

9. BUSINESS AND TRADES

Article III Mobile Food Services

Section 9-30. Purpose.

The Town of Hertford believes that allowing mobile food trucks to operate in Hertford promotes diversification of the Town's economy and employment opportunities and supports the incubation and growth of entrepreneurial/start-up businesses. Mobile Food Services for special events and locations are at the discretion of the town council.

NCG.S. §160A-174 grants cities the power to define, prohibit, regulate, abate acts, omission, 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. Mobile food trucks bring benefits to communities, but also bring challenges.

Section 9-31 Definitions

Mobile food trucks/vendor means a readily movable trailer or motorized wheeled vehicle, currently registered with the N.C. Division of Motor Vehicles, designed and equipped to serve food.

Section 9-32 Permit

- (a) A Mobile Food Service permit shall be required prior to the operation of a food truck. A regulatory fee of \$75, will be assessed to cover the cost associated with regulation of Mobile Food Services. All food truck operators shall obtain an annual permit from the Town of Hertford. Truck operators solely performing a catering function and not selling food to the general public are exempt from the permit requirement.
- (b) A Mobile Food Service permit is valid for one (1) year from the month in which the permit is issued. This permit shall be posted in a visible location on the food truck.
- (c) The food truck owner shall have the signed approval of the property owner for each location at which the food truck operates. The approval must be made available when applying for the permit and the operator must amend the permit with any additional authorizations obtained during the life of the permit.
- (d) Food trucks shall provide documentation of approval from the North Carolina Department of Health and Human Services. A valid health permit must be maintained for the duration of the Mobile Food Service permit and shall be placed in a conspicuous location for public inspection.
- (e) Food truck locations must comply with the District Use criteria for Restaurants: Short Order/Take Out. No permit issued shall authorize food trucks to operate on or from a public street.

Section 9-33 General Requirements

- (a) A trash receptacle shall be provided for customers. Town trash receptacles are not to be used for this purpose. All associated equipment, including trash receptacles, must be within three (3) feet of the food truck.
- (b) Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
- (c) No liquid, grease or solid waste may be discharged from the food truck. Absolutely no waste may be disposed of in tree pits, storm drains, or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.
- (d) 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. All National Fire Protection Association (NFPA) standards shall be met to include fire extinguishers and fire suppression hood systems shall be maintained.
- (e) Lighting shall be such that minimizes the glare on roadways and surrounding properties.
- (f) No signage shall be allowed other than signs permanently attached to the food truck and one (1) temporary sign.
- (g) The noise level from the food truck shall comply with the municipality's noise ordinance.
- (h) Vendors shall only operate between the hours of 7:00am to 11:00pm.
- (i) Food trucks shall be positioned at least three (3) feet away from any fire hydrants, and 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 and ramps, building entrances and exits.
- (j) Food trucks must be positioned at least one hundred fifty feet (150) from the customer entrance of an existing restaurant during its hours of operation.

Section 9-34 Penalties

- (a) This section shall be enforced by law as provided in G.S. 160A-175 or G.S. 14-4 or as provided in this code.
- (b) Operation without a valid permit shall be subject to a penalty in the amount of two times (2x) the permit cost set out in this Article.