

Mobile Food Vendor Guidelines on City Owned and Public Property

Mobile Food Vendors

a. Definition

Mobile Food Vendors (“Food Trucks”) a mobile food service establishment that prepares and serves food and/or beverages for sale to the general public from a truck or vehicle towed piece of equipment designed to be readily moved.

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.

Vendor-a person or company offering something for sale, especially a trader in the street.

b. Location of Vendors-Public Streets

- i. Mobile Food Vendors/Pushcarts may conduct sales while parked on a public street when the City of Hickory (“City”) has approved a temporary street closing as part of a City special event application such as street festivals/fairs, or the vendor has been permitted individually by the City of Hickory’s Permit Center to park at one of the City’s designated lots or parking spots.
- ii. Mobile Food Vendors/Pushcarts must be parked at least 15 feet from any fire hydrant, and 5 feet away from any driveway, utility box or vault, handicapped ramp, building entrance or exit. These minimum distance requirements are all measured in a straight line from the closest point of the proposed food truck location to the closest point from the buffered point.

c. Public 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.
- ii. Park List:
 - Glenn C. Hilton, Jr. Memorial Park – 2000 6th Street NW Hickory
 - Henry Fork River Regional Park – 5655 Sweet Bay Lane Hickory
 - Kiwanis Park – 805 6th Street SE Hickory
 - Neill W. Clark, Jr. Park – 3404 6th Street Drive NW Hickory
 - Stanford Park – 1451 8th Street Drive NE Hickory
 - Taft Broome Park – 115 7th Avenue SW Hickory
 - Hickory City Park – 1581 12th Street Drive NW Hickory

iii. 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:

- January 7:00pm
- February 7:00pm
- March 7:00pm
- April 9:00pm
- May 9:00pm
- June 9:00pm
- July 9:00pm
- August 9:00pm
- September 9:00pm
- October 7:00pm
- November 7:00pm
- December 7:00pm

iv. Vendors are not permitted to permanently attach anything to park property.

v. No alcohol sales are permitted on park property.

d. Permit Required for Operation

- i. A Mobile food truck/Pushcart permit is required for each site. If multiple sites will be utilized by a vendor, the vendor must list all sites on the application.
- ii. As part of the permitting process, 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, if over the age of eighteen (18). 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.
- iii. Proof of permit by a county health department within the State of North Carolina must be provided with the application (if applicable). The applicant shall provide proof that contact has been established with the County Health Department and an official from said department has cleared the applicant for operating a food truck within the County. 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.
- iv. A copy of the zoning permit shall be kept on the food truck at all times. These permits must each be renewed annually on July 1st.

e. Standards Associated with Operation

- i. Mobile Food Vendors/Pushcarts are subject to the City noise ordinances, and may not use audio amplification. All equipment associated with such vendors must be located within three (3) feet of the food truck. The owner or individual in charge of the food preparation/service facility is responsible for disposing of all trash associated with the operation of the Mobile Food Vendor. City trash receptacles may not be used to dispose trash or waste, nor should private trash receptacles without the owner's permission. All areas within proximity of the food truck must be kept clean. Grease and liquid waste may not be disposed in tree pits, storm drains, the sanitary sewer system or public streets.
- ii. In addition to signage displayed directly on the vehicle, a Mobile Food Vendor/Pushcart may display only one sign attached to the ground, or menu board sign, which shall not exceed four feet in height or eight square feet of surface area. Such a sign shall be placed within three feet of the mobile food unit or vehicle and must be removed when outside hours of operation.
- iii. The sale of alcoholic beverages shall not be permitted by any Mobile Food Vendor/Pushcart, absent the issuance of the requisite special event permit and required licensure from the State of North Carolina.
- iv. A fire extinguisher of minimum Class 2A, 10B and C grade will be kept on the Mobile Food Vendor's vehicle. If deep frying is proposed, a Class K fire extinguisher must be kept on the truck/trailer.
- v. Electric direct wiring hookups may not be used unless permitted by the City of Hickory at a designated location.
- vi. A copy of vehicle or trailer registration, and location of approved grease disposal facility must be maintained on the truck as well.
- vii. If the Mobile Food Vendor/Pushcart is operating after dark, the vendor shall provide appropriate lighting in a manner that minimizes negative impacts to adjacent properties or motorists.
- viii. 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 4 immediate revocation of the Vendor's operating permit.

f. Liability

- i. 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.

- ii. 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.
- iii. 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
- iv. 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.
- v. 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 \$1,000,000 per occurrence and \$2,000,000 aggregate. Proof of such insurance shall be attached to the permit application.
- vi. 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.
- vii. If any of these standards are not met or satisfied by the Mobile Food Vendor/Pushcart, permits may be revoked at any time by the City of Hickory.