

Section 38-50 of the Town Code entitled: Food Trucks

BE IT ORDAINED BY the Board of Commissioners of the Town of Sylva that after discussion and affirmative vote Section 38-50 is written as follows:

Sec. 38-50. Food Trucks.

(1) Definitions.

Mobile Food Vendor, 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 and sell food and beverages to the general public on a recurring basis.

Mobile Food Vendor, Pushcart: A mobile piece of equipment used by a person that prepares or serves proportioned food for sale to the general public on a recurring basis. The food has been prepared at a restaurant or commissary or on site.

Mobile Vending: The act of selling food and/or non-alcoholic beverages from a mobile food and beverage vending unit.

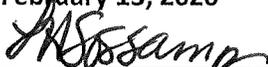
(2) Period of License – The mobile food vending license shall be valid for six months from the date of issuance.

(3) Requirements.

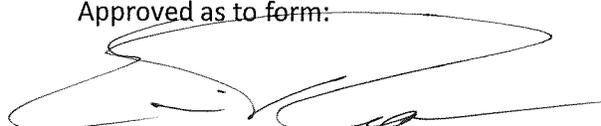
- a. Permit. A permit is required from the Town of Sylva for all mobile food units operating within city limits. A permit is required for trucks and carts regardless of whether the food is prepared on site or not. The permit will be issued by the Town.
 1. A mobile food vending permit shall be valid for six months from the date of issuance.
 2. An approved zoning permit from the zoning administrator is required prior to food vending activities in appropriate commercial districts only. A zoning permit will not be issued for food vending in any Town district where commercial activity is not permissible.
 3. The Jackson County Health Department approval is required for all food vending units prior to Town approval.
 4. The permit and health inspection rating must be visibly displayed.
 5. A separate permit is required for special events held by the Town.
 6. Fees are set in the Town of Sylva's Schedule of Fees.
 7. When submitting a food truck application, the mobile vendor must submit a picture of the mobile unit and sign to be used showing the name of the unit.
- b. The vending unit operator shall comply with all federal, state and local laws when operating the unit.
- c. All vendors shall be required to maintain active liability insurance. Proof of insurance must be provided to the Town prior to issuance of the initial permit or any renewal.
- d. Location
 1. Written consent must be given from the property owner in order for the use to take place.
 2. Mobile food vending units and business operations may not obstruct sidewalks, ingress or egress to the property or building entrance.
 3. Mobile food vendors shall not be parked or set up closer than 15 feet from any fire hydrant.
 4. No mobile food vendors will be allowed to vend in the public street.
 5. No mobile food vendors will be allowed to vend in any public parking space except for those designated by the Town of Sylva as available spaces.

6. Mobile food vending units shall be setback 10 feet from the road edge in the Business-2 and Business-3 districts. Carts may not obstruct access.
 7. Mobile food vending units shall not obstruct access to public infrastructure, including but not limited to manholes, valve boxes, meter boxes, underground vaults and other water and sewer system appurtenances.
 8. Parking. In Business Districts with parking requirements, the primary site user must be able to maintain compliance with minimum parking standards for the zoning district.
 9. Owner Parking. Owners and employees of mobile food vending units, in the Business-1 District, must adhere to the parking requirements of Sec. 36-104. Owners and employees of mobile food vending units in other Business Districts shall not take up more than one (1) designated parking space or one ten-foot by ten-foot area in addition to the mobile unit if they are not connected.
 10. The Town Board of Commissioners or designee must give permission to locate in any public space within city limits.
 11. If the owner of a mobile food business has more than one vending unit, a separate permit is required for each location.
- e. Cleanliness of Area. Area must be kept neat and clean. Grease spills must be cleaned up the same day. Retaining permit depends on cleanliness of site.
 - f. Food truck vendors are responsible for removal of their own garbage and recycling. Vendors shall not place their trash in the town's public trash receptacles. Garbage shall be removed off-site and taken to a sanitary facility.
 - g. The food vendors are responsible for providing receptacles for their patrons' trash and recyclable materials.
 - h. Mobile food vendors are encouraged to use recyclable and/or compostable containers, cups and utensils.
 - i. All vendor equipment and merchandise located on public property shall be removed from the premises and stored away from public view during non-operating hours.
 - j. All vendor equipment and merchandise for mobile pushcarts shall be removed from the premises and stored away from public view during non-operating hours.
 - k. Shade. Shade is permissible. Awnings, umbrellas, or tents should not obstruct or cause a safety hazard.
 - l. Signage.
 1. Signage outside is allowed up to 45 square feet.
 2. One A-frame sign for specials is allowed. The A-frame sign is subject to the requirements and fees set forth in the temporary sign ordinance.
 3. Protrusions to increase signage are not allowed.
 - m. A violation of this section or any other applicable Town Ordinance shall be cause for immediate revocation of any permit issued pursuant to this section.

This ordinance shall be in full force and effect upon its adoption on February 13, 2020



 Mayor Sossamon

Approved as to form:


 Town Attorney

ATTEST:



 Town Clerk