

APPLICATION FOR MOBILE RESTAURANT PERMIT

THE PROCESS:

1. The applicant must complete the Application for Mobile Restaurant Permit. Incomplete applications or inaccurate information will prevent or delay processing and review.
2. Applicant shall be responsible for complying with all applicable county, state, and federal sanitary and ownership regulations.
3. A Property Owner Authorization Form must be filled out for each location the mobile restaurant proposes to operate at. Additional Property Owner Authorization forms must be completed for any new location prior to operation.
4. Planning Department staff will complete review of the application. Application review performed within seven (7) business days.
5. If the application is complete and in compliance with the Land Development Ordinance, staff will contact the applicant and issue a Mobile Restaurant Permit, which can be picked up at Town Hall. The permit fee will be due at this time. **Permits are valid from July 1 (or date of issuance) to June 30th of each year.**

Note: A copy of the ordinance referenced above can be found accompanying this application.

SUBMITTAL CHECKLIST:

- Submit one (1) completed Application for Mobile Restaurant Permit
- Copies of other county, state, or federal approvals as required
- Property Owner Authorization forms, as applicable
- \$30 permit fee

APPLICATION FOR MOBILE RESTAURANT

MOBILE RESTAURANT INFORMATION:

Business Name: _____
Vehicle Name: _____
Commissary Address: _____
City: _____ State: _____ ZIP: _____
Vehicle License Plate Number: _____ Website: _____

OWNER INFORMATION:

Owner Name: _____
Address: _____
City: _____ State: _____ ZIP: _____
Email Address: _____ Phone: _____

OPERATOR INFORMATION:

Operator Name (if different than owner): _____
Address: _____
City: _____ State: _____ ZIP: _____
Email Address: _____ Phone: _____

OWNER'S SIGNATURE:

I/We, _____ am/are the owner(s) of the mobile restaurant business named above for which this permit application has been filed.

I/We, _____ have read all applicable standards of the Town of Fuquay-Varina Land Development Ordinances (LDO) which govern the operation of mobile restaurants. I/We agree to obey all location, operation, separation, and health & sanitation standards established for mobile restaurants in Section 9-1255, j. (3) of the LDO. Furthermore, by signing this application I/we acknowledge having received this information.

Owner's Signature: _____ Date: _____

OPERATOR'S SIGNATURE:

I/We, _____ am/are the operator(s) of the mobile restaurant named above for which this permit application has been filed.

I/We, _____ have read all applicable standards of the Town of Fuquay-Varina Land Development Ordinances (LDO) which govern the operation of mobile restaurants. I/We agree to obey all location, operation, separation, and health & sanitation standards established for mobile restaurants in Section 9-1255, j. (3) of the LDO. Furthermore, by signing this application I/we acknowledge having received this information.

Operator's Signature: _____ Date: _____

CONTINUE TO NEXT PAGE FOR PROPERTY OWNER AUTHORIZATION FORM

APPLICATION FOR MOBILE RESTAURANT

Mobile Restaurant Name: _____

PROPERTY OWNER AUTHORIZATION FORM:

The following information shall be provided to and approved by the Town prior to operation for each location the mobile restaurant herein referenced proposes to locate. Town approval of this application shall not be construed to grant the mobile restaurant permission to operate at any location other than the location listed below.

Property Owner: _____

Address: _____

City: _____ State: _____ ZIP: _____

Wake County PIN: _____ Zoning: _____

Email Address: _____ Phone: _____

I/We, _____ am/are the owner(s) of the property where the mobile restaurant named above will operate and do hereby grant permission to the mobile restaurant to operate within 100 feet from the main entrance of my establishment.

I/We, _____ have read all applicable standards of the Town of Fuquay-Varina Land Development Ordinance (LDO) which govern the operation of mobile. I/We agree to obey all location, operation, separation, and health & sanitation standards established for mobile restaurants in Section 9-1255, j. (3) of the LDO. Furthermore, by signing this application I/we acknowledge having received this information.

Property Owner's Signature: _____ Date: _____

MOBILE RESTAURANT ORDINANCE

Section 9-1255 Permitted Uses, j. Food & Beverage

3. **Restaurants, Mobile (Mobile Food Trucks).** 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 restaurants, commonly referred to as mobile food trucks, provided herein, and shall not apply to itinerant merchants:
 - A. **Location Standards.** Mobile restaurants shall only be located in nonresidential zoning districts, except as otherwise permitted in the Land Development Ordinance, on a private lot containing a principal building, on an improved Town public street, or as a special event approved by the Town Board of Commissioners herein as follows:
 - i. **Maximum Number of Mobile Restaurants.** Maximum of two (2) mobile restaurants per individual private lot.
 - ii. **Pedestrian Safety & Vehicle Movement.** Mobile restaurants shall not be located on a Town street or any private parking area in a manner that impedes, endangers, or interferes with pedestrian or vehicular traffic.
 - iii. **Principal Use.** Mobile restaurants shall only be located on developed property that is occupied by a principal nonresidential use in operation as a business.
 - iv. **Using Parking Spaces.** Mobile restaurants 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 restaurant.
 - v. **Catering.** 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 social affair or private event, and is not sold directly to the general public is permitted and is not subject to the standards of mobile restaurants. However, a mobile restaurant may, with a permit from the Town, operate as a catering service without a special event permit, provided the mobile restaurant is serving the participants of such event only and not selling food to the general public. Mobile restaurants used for catering under these standards may be permitted in nonresidential or residential districts.
 - B. **Separation Standards**
 - i. **Separation between Mobile Restaurants.** No mobile restaurant shall be located within 200 feet of another mobile restaurant on any Town public right-of-way, except where a special event has been approved by the Town. See Subsection e. below.
 - ii. **Minimum Separation from Building Entrance.** A mobile restaurant shall be located a minimum of 100 feet from the main entrance of any brick-and-mortar restaurant and any outdoor dining area or any other similar food service business, measured as linear travel distance from the main entrance to the location of the mobile restaurant. This separation may be waived if all brick-and-mortar restaurants, bars or food services within the minimum 100 feet distance of the location of the mobile restaurant(s) are part of a permit submitted to the Town requesting such mobile restaurant(s) be part of an event sponsored by all of the restaurants, bars or

food services. The minimum distance of the mobile restaurant(s) to the main entrance of any of the brick-and-mortar restaurants, bars or food services that are party to such permit may be reduced to 15 feet and shall not impede safe ingress and egress at all other entrances.

- iii. *Minimum Separation from Specific Features.* Mobile restaurants shall be located a minimum of 15 feet from the main building entrance (not a food service), the edge of any driveway, intersection, handicap ramp, fire hydrant, or access for emergency services and shall not impede safe ingress and egress at all other entrances. Mobile restaurants on public sidewalks are prohibited.
- iv. *Minimum Separation from Residential Use.* A mobile restaurant shall not be located within 200 feet of a residential dwelling or residential zoning district measured from the mobile restaurant to the property line of the residential lot or residential zoning district line, except as otherwise permitted in this Section.
- v. *Maximum Separation from Host Business or Nonprofit.* No mobile restaurant may sell food to the general public within the Town of Fuquay-Varina unless a business, nonprofit, or similar organization, with a physical location, is part of a permit submitted to the Town requesting an event, or events requesting that the mobile restaurant be part of an event hosted by the business or nonprofit organization. The mobile restaurant may only operate while the host business or nonprofit is open to employees and/or the general public. This requirement may be waived in the event the mobile restaurant is part of a special event approved by the Town. See Subsection e below.

C. *Operation Standards*

- i. *Outdoor Seating.* Outdoor seating associated with mobile restaurants is prohibited.
- ii. *Equipment.* All equipment required for the operation of the mobile restaurant shall be located within the mobile restaurant.
- iii. *Handicap Parking.* No mobile restaurant shall occupy or interfere with any handicapped parking.
- iv. *Signs & Audio.* No signs, including but not limited to, sandwich signs, freestanding signs or off-premise signs shall be permitted in association with the mobile restaurant. Signage on the mobile restaurant may be permitted. Audio amplification or bands used by or in conjunction with a mobile restaurant shall be prohibited, except under a special events permit approved by the Town Board of Commissioners.
- v. *Hours of Operation.* Hours of operation are limited to the hours between 7 am and 11 pm. Mobile restaurants may operate a maximum of two (2) days in a single week (Sunday through Saturday) within the jurisdiction of the Town of Fuquay-Varina whether at a single or multiple locations. Additionally, a business or nonprofit organization hosting a mobile restaurant selling food to the general public shall also be limited to a maximum of two (2) days in a single week (Sunday through Saturday). This requirement may be waived upon approval of a special event permit by the Town Board of Commissioners.
- vi. *Designated Person Present.* The mobile restaurant operator or a designated person knowledgeable of the operation and regulations pertaining to a mobile restaurant shall be present at all times except in the case of an emergency.

- vii. *No Overnight Storage.* A mobile restaurant shall not be stored, parked or left overnight during non-operational hours at an approved location to operate.

D. *Health & Sanitation Standards*

- i. *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. The operator/vendor shall have obtained proper licenses from the County, State and local agencies and shall be clearly and visibly displayed with the mobile restaurant.
- ii. *Operator(s) shall be Responsible:* Operator(s) of a mobile restaurant shall be responsible for the following standards:
 - 1. *Waste & Trash Disposal.* Operators shall remove all waste and trash from their location at the end of each day or as needed to maintain public health and safety.
 - 2. *Liquid Waste or Grease.* No liquid waste or grease shall be disposed in storm drains or onto the 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 permit for the mobile restaurant shall be forfeited and required to cease operation immediately. If Wake County revokes or suspends the issued food vending permit for any reason, the issued Town permit for the business operation will be revoked or suspended accordingly.

E. *Special Events*

- i. *Approval by Town Board of Commissioners.* To locate more than two (2) mobile restaurants on a private lot or within 200 feet of each other on a Town public right-of-way, or in a public parking lot, or to vary from other standards of this Section a special events permit shall be obtained from the Town upon approval by the Town Board of Commissioners for the purpose of conducting such special 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 Commissioners.
- ii. *Exception for Town Sanctioned Events.* Maximum separation and location requirements between mobile restaurants shall not apply to events sponsored, sanctioned or in partnership with or by the Town of Fuquay-Varina.
- iii. *Number of Events.* A special event permit shall be limited to a maximum of four (4) events per calendar year per applicant. No two (2) events shall occur less than 30 days from each other.
- iv. *Nonprofits & Businesses.* Special event permit shall be limited to nonprofits and businesses.
- v. *Support Documentation.* The special event application shall specify how a mobile restaurant supports a planned promotional, holiday, fundraising, or similar event in support of the applicant's business or organization.
- vi. *Duration of the Event.* The sponsored event shall take place during normal business hours or extended hours as long as the business or nonprofit that has invited a mobile restaurant

to participate is open to the public. The operation of the mobile restaurant shall cease upon the business or nonprofit closing its operation for the sponsored event.

- F. *Violations.* The Town may take civil action against an operator based on the type and seriousness of the violation of the above standards.
- G. *Exception*
 - i. *Serving Construction Sites or Model Homes.* These standards shall not apply to mobile restaurants serving construction sites under the following standards:
 - 1. *Approved Site Plan or Subdivision.* The site is undergoing construction in accordance with an approved valid site plan or subdivision plan and applicable building permit(s).
 - 2. *Serving Construction Workers.* Such mobile restaurants shall vend to persons lawfully authorized to be on the construction site and not to the general public. All State and County health and food service permits shall be valid in order to serve construction sites.
 - 3. *Open House.* Mobile restaurants may be utilized by a developer, builder and/or real estate agent in a residential zoning district in conjunction with a promotional event for a subdivision, development or residential units.
- H. *Permission.* The Land Development Ordinance shall not be construed to grant any right or license to mobile restaurant operators to operate on private or public property without permission. Mobile restaurant operators shall be required to have the express written permission of the property owner in order to operate on private property. Mobile restaurant operators shall be required to have written permission from the Town of Fuquay-Varina to operate on any property owned by the Town of Fuquay-Varina. Permission may be requested in writing to the Town Manager or his/her designee. Mobile restaurants may operate outside of the standard requirements for mobile restaurants when in compliance with the applicable procedures of E. Special Events of this subsection.