

ORDINANCE #16-13:

AN ORDINANCE AMENDING CHAPTER 111 MOBILE VENDORS OF THE VILLAGE OF PINEHURST MUNICIPAL CODE.

THAT, WHEREAS, the Village Council of the Village of Pinehurst adopted an ordinance dated October 20, 1980, establishing and implementing certain authorized police powers for the purpose of prescribing regulations governing conditions detrimental to the health, safety, and welfare of its citizens; and

WHEREAS, on September 13, 2011 the Village Council of the Village of Pinehurst adopted Ordinance 11-25 which adopted the general ordinances of the Village of Pinehurst as revised, amended, restated, codified, and compiled in book form and declared that these shall constitute the “Village of Pinehurst, North Carolina Municipal Code;” and

WHEREAS, the Municipal Code will be subsequently amended from time to time as conditions warrant; and

WHEREAS, the Village of Pinehurst desires to allow food trucks in certain locations around the Village of Pinehurst.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Village Council of the Village of Pinehurst, North Carolina in a regular meeting assembled this 27th day of September, 2016 as follows:

SECTION 1. That the following amendments be made to CHAPTER 111: MOBILE VENDORS:

§ 111.01 DEFINITIONS.

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

MOBILE VENDOR. Any equipment, apparatus, trailer, vehicle, cart or other conveyance, other than a legally permitted vending machine, located outdoors, from which a vendor displays, sells, offers for sale, gives away, or offers to give away anything of value including any food, beverage, goods, wares, merchandise, or services that is not within a permanent permitted structure.

MOBILE FOOD VENDOR. **A mobile vendor where primarily food items are sold to the general public.**

§ 111.02 PURPOSE.

The purposes of this chapter are:

- (A) Protect established uses that occupy permanent permitted structures;

- (B) Preserve the aesthetics of the Village;
- (C) Ensure public safety and the protection of public rights-of-way; and
- (D) To protect the public from any adverse effects of doing business with a transient entity.

§ 111.03 PERMIT REQUIRED.

No mobile vendor shall operate or establish use on public rights-of-way or private property including parking lots and vacant land within the Village unless such use is authorized as a temporary use through issuance of a ~~temporary event~~ permit in accordance with § 94.14 and Chapter 152 of the Pinehurst Municipal Code (A) or (B), below:

(A) PERMIT REQUIRED. Mobile food vendors may be permitted to operate on other than a temporary, event specific, basis within the Hospital Development Zoning District and the Recreational Development Zoning District. To locate on a property in one of these zoning districts, the property must have a primary use. Such permitting must be pursuant to a request from the owner of the property where the mobile food vendors will be located. Requests for such a permit must be submitted to the Village of Pinehurst Planning and Inspections Department on standard Village forms, and permitting will be consistent with all requirements set forth in Chapter 152.

(B) PERMIT REQUIRED. Mobile vendors may operate on a temporary, event specific, basis in all areas of the Village through issuance of a temporary event permit in accordance with § 94.14 and Chapter 152 of the Pinehurst Municipal Code.

§ 111.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter, or failing or neglecting or refusing to comply with same, shall be guilty of a misdemeanor and shall be subject to any one, all or combination of remedies authorized under § 10.99 of this code.

SECTION 2. That this Ordinance amendment shall be and remain in full force and effect from and after the date of its adoption.

THIS ORDINANCE passed and adopted this 27th day of September, 2016.



VILLAGE OF PINEHURST
VILLAGE COUNCIL

By: Nancy Roy Fiorillo
Nancy Roy Fiorillo, Mayor

Attest:

Lauren M. Craig
Lauren M. Craig, Village Clerk

Approved as to Form:

Michael J. Newman
Michael J. Newman, Village Attorney