



APPLICATION FOR Mobile Food Vendors

Town of Zebulon Planning Department
1003 N. Arendell Avenue
Zebulon, NC 27597

Phone: (919)823-1502; Fax: (919)269-6200

Website: www.townofzebulon.org

GENERAL INFORMATION

Mobile Food Vendors seeking to operate in areas under the Town of Zebulon planning jurisdiction must obtain a mobile food vendor permit. Mobile food vendors are persons selling foods other than fresh fruits or vegetables from a mobile food vendor unit. A mobile food vendor unit is a self-contained mobile unit, independent with respect to water, sewer, and power utilities, capable of moving or being moved, consisting of an enclosed truck, enclosed trailer or similar vehicle mounted unit that contains equipment, used for the preparation and/or sale of food products and is closed up when not in use.

A Mobile Food Vendor is to be in compliance with the Code of Ordinances of the Town of Zebulon Article III Permits and Plats, Part II Supplementary Use and District Regulations, Section §152.1467 Mobile Food Vendors.

INSTRUCTIONS

- Application Procedure** – The applicant requesting a Mobile Food Vendor Permit must submit a written application to the Zebulon Planning Department using the forms included in this packet and furnish plans and data concerning the operation, location, equipment layout, and characteristics of any mobile vendor unit being proposed. Application fees for Mobile Food Vendors are based on the proposed location:

In-Town Fees

Permit Fee	\$135
Business Registration Fee	\$25
TOTAL In-Town Fees	\$160

Extraterritorial Jurisdiction (ETJ) Fee

Permit Fee	\$160
TOTAL ETJ Fees	\$160

Application fees for Mobile Food Vendors must be paid with cash, a check, or money order made payable to the Town of Zebulon when the plans and specifications have been reviewed, approved, and are ready for pickup.

- Site Plan** – A site plan drawing shall accompany every application for a Mobile Food Vendor Permit. Such site plan shall include all the contents established for site plans as included in this packet.
- A Mobile Food Vendor must provide the following with this application:**
 - A site plan;
 - A list of foods and beverages to be served by the unit;
 - A copy of the permit issued by Wake County Environmental Services Department for mobile food vendor units; and,
 - A copy of driver’s license or other state approved identification.



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PART 1. APPLICANT		
Name:		
Street Address:		
City/State/Zip Code:		
Email:	Telephone Number:	Fax Number:
Driver's License Number/State:	Are you the owner of the property? <input type="checkbox"/> Yes <input type="checkbox"/> No	Note: If you are not the owner of the property, you <u>must</u> attach an "Owner's Consent Form" giving you permission to submit this application.

PART 2. DESCRIPTION OF BUSINESS		
Business Name:	Type of Business: <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> LLC <input type="checkbox"/> Corporation <input type="checkbox"/> Non-Profit <input type="checkbox"/> Partnership	
Operator Name:	Operator Phone Number:	Operator Cell Phone Number:
Commissary Address (as approved by Wake County):		
Water Supply:		
Waste Disposal (fats, oils, grease, wastewater):		
Trash Disposal:		
Types of food to be offered (attach separate page and/or menu if needed):		

PART 3. PROPERTY OWNER INFORMATION		
Name of Property Owner:		
Street Address of Property Owner:		
City/State/Zip Code of Property Owner:		
Email of Property Owner (optional):	Telephone Number of Property Owner:	Fax Number of Property Owner:

All of the information contained in this application is true and correct to the best of the applicant's knowledge and belief. Applicant acknowledges that the permit applied for shall be subject to all provisions of the orders and ordinances of Wake County and the Town of Zebulon under which the permit is granted, and shall be subject to all provisions of the statutes and rules adopted under the State of North Carolina governing food service establishments and mobile food vendor units.		
<i>Signature of Applicant</i>	<i>Print Name</i>	<i>Date</i>

FOR OFFICE USE ONLY	
Application Received By:	Application Date:
File Name:	Case #:
Application Fees Paid:	Date Fees Received:
Planning Department Hours: Monday – Friday 8:00 a.m. – 5:00 p.m.	



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SITE PLAN REQUIREMENTS

In addition to the submittal of all applicable paperwork found in the Mobile Food Vendor application packet, a site plan drawing containing sufficient information based on the ordinance requirements must be provided at the time of permitting and/or permit renewal. The site plan drawing shall include, at a minimum, the following features unless otherwise specified by the Land Use Administrator:

<u>ITEM</u>	<u>CHECK IF SUBMITTED</u>
1. All existing and planned structures	_____
2. Building setback lines	_____
3. Sales area not exceeding more than two (2) parking spaces or six hundred square feet in area, whichever is greater. <i>However, at no time may the required number of parking spaces for the principal use of the property be rendered nonconforming due to vendor use.</i>	_____
4. Location of all ingress and egress	_____
5. Off-street parking	_____
6. Trash and/or waste receptacles	_____
7. Street names and nearest intersections	_____
8. Location and types of all signs	_____
9. Location and type of fire extinguisher (minimum 2A-10-BC rating)	_____

NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED. An application for a permit to operate does not guarantee that a permit will be granted. Permit approval is based upon the mobile food vendor unit's compliance with all state and local rules, ordinances, and health requirements related to the mobile vending operations. **PERMITS ARE NONTRANSFERABLE.**

Questions about Mobile Food Vendor Permits

If you have any questions about the applicable procedures, contact one of the Town of Zebulon Planning Department representatives listed below:

Name	Title	Phone Number	Email
Mark Hetrick	Planning Director	(919)823-1808	mhetrick@townofzebulon.org
Julie Wilkins	Senior Planner	(919)823-1809	jwilkins@townofzebulon.org
Mackenzie Day	Planner I	(919)823-1811	mday@townofzebulon.org
David Moore	Code/Permit Officer	(919)823-1810	dmoore@townofzebulon.org

If you have any questions about the local Health Department applicable rules and regulations, contact Wake County Environmental Services:

Wake County Environmental Services

Environmental Health & Safety Division

336 Fayetteville Street

Raleigh, NC 27602

TEL - (919)856-7400 FAX - (919)743-4772

www.wakegov.com



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§152.1467 MOBILE FOOD VENDORS

- (A) *Purpose:* This subsection is designed to provide standards relative to the accessibility, appearance, and safety regarding commercial food vending, as well as to preserve the peace and enjoyment of residences and occupation of a site by a properly licensed business.
- (B) *Definitions:* For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- (1) **Mobile food vendor** – Persons selling foods other than fresh fruits or vegetables from a mobile vendor unit. This definition shall not include solicitors, peddlers, and transient merchants as defined in Title XI: Business Regulations, Chapter 111: Peddlers and Itinerant Merchants or persons conducting open-air sales as allowed in Title XV Land Usage, Chapter 152: Zoning Code, Section §152.1463 Open-Air Sales of the Zebulon Code of Ordinances.
 - (2) **Mobile food vendor unit** – A self-contained mobile unit, independent with respect to water, sewer, and power utilities, capable of moving or being moved, consisting of an enclosed truck, enclosed trailer or similar vehicle mounted unit that contains equipment, used for the preparation and/or sale of food products and is closed up when not in operation.
- (C) *Operational regulations:*
- (1) A Mobile Food Vendor permit shall be required as provided for herein.
 - (2) Noncommercial private events held on one and two family residential properties shall not be required to obtain a mobile food vendor permit, provided that all required permits are obtained, if applicable, and that the mobile food vendor:
 - (a) Is not open to the public, such as outdoor weddings and employee parties;
 - (b) Is located on a site with a single user and/or tenant; and,
 - (c) Will not make, cause, or allow the making of any noise or sound which exceeds the limits set forth in the Town of Zebulon's Code of Ordinances, as may be amended from time to time, and will not generate adverse traffic, or other nuisance impacts on adjacent properties.
 - (3) Permits, unless sooner suspended or revoked, shall be valid for no longer than one (1) year expiring at the end of the fiscal year to correspond with the privilege license.
 - (4) Permit certificates shall be attached to the mobile food vendor unit where they are readily visible and shall include the name, mailing address, and valid phone number of the mobile food vendor unit owner and shall list the addresses and parcel identification numbers where the permit is valid.
 - (5) Routine inspections may be conducted by local inspectors on each mobile food unit at any time and at any frequency deemed appropriate by the Town of Zebulon.
 - (6) Any mobile food vendor unit that has a suspended or revoked permit by the State of North Carolina and/or Wake County, and on a subsequent inspection, a State of North Carolina and/or Wake County Inspector determines that the mobile food vendor has not corrected the violation(s), shall have its Town issued mobile food vendor permit revoked and food service shall cease in the Town of Zebulon.
 - (7) A permit issued under this Section is not transferable.
- (D) *Restrictions:* The following restrictions shall apply to all Mobile Food Vendor permits:
- (1) No products shall be sold from any mobile food vendor unit which is stopped, standing, or parked in any public street, right-of-way, or easement. Nor shall the mobile food vendor impede the flow of traffic or pedestrians on the sidewalk.
 - (2) Mobile food vendor units are prohibited on all parcels used for residential purposes as designated on the Town of Zebulon Zoning Map or on the grounds of any government office, facility, public park, recreation area, or other similar public land within the Town, which is under the control, operation, or management of the Town, except as otherwise allowed in this section or by law. Mobile food vendors are allowed within the Town of Zebulon planning jurisdiction so long as the mobile food vendor unit is located on private property designated and used for commercial, industrial, or nonresidential purposes, subject to the following conditions:

- (a) Mobile Food Vendors shall not provide customer seating.
- (b) No display areas, merchandise, or stored items in association with the vendor or those associated with the principal use on the property, which are displaced due to the vending activity, shall encroach onto any public street, right-of-way, or easement, or onto any adjacent private property without express permission from that property owner.
- (c) The mobile food vendor shall set up and locate the vehicle, wares, and/or any associated displays in accordance with the principal structure setback requirements of the underlying property's land use designation.
- (d) The mobile food vendor sales area shall not exceed more than two (2) parking spaces or six hundred square feet in area, whichever is greater. However, at no time may the required number of parking spaces for the principal use of the property be rendered nonconforming due to vendor use.
- (e) During periods of nonuse, mobile food vendor equipment must remain locked and secured, unless otherwise required by the State of North Carolina or Wake County.
- (f) The mobile food vendor shall be prohibited from selling or distributing any type of glass container with the exception of sealed prepackaged nonalcoholic beverages such as sodas or juices.
- (g) Amplified music or other sounds from any mobile food vendor unit for the purposes of vending products is prohibited. All mobile food vendors shall operate in compliance with Title IX: General Regulations, Chapter 97: Noise of the Town of Zebulon's Code of Ordinances.
- (h) Mobile food vendors shall be prohibited from discharging fat, oil, grease, or waste water into the sanitary sewer system. Waste shall be properly stored and disposed of at a properly designated location.
- (i) Each mobile food vending unit shall be equipped with adequate trash receptacles and shall be responsible for the proper disposal of solid waste from the site daily without using public waste receptacles. All disturbed areas must be cleaned following each stop at a minimum of twenty (20) feet of the sales location.
- (j) Each mobile food vending unit shall be equipped with at least one (1) fire extinguisher with a minimum of a 2A-10-BC rating.

(E) *Required submissions:*

- (1) A mobile food vendor proposing to sell food shall submit a copy of all permits and licenses required by the State of North Carolina, Wake County and the Town of Zebulon at the time of submission of a Mobile Food Vendor permit application.
- (2) A site plan review will be required for each location the mobile food vendor will operate on, depicting the location and details of the mobile food vendor unit and also showing that the location contains a hardened surface and designated parking spaces for the unit and patrons, the existing tenant mix, and total square footage of the property must be provided with the permit application.
- (3) The mobile food vendor shall provide a notarized statement signed by each property owner on a form provided by the Town of Zebulon indicating that the vendor has permission to vend on that site, along with the following:
 - (a) The property owner shall allow the vendor and vendor's patrons access to bathroom facilities, where available; and,
 - (b) The property owner shall comply with Title IX: General Regulations, Chapter 96: Health and Sanitation of the Town of Zebulon's Code of Ordinances regarding solid waste disposal and shall allow the vendor access to solid waste collection on the subject property, where available. If solid waste collection facilities are not available to the mobile food vendor, solid waste must be removed from the subject property location daily; and,
 - (c) The property owner shall require that the vendors meet all applicable federal, state and local statutes, regulations, laws, ordinances, rules and codes; including but not limited to permitting requirements regarding his or her specific business; and,
 - (d) The property owner shall acknowledge that she/he understands the regulations governing mobile food vendors and may be held responsible, along with the vendor, for any code violations; and,
 - (e) The property owner shall ensure that the property will be continuously maintained in a neat, clean, and orderly manner.

(F) *Standards:* The following standards shall apply to all Mobile Food Vendors and their respective mobile food vending units:

- (1) The mobile food vendor unit shall not interfere with required parking, loading and unloading spaces or the vehicular access to those spaces for the principal use.
- (2) The mobile food vendor unit shall not block, damage, or interfere with required landscaping, buffers, or stormwater drainage systems on the subject property.
- (3) The maximum aggregate sign area is subject to Title XV: Land Usage, Article XI: Signs of the Town of Zebulon Code of Ordinances regarding temporary signs and/or inflatables. Vinyl wrapping, decals, stickers, painted text and/or graphics, and menu boards affixed to the mobile food vendor unit shall not count towards the maximum aggregate sign area.

(G) *Enforcement:*

- (1) Fine for Violation. Any mobile food vendor licensee operating in violation of any provision within this section or any other rules and regulations promulgated by the Board may be subject to a fine in accordance with Title XV: Land Usage, Article VI: Enforcement and Review of the Town of Zebulon Code of Ordinances. Each day of violation shall constitute a separate offense for purposes of the penalties and remedies specified in §152.096.
- (2) Revocation, Suspension, Modification. The Board may modify a mobile food vendor license, including an approved location, (i) at any time before the issuance of a mobile food vendor license, (ii) if after the issuance of such license, for cause, after reasonable notice to the licensee of the grounds for the proposed modification and the time and place of the hearing regarding such proposed modification, or (iii) by request of the licensee, subject to Board approval. The Board may suspend, revoke, or decline to renew a mobile food vendor license for cause, after reasonable notice to the licensee of the grounds for the proposed action and the time and place of the hearing regarding such proposed action.
- (3) Enforcement. The provisions of this section or any rules and regulations promulgated by the Board may be enforced by the Police Department and the Planning Department.