

ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USAGE
CHAPTER 160: DOWNTOWN DISTRICT
O-2024-32

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 160 BE AMENDED AS FOLLOWS:

TEXT AMENDMENT

Section 1. Amend Chapter 160 Section 160.03 Food Trucks to read as follows:

CHAPTER 160: DOWNTOWN DISTRICT

160.03 FOOD TRUCKS. Food Trucks are permitted in the Downtown District as follows:

- A. Definitions.** The following definitions shall apply in this Section:
1. Food Truck – A motorized vehicle or mobile food unit designed and equipped to serve food and beverages with a valid motor vehicle registration issued by the State of North Carolina or other state.
 2. Food Truck Owner – Owner of a licensed Food Truck as identified on the vehicle DMV Registration issued to a Food Truck and is responsible for the operation of a Food Truck at all times even if not the Food Truck Operator.
 3. Food Truck Operator – Person in charge of and operating a Food Truck while located in Downtown whether or not the Food Truck Owner.
 4. Food Truck Permit – Permit issued by the City of Monroe upon application to the Monroe Permit Center to operate a Food Truck in the Downtown District at a particular time and location. There shall be the following classes of Food Truck Permits:
 - a) Private Property Food Truck Permit – Annual permit issued to operate Food Truck(s) on Private Property in the Downtown District. The Private Property Permit shall be issued to the Host Business for a one-year (twelve-month) period from July 1 to June 30 of each year. The Permit shall identify the private property for which the permit is issued. The cost of the Private Property Permit shall be One Hundred Dollars (\$100.00) or as otherwise modified by the Monroe Fee Schedule. The Permit Fee for Permits issued after July shall be prorated on a monthly basis for the remainder of the annual period.
 - b) Public Right-of-Way Food Truck Permit – All other Food Truck Permits issued to operate a Food Truck within the Public Right-of-Way in the Downtown District. Such Public

Right-of-Way Food Truck Permit shall be for a specific location and specific time as provided in this Ordinance.

5. Host Business – Any business with a physical location in the Downtown District that is permitted, has a certificate of occupancy, and is actively operating Downtown.

B. Private Property. Food trucks on private property are permitted on lots in the Downtown District and are subject to the following:

1. Must obtain a Private Property Food Truck Permit from the City of Monroe, be located on private property, and obtain written permission from the property owner if the Host Business is not the property owner.
2. To locate on a property in the Downtown District, the property must have a Primary Use. A Primary Use is property on which is located a building in active use or an improved stand-alone parking lot. An unimproved grass or dirt lot is not permissible.

C. Public Right-of-Way. Food Trucks in the public right-of-way can locate on any street within the Downtown District upon compliance with the following:

1. No Food Truck Operator may utilize the right-of-way to serve customers without obtaining a Food Truck Permit from the City of Monroe.
2. A Host Business with a physical location in the Downtown District is required to sponsor and join in signing the application for a Food Truck to receive a Food Truck Permit. The Host Business shall be located in the Downtown District and be actively operating.
3. A Food Truck Owner, agent on behalf of a Food Truck Owner, or Host Business must complete and submit to the City of Monroe Permit Center an application for a Public Right-of-Way Food Truck Permit in the Downtown District signed by both the Food Truck Owner and the Host Business. The application must be accompanied by a copy of the current valid Food Truck Registration issued by DMV or other appropriate agency, a copy of the current valid permit issued by Union County Environmental Health, and any other document required by this Ordinance. A completed application and application fee must be received no less than five (5) days prior to first day the Food Truck intends to operate. The Food Truck Permit is issued to the Food Truck Owner and the Host Business both of which shall remain responsible for the operation and activities of the Food Truck at all times.

D. Standards For All Food Trucks on the Public Right-of-Way.

1. No single Food Truck Owner shall occupy or operate more than one Food Truck at any given time in the Downtown District.
2. There shall be no more than four (4) Food Trucks operating in the Downtown District at any given time.
3. Food Trucks may only dispense and sell food and beverages between the hours of 3:00 pm and 12:00 midnight from Monday through Friday. On Saturday and Sunday, Food Trucks may only dispense and sell food and beverages between the hours 7:00 am and 11:00 am and between 3:00 pm

and 12:00 midnight. The Host Business may reserve the necessary parking spaces to accommodate the Food Truck at any time during the day the Food Truck is permitted to operate.

4. A Food Truck may only be permitted in the Downtown District to operate a maximum of three days in any weekly period and may not be permitted for consecutive weekly periods.
5. Food Trucks may not be located within one hundred (100) feet from the main entrance of any restaurant at any time, with the exception of the Host Business sponsoring the Food Truck. The exception for Host Businesses shall not apply if the Host Business is located within one hundred (100) feet of any other restaurant, and the distance restriction shall remain in effect. However, a Food Truck may locate within one hundred (100) feet of the main entrance of a restaurant with written permission and approval of the restaurant owner or operator. Such written permission must be submitted along with the Public Right-of-Way Food Truck Permit Application.
6. All Food Trucks must be located so there is at least five (5) feet of unobstructed space for pedestrians on sidewalks, pedestrian paths and other locations intended primarily for pedestrian travel. If any applicable law, including American with Disability Act regulations, shall require a greater distance, the greater distance shall apply.
7. Food Trucks must be located at least five (5) feet from any utility box, utility vault, handicapped ramp, or emergency call box and not allowed within fifteen (15) feet of any fire hydrant.
8. The minimum distance requirements are measured in a straight line from the closest point of the proposed Food Truck location to the closest point of the buffered object, or in the case of a restaurant, measured from the closest point of the restaurant's main entrance.
9. Food Truck Owners are responsible for the proper disposal of waste and trash associated with the operation. Food Truck Operators shall remove all waste and trash from their location at the end of each day or as needed to maintain proper health and safety for the public. City receptacles may not be utilized for this purpose. The Food Truck Operator shall keep all areas within ten (10) feet of the truck clean of grease, trash, paper, cups or cans associated with Food Truck operation. No liquid waste or grease is to be disposed into the tree pits, storm drains or onto the sidewalks, streets or other public place. Under no circumstances shall grease be released into or disposed of in the City's sanitary sewer or storm water drainage system. There shall be no amplified sound, music, or similar device.
10. No Food Truck shall be parked in a location that prohibits or restricts access to a private property. A minimum of five (5) feet of spacing is required from any driveway, measured from the driveway apron. Street sight distances shall not be blocked.
11. Advertising consisting of business name, logo, and items available for sale may be displayed on the Food Truck. No other form of advertising is permitted including stand-alone signs, banners, pennants, flags, balloons, and/or any other advertising.

12. All Food Trucks must have a duly issued and valid permit issued by Union County Environmental Health at all times. If Union County Environmental Health revokes the permit for the Food Truck, the City's Food Truck Permit shall immediately and automatically be revoked as well, and the Host Business and the Food Truck Operator are subject to civil penalties and other enforcement measures provided herein.
13. The Food Truck Operator shall not utilize tables, chairs, free-standing signage, or audio amplification in conjunction with the Food Truck. All equipment shall be contained within or on the Food Truck.
14. By signing the application, the Food Truck Owner and Host Business agree to hold the City, its officers, agents, and employees harmless and indemnify them for any loss, liability, damage, costs, and expenses arising from its operations.
15. Food Trucks shall not impede, endanger, or interfere with pedestrian or vehicular traffic.
16. The Food Truck Owner must possess a valid general liability insurance policy through an insurance carrier authorized or eligible to do business in the State of North Carolina for any damage to the public right-of-way and for any damages for which the City might incur the liability because of property damage or personal injury arising out of the use of the public right-of-way. The minimum liability limit to the policy shall be one million dollars (\$1,000,000.00). The City of Monroe shall be listed as an additional insured on the Certificate of Insurance issued for the Food Truck Owner and attached to the application submitted for a City permit.
17. The City reserves the right to require any permit holder to cease part or all of its operation, or remove the Food Truck from the permitted parking space in order to allow for construction, maintenance or repair of any street, curb, gutter, sidewalk, storm drain inlet and any other similar municipal utility without notice due to health, safety, and/or other emergency.
18. The Food Truck Owner/Operator must comply with all other local, state, and federal applicable laws and regulations.
19. The City may temporarily suspend the Food Truck Permit when the street is closed for a special event.
20. If at any time evidence of the improper disposal of liquid waste or grease or other waste is discovered, the Food Truck Permit will be rendered null and void and the Food Truck operation will be suspended and required to cease operation immediately and be subject to other civil penalties including but not limited to health and safety and/or environmental clean-up.

E. Enforcement. The Monroe City Manager is authorized to appoint and designate one or more Enforcement Agent(s) to enforce the provisions of this Ordinance. Any Food Truck operating in the Downtown District observed violating any provision of this Ordinance and upon written notice by a duly appointed City of Monroe Enforcement Agent is subject to the following civil penalty in the following amounts:

First Citation	\$100.00
Second Citation For Same or Similar Violation	\$500.00

In addition to the above civil penalty, violations are subject to the following:

1. Upon issuance of a first offense for violation of this Ordinance, the Food Truck Owner shall be ineligible to receive a City issued Food Truck Permit for a period of one (1) year from the date of the violation;
2. Upon issuance of a first offense for violation of this Ordinance, the Host Business that sponsored the Food Truck cited for the violation shall be ineligible to host or sponsor a Food Truck or a period of one (1) year from the date of the violation.
3. Upon issuance of a second offense for violation of this Ordinance within a five-year (5) period, the Food Truck Owner shall be ineligible to receive a City issued Food Truck Permit;
4. Upon issuance of a second offense for violation of this Ordinance within a five (5) year period, the Host Business that sponsored the Food Truck Operator cited for the violation shall be ineligible to host or sponsor a Food Truck;
5. The Permit for any Food Truck operating in the Downtown District shall immediately and summarily be suspended and ordered to immediately cease and desist operating in Downtown upon Notice of Violation of any of the following:
 - a) Failure to be duly permitted as required by this Ordinance.
 - b) Failure to obtain, or suspension of, any permit required by Union County Environment Health.
 - c) A Food Truck found to impede, endanger, or interfere with pedestrian or vehicular traffic.
 - d) When the operation of a Food Truck poses an eminent threat to public health, safety, or welfare.
 - e) Improper disposal of grease and trash pursuant to § 160.03 D 21 above.

Notices of violation of this Ordinance shall be in writing and may be served by personal delivery to the Owner and/or Operator, as agent of the Owner, of a Food Truck by an Enforcement Agent duly appointed to enforce this Ordinance, or served by US Mail addressed to the address of the Food Truck Owner as shown on the City of Monroe Permit or to the address of the Food Truck Owner as shown on the DMV registration. Service is complete upon personal delivery or depositing the notice by first class United States Postal Services mail.

Appeal. A Notice of Violation of this Ordinance may be appealed for a hearing by the Food Truck Owner or Host Business upon written notice to the City of Monroe with ten (10) days of receipt of the Notice of Violation. Upon receipt of a notice of appeal, the City Manager and/or their designed Hearing Officer shall schedule a hearing to be held within thirty (30) days of receipt of the notice of appeal. The

Food Truck Owner and the Host Business shall each receive written notice of the date and time of the hearing. The City Manager and/or their designated Hearing Officer shall conduct the hearing during which the Food Truck Owner and Host Business shall be given an opportunity to offer evidence or testimony regarding the violation. After conclusion of the hearing, the City Manager and/or their designated Hearing Officer shall make a written determination and provide copies to the Food Truck Owner and Host Business. The written decision of the City Manager and/or their designated Hearing Officer is final and no additional administrative appeals are available. Appeal of any of the summary Violations issued pursuant to paragraph 5 above does not stay or delay the immediate suspension of a permit or immediate cessation of operation of a Food Truck.

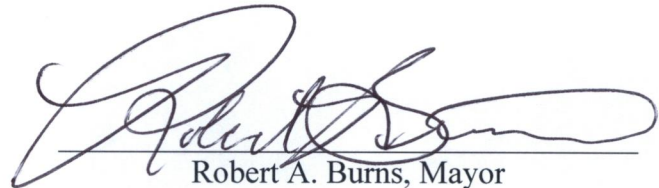
- H. Special Events.** Food Trucks participating in permitted temporary special events sponsored by the City or private sponsor in the Downtown District are permitted pursuant to the City's Temporary Use Permit and are exempt from the requirements of this Ordinance except Sections 160.03 D 10, 14, and 21.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 13th day of August, 2024.

Attest:

Bridgette H. Robinson
Bridgette H. Robinson, City Clerk


Robert A. Burns, Mayor

