



## AN ORDINANCE TO AMEND CHAPTER 14, ARTICLE II, SECTION 14-2, FOOD TRUCK REGULATIONS

Sec. 14-21. - Food trucks.

(a) *Findings and Intent.*

- (1) Allowing food truck businesses to operate in Carolina Beach promotes diversification of the town's economy and employment opportunities. Food trucks support the incubation and growth of entrepreneurial/start-up businesses,
- (2) North Carolina General Statute 160A-174 grants towns 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 town through the creation of ordinances.

(b) *Definitions.* The following definitions apply to this article:

*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 food.

*Regulatory fee:* A fee assessed to cover the cost of regulating a particular business activity that is assessed to the particular business being regulated.

(c) *Permitting.*

- (1) All food truck operators shall obtain an annual permit from the town manager or their designee, unless otherwise exempted in this chapter. Permits shall be valid for a calendar year. This permit shall be posted in a visible location on the food truck.
- (2) Food truck operators shall have the signed approval of the property owner for each location at which the food truck operates. This approval must be made available with the permit application. Any additional sites must be submitted to the town for review/approval prior to being implemented.
- (3) Food truck vendors shall provide documentation of approval from the health department of the county in which the food truck's associated commissary restaurant is located.
- (4) Each food truck operator will be subject to an annual regulatory fee that will be assessed to cover the costs associated with regulation of food truck businesses. The amount regulatory fee will be reviewed and adjusted as necessary on an annual basis in the town's rates and fees schedule. A permit will not be issued until this regulatory fee has been paid.
- (5) The town permit and county health permit must be displayed during the food truck's hours of operation.

(d) *Regulations.* Food trucks shall be allowed in all nonresidential districts with the following restrictions:

- (1) The food truck shall be positioned at least one hundred feet from the customer entrance of an existing restaurant during its hours of operation, unless the food truck vendor provides documentation that the restaurant owner supports a closer proximity.
- (2) ~~Food trucks shall not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless the hours of operation of the principal use do not coincide with those of the food truck. Parking waiver allowances from chapter 40, zoning, may be applied.~~

# Ordinance 18-1091



Town of Carolina Beach  
Town Council

- (3) ~~Food trucks shall be located no less than five feet from any fire hydrant, sidewalks, utility boxes, handicap ramps and building entrances. No fire lanes, vehicular access ways, or pedestrian walkways may be obstructed or encroached upon by the food truck.~~
  - (4) ~~Food Truck operators are responsible for the property disposal of waste and trash associated with the operation. A trash receptacle shall be provided for customers. Town trash receptacles shall not be used for this purpose. Operators shall remove all waste and trash prior to leaving each location or as needed to maintain the health and safety of the public.~~
  - (5) A trash receptacle shall be provided for customers. All associated equipment, including trash receptacles and signage, must be within three feet of the food truck.
  - (6) Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.
  - (7) ~~No amplified microphones or bullhorns shall be permitted as part of the food truck operation. The noise level from the food truck motor and generator must comply with the town's noise ordinance.~~
  - (8) Food trucks shall only operate on private property, ~~not be permitted, on publicly owned or leased property~~ unless they are part of a town approved special event.
  - (9) Grease must be contained and disposed of in an approved grease receptacle located at the associated commissary.
  - (10) Grey water must be contained and disposed of in the sanitary sewer at the associated commissary.
  - (11) 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.
  - (12) A food truck vendor shall not operate the food truck as a drive-in window.
  - (13) Lighting shall be such that minimizes the glare on roadways and surrounding properties.
  - (14) No signage shall be allowed other than signs permanently attached to the motor vehicle and one temporary sign within three feet of the truck may be permitted in accordance with the temporary sign standards in chapter 40, zoning.
- (e) *Suspension and revocation of permit.*
- (1) The permit issued for the food truck business may be revoked if the vendor violates any of the provisions contained in this article.
  - (2) The Town Manager may revoke a permit if he or she determines that the food truck vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

# Ordinance 18-1091



Town of Carolina Beach  
Town Council

- (3) The Town Manager reserves the right to temporarily suspend food truck permits during times of special events in the downtown area.

Adopted this 9<sup>th</sup> day of October, 2018.

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Joe Benson, Mayor

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Attest: Kimberlee Ward, Town Clerk