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TOWN CLERK
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TOWN ATTORNEY
Alan "Chip" Hewett

2025-003-O: AN ORDINANCE TO AMEND CHAPTER 17 OF THE CODE OF ORDINANCES OF THE TOWN OF SELMA

WHEREAS, Town of Selma staff has initiated text amendments to Chapter Seventeen of the Town Code of Ordinances to amend Section 17-548 Mobile food vendors (food trucks) to clarify the requirements and set standards for multiple locations and how to operate after hours; and

WHEREAS, On March 24, 2025, the Planning Board reviewed the amendment(s); and made a motion to recommend to Town Council with conditions.

WHEREAS, On May 13, 2025, the Town Council reviewed the formal amendment(s) and unanimously voted to approve all proposals as submitted.

NOW, THEREFORE, BE IT ORDAINED THAT:

Section 1. The Town of Selma Code of Ordinance is hereby amended to read as follows:

Sec. 17-548. Mobile food vendors (food trucks).

All mobile food vendors shall comply with the regulations of this section except for vendors associated with Temporary Events. Mobile food vendors associated with temporary events shall be consistent with Article IV, Part 4 of this chapter. This section is not applicable to wayside stands for sale of produce and seasonal products.

Mobile food vendors at fixed locations on private property shall obtain a zoning 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. A food vending permit from the Johnston County Environmental Health Department (if applicable).
5. A means for the disposal of grease within an approved grease disposal facility.

6. A North Carolina Sales and Use Certificate for collecting and paying the proper sales taxes (if applicable).

A. Siting Requirements.

1. A maximum of two (2) mobile food vendors shall be located on a Lot or Parcel in all zoning districts except Interstate Business (IB). In the IB District, a maximum of four (4) mobile food vendors may operate on any privately owned parcel exceeding three (3) acres in size.
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.
7. In cases where a mobile food vendor operates on two or more different lots, the mobile food vendor shall secure an owner's consent form for each additional lot and submit it to the Town with no additional fee or permit.

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 zoning districts except Interstate Business (IB), where the hours allowed are between 6:00 a.m. and 10:00 p.m.
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.
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.~~ Additional Standards.

- ~~1. A Town zoning permit shall be obtained by the property owner (as listed in the Johnston County, North Carolina property tax records) for any Lot or Parcel proposed to accommodate a mobile food vending operation. 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. This zoning permit shall be required to be renewed annually.

2. A Town issued mobile food vendor permit shall be obtained every six months by the vendor. Prior to the issuance of the permit, the vendor shall provide evidence of having obtained a Town zoning permit (as described in paragraph (A)), a food vending permit from the Johnston County Environmental Health Department (if applicable), 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.
1. 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.
2. Copies of the zoning permit and food vending permit shall be kept in the food truck, trailer, or cart at all times.
3. If at any time, the Johnston County Environmental Health Department revokes or suspends the issued food vending permit, the Town permit for mobile food vending operation shall be revoked or suspended simultaneously.
4. The food truck, trailer, or cart shall be removed after operating hours or a special event and be stored in a legally permissible location.

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: For the first offense, the fine shall be one hundred (\$100.00) dollars. For the second offense, the fine shall be three hundred (\$300.00) dollars. The mobile food vendor permit shall be revoked after the third offense.

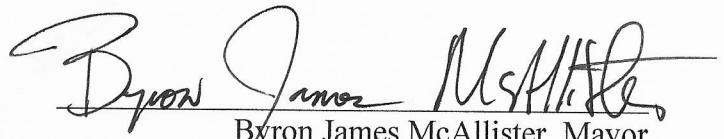
(Ord. No. 2021-64-R, 7-13-21)

Section 2. The Clerk is hereby authorized to insert such amendments into the official Code of Ordinances of the Town of Selma kept on file in the Office of the Clerk.

Section 3. This ordinance shall become effective upon adoption.

This is the 13 day of May, 2025.




Byron James McAllister, Mayor

ATTEST:


Dalton Larsen-Batten, Town Clerk