

**AN ORDINANCE AMENDING TITLE XV LAND USAGE
OF THE MILLS RIVER CODE OF ORDINANCES**

**ARTICLE NO. 1
AUTHORITY**

This Ordinance is enacted by the Town Council of Mills River, North Carolina pursuant to Chapter 160D of the North Carolina General Statutes. Town Council does hereby ordain and enact into law the following amendments to the Zoning Ordinance for the Town of Mills River.

**ARTICLE II
AMENDMENT TO ZONING ORDINANCE**

The Zoning Ordinance of the Town of Mills River as enacted effective March 1, 2004, and with various amendments, is further amended as to the following articles, chapters, sections and subsections:

Chapter 111 Temporary Vendors

The provisions set forth in this chapter are designed to ensure that vending from vehicles, temporary structures and movable units within the jurisdiction of the Town of Mills River will be orderly, attractive and safe. See Exhibit A for details.

Except as specifically amended herein, the Zoning Ordinance of the Town of Mills River shall remain valid and in full force and effect.

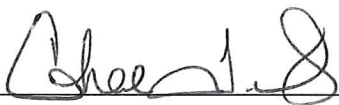
**ARTICLE III
SEVERABILITY**

Each section and subsection of said ordinance as adopted herein constitutes a separate and distinct provision. Whenever possible, each provision of such Ordinance shall be interpreted in a manner as to be effective and valid under applicable law. In the event that any provision so such Ordinance shall finally be determined by competent court or tribunal to be unlawful or unenforceable, such provision shall be deemed severed from such Ordinance but every other provision of the Ordinance shall remain in full force and effect.

**ARTICLE NO. IV
EFFECTIVE DATE**


This Ordinance and the Amendment to the Zoning Ordinance of the Town of Mills River, North Carolina shall take effect and be effective at 12:01 AM on April 23, 2021 and shall be in full force and effect at all times thereafter until duly amended.

ADOPTED AND PASSED by the Town Council of the Town of Mills River, North Carolina, this the 22nd day of April 2021.



Chae T. Davis
Mayor

ATTEST By:



Susan L. Powell, MMC, NCCMC
Finance Director/Town Clerk



ADOPTED APRIL 22, 2021

TITLE XI: BUSINESS REGULATIONS

CHAPTER 111: TEMPORARY VENDORS

General Provisions

	111.001	Title
	111.002	Purpose
	111.003	Definitions
	111.004	Temporary Vendor Registration
	111.005	Temporary Vendor Operations
	111.006	Temporary Vendor Locations
	111.007	Food Parks
1	111.008	Fees

GENERAL PROVISIONS

§ 111.001 TITLE.

4 This chapter shall be known and may be cited as the "Temporary Vendor
5 Ordinance of the Town of Mills River, North Carolina."

§ 111.002 PURPOSE.

7 The provisions set forth in this chapter are designed to ensure that vending
8 from vehicles, temporary structures and movable units within the jurisdiction of the
9 Town of Mills River will be orderly, attractive and safe.

10 (A) Temporary vending and vending from movable units will be facilitated
11 by permits issued by the Town.

12 (B) Food and other vending will be an established use and regulated based
13 on this chapter and the Zoning Ordinance.

ADOPTED APRIL 22, 2021

14 **§ 111.003 DEFINITIONS.**

15 (A) For the purposes of this chapter and in the administration of the Zoning
16 Ordinance, the following definitions shall apply.

17 **FOOD PARK.** A designated area where two to eight food trucks or
18 trailers may park and vend.

19 **FOOD STAND.** A food business in a non-mobile structure with
20 outdoor walk up service.

21 **FOOD TRAILER.** A mobile food business unit that can be hitched and
22 towed by a vehicle.

23 **FOOD TRUCK.** A mobile vehicle supporting a food business.

24 **TEMPORARY VENDOR.** The individual or business operating under
25 a temporary vendor permit.

26 **TEMPORARY VENDOR SITE.** Designated property where truck or
27 trailer vendor may operate one unit.

28 **§ 111.004 TEMPORARY VENDOR REGISTRATION**

29 (A) Temporary vendors must be registered with the Town of Mills River.
30 There shall be no fee associated with this process.

31 **§ 111.005 TEMPORARY VENDOR OPERATIONS.**

32 (A) Temporary vendors shall operate under the following conditions:

33 (1) Hours of operation shall be limited to between 6:00 a.m. and
34 11:00 p.m. except for special events operating under a temporary use permit.

35 (2) Food trucks and food trailers shall be parked on private
36 property with the property owner's permission and shall not be parked
37 within any street, right-of-way or sidewalk area.

ADOPTED APRIL 22, 2021

38 (3) Temporary vendors are responsible for the proper disposal of
39 waste and trash associated with the operation. Waste and trash shall be
40 removed from the location of operation at the end of each day to maintain
41 the health and safety of the public.

42 (4) No grease shall be disposed of in public places, streets,
43 stormwater drainage system, or sanitary sewer system.

44 (5) Advertising and signage is limited to what is displayed on the
45 vendor truck, trailer or structure and any permitted signs on the site of
46 operation.

47 (6) Food vendors shall display or otherwise make available menu
48 items and prices.

49 (7) Vendor operations shall be walk up arrangements only. Drive
50 through operations are prohibited.

51 (8) Vendor operations as an accessory use shall not impede or
52 otherwise compromise the vehicle access, pedestrian access or parking
53 arrangements of principal uses on the same site.

54 **§ 111.006 TEMPORARY VENDOR LOCATIONS.**

55 (A) Temporary vendors shall be permitted based on one of the following
56 conditions:

57 (1) As an accessory use under a commercial zoning compliance
58 permit.

59 a. Example: A property with a principal use may host a single
60 temporary vendor at a given time (vendors may change as
61 often as desired).

ADOPTED APRIL 22, 2021

- 62 (2) Food parks may be permitted as a principal use under a
63 commercial zoning compliance permit subject to 111.007.
- 64 a. Example: A vacant parcel may be established as a food park
65 as the principal use subject to the standards of 111.007.
- 66 (3) As a special event not to exceed 72 hours.
- 67 a. Special events may not permitted for a given property more
68 than four (4) times per year.
- 69 b. Applications for a special event must be submitted to the
70 Town five (5) days prior to the planned special event.
- 71 i. Example: Any property located within the
72 appropriate zoning district may be permitted to host
73 a special event consisting of multiple temporary
74 vendors for a defined period of time, not to exceed
75 72 hours per event. This time shall be calculated
76 from the event’s scheduled start time, continuously,
77 for 72 hours. The food park standards shall not
78 apply to special events.
- 79 1. Example: An event is permitted to begin at
80 5:00 PM on a Thursday evening, it may last
81 until 5:00 PM on Sunday.
- 82 (B) Temporary vendor sites shall only be designated in the Mixed Use,
83 Light Industrial, Neighborhood Commercial and General Business zoning districts.
- 84 (C) Temporary vendor sites and the permitting thereof are the
85 responsibility of the property owner or the business owner of the principal use on
86 the site. Only registered temporary vendors may operate within the Town of Mills
87 River.

ADOPTED APRIL 22, 2021

88 **§ 111.007 FOOD PARKS.**

89 (A) Food parks shall be constructed and operated under the following
90 conditions:

91 (1) Permanent restrooms and hand washing facilities shall be
92 provided on site.

93 (2) A minimum of two tables shall be provided per designated
94 temporary vendor spot.

95 (3) One common sign is permitted per site.

96 (4) A minimum of four parking spaces shall be provided for each
97 designated temporary vendor spot.

98 (5) Sites and structures must meet the requirements of the Zoning
99 Ordinance.

100 **111.008 FEES**

101 (A) Temporary vendor site permits are subject to the most recently
102 adopted Town of Mills River Fee Schedule.

103 (B) Special events permits are subject to the most recently adopted
104 Town of Mills River Fee Schedule.

105 (C) Food Parks are subject to the most recently adopted version of the
106 Town of Mills River Fee Schedule.

107 (D) Penalties

108 (1) If a temporary vendor site hosts a vendor without securing
109 proper permitting, or hosts a vendor not registered with the
110 Town, the temporary vendor site shall be subject to a penalty
111 in addition to the original permit fee as outlined in the most

Town of Mills River, NC Code of Ordinances

ADOPTED APRIL 22, 2021

112 recently adopted version of the Town of Mills River Fee
113 Schedule.

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