

Pilot Mobile Food Vendor Guidelines

1) Policy Goals

- a) To encourage entrepreneurship in the City of Hickory as well as encourage vibrancy in the local parks and downtown.
- b) To promote the public health, safety, morals, convenience, comfort, amenities, prosperity and general welfare of persons within the City of Hickory.

2) Definitions

- a) *Pushcart*- a wheeled cart which may be moved by one person without the assistance of a motor and which is designed and used for displaying, keeping or storing any food, beverages or other articles for sale by a vendor. The Pushcart shall not be motorized or propelled in any manner other than the walking motion of the person operating the Pushcart, with the exception that persons with disabilities may use a motorized system to propel the pushcart. No motorized assistance shall be used to locate the Pushcart on the sidewalk or public place, with the exception that persons with disabilities may use motorized assistance.
- b) *Motorized Mobile Food Unit* (“Mobile Food Unit”)- a vehicle-mounted, vehicle-towed or vehicle-carried, food service establishment, including ice cream trucks, designed to be readily moved.
- c) *Mobile Food Vendor* (“Vendor”) - a person (or persons) who prepares or serves pre-packaged or cooked food and/or beverages for sale to the public on a recurring basis from a Mobile Food Unit or a Pushcart.
- d) *Mobile Catering Vendor* – a person (or persons) who prepares or serves pre-packaged or cooked food and/or beverages for sale to clients and not for sale to the public.

3) Rules Generally

- a) All Vendors are required to complete a permit application for each Mobile Food Unit and Pushcart. The completed application, proof of insurance as described in paragraph (u), and the annual fee must be submitted to the City of Hickory’s Planning and Development Services Department for review. No

applications will be reviewed until the fee is paid. The Planning and Development Services Department will notify applicants of the decision to accept or reject the application within ten (10) business days of receiving the application. Rejected applications will be refunded the fee. The effective date for the permit will be the date the Planning and Development Services Director or his designee approves the application.

- b) Mobile Food Units and Pushcarts without permits are not allowed in any of the “locations” listed in Section 4 except those who are approved in accordance with paragraph (l) of these guidelines. Violators are subject to legal enforcement measures, including but not limited to, immediate removal.
- c) Only identification signs for the Vendor and menu boards for the food products are permitted. One a-frame style sign no more than 16 square feet is permitted while the Vendor is actively serving food. Other types of freestanding signs, illuminated signs, or flashing lights are prohibited. All signage must be approved by the Planning and Development Services Director.
- d) The Vendor must provide trash receptacles at the Mobile Food Unit and Pushcart and is responsible for keeping the general area free from all trash and debris associated with the Mobile Food Unit and Pushcart. The Vendor shall clean the general area at least daily and shall keep all sidewalks and paved areas free and clear of grease, spills and food debris. The Vendor is responsible for removing all trash and waste associated with the Mobile Food Unit and Pushcart on a daily basis. The Vendor is responsible for recycling all eligible materials in accordance with the City of Hickory’s recycling program. The Vendor will keep the area subject to this permit and the area about the subject area in neat, clean and sanitary condition at all times. A violation of this provision will subject the Vendor to penalties, including but not limited to, a temporary suspension of the operating permit up to permanent revocation of the operating permit.
- e) Mobile Catering Vendors will not be allowed at any “locations” in Section 4 of this policy except to drop off food and any necessary serving equipment for delivery and to pick up such equipment if needed. Mobile Catering Vendors are

- not permitted to park in spaces designated for Mobile Food Units to make a delivery or a pickup.
- f) A permitted Vendor may provide catering services to a client but that Vendor must also vend to the public at the same time.
 - g) Alcohol may not be sold or served by any Vendor, Mobile Food Unit, or Pushcart.
 - h) No Vendor shall store, park, or leave any Mobile Food Unit or Pushcart overnight in any of the designated locations in Section 4.
 - i) No Vendor shall vend within ten (10) feet of any fire hydrant or fire escape.
 - j) Vendors shall comply with proper disposal procedures as directed by health and safety regulations for grease, gray water, and other like materials.
 - k) The Vendor shall not place or use sound equipment on or in the area of the Mobile Food Unit or Pushcart.
 - l) Mobile Food Unit and Pushcart permits are not valid within the designated boundaries of any event declared a “special event” by City Council unless the Vendor is approved through the special events application process by the Planning and Development Services Department. The Vendor is responsible for keeping track of upcoming special events and the designated boundaries that may affect their business.
 - m) Vendor, Vendor’s employees, and Vendor’s volunteers shall, at their own expense, provide the City of Hickory documentation of successful completion of a criminal background and national sex offender registry check. The background check must include all states where the individual has resided within the past ten (10) years. In addition, the individual must provide two copies of a full-face photograph taken within 30 days of the application submission date.
 - n) Vendor or Vendor’s designee shall be in attendance of the Mobile Food Unit or Pushcart at all times, except in case of an emergency.
 - o) Vendor, Vendor’s employees, and Vendor’s volunteers shall not consume nor be under the influence of alcohol or any controlled substances while operating the Mobile Food Unit or Pushcart. A violation of this provision will result in

immediate revocation of the Vendor's operating permit.

- p) Vendor will bear all costs associated with the establishment and operation of their Mobile Food Unit or Pushcart, including, but not limited to, the provision of water and electrical power. Vendor will not access, use or attempt to use on-site electrical and water utilities while operating a Mobile Food Unit or Pushcart in a city park or public facility.
- q) Vendor shall hold harmless, protect, and indemnify the City of Hickory against any and all claims, damages or cause of action for damages arising after the commencement of this permit and any orders, decrees or judgments which may be entered therein, brought for damages or alleged damages resulting from any injury to person or property or from loss of life sustained in or about the area subject to this permit.
- r) The City of Hickory shall not be liable for any personal injuries or damage to the applicant or its officers, agents, employees, guests, patrons and all persons having business with the applicant, or to any other persons or to any occupant of any part of the area subject to this permit for any injury or damage to any goods, wares, merchandise or property of any occupant in or about any part of the subject area, irrespective of how the same may be caused.
- s) The City of Hickory is not responsible for any damage to the Vendor's personal property, including but not limited to the Mobile Food Unit, Pushcart, vehicle, food service equipment and other personal items.
- t) In the event of any damage or event making the subject area unusable, in whole or in part, to the Vendor, the City of Hickory shall have no duty to restore or repair any part of the area. In such event, this permit may be terminated upon three (3) days written notice to the Vendor.
- u) Vendor shall provide and maintain, at his or her own cost and expense, public liability insurance naming the City of Hickory as an additional insured in an amount of not less than \$250,000/\$500,000 personal liability and \$100,000 property liability. Proof of such insurance shall be attached to the permit application.

- v) Vendor should maintain his or her own personal property and vehicle insurance if the vehicle is subject to being insured.
- w) In the event the Vendor shall default in the performance of any condition of this permit, this permit may be terminated upon three (3) days written notice to the Vendor. In the event the permit is terminated, the Vendor shall be barred from making another application for a period of one year.
- x) Vendor further agrees to comply with all the laws of the United States, State of North Carolina, all ordinances of the City of Hickory, and all lawful orders of any Commission, Board or other Authority respecting the use of the subject property, including but not limited to any North Carolina Public Health Department that has permitted the Vendor. All public health, environmental health, sanitation, and safety regulations imposed by State law and City Code must be adhered to. A Vendor who is exempt from any Public Health Department regulations in any county in North Carolina must provide written documentation of the exemption at the time of the permit application.
- y) Vendor shall display all required permits, including an approved copy of this application, in a visible location at the Vendor's Pushcart or Mobile Food Unit at all times. If at any time, a North Carolina County Public Health Department revokes or suspends the issued permit, the City of Hickory's permit shall be revoked or suspended simultaneously.
- z) Vendor's permit shall not be transferred or assigned to any other persons or businesses, including persons or businesses associated with Vendor.
- aa) Mobile Food Units and Pushcarts may only operate on the public property locations detailed in Section 4. Vendors may not use on street parking to operate their Mobile Food Units.
- bb) The City of Hickory shall continue to exercise any and all authority granted to it through its police powers and city ordinances as it pertains to the use of the locations in Section 4. If at any time the City of Hickory has a need for one of the locations in Section 4, the City will utilize those locations as needed. The City will not prorate or refund Vendor's rental fees.

4) Locations

a) City of Hickory Properties

- i) Vendors may park in any of the following City of Hickory properties after acquiring a valid permit as detailed above.
 - (1) Parking lot 1 – Parking lot on Main Ave. NW.
 - (2) Parking lot 2 – Parking lot on Main Ave. NW between 3rd St. NW and 4th St. NW.
 - (3) Parking lot 3 – Parking lot at the Northeast corner of the intersection of 2nd St. SW and Government Ave. SW.
 - (4) ~~Parking lot 4 – Parking lot across from the City Hall building and bordering 1st St. NW and N Center St.~~ (Closed for One North Center construction)
 - (5) Parking lot 5 – Parking lot behind City Hall at the corner of 1st Ave. NW and N Center St.
 - (6) Parking lot 6 – Parking lot along Main Ave. NE between N Center St. and NC 127 overpass.
- ii) Vendors may operate at the City of Hickory properties listed in paragraph 4a, and pictured in exhibit A, from 7am – 11pm daily.
- iii) Parking for City of Hickory Property under section 4a is on a first come, first served basis with maximum Vendor allocation below.
 - (1) Parking lot 1 – 2 Mobile Food Units, 1 Pushcart maximum within the designated Vendor parking spaces Monday through Sunday 7am-11pm.
 - (2) Parking lot 2 – 1 Mobile Food Unit, 1 Pushcart maximum within the designated Vendor parking spaces Monday through Sunday 7am-11pm.
 - (3) Parking lot 3 – 1 Mobile Food Unit, 1 Pushcart maximum within free all day parking spaces Monday through Sunday 7am-11pm.
 - (4) ~~Parking lot 4 – 3 Mobile Food Units, 1 Pushcart maximum with~~

~~designated space Monday through Friday 7am-5pm.~~ (Closed for One North Center construction)

- (a) Unlimited Vendor parking Monday through Friday from 5pm-11pm.
- (b) Unlimited Vendor parking Saturday and Sunday 7am-11pm.
- (5) Parking lot 5 – 1 Mobile Food Unit, 1 Pushcart maximum with no designated space Monday through Sunday 7am-11pm.
- (6) Parking lot 6 – 2 Mobile Food Units, 1 Pushcart maximum with no designated space Monday through Sunday 7am-11pm.
- iv) Vendors must park in such a way that traffic flow and pedestrian safety are not negatively impacted. Vendors must park in such a way that they are not blocking other vehicles.

b) Park Specific Rules

- i) Permitted Vendors will be allowed in the listed parks only. Designated locations for Vendors will be determined and identified by park staff. Allocation of park locations is on a first come, first served basis, with a limit of two (2) Vendors per park.
 - (1) Glenn C. Hilton, Jr. Memorial Park – 2000 6th Street NW Hickory NC 28601
 - (2) Henry Fork River Regional Park – 5655 Sweet Bay Lane Hickory NC 28602
 - (3) Kiwanis Park – 805 6th Street SE Hickory NC 28602
 - (4) Neill W. Clark, Jr. Park – 3404 6th Street Drive NW Hickory NC 28601
 - (5) Stanford Park – 1451 8th Street Drive NE Hickory NC 28601
 - (6) Taft Broome Park – 115 7th Avenue SW Hickory NC 28602
 - (7) Hickory City Park – 1581 12th Street Drive NW Hickory NC 28601
- ii) Vendors may operate from thirty (30) minutes after the park opens and must be removed thirty (30) minutes prior to the park closing. The above listed parks open at 7:00 a.m. daily and close daily per the following schedule:
 - (1) January 7:00pm
 - (2) February 7:00pm

- (3) March 7:00pm
- (4) April 9:00pm
- (5) May 9:00pm
- (6) June 9:00pm
- (7) July 9:00pm
- (8) August 9:00pm
- (9) September 9:00pm
- (10) October 7:00pm
- (11) November 7:00pm
- (12) December 7:00pm

- iii) Vendors are not permitted to permanently attach anything to park property.
- iv) The Vendor must provide trash receptacles at the Mobile Food Unit and Pushcart and is responsible for keeping the general area free from all trash and debris associated with the Mobile Food Unit and Pushcart. The Vendor shall clean the general area daily and shall keep all sidewalks and paved areas free and clear of grease, spills and food debris. The Vendor is responsible for removing all trash and waste associated with the Mobile Food Unit and Pushcart on a daily basis. The Vendor is responsible for recycling all eligible materials in accordance with the City of Hickory's recycling program. The Vendor will keep the area subject to this permit and the area about the subject area in neat, clean and sanitary condition at all times. A violation of this provision will subject the vendor to penalties, including but not limited to, a temporary suspension of the operating permit up to permanent revocation of the operating permit.

Exhibit A



For more information, please visit the food truck webpage at <http://www.hickorync.gov/content/food-truck-information>.

Amendments

- 2017-June – Policy Implemented
- 2018-October – Staff amendments
- 2020-April – Staff amendments