RESOLUTION NO. 2026-___

A RESOLUTION ADOPTING A FOOD VENDOR PILOT PROGRAM FOR MOBILE FOOD VENDING ON DESIGNATED CITY-OWNED PROPERTY

WHEREAS, the City Council of the City of Brevard recognizes that mobile food vendors can contribute to the vitality of public spaces, support local entrepreneurship, expand dining opportunities for residents and visitors, and enhance the community experience; and

WHEREAS, the City Council desires to evaluate the feasibility of allowing mobile food vendors to operate on designated City-owned property under controlled conditions before considering the establishment of a permanent program; and

WHEREAS, City staff has developed a Food Vendor Pilot Program that establishes designated vending locations, operating days and hours, permitting requirements, operational standards, and enforcement procedures intended to protect the public health, safety, and welfare while allowing mobile food vending in appropriate locations; and

WHEREAS, the pilot program shall commence on August 1, 2026, and conclude on December 31, 2026, unless modified, extended, or terminated earlier by action of the City Council; and

WHEREAS, the Finance, Human Resources, and Citizen Appointment Committee reviewed the proposed pilot program and unanimously recommended in favor of its implementation; and

WHEREAS, the City of Brevard does not regulate food preparation or food safety and requires participating vendors to maintain all applicable permits issued by the Transylvania County Health Department or other applicable health authority; and

WHEREAS, the City Council finds that implementing a limited-duration pilot program will provide valuable information regarding vendor participation, operational impacts, public demand, enforcement needs, and overall program effectiveness.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BREVARD, NORTH CAROLINA THAT:

SECTION 1. The City of Brevard hereby adopts the Food Vendor Pilot Program, as presented by staff and adopted hereto as Exhibit A/

SECTION 2. The $100 permit fee for participation in the Food Vendor Pilot Program is hereby established.

SECTION 3. City Staff is hereby directed to administer the Food Vendor Pilot Program and monitor implementation throughout its duration.

Approved and adopted this the 20th day of July 2026.

_____
Maureen Copelof
Mayor

ATTEST:

_____
Denise Hodsdon

City Clerk, CMC

EXHIBIT A
CITY OF BREVARD FOOD VENDOR PILOT PROGRAM

PROGRAM OVERVIEW

The **Food Vendor Pilot Program** allows food trucks and non-motorized food vendors to operate at designated City-owned locations on Fridays, Saturdays, and Sundays for a five-month trial period. The program is intended to activate public spaces, support local entrepreneurs, expand dining options for residents and visitors, and inform future policy decisions regarding mobile food vending on public property.

Under the pilot, participating vendors would be required to obtain a Food Vendor Pilot Program permit, maintain appropriate insurance coverage, comply with all health and safety regulations, and operate only within approved locations and hours. City staff would monitor participation, public feedback, operational impacts, and enforcement needs throughout the pilot period.

At the conclusion of the program, staff will provide City Council with an evaluation of the pilot's effectiveness and recommendations regarding whether the program should be continued, modified, expanded, or discontinued.

APPLICABILITY

This pilot program applies to all fully permitted motorized (food trucks, air streams, trailers, etc.) and non-motorized (pushcarts, etc.) mobile food vendors wishing to locate in the public designated locations.

The City of Brevard does not issue operational permits for food vendors or review any health or safety requirements. To participate in this pilot program, vendors are required to provide a copy of their approved permit from the Transylvania Health Department (or other county if applicable).

Note: This program does not apply to mobile food vendors included as part of a permitted special event on public rights-of-way, a permitted temporary use on private property, or a permanently established mobile food vendor site on private property.

PILOT PERIOD

The Food Vendor Pilot Program shall operate for a period of five months beginning on August 1, 2026 and ending on December 31, 2026. City Council may extend, modify, or terminate the pilot program based on staff recommendations and program performance.

DESIGNATED LOCATIONS

As part of the program, mobile food vendors would be allowed to set up at the following locations during the designated times:

- Motorized Food Trucks
    - Jordan Street parking lot (*no generator permitted – electrical hookup only*)
    - Sports Complex parking lot
    - Silversteen parking lot * (*beginning October 2026 following construction in area*)
- Non-Motorized Vendors
    - Clemson Plaza
    - Dog Park
    - Franklin Pool
    - Silversteen Park
    - Skate Park
    - Soccer Field

Use of a vendor spot is on a first-come, first-served basis. Only one vendor is permitted on each site. Use of the vendor site is superseded by special event permits or facility reservations approved by the City of Brevard.

DAYS AND HOURS OF OPERATION

Mobile vendors may only operate on Fridays, Saturdays, and Sundays from 11:00 AM to 9:00 PM.

Vendors may occupy the spot up to 20 minutes before and up to 20 minutes after the hours of operation. The vendor must vacate the spot at the end of the day's operation and remove all associated equipment, signage, trash and debris.

PERMITTING REQUIREMENTS

All participating vendors must register and be approved by the City prior to operating. The permit application shall include:

- Business name and contact information
- Cart or vehicle dimensions
- Certificate of liability insurance (*$1,000,000 aggregate with City listed as additional insured)*
- Applicable business licenses and sales tax registration
- Health Department permit (*if vending food or beverages*)
- Payment of permit fee (*$100, non-refundable)*
- Any other information required by the administrator to demonstrate compliance with this program

To register, please visit www.cityofbrevard.com/PermitPortal and submit a registration form with the appropriate documentation for the City's review.

OPERATIONAL STANDARDS

All participating vendors shall comply with the following standards:

- No mobile food vendor shall take up more than the designated parking space(s) or a 10-foot by 10-foot area. Vehicles used to tow mobile vending units shall be moved to a secondary location prior to operation in order to maintain adequate public parking and circulation.
- No temporary structures, tents, tables, etc. are permitted with the mobile vendor. Umbrellas or protective coverings may be permitted if attached to the vendor cart or truck.
- If permitted as a non-motorized vendor cart, it cannot be connected to power. Any food preparation, if applicable, must take place off-site.
- Each vendor is allowed one A-frame / sandwich board sign with a maximum display area of 8 square feet per side and a maximum height of 4 feet (measured from the ground).
- No audio amplification is allowed as part of the mobile vending operations.
- The operator or their designee must be present at all times, except in cases of an emergency.
- The vendor shall comply with all federal, state and local laws when operating the unit. The approved pilot program reservation shall be visible at all times, along with any other permits required to be displayed by Transylvania County or the State of North Carolina.
- Vendors are responsible for keeping the area clean during and after operation. Each mobile vendor shall supply at least one waste receptacle which must be removed at the end of each day. City trash receptacles shall not be used for the vendor's waste.
- Vendors must maintain professional behavior. No harassment of passersby or aggressive solicitation will be tolerated.
- The sale of alcohol, tobacco, cannabis, hemp products, or other controlled substances or prohibited items is strictly prohibited.

VIOLATION AND ENFORCEMENT

Violations of this pilot program may result in:

- Written warnings
- Fines up to $500 per violation
- Suspension or revocation of permit
- Confiscation of vending unit or equipment that remains in the designated location after operating hours and/or if the operator is not present