

**TOWN OF ANGIER  
PLANNING BOARD  
Tuesday, February 14, 2023 6:30 P.M.  
Angier Board Room  
28 N. Raleigh Street  
Minutes**

The Angier Planning Board met in regular session Tuesday February 14, 2023 inside the Angier Board Room at 28 N. Raleigh Street. Robert Frey called the meeting to order at 6:30 p.m.

**Members Present:** Robert Frey  
Myron Patterson  
Sam Gregory  
Haley Plumley  
Lee Marshall

**Members Absent:**

**Staff Present:** Planning Director, Randy Cahoon-Tingle  
Town Clerk, Veronica Hardaway  
Community Develop. Coordinator Casey Todd

**Others Present:** Tracey Durham  
Emily Plemons

2. **Pledge of Allegiance:** Robert Frey led the pledge of allegiance.
3. **Invocation:** Lee Marshall offered the invocation.
4. **Approval of the January 10, 2023 Planning Board Minutes:** With there being no changes, the January 10, 2023 Planning Board Minutes were approved as presented.

**Motion:** Lee Marshall  
**Vote:** 5-0; unanimous

5. **Consideration of the Agenda:** The Planning Board approved the Agenda as written.

**Motion:** Haley Plumley  
**Vote:** 5-0; unanimous

6. **New Business:**

**A. Swear in New Members**

Town Clerk Veronica Hardaway administered the Oaths for the following members: Lee Marshall, Emily Plemons, and Tracey Durham.

## **B. Annual Election of Officers**

**Board:** The Planning Board unanimously voted to nominate Robert Frey as the Chairman.

**Motion:** Lee Marshall  
**Vote:** 7-0; unanimous

**Board:** The Planning Board unanimously voted to nominate Haley Plumley as the Vice-Chairman.

**Motion:** Lee Marshall  
**Vote:** 7-0; unanimous

Chairman Robert Frey welcomed new and re-appointed members.

## **C. Introduction of Potential Food Truck Regulations**

Planning Director Randy Cahoon-Tingle stated that the Planning staff have been receiving a series of phone about a large number of food trucks showing up and moving around fairly regularly. The particular concern that was expressed was they were showing up in the park on weekends and vending food in the park.

As it stands, the Town's code only references Itinerant Merchants found in Chapter 9 of the Code of Ordinances; however, that has to do more with door-to-door sales or anything being vended on the side of the road. There is nothing addressing food trucks specifically.

An Itinerant Merchant permit is obtained by paying a \$20 for a year and \$10 for every subsequent year thereafter. This permit authorizes moving sales with no fixed location. A great safeguard with this is the application requires the Town to know who these merchants are and if they are selling anything of value they are forced to put up a five-thousand-dollar bond in order to assure they are following through.

The goal with this Ordinance is preventing food truck vending on public property with the exception of events. Mobile food vendors operating at fixed locations on private property shall obtain a Land Use Permit stipulating an expiration date of the permit not to exceed 180 days (six months). The proposed Ordinance requires documents to be submitted to the Planning Department at the time a permit is applied for that would include a copy of any written agreement between the mobile food vendor and the owner of private property where the vending will take place; a copy of the most recent inspection from the Environmental Health Department that licensed the mobile food vendor; a copy of a state issued photo identification of the applicant and any personnel that will be vending food; and proof of liability insurance.

The zoning permit needs to be posted conspicuously at or near the window where customers pick up or order food. The permit to actually operate is supposed to be attached to the truck where it can be seen. Regardless of the county where the food truck was

inspected; they are subject to inspection by the county in which they are visiting. If a vendor is consistently ignoring food service and food handling practices that are considered standards by this State you can be prevented from vending food in a particular county.

A maximum of (2) mobile vendors shall be located on a lot or parcel in all commercial zoning districts at any given time and shall be located a minimum of one hundred feet from the main entrance at any eating establishment. Mobile food vendors are required to abide by any parking regulations like any other vehicle. The truck has to be parked 15 feet away from a fire hydrant; should not interfere with pedestrian or vehicular traffic; the truck shall not occupy any parking spaces required to fulfill the minimum requirements of the principle use; and they shall not occupy any handicap accessible parking space.

No amplified sound is permitted as part of the food truck, trailer or cart vending operation. Hours of operation shall be limited to the hours between 6am to 9pm in all commercial zoning districts unless the property owner has obtained a Special Use Permit from the Town of Angier allowing for extended hours. The truck operator or designee needs to be present at all times with the exception of an emergency. Proper disposal of waste and trash associated with the operation needs to be followed. Town trash receptacles are not to be used for this purpose and will not be provided. All equipment is required to be maintained within, attached to or within twenty feet of the food truck vending.

Required permits to operate mobile food vending is to be obtained by the Planning Department. A food vendor permit expires after every 180 days. Permits will be revoked or suspended if proper disposal or sanitation requirements are not followed. Lastly, enforcement of this ordinance is provided in NCGS 160A-175 or as provided in Town of Angier's Code of Ordinances. All criminal sanctions shall be up to the dollar limit provided in NCGS 14-4(a), as currently enacted or as hereafter amended, or any similar limitations. The civil penalty for violating this ordinance is as follows: 1) fifty-dollar (\$50) fine for all violations of parking regulations contained herein, 2) one hundred-dollar (\$100) fine for the first offense for all non-parking violations contained herein, 3) three hundred (\$300) dollar fine for the second offense for all non-parking violations contained herein. The mobile vendor permit shall be revoked after the third offense.

The Planning Board showed their appreciation to Mr. Cahoon-Tingle for putting this ordinance together. It was the consensus of the Board that this ordinance was very well written with no revisions.

**Board:** The Planning Board unanimously voted to recommend Section 9-72 be added to the Town of Angier Code of Ordinances as presented.

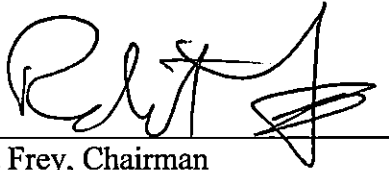
**Motion:** Haley Plumley  
**Vote:** 7-0; unanimous

## **7. Old Business:**

None.

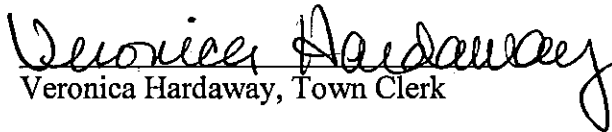
**8. Adjournment:** The Planning Board voted unanimously to adjourn the meeting at 7:30 pm.

**Motion:** Lee Marshall  
**Vote:** 7-0; unanimous



Robert Frey, Chairman

Attest:



Veronica Hardaway, Town Clerk

***Ordinance as Presented during the February 14, 2023 Planning Board Meeting***

**Sec. 9-72. Mobile food vendors (food trucks).**

All mobile food vendors shall comply with the regulations of this section except for vendors associated with Town-sponsored events. This section is not applicable to wayside stands for sale of produce and seasonal products.

Mobile food vendors operating at fixed locations on private property shall obtain a Land Use Permit stipulating an expiration date of the permit not to exceed 180 days (six months). A copy of this zoning permit shall be posted conspicuously at or near the window or windows where customers order or pick up food being vended. Documents required to be submitted to the Planning Department at the time a permit is applied for shall include the following:

1. A copy of any written agreement between the mobile food vendor and the owner of the private property where mobile vending will take place.
  2. A copy of the most recent inspection from the Environmental Health Department that licensed the mobile food vendor (food truck).
  3. A copy of the State issued photo identification of the applicant, which shall be placed on file in the office of the Planning Director. The name, along with a copy of the State issued photo identification of any alternate mobile food vending personnel shall be provided if other persons will be allowed at any date/time by the applicant to vend from the permitted food truck.
  4. Proof of Liability Insurance for the food vendor.
- A. Siting Requirements.
1. A maximum of two (2) mobile food vendors shall be located on a Lot or Parcel in all commercial zoning districts at any given time. If the permit is issued to the owner of the parcel or to the business operating on the premises, it shall be the responsibility of the permittee to ensure that no more than two mobile food vendors are operating simultaneously on their private property.
  2. Mobile food vendors shall be located a minimum of one hundred (100) feet from the main entrance to any eating establishment or similar food service business, and one hundred (100) feet from any outdoor dining area operated as part of an eating establishment, as

measured from the designated location on the Lot or Parcel accommodating the food truck, trailer or cart.

3. Mobile food vendors, food trucks, trailers and carts shall be located a minimum distance of fifteen (15) feet from any fire hydrant.
4. Mobile food vendors, food trucks, trailers and carts shall not be located within any area of the Lot or Parcel that impedes, endangers, or interferes with pedestrian or vehicular traffic.
5. Mobile food vendors, food trucks, trailers and carts shall not occupy any parking spaces required to fulfill the minimum requirements of the principal use, unless the Principal Use's hours of operation do not coincide with those of the food truck business. Nor shall any mobile food vendor occupy parking spaces that may be leased to another business and used to fulfill its minimum parking requirements.
6. Food trucks, trailers and carts shall not occupy any handicap accessible parking space as specified in NCGS§ 20-37.6.

**B. Operations.**

1. One freestanding sandwich board sign shall be permitted as part of the food truck, trailer or cart vending operation. No audio amplification shall be permitted as part of the food truck, trailer or cart vending operation.
2. Hours of operation of food trucks, trailers and carts shall be limited to the hours between 6:00 a.m. and 9:00 p.m. in all commercial zoning districts unless the property owner has obtained a Special Use Permit from the Town of Angier allowing for extended hours of operation.
3. When open for business, the food truck, trailer or cart operator, or his or her designee, shall be present at all times, except in cases of an emergency. If the food truck, trailer or cart operator's name does not match the name on the zoning permit displayed conspicuously at the window or windows where customers order or pick up food being vended, the name of the operator shall be displayed alongside the permit. Failure to prominently post the name of the vendor in this manner shall be viewed as a deliberate violation of the issued permit.
4. The food truck, trailer or cart vendor is responsible for the proper disposal of waste and trash associated with the operation. Town trash receptacles are not to be used for this purpose. Vendors shall remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor shall keep all areas of the permitted lot free and clean of grease, trash, paper, cups, cans or other materials associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the Town's sanitary sewer system.
5. All equipment required for the operation shall be contained within, attached to or within twenty (20) feet of the food truck, trailer or cart. All food preparation, storage, and sales-distribution shall comply with all applicable County, State and Federal Health Department sanitary regulations.

**C. Permits Required.**

1. A Town of Angier Land Use Permit shall be obtained by the property owner (as listed in the Harnett or Wake County, North Carolina property tax records) for any Lot or Parcel proposed to accommodate a mobile food vending operation as a primary use. If at any time evidence is found that the permitted Lot or Parcel is being used other than in compliance with these regulations, the zoning permit shall be rendered null and void, and the owner shall be cited for such violation as hereinafter set forth.
2. A Town-issued mobile food vendor permit shall be obtained every 180 days (six months) by the vendor or by the legal owner of the property. Prior to the issuance of the permit, the vendor shall provide evidence of having obtained the Land Use Permit (as described in paragraph (A)), a food vending permit from the County Environmental Health Department

where the mobile food vendor is licensed (unless the product being vended is not subject to Environmental Health Department inspection), a North Carolina Sales and Use Certificate for collecting and paying the proper sales taxes (if applicable), and a means for the disposal of grease within an approved grease disposal facility.

3. If at any time evidence of the improper disposal of liquid waste or grease is discovered, the mobile food vendor permit shall be rendered null and void, and the business shall be required to cease operation immediately. The vendor shall be cited for the violation as hereinafter set forth.
4. Copies of the zoning permit and food vending permit shall be kept in the food truck, trailer or cart at all times.
5. If at any time, the vendor's County Environmental Health Department revokes or suspends the issued food vending permit, or if the Harnett or Wake County Environmental Health Department sanitation inspector finds violations of food services regulations, the Town permit for mobile food vending operation shall be revoked or suspended simultaneously.

D. Enforcement.

1. This section shall be enforced by law as provided in G.S. § 160A-175 or as provided in this code. All criminal sanctions shall be up to the dollar limit provided in G.S. § 14-4(a), as currently enacted or as hereafter amended, or any similar limitations.
2. The civil penalty for violating this section shall be as follows: 1) Fifty dollar (\$50.00) fine for all violations of parking regulations contained herein, 2) One hundred dollar (\$100) fine for the first offense for all non-parking violations contained herein, 3) Three hundred dollar (\$300) for the second offense for all non-parking violations contained herein. The mobile food vendor permit shall be revoked after the third offense.