

Mobile Food Vending

The purpose of these standards is to promote the general health, safety, and welfare of the citizens of the Town by establishing reasonable standards to allow the retail sale of food and food products via mobile vendors, including food trucks, provided herein, and shall not apply to itinerant merchants.

- A. *Permission.* Nothing herein shall be construed to grant any right or license to mobile food vending operators to operate on private or public property without permission. Mobile food vending operators shall be required to have the express written permission of the property owner in order to operate on private property.

- B. *Location Standards.* Mobile food vendors shall only be located in nonresidential zoning districts within the jurisdiction of the Town including the ETJ, or as a special event approved by the Town Board of Aldermen herein as follows:
 - a. *Principal Use.* Mobile food vendors shall only be located on developed property that is occupied by a nonresidential use in operation. No mobile food vendor may sell food to the general public within the Town unless a business, nonprofit, or similar organization, with a physical location, has given signed written approval as part of an application submitted to the Town.
 - b. *Maximum Number.* Maximum of one (1) mobile food vendor per individual private lot, except where a special event has been approved by the Town.
 - c. *Safety.* Mobile food vendors shall not be located in a manner that impedes, endangers, or interferes with pedestrian or vehicular traffic and shall not impede safe ingress and egress at all entrances and are prohibited on public sidewalks.
 - d. *Separation.* Mobile food vendors shall be located a minimum of 15 feet from the main building entrance, the edge of any driveway, intersection, handicap ramp, sidewalk, fire hydrant, or access for emergency services.
 - e. *Parking.* Mobile food vendors 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 mobile food vendor. No mobile food vendor shall occupy or interfere with any handicapped parking. Mobile food vendors shall only be located at the host site one (1) night immediately prior to operating for set up, operating hours, and one (1) night immediately following operating for break down. Mobile food vending units are only allowed to remain at the host site overnight with the express written permission of the property owner.

- C. *Operation Standards.*
 - a. *Outdoor Seating.* Outdoor seating may not be provided by the mobile food vendor but may be utilized if existing at the host location.
 - b. *Equipment.* All equipment required for the operation of the mobile food vendor shall be located on or within the mobile food vending unit. Accessory items such

as a waste receptacle or table for condiments is permitted outside of the unit during operating hours.

- c. *Signs*. Signage on the mobile food vending unit shall be permitted. One (1) freestanding sandwich board sign shall be permitted in association with the mobile food vendor. No other freestanding or off-premise signs are permitted.
- d. *Hours of Operation*. Open hours are permitted between 7:00 AM and 11:00 PM.
- e. *Designated Person Present*. The mobile food vending operator or a designated person knowledgeable of the operation and regulations pertaining to a mobile food unit shall be present at all times except in the case of an emergency.

D. *Health & Sanitation Standards*.

- a. *Permits & Licenses*. All equipment required for the operation, all food preparation, storage, and sales/distribution shall be in compliance with all applicable County, State, and Federal sanitary regulations. Each operator/vendor shall be responsible for obtaining food preparation and handling permit(s) by a County Health Department or other such regulating agency. The operator/vendor shall have obtained all other proper licenses from the County, State, and local agencies and shall be clearly and visibly displayed with the mobile food vendor. A copy of the signed application and Town of Maggie Valley Mobile Food Vending Permit shall be on site for review by Town personnel. If any necessary licenses are revoked or suspended from the County, State, or local agencies, the issued Town permit will be revoked or suspended accordingly.
- b. *Operator(s) shall be Responsible*: Operator(s) of a mobile food vending unit shall be responsible for the following standards:
 - i. *Waste & Trash Disposal*. Waste receptacles are to be provided by the mobile food vendor or by the host site. Operators shall be held responsible for removing all waste and trash from their location at the end of each day or more often as needed to maintain public health and safety.
 - ii. *Liquid Waste or Grease*. No liquid waste or grease shall be disposed in storm drains, onto sidewalks, streets, or any other public space, or into the Town's sanitary sewer system. If at any time evidence of improper disposal of liquid waste or grease is discovered, the Town permit for the mobile food vending unit shall be forfeited and required to cease operation immediately.

E. *Special Events*. Mobile food vendors may request approval by Town Board of Aldermen to operate outside of the standard requirements outlined above by following applicable procedures:

- a. *Operating Hours*. The sponsored event shall take place during normal business hours or extended hours as long as the host site that has invited a mobile food vendor to participate is open to the public. The operation of the mobile food vending unit shall cease upon the business or nonprofit closing its operation for the sponsored event.

- b. *Support Documentation.* The special event application shall specify how a mobile food vendor supports a planned promotional, holiday, fundraising, or similar event in support of the applicant's business or organization.
 - c. *Duration of the Event.* For the purpose of this Section, special events shall be classified as a one (1) day event, except as otherwise approved by the Town Board of Aldermen.
- F. *Exceptions.* Mobile food vendors may operate outside of the standard requirements when in compliance with the following applicable procedures:
 - a. Mobile food vendors are permitted at Town Sanctioned Events, including those hosted on the Festival Grounds
 - b. Mobile food vendors are permitted on commonly owned property within a residential development in order to serve residents and guests at a neighborhood activity or function.
 - c. Private catering services in which the principal use is the preparation of food and meals off premises and where such food and meals are delivered to another location for consumption as a private event and is not sold directly to the general public is not subject to the standards of mobile food vending. Similarly, a mobile food vendor may operate as a catering service without a special event permit, provided the mobile food vendor is serving the participants of such private event only and not selling food to the general public.
- G. *Violations.* Notice of the violation will be given by means of a certified letter by the Town of Maggie Valley official to the host site and, where appropriate, the operator. If the violation is not remedied within ten (10) days, the permit will be revoked. The Town may take civil action against an operator or host site based on the type and seriousness of the violation of the above standards per Section 154.999 of the Zoning Ordinance.