

TOWN OF APEX, NORTH CAROLINA
ORDINANCE NO. 2022-_____

AN ORDINANCE AMENDING SECTION 13-62 OF CHAPTER 13, ARTICLE IV
“TRANSIENT AND MOBILE FOOD VENDORS” OF THE TOWN OF APEX CODE OF
ORDINANCES

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. That Section 13-62 of the Town of Apex Code of Ordinances is hereby amended as shown immediately below with deletions being shown by struck-through text and additions shown by underlined text:

Sec. 13-62. – Location standards.

Transient and mobile food vendors are allowed to operate only at locations that are in accordance with the following standards:

- (1) On private property with written permission from the property owner to operate on the owner’s property;~~–~~The mobile food unit may only be placed on, at a minimum, a compacted gravel base or paved area existing at the time of the effective date of this section. Mobile food units shall not be parked on grass or unimproved surfaces nor may new pavement be placed for use by a mobile food unit until a Small Town Character Overlay District permit or site plan approval has been granted by the Town;
- (2) On town-owned, public property as designated in this article with the prior written approval of the town manager or designee. Persons vending in town parks must also comply with sections 13-52(13) and 13-53(b) of the Town Code of Ordinances;
- (3) Except as otherwise provided herein, mobile food vendors are prohibited from vending in any residentially zoned area;
- (4) No transient or mobile food vendor shall operate from, or leave a mobile food unit unattended on, any public right-of-way, required buffer, paved or traveled portion of a street, handicapped space, or fire lane, unless a right-of-way use permit is also obtained in accordance with section 13-62.1;
- (5) No transient or mobile food vendor shall locate within any area in such a way as to impede or interfere with pedestrian or vehicular traffic and shall not obstruct or block the entrance or exit of any building. Vendors shall observe all regulations established by the Americans with Disabilities Act.

(Ord. No. 2016-0503-58, § 2, 5-3-2016; Ord. No. 2019-0305-02 , § 1, 3-5-2019; Ord. No. 2019-1001-28 , § 1, 10-1-2019)

Section 2. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

Section 3. **Severability, Conflict of Laws.** If this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 4. **Effective Date.** This Ordinance shall be effective upon adoption.

Introduced by Council Member _____

Seconded by Council Member _____

Attest:

TOWN OF APEX, NORTH CAROLINA

Jontesca Silver
Interim Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney