article VI of the Town Charter.
- d) Vendors may operate only on private property with written permission from the property owners. The parcel must be zoned for non-residential uses and must not be located in the historic overlay zoning district.
- e) Vendors may operate only from 8 AM to 8 PM.
- 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 Hillsborough 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) Vendors shall not provide customer seating.
- j) No signage allowed except signage affixed to the mobile vending unit identifying the vendors and menu/price information.
- k) Vendor must display the Town of Hillsborough Permit in a prominent location on the unit.
- l) 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 7, Article III of this ordinance.
- m) Vendors must provide for adequate waste collection from their customers and remove waste from the site daily without using public waste receptacles.
- n) 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.

8-74 Permit Requirements

Mobile Food Vendors must obtain a permit to operate within the Town of Hillsborough. Permits will only be issued in conjunction with the privilege license required by Town Code Chapter 8, and 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)
- o) Copy of approved permit from a County Health Department (except ice and ice cream vendors which are not regulated by the Health Department)
- f) List of operating locations and times (calendar)
- g) Signatures from property owners indicating consent for the use of their property
- h) Signature indicating agreement to the listed requirements

8-75 Permit Review

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

8-76 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 Chapter 7, Article III of this ordinance.

8-77 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. No more than one mobile food vendor permit shall be issued to a single applicant at any 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. Mobile food vendor permits shall not be transferrable.

8-79 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 may be imposed.

Section 2. The Town of Hillsborough Fee Schedule is hereby amended to establish a mobile vendor application fee of \$50 which is payable upon each application for a mobile vendor permit.

Section 3. The Town of Hillsborough Fee Schedule is hereby amended to establish a mobile vendor Privilege License fee of \$200.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective January 1, 2012.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 14th day of November, 2011.

Ayes: 5

Noes: 0

Absent or Excused: 0



Donna F. Armbrister, Town Clerk