

ORDINANCE 21-15

AN ORDINANCE OF THE CITY OF WHITE HOUSE, TENNESSEE AMENDING THE MUNICIPAL CODE TITLE 9, BY ADDING CHAPTER 6 MOBILE FOOD VENDORS.

WHEREAS, Mobile Food Vendors have found a service need in the City of White House at various construction sites, sporting events, private properties in commercial and residential areas, and public parks;

WHEREAS, Mobile Food Vendors provide a variety of foods and beverages at City sponsored events such as the Farmers Market, Americana, Music Under The Stars, and other similar events;

WHEREAS, it is important to have regulations and limitations on such Mobile Food Vendors;

WHEREAS, the Board of Mayor and Aldermen desire to regulate and limit such vendors by ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen that the White House Municipal Code Title 9, Chapter 6 MOBILE FOOD VENDORS be added into the Municipal Code as follows:

TITLE 9: BUSINESS, PEDDLERS, SOLICITORS, ETC.
**Amends are made in bold, italics, and underlined text.*

CHAPTER 6: MOBILE FOOD VENDORS

SECTION

9-501. Purpose.

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9-508. Revocation of mobile food vendor vehicle permits.

9-509. Suspension of mobile food vendor vehicle permits.

9-510. Suspension terms.

9-501. Purpose. The city finds that allowing mobile food vendors to operate, subject to practical regulations and limitations, is beneficial to persons living and working within the city. This chapter recognizes the unique physical and operational characteristics of mobile food vending, establishes standards for mobile food vending operations and promotes practices that serve the health, safety and welfare of the public.

9-502. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Canteen truck" is defined as a vehicle that operates to provide food services to workers at locations where access to such services is otherwise unavailable or impractical (e.g., a construction site); from which the operator sells food and beverages that require no on-site preparation or assembly other than heating of pre-cooked foods; and is not advertised in any form to the general public except by virtue of signage on the vehicle. Products sold from canteen trucks may include fruits, vegetables, pre-cooked foods such as hot dogs, pre-packaged foods and pre-packaged drinks.

(2) "Food trailer" is defined as a detached trailer that is equipped with facilities for preparation, cooking and selling various types of food and/or drink products.

(3) "Food truck" is defined as an enclosed motor vehicle equipped with facilities for preparing, cooking, and selling various types of food and/or drink products other than exclusively ice cream and related frozen products.

(4) "Ice cream truck" is defined as a motor vehicle containing a commercial freezer from which a vendor sells only frozen, pre-packaged food products such as ice cream, frozen yogurt, frozen custard, flavored frozen water and similar frozen items.

(5) "Location" is defined as any single property parcel or any combination of contiguous parcels that are owned or controlled by a single entity or affiliated entities.

(6) "Mobile food vendor" is defined as any person selling food and/or drink from a mobile vehicle, including a canteen truck, food truck, food trailer, ice cream truck, or a non-motorized vehicle from which such products are sold.

(7) "Mobile food vendor vehicle" is defined as a vehicle that returns daily to its base of operations and is used either in the preparation or sale of food or drink products, or both.

(8) "Operate" is defined as to sell food, beverages, and other permitted items from a mobile food service vehicle and includes all tenses of the word.

(9) "Operator" is defined as any person operating or permitted to operate a mobile food vendor vehicle.

(10) "Permit administrator" is defined as a person designated by the city administrator to oversee the issuance, suspension and revocation of mobile food vendor permits.

(11) "Vehicle" is defined as every device in, upon or by which any person or property may be transported or drawn upon a street, including devices moved by human power.

9-503. Permit required for engaging in mobile food vending. (1) Required. The designated permit administrator shall oversee the issuance, suspension and revocation of mobile food vendor permits. No mobile food vendor vehicle may operate within the city without a mobile food vendor vehicle permit issued by the city. A mobile food vendor vehicle permit authorizes the holder only to engage in the vending of products from a mobile food vendor vehicle in compliance with this code and as specified on the permit. The permit must be prominently displayed when the mobile food vendor vehicle is in operation. This section shall not apply to contractual arrangements between a mobile food vendor vehicle operator and any individual, group or entity for pre-arranged catering at a specific location for a period of not more than four (4) hours, provided that the mobile food vendor vehicle is not open to or serving the general public.

(2) Application. (a) An application must be submitted for each mobile food vendor vehicle.

(b) Submittal of an application for an annual mobile food vendor vehicle permit must be accompanied by payment of an application fee in the amount of one hundred twenty dollars (\$120.00) which will be prorated by month for the first year of the permit. Any day in the month where the permit is in place will require payment for that entire month. No refunds will be issued.

(c) Submittal of an application for a temporary mobile food vendor vehicle permit must be accompanied by payment of an application fee in the amount of fifty (\$50.00). The temporary permit shall be valid only for a maximum consecutive three (3) day period. Temporary mobile food vendor vehicle permits can only be approved two (2) times during a calendar year.

(d) Submittal of an application for a City of White House and partnering non-profit organization special event will require no application fee or permit fee.

(3) Issuance. A mobile food vendor vehicle permit shall be issued upon verification that an application has been completed, except that no such permit will be issued to a mobile food vendor vehicle that has an expired or invalid vehicle registration, does not have proof of valid automobile liability insurance in an amount required by law for operation of the applicable mobile food vendor vehicle, does not have proof of a \$1,000,000 general liability insurance policy naming the City of White House as an additional insured if planning to operate on city property, provide a copy of the business license, and proof of a valid vehicular operator's license. If the permit administrator denies the application, such denial shall be in writing and provided to the applicant within fifteen (15) days of receipt of the application.

(4) Expiration. All mobile food vendor vehicle permits shall expire on December 31 of each year. A mobile food vendor vehicle permit may be renewed for the next twelve (12) month period, provided that all applicable requirements are met and the permit is not currently suspended or has been revoked within the preceding twelve (12) months. The fee for renewal shall be the same as the application fee for a new mobile food vendor vehicle permit.

(5) Transferability. A mobile food vendor permit may be transferred to another vehicle owned by the mobile food vendor if the current vehicle permitted is taken out of service. The permit may also be transferred as part of the sale of a controlling interest in a business holding the permit or a sale of substantially all of the assets of a business holding the permit. The operator of the mobile food vendor vehicle shall notify the city within thirty (30) days of any transfer or sale to update information that has changed or prior to the vendor operating the mobile food vendor vehicle in the City.

9-504. General regulations. (1) It is a violation to operate a mobile food vendor vehicle at any location in the City of White House except in compliance with the requirements of this chapter.

(2) Mobile food vendor vehicle operators must comply with all federal, state and local licensing and permitting regulations and all business tax, sales tax, and other tax requirements.

(3) Electricity. Any mobile food vendor vehicle shall not be attached to or use any temporary electrical pole or permanent electrical service.

(4) What can be sold. Mobile food vendors shall be limited to selling edibles and hot and cold beverages. Alcoholic beverages, except as may be specifically allowed by applicable state law and city ordinance shall not be sold. The sale of non-food or drink items from the mobile food vendor vehicle is not permitted.

(5) Litter receptacles. Each permitted mobile food vendor vehicle must maintain for customer use a litter receptacle of sufficient size to accept the litter being generated by the sales at the point of sales. The receptacle must be maintained in such a manner as to preclude an overflow of refuse. A pattern of leaving excessive litter caused by product packaging shall be basis for suspension or revocation of the mobile food vendor vehicle permit.

(6) Fire extinguishers and fire suppression systems. All mobile food vendor vehicles must be equipped with a fire extinguisher that is certified annually by a licensed company. Additionally, mobile food vendor vehicles that produce grease laden vapors (i.e. units with deep fat fryers or flat-top griddles) must have a current certified fire suppression system.

(7) Placement. Mobile food vendor vehicles shall not obstruct or impede pedestrian or vehicular traffic, access to driveways, and sight distance for drivers.

(8) Pedestrian only. Mobile food vendor vehicles shall serve pedestrians only; drive-through or drive-in services are hereby prohibited.

(9) Health regulations. All mobile food vendors and their mobile food vendor vehicles must be in compliance with all applicable health regulations for Robertson County, Sumner County, or both and the State of Tennessee relating to food safety and preparation.

(10) Noises. Other than ice cream vehicles being able to play a song associated with its business at a reasonable level of sound, no mobile food vendor vehicle shall sound any device which produces an offensive or loud noise to attract customers. Public address system on the vehicle to broadcast and advertise products is prohibited.

(11) Support methods. No mobile food vendor vehicle may use stakes, rods or any other method of support that must be drilled, driven, or otherwise fixed into or onto asphalt, pavement, curbs, sidewalks, or buildings.

(12) Spills. To prevent discharges into waterways, drainage systems or public sewer systems, each mobile food vendor vehicle shall comply with all stormwater and sewer regulations of the city. In addition, each vehicle shall have a spill response plan to contain and remediate any discharge from the vehicle.

(13) Signage. Signage for each mobile food vendor vehicle shall be limited to signs on the exterior or interior of the vehicle and one sandwich board sign. All signs on the exterior of the vehicle shall be secured and shall not project more than six inches (6") from the vehicle. Sandwich board signs shall not exceed eight (8) square feet per side or forty-eight (48") inches in height and shall not obstruct or impede pedestrian or vehicular traffic.

9-505. Hours of Operation. (1) Mobile food vendor operators may operate beginning at 8:00 A.M. and ending at 10:00 P.M. unless otherwise restricted by the operator's mobile food vendor permit. The city may permit extended hours of operation for City of White House and a partnering non-profit organization special event. At the end of each business day's operation, the mobile food vendor shall remove from the property the mobile food vendor vehicle and all materials associated with the business, unless participating in a city permitted special event that allows the overnight parking of mobile food vendor vehicles during the special event.

(2) Canteen trucks may operate beginning at 7:00 A.M. and ending at 6:00 P.M. unless otherwise restricted by the operator's mobile food vendor permit. A canteen truck shall not remain in the public right-of-way for more than one (1) hour during a day.

(3) Ice cream trucks may operate beginning at 9:00 A.M. and sunset as stated for that day for the City of White House area by the National Weather Service. Ice cream trucks may vend on public streets so long as they remain mobile and only make stops of fifteen (15) minutes or less at one (1) location.

9-506. Location of Operations. (1) All canteen, food and ice-cream vehicles must follow these requirements for operating on private and public property within the City of White House.

(2) Private Property. (a) Permission. All mobile vendors selling to the public from private property shall have the written permission of the property owner, which shall be made available to the inquiring city employee immediately upon request.

(b) Unimproved properties. Regardless of any agreement with the owner of the property, mobile food vendor vehicles may not operate on an unimproved parcel. For purposes of this section, a parcel is considered "unimproved" if the parcel of property does not contain a building that may be occupied pursuant to applicable building codes.

(c) Maximum number of mobile food vendor vehicles on any parcel of private property is two (2) unless prior written approval by the city administrator is given for special events.

(d) No mobile food vendor vehicle shall operate within fifty feet (50') of a door intended for regular public use of a lawfully established eating establishment that is open for business (other than another mobile food vendor vehicle).

(e) No mobile food vendor vehicle shall operate within fifty feet (50) of any property line of any lot used for residential purposes.

(f) Mobile food vendor vehicles shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.

(3) Public Property. (a) Mobile food vendor vehicles may not operate on property owned by a public entity other than city property unless written permission has been given to operate on such public entity property.

(b) Mobile food vendor vehicles shall not operate as defined in 9-502 on any public street, sidewalk, alley, trail or right-of-way or any city owned or controlled property, including, and not limited to, city parks without written approval from the Parks and Recreation Director or the City Administrator.

(c) Mobile food vendors given written permission to operate on city owned or controlled property, including, but not limited to city parks must comply with all rules, regulations and requirements related to any city approved special event, including, but not limited to, provision as to where mobile food vendor vehicles will be located, how long the mobile food vendors can be present at the location, and how many and which mobile food vendor vehicles can participate in the city approved special event.

9-507. Enforcement. Each of the following circumstances constitute a violation of this chapter, for which a citation may be issued by a codes enforcement officer or police officer of the city:

(1) Operation of a mobile food vendor vehicle without a current, valid permit, provided further that each day and separate location at which a mobile food vendor vehicle is operated without a current, valid permit shall be considered a separate violation.

(2) Continuation of temporary mobile food vendor vehicle operations beyond the time period authorized by the permit.

(3) Failure to comply with any other provisions of this chapter.

9-508. Revocation of mobile food vendor vehicle permits. The Board of Mayor and Alderman shall have the power to revoke any mobile food vendor vehicle permit issued under the provisions of this chapter when the holder thereof is guilty of making a false statement or misrepresentation in his application or of violating any of the provisions of this chapter. Revocation may be initiated by the permit administrator when four (4) violations of this chapter have occurred within a twelve (12) month period or has received three suspensions in two years.

9-509. Suspension of mobile food vendor vehicle permits. The permit administrator shall have the power to suspend any mobile food vendor vehicle permit if:

(1) The applicant for the permit knowingly provided false information on the application.

(2) Two (2) violations of this chapter have occurred within six (6) month period by the mobile food vendor vehicle operator and/or owner.

(3) The mobile food vendor vehicle operator fails to maintain a current, valid vehicle registration, vehicle operator license, health department permit, business license or proof of required motor vehicle insurance coverage.

9-510. Suspension terms. Suspension terms are as follows:

- (1) First violation: Two (2) month suspension and violation finding(s) corrected.
- (2) Second violation in one year: Four (4) month suspension and violation finding(s) corrected.
- (3) Third violation in two years: Six (6) month suspension and violation finding(s) corrected.
- (4) Forth violation in two years: Recommendation for revocation.

This ordinance shall become effective upon its final reading and adoption by the Board of Mayor and Aldermen, and publication, the public welfare requiring it.

First Reading: July 15, 2021 PASSED

Second Reading: August 19, 2021 PASSED



Michael Arnold, Mayor

ATTEST:



Derek Watson, City Recorder