

AN ORDINANCE AMENDING TITLE XI BUSINESS REGULATIONS OF THE MILLS RIVER CODE OF ORDINANCES, CHAPTER 111 (TEMPORARY VENDORS) IN ACCORDANCE WITH TXT-22-03

WHEREAS, at the FY 22-23 Budget Visioning Session on March 14, 2022, Council discussed the current food truck and food park regulations and directed staff to draft a text amendment to modify the definition of a food park from two mobile food vendors to three.

WHEREAS, the Planning Board considered the text amendment at the October 4, 2022 meeting, and tabled the item for additional consideration until the November 1, 2022 meeting.

WHEREAS, the Planning Board voted unanimously at the November 1, 2022 meeting to recommend approval of text amendment TX -22-03 due to consistencies with the Town's Making Mills River 2040 Comprehensive Plan, specifically Objective 1.4., Policy 1.4.1 and Policy 1.4.2; and Objective 3.6, Policy 3.6.5

WHEREAS, the Mills River Town Council held a public hearing on January 26, 2023 to consider said request, and gave the public an opportunity to be heard.

WHEREAS, the Town Council concurs with the Planning Board's consistency findings, approved a statement of plan consistency, and briefly explained why Council considers the action taken to be reasonable and in the public interest.

WHEREAS, 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 Code of Ordinances for the Town of Mills River.

WHEREAS, the Administration Section of the Code of Ordinances of the Town of Mills River as enacted effective February 26, 2004, and with various amendments, is further amended as to the following articles, chapters, sections and subsections:

The proposed text amendment is comprised of the following: The definition of a food park in §111.003(A) is modified to read "A designated area where three (3) to eight (8) food trucks or trailers may park and vend." §111.005(A)(3) is modified to include proper disposal of wastewater, in addition to solid waste and trash. §111.006(A) is modified to clarify that one to two food trucks can only be permitted as a commercial accessory use on a property with an existing principal commercial use, as well as food parks shall only be permitted as a principal commercial use on property with no existing principal use. §111.007(A)(1) is modified to read, "Permanent restrooms and hand washing facilities shall be provided on site *within a permanent structure*" (addition in italics).

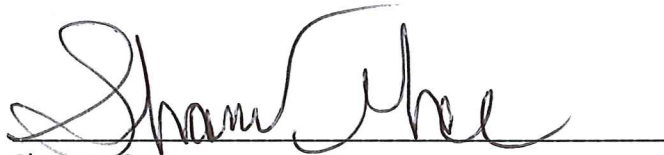
Except as specifically amended herein, Chapter 111 of the Town of Mills River Code of Ordinances shall remain valid and in full force and effect. Specific details are attached.

WHEREAS, 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.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MILLS RIVER:

THAT, text amendment TXT-22-03 is comprised of the following: amendments to Chapter 111, specifically §111.003(A), §111.005(A), §111.006, and §111.007(A) and shall take effect and be effective at 12:01 AM on February 10, 2023, 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 9th day of February, 2023.



Shanon Gonce
Mayor

ATTEST By:



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



TITLE XI: BUSINESS REGULATIONS

CHAPTER 111: TEMPORARY VENDORS

General Provisions

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GENERAL PROVISIONS

§ 111.001 TITLE.

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

§ 111.002 PURPOSE.

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.

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

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

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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~~three (3) to eight (8) food trucks or
18 trailers may park and vend.

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

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

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

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

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

28 **§ 111.004 TEMPORARY VENDOR REGISTRATION**

29 (A) Temporary vendors must be registered with the Town of Mills River. There shall
30 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 11:00 p.m.
34 except for special events operating under a temporary use permit.

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

38 (3) Temporary vendors are responsible for the proper disposal of solid
39 waste, wastewater 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 the health
41 and safety of the public.

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

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

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

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

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

53 § 111.006 TEMPORARY VENDOR LOCATIONS.

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

55 (1) One (1) to two (2) food trucks or trailers on a single property or
56 temporary vendor site ~~As~~ an accessory use under a commercial zoning
57 ~~compliance~~ permit.

58 a. Example: A property with an existing principal commercial use may
59 host ~~a single~~ one or two temporary vendor food trucks or trailers at a
60 given time (vendors may change as often as desired).

61 (2) Food parks may be permitted only as a principal commercial use under
62 a commercial zoning ~~compliance~~ permit subject to 111.007. Food parks
63 may not be permitted as an accessory use.

64 a. Example: A vacant parcel may be established as a food park with
65 three to eight food trucks or trailers as the principal commercial use
66 of the property, subject to the standards of 111.007.

67 (3) As a special event not to exceed 72 hours.

68 a. Special events may not permitted for a given property more than
69 four (4) times per year.

70 b. Applications for a special event must be submitted to the Town five
71 (5) days prior to the planned special event.

72 i. Example: Any property located within the appropriate
73 zoning district may be permitted to host a special event
74 consisting of multiple temporary vendors for a defined
75 period of time, not to exceed 72 hours per event. This time
76 shall be calculated from the event's scheduled start time,
77 continuously, for 72 hours. The food park standards shall
78 not apply to special events.

79 1. Example: An event is permitted to begin at 5:00 PM
80 on a Thursday evening, it may last until 5:00 PM on
81 Sunday.

82 (B) Temporary vendor sites shall only be designated in the Mixed Use (MR-MU),
83 Light Industrial (MR-LI), Neighborhood Commercial (MR-NC), and General Business (MR-GB)
84 zoning districts.

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85 (C) Temporary vendor sites and the permitting thereof are the responsibility of the
86 property owner or the business owner of the principal use on the site. Only registered
87 temporary vendors may operate within the Town of Mills River.

88 **§ 111.007 FOOD PARKS.**

- 89 (A) Food parks shall be constructed and operated under the following conditions:
- 90 (1) Permanent restrooms and hand washing facilities shall be provided on
91 site [within a permanent structure](#).
- 92 (2) A minimum of two tables shall be provided per designated temporary
93 vendor spot.
- 94 (3) One common sign is permitted per site.
- 95 (4) A minimum of four parking spaces shall be provided for each designated
96 temporary vendor spot.
- 97 (5) Sites and structures must meet the requirements of the Zoning
98 Ordinance.

99 **111.008 FEES**

- 100 (A) Temporary vendor site permits are subject to the most recently adopted Town
101 of Mills River Fee Schedule.
- 102 (B) Special events permits are subject to the most recently adopted Town of Mills
103 River Fee Schedule.
- 104 (C) Food Parks are subject to the most recently adopted version of the Town of
105 Mills River Fee Schedule.
- 106 (D) Penalties
- 107 (1) If a temporary vendor site hosts a vendor without securing proper
108 permitting, or hosts a vendor not registered with the Town, the
109 temporary vendor site shall be subject to a penalty in addition to the
110 original permit fee as outlined in the most recently adopted version
111 of the Town of Mills River Fee Schedule.