

For Office Use Only: Application Number: _____ Date Processed: _____ Initials: _____

Application Fee: \$80.00

Payment: Cash Check Card

Received Date: _____ Initials: _____

MOBILE VENDOR/PUSHCART APPLICATION

Applicant Name: _____

Applicant permanent Address: _____

Applicant E-mail: _____

Applicant permanent Telephone Number: _____

Identification State:	DOB:
Number:	

Type of Mobile Food Unit: Food Truck Pushcart Stationary Cart Retail Trailer (no engine)

BUSINESS INFORMATION

Business Name: _____ Type of Food & Beverage: _____

Business Address: _____

Phone:	Email:

Number of Employees/Shift:	Days/Hours of Operation:
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PROPOSED LOCATION INFORMATION (1)

Owner of Property:	Property Owner Signature:
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Address: _____

Date(s):	Property Owner Email:
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PROPOSED LOCATION INFORMATION (2)

Owner of Property:	Property Owner Signature:
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Address: _____

Date(s):	Property Owner Email:
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PROPOSED LOCATION INFORMATION (3)

Owner of Property:

Property Owner Signature:

Address:

Date(s)

Property Owner Email:

BUSINESS LICENSE INFORMATION (Provide a copy)

All businesses that operate within the Goldsboro city limits must have a Business Registration certificate prior to opening a business. Please contact the City of Goldsboro Inspections Department at 919.580.4385 for all necessary permits, including ABC Permits, prior to operating or opening to the public.

Business Name:

Date Issued:

Registration Number: BR-

Date Expires:

OTHER LICENSES (Provide copies)

Health & Environmental:

Date Issued:

Registration Number:

Date Expires:

Business Insurance:

Date Issued:

NC Registration Number:

Date Expires:

Other Licenses or Permits:

ISSUANCE OF PERMIT/ APPLICANT ACKNOWLEDGEMENT

No permit for the operation of a pushcart or mobile food unit may be issued unless the application is complete.
Please read the attached Chapter 117: Pushcart and Mobile Food Unit Vendor Ordinance No. 2023-42

SIGNATURE REQUIRED

Applicant – Printed

Applicant Signature

Date

CHAPTER 117: PUSH CART AND MOBILE FOOD UNIT VENDOR ORDINANCE No. 2023-42, effective 06-20-2023

§ 117.01 AREA COVERED.

The City Manager's designee may issue a permit for the serving of food and/or non-alcoholic beverages from a mobile pushcart or mobile food unit on government-owned sidewalks, public and private parking lots and publicly- or privately-owned property in the city limits and ETJ. Pushcarts and mobile food units requesting to set up in a park or other parks and recreation facilities will be subject to parks and recreation requirements and restrictions.

§ 117.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MOBILE FOOD UNIT. Any stationary cart; pushcart; trailer mounted on a chassis but without an engine; or vehicle mounted food establishment designed to be readily moved and vend food. MOBILE FOOD UNITS must meet any applicable Health Department requirements.

MOBILE FOOD VENDOR. Any person who operates a mobile food unit.

PARKING LOT. Any area, whether publicly or privately owned, approved to park automobiles on a temporary basis.

PEDESTRIAN WAY. An improved walk or passageway intended for use by pedestrians, but not adjacent to any city street.

PUSH CART. Any rubber-wheeled vehicle used for displaying, keeping or storing any article by a vendor or peddler (other than a motor vehicle, bicycle or trailer) which may be moved without the assistance of a motor and which does not require registration by the state Department of Motor Vehicles.

SIDEWALK. That portion of public street between the curb line, or the lateral lines of a roadway if there is no curb, and the adjacent property line, that is intended for the use of pedestrians.

§ 117.03 APPLICATION.

Any pushcart or mobile food unit vendor desiring to operate shall prepare and file an application with the City Manager's designee which shall contain the following information:

- (A) The **name, permanent address and telephone number of the person desiring to operate** a pushcart or mobile food unit.
- (B) Proof of **date of birth, address, and identification** of the applicant, to be provided through a driver's license or other legally recognized form of photo identification.
- (C) The **name, permanent address, and phone number of the business**.
- (D) The **type of food, beverage, or other products** to be sold and served from the pushcart or mobile food unit.
- (E) The **proposed dates**, hours, and location(s) of the pushcart or mobile food unit business.
- (F) A **site plan** showing the section of sidewalk, pedestrian way, **parking lot**, private property, or other location of the property to be used for the pushcart or mobile food unit.
- (G) A copy of **current registration and insurance** for any vehicle, pushcart, and/or trailer to be used in connection with the proposed mobile food unit, and a description of such to include the size, year, make, model, color, and license plate number.
- (H) **Written permission to use the proposed location signed by the property owner**, including contact information for the property owner if the property is not owned by the city.
- (I) Proof of possession of any **license or permit** which, under federal, state, or local laws or regulations, the applicant is required to have in order to conduct the proposed **business**, or which, under any such law or regulation, would exempt the applicant from the licensing requirements of this section.
- (J) A copy of all other licenses or permits, including, but not limited to, a privilege **license and health or environmental services permit**, obtained by the applicant in connection with the proposed mobile food vending.
- (K) Proof of an insurance policy issued by an **insurance company licensed to do business in the State of North Carolina**, showing a policy of the comprehensive general liability including coverage for products, completed operations, and contractual liability for the indemnification provision in the vendors permit, in the amount of not less than \$300,000 for bodily injury per occurrence and \$100,000 for property damage per occurrence. Such policies shall not be canceled until 30 days written notice of such cancellation shall be given to the City Manager's designee. Any termination or lapse of such insurance shall automatically revoke any permit issued by this chapter. Such insurance limits and requirements shall be subject to revision by the City Manager or their designee. Certificates of insurance shall be kept on file with the vendors application.

(L) An indemnity statement, approved by the City Attorney, whereby the pushcart or mobile food unit operator agrees to indemnify and hold harmless the city and its officers, agents and employees from any claim arising from the operation of the pushcart or mobile food unit. [HOLD HARMLESS AGREEMENT]

(M) Additional information as required by the Chief of Police to perform the necessary background investigation.

(N) The signature and a sworn statement, signed by the applicant, verifying the application's contents.

§ 117.04 ISSUANCE OF PERMITS.

No permit for the operation of a pushcart or mobile food unit may be issued unless the application is complete and the following requirements are met:

(A) The pushcarts or mobile food units location as shown on the site plan or drawing submitted must be done in such a manner that at least four feet unobstructed space (as measured from the streetside edge of the sidewalk) remains on the sidewalk or pedestrian way for the passage of pedestrians.

(B) Pushcarts or mobile food units shall not be located within 100 feet of any competing restaurant.

(C) Pushcarts or mobile food units shall provide a refuse receptacle and shall dispose of waste generated through their operation at the end of each day in an approved landfill or drop-off container site. City receptacles may not be utilized for this purpose. No liquid waste or grease may be poured into any tree pit, storm drain, gutter pan, sidewalk, or any other public place. Grease cannot be released into the city's sanitary sewer system.

(D) Pushcarts or mobile food units shall comply with all Wayne County Health Department requirements.

(E) No pushcart or mobile food unit shall be located within 100 feet of any other legally established pushcart or mobile food unit. This shall not apply to special events approved by the city.

(F) Pushcarts or mobile food units shall be located in such a manner so as to not interfere with the commerce of existing businesses.

(G) Except as elsewhere permitted, the operation of a pushcart or mobile food unit shall involve no permanent alteration to or encroachment upon any street, sidewalk, pedestrian way, on-street parking, or parking lot.

(H) There shall be adequate lighting available in the area of the pushcart or mobile food unit for the safety of the patrons and public use of the sidewalk.

(I) A filing fee of \$80, and a business registration fee, as noted in the Manual of Fees and Charges, is required to accompany all permit applications or renewals, and will be valid for one year from the date issued.

(J) Mobile food units shall be located in such a way as to not constitute a nuisance. Mobile food units shall meet all applicable setbacks throughout the city as determined by the City of Goldsboro.

(K) All mobile food units shall be removed at the end of the business day and may not be located overnight within the city limits.

(L) No pushcart or mobile food unit may utilize on-street parking spaces or the right-of-way to serve customers without obtaining a permit. This shall not apply to special events approved by the city.

(M) No pushcart or mobile food unit may be parked in a location that prohibits or restricts access to private property. A minimum five foot spacing is required from any driveway, measured from the driveway apron.

(N) No pushcart or mobile food unit may be located within five feet of any utility box, utility vault, handicap ramp, or emergency call box. No pushcart or mobile food unit may be located within 15 feet of a fire hydrant.

(O) Mobile food units must successfully pass a fire inspection, completed by the Goldsboro Fire Marshal, and conducted no more than 30 days prior to the permit application date.

(P) Pushcarts and mobile food units are not permitted to operate in the roundabouts or medians in the city.

(Q) No mobile food vendor shall erect an outdoor seating area for dining, including, but not limited to, tents, tables, chairs, booths, bar stools, benches, and stand-up counters.

(R) Any continuous amplified sound or music is prohibited. Any other amplified sound or music must comply with Chapter 95 of the City's Code of Ordinances.

§ 117.05 APPROVAL PROCESS.

Applicants interested in a pushcart or mobile food unit license shall apply to the City Manager's designee and provide the information as required under § 117.03. Upon approval, all permits must be kept publicly displayed in a conspicuous place in or about the pushcart or mobile food unit.

§ 117.06 PERMIT DURATION.

Permits issued for pushcart or mobile food unit operation are valid for a period of one year. It is the responsibility of the applicant to make timely application for permit renewal. Permit renewals shall follow the same process as a new permit.

§ 117.07 PERMIT DENIAL.

A permit may be denied if it is found that the granting of the permit would not be in the public interest. Any applicant denied a permit to operate a pushcart or mobile food unit shall receive a written statement outlining the grounds on which the denial is based. Appeals of the City Managers denial shall be considered by the City Council.

§ 117.08 PERMIT REVOCATION.

The City Manager or their designee may revoke a permit issued pursuant to this section if it is found that the pushcart or mobile food unit operator has:

- (A) Deliberately misrepresented or provided false information in the permit application.
- (B) Violated any provision of city or county Health Department regulations.
- (C) Violated any law, regulation, or ordinance regarding the possession, sale, transportation or consumption of intoxicating beverages or controlled substances.
- (D) Operated the pushcart or mobile food unit in such a manner as to create a public nuisance or to constitute a hazard to the public health, safety, or welfare; specifically including failure to keep the area around the pushcart or mobile food unit free of refuse.
- (E) Failed to maintain any health, business or other permit or license required by law for the operation of a pushcart or mobile food unit. Before the revocation of a permit, the City Manager or their designee shall notify the permit holder of the intent to revoke the permit and the reasons therefore and shall afford the permit holder a reasonable opportunity to appear and be heard on the questions of such revocation. After the hearing, the City Manager, or their designee, shall notify the permit holder in writing of their decision regarding the revocation. Such revocation may be appealed to the Goldsboro City Council and the decision of the Council is final.

§ 117.09 TRANSFER PROHIBITED.

It shall be unlawful for any person to transfer the use of a pushcart or mobile food vendor permit to another applicant or business name.

§ 117.10 EXCEPTIONS TO PROVISIONS.

All mobile food unit vendors are required to adhere to Chapter 117, Pushcart and Mobile Food Unit Vendors. However, mobile food vendors are exempt from the \$80 filling fee when applying for and obtaining a permit if they meet one of the following:

- (A) Organizations which have been granted 501(c)(3) tax exemption by the Internal Revenue Service and not operating for profit.
- (B) Actions undertaken at the prior request or invitation of the resident or occupant of the premises, with written permission of the property owner, with the sole purpose of providing services to the resident or occupant and not open to the public.
- (C) Actions undertaken at the prior request or invitation of an appointed member of an incorporated homeowner's association (HOA) on the premises under the jurisdiction of the HOA with the sole purpose of providing services to the members of the HOA, and not open to the public.
- (D) Mobile food unit vendors who have been approved to participate in a special event approved by the Goldsboro City Council.

§ 117.11 VIOLATIONS.

(A) It shall be unlawful for any person to violate any provision of this chapter or to violate any term or condition of a permit issued pursuant to this chapter.

(B) In addition to any criminal enforcement, the city or any individual may pursue any available civil remedies deemed appropriate and necessary.

§ 117.12 SEVERABILITY.

The provisions of this chapter are declared to be severable. If any section, sentence, clause, or phrase for any reason are held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this chapter, and they shall remain in effect, it being the legislative intent that this chapter shall remain in effect notwithstanding the validity of any part.

§ 117.99 PENALTY.

(A) Any violation of this chapter may be subject to a fine not exceeding \$250. Each days violation of this chapter shall constitute a separate and distinct offense. (B) The provisions of this chapter may be enforced by any appropriate, equitable action.