

ORDINANCE AMENDING THE TOWN OF BUNN FOOD TRUCK ORDINANCE

WHEREAS, the Town has previously adopted rules and regulations governing the operation of food trucks within the Town of Bunn.

WHEREAS, to more clearly regulate their usage and location, the Town Board of Commissioners desires to amend the ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Bunn, North Carolina that its food truck ordinance be amended as follows:

Section 1.

DEFINITIONS:

The purpose of this section is to regulate how mobile and non-mobile food vendors sell food and or non-alcoholic beverages to the general public within the corporate Town limits.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOBILE FOOD TRUCK. A motorized vehicle or pushcart that is designed and operated for the purpose of preparing and or selling food and or non-alcoholic beverages to the general public on a recurring basis and is to be readily moved.

PUSHCART. Any non-motorized piece of equipment from which a vendor prepares and or sells food and or non-alcoholic beverages to the general public on a recurring basis and is to be readily moved.

VENDOR. A person, who hawks, peddles, sells or offers food for sale and profit, including both mobile and non-mobile food vendors. Restaurants, churches, clubs and other not-for-profit organizations are specifically exempted from the provisions of this ordinance.

MOBILE FOOD VENDOR. A person or persons that prepare or serve food and/or beverages for sale to the general public on a recurring basis from a vehicle-mounted, vehicle-towed or vehicle-carried food service establishment designed to be readily moved and shall be either a motorized mobile food vendor, pushcart mobile food vendor, nonprofit on-premises mobile food vendor, or a nonprofit off-premises mobile food vendor.

NON-MOBILE FOOD VENDOR. A vendor conducting outside sales of food or beverage, regardless of whether such sales are associated with an existing business, without the use or aid of a mobile food truck or pushcart.

Standards:

(A) Applicability. These regulations apply to all instances of Mobile Food Vendor and Non-Mobile Food Vendor operations except the following: 1) town- sponsored events, 2) a fair or festival operated by a non-profit organization, or 3) a permitted temporary or special event. Mobile Food Trucks and Vendors operating in events identified within this section shall comply with all conditions of the corresponding event permit.

(B) Location. Mobile food vendor operations are allowed with certain developmental standards in the C-1 and C-3. Overnight storage of mobile food trucks and pushcarts shall be on private property and shall conform to zoning regulations governing storage of a commercial vehicle.

(C) Waste. Mobile food and pushcart vendors are responsible for the proper disposal of waste and trash associated with their operation. Town trash receptacles are not to be used for disposal of Mobile Food Vendor waste. Mobile Food Vendors shall remove all waste and trash from their location at the end of each day or as needed to maintain the health and safety of the public. The Mobile Food Vendors shall keep all areas within twenty (20) feet of their truck or place of sale clean of grease, trash, paper, cups or cans associated with the vending operation. No liquid waste or grease is to be disposed into tree pits, storm drains or onto the sidewalks, streets or other public place. Under no circumstances shall grease be released into or disposed of in the Town's sanitary sewer system.

(D) Mobile Food Vendors shall not be located within 100 feet from the main entrance of any restaurant during business hours unless authorized by a restaurant to be closer.

(E) Mobile Food Vendors shall be parked on private property with permission of the property owner and shall not be parked within any public street, right-of-way or sidewalk unless the street has been closed for a special event.

(F) Public property other than street. Every Mobile Food Vendor operating on private or public property other than streets shall obtain the written permission of the owner or lessee of the property and must be fifteen feet from any fire hydrant, driveway or sidewalk, such distance to be measured from the closes point of the Mobile Food Vendors to the closest point of any fire hydrant, driveway, or sidewalk.

(G) Limits on number. Mobile Food Vendors shall be located at least 150 feet from any other Mobile Food Vendor.

(H) Permit required. It shall be unlawful for any Mobile Food Vendor to sell, or offer for sale, any food or beverage without first obtaining a peddler's license from the Town Clerk or his/her designee. This requirement shall be waived for mobile food vendors directly associated with Town-approved events.

(I) Permit application. Prior to the issuance of a permit, an application for peddler's license must be submitted and reviewed by the Town Clerk or his/her designee. The application shall be accompanied by approval from the Franklin County Health Department, proof of landowner permission, and an annual application fee in such amount as set forth in the Town's adopted Fee

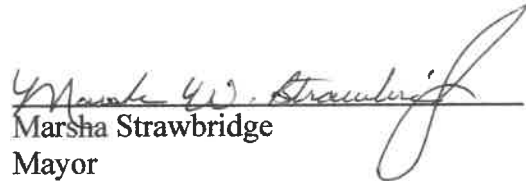
Schedule for each Mobile Food Truck or Vendor. The Town may also assess as per day fee in such amount as set forth in its adopted Fee Schedule. For Mobile Food Truck Vendors, the application shall also be accompanied by proof of general liability insurance for a Mobile Food Truck Vendor in the amount of \$1,000,000.

(J) Permit suspension and revocation. Any permit may be suspended or revoked for fraud or misrepresentation in the application for the permit or for conduct of the Mobile Food Vendor in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare or which is contrary to the provisions of this chapter.

(K) Non-mobile Food Vendors shall not be permitted except as allowed during Town sponsored events, a fair or festival operated by a non-profit organization, or an otherwise permitted temporary, special, or exempt event.

Section 2. This ordinance is effective upon its adoption.

Approved this 3rd day of October, 2022.


Marsha Strawbridge
Mayor

ATTEST:

Pamela Perry, Town Clerk

Bunn Fun Day Event Is By invitation only.

.2638 GENERAL REQUIREMENTS FOR PUSHCARTS AND MOBILE FOOD UNITS

- (a) A permit shall be issued by the local health department which provides sanitation surveillance for the restaurant or commissary from which the pushcart or mobile food unit is to operate, if the local health department determines that the pushcart or mobile food unit complies with these Rules.
- (b) The permit shall be posted on the pushcart or mobile food unit. Grade cards shall not be posted.
- (c) The local health department which issues the permit shall be provided by individuals receiving a permit a list of counties and locations where each pushcart or mobile food unit will operate.
- (d) Individuals receiving a permit to operate a pushcart or mobile food unit shall provide the local health department in each county in which food service operations are proposed a list of locations where they will operate. Such lists must be kept current.
- (e) Prior to initiating food service operations in a particular jurisdiction, the operator of the pushcart or mobile food unit shall submit to that particular jurisdiction such carts or units for inspection or reinspection to determine compliance with this Section.
- (f) Pushcarts or mobile food units shall operate in conjunction with a permitted restaurant or commissary and shall report at least daily to the restaurant or commissary for supplies, cleaning, and servicing. Facilities, in compliance with this Section, shall be provided at the restaurant or commissary for storage of all supplies. The pushcart shall also be stored in an area that protects it from dirt, debris, vermin and other contamination. Water faucets used to supply water for pushcarts and mobile food units shall be protected to prevent contact with chemicals, splash and other sources of contamination. Solid waste storage and liquid waste disposal facilities must also be provided on the restaurant or commissary premises.
- (g) All foods shall be obtained from approved sources and shall be handled in a manner so as to be clean, wholesome, and free from adulteration.
- (h) All potentially hazardous foods shall be maintained at 45 F (7 C) or below or 140 F (60 C) or above, or as required in Rule .2609 of this Section. A metal stem-type thermometer accurate to ± 2 F. (± 1 C.) shall be available to check food temperatures.
- (i) Only single-service eating and drinking utensils shall be used in serving customers. Single-service items must be properly stored and handled.
- (j) All garbage and other solid waste shall be stored and disposed of in an approved manner.
- (k) Employees shall be clean as to their person and foodhandling practices. Clean outer clothing and hair restraints are required.
- (l) No person who has a communicable or infectious disease that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or who has a boil, infected wound, or an acute respiratory infection with cough and nasal discharge, shall work with a pushcart or mobile food unit in any capacity in which there is a likelihood of such person contaminating food or food-contact surfaces, with disease-causing organisms or transmitting the illness to other persons.
- (m) All equipment and utensils shall be easily cleanable and kept clean and in good repair.
- (n) The pushcart or mobile food unit shall be kept in a clean and sanitary condition and be free of flies, roaches, rodents, and other vermin.

History Note: Authority G.S. 130A-248;

Eff. May 5, 1980;

Amended Eff. January 4, 1994; September 1, 1991; May 1, 1991.

.2639 SPECIFIC REQUIREMENTS FOR PUSHCARTS

- (a) 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

- (d) The permit applicant or permittee shall provide documentation to the Department which demonstrates the ability of all pre-portioned, individually pre-wrapped foods placed on the pushcart to hold temperatures under conditions approximating actual use, for the time periods specified by the permit applicant.
- (e) Each pre-wrapped food item shall bear the name of the restaurant or commissary at which it was prepared, the name of the food item and the time and date of expiration. The wrapper shall enclose the food at all times but sealing is not required.
- (f) Pre-portioned, individually pre-wrapped food that remains after the specified time period has elapsed shall not be sold for human consumption.
- (g) Pushcarts shall not be provided with seating facilities.
- (h) Pushcarts shall not be used for consumer self-service.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. January 4, 1994; September 22, 1980.

.2640 SPECIFIC REQUIREMENTS FOR MOBILE FOOD UNITS

- (a) The mobile food unit shall be constructed and arranged so that food, drink, utensils, and equipment will not be exposed to insects, dust, and other contamination. Protection against flies and other insects shall be provided by screening or by effective use of fans. Where food or griddles are exposed to the public or to dust or insects, they shall be protected by glass, or otherwise, on the front, top, and ends, and exposed only as much as may be necessary to permit the handling and serving of food.
- (b) A mobile food unit shall have a potable water system under pressure. The system shall furnish hot and cold water for all food preparation, utensil cleaning, and handwashing. The water inlet shall be located so that it will not be contaminated by waste discharge, road dust, oil, or grease, and it shall be kept capped unless being filled.
- (c) Water heating facilities shall be provided.
- (d) Handwashing lavatory with hot and cold water, combination supply faucet, soap, and single-service towels shall be provided.
- (e) At least an approved single-compartment sink shall be provided. This sink shall be of sufficient size to submerge, wash, and rinse cooking utensils and shall have splashback protection and drainboards that are an integral part of, and continuous with, the sink. These drainboards shall be of sufficient size to accommodate the drying of washed utensils. However, in cases where no food is prepared on the mobile food unit and all utensils are effectively cleaned at the restaurant, the equipment sink is not required.
- (f) Sewage disposal must be provided either by means of an approved sewage disposal system or approved sewage storage tanks. Sewage storage tanks must be maintained in a manner so as not to create a health hazard or nuisance and to prevent contamination of foods or water supply. Toilets are not required on the unit. Liquid waste that results from the operation of a mobile food unit shall be disposed of in an approved sewage disposal system or stored in a permanently installed sewage storage tank that is of at least 15 percent larger capacity than the water supply tank. Liquid waste shall not be discharged from the sewage storage tank when the mobile food unit is in motion. All connections on the vehicle for servicing mobile food unit waste disposal facilities shall be of a different size or type than those used for supplying potable water to the mobile food unit. The waste connection shall be located lower than the water inlet connection to preclude contamination of the potable water system.
- (g) A servicing operations area shall be established at a restaurant for the mobile food unit. Potable water servicing equipment shall be installed, stored, and handled to protect the water and equipment from contamination. The mobile food unit's sewage storage tank shall be thoroughly flushed and drained during servicing operation. All sewage shall be discharged to an approved sewage disposal system.

History Note: Authority G.S. 130A-248;
Eff. May 5, 1980;
Amended Eff. May 1, 1991; April 1, 1985.