

ORDINANCE NO. 716-20

AN ORDINANCE TO AMEND ERWIN MUNICIPAL CODE TITLE 9 BY ADDING A NEW CHAPTER 8, "MOBILE FOOD VEHICLE VENDORS".

WHEREAS, towns across the country have enjoyed the increased popularity of mobile food vehicles in recent years; and

WHEREAS, citizens in this community have expressed an interest in the opportunity to have these additional food and location choices; and

WHEREAS, the Board of Mayor and Alderman deems it in the best interest of the citizens of Erwin that such mobile food vehicles be located and regulated as a matter of health and public safety, and for the general welfare of the people.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF ERWIN AS FOLLOWS:

Title 9, Business, Peddlers, Solicitors, Etc., of the Erwin Municipal Code is amended and adds Chapter 8 Entitled Mobile Food Vehicle Vendors to read as follows:

Mobile Food Vehicle Vendors

Section 9-801. Short Title

This ordinance may be referred to as the Town of Erwin Mobile Food Vehicle Ordinance.

Section 9-802. Definitions

MOBILE FOOD VEHICLE – A mobile food vehicle which may upon issuance of a license by the City Recorder and conformance with the regulations established by this ordinance may temporarily park upon a public street or other public or private property and engage in the service, sale or distribution of ready to eat food for individual portion service to the general public directly from the vehicle.

MOBILE FOOD VEHICLE VENDOR – The registered owner of a mobile food vehicle or the owner's agent or employee; and referred to in this ordinance as "vendor."

OPERATE - To "operate" or "operation" shall mean all activities associated with the conduct of business, including, but not limited to, set up, take down, and actual hours where the mobile food vehicle is open for business.

Section 9-803. Scope

The provisions of this ordinance apply to mobile food vehicles engaged in the business of cooking, preparing, and distributing food or beverage with or without charge upon or in public and private restricted spaces. This ordinance does not apply to vehicles which dispense food and that move from place to place and are stationary in the same location for no more than 15 minutes at a time, such as ice cream trucks, or food vending pushcarts and stands located on sidewalks.

Section 9-804. License Required

- A. Any person, including any religious, charitable, or nonprofit organization operating a mobile food vehicle within the Town without having obtained from the City Recorder a license for that purpose shall be unlawful.
- B. A person desiring to operate a mobile food vehicle shall make written application for such license to the City Recorder. The application for a license shall be on forms provided by the City Recorder and shall include the following:
 - 1) Name, signature, phone number, email contact, and business address of

the applicant.

- 2) A description of the preparation methods and food product offered for sale including the intended menu.
 - 3) Information on the mobile food vehicle to include year, make, and model of the vehicle and dimensions, which shall not exceed 36 feet in length or 9 feet in width, and color photographs of the unit including front, both sides, and rear.
 - 4) Information setting forth the proposed hours of operation, area of operations, plans for power access, water supply, and wastewater disposal.
 - 5) Proof of compliance with all health and sanitation regulations and requirements for food trucks/trailers and vending carts and for selling food and/or non-alcoholic beverages and copies of all required permits.
 - 6) A copy of Health Department approval.
 - 7) Written approval of the mobile food vehicle and its systems by the Fire Marshal, or equivalent approval by another local government entity and posted in the mobile food vehicle.
 - 8) A valid business license issued in Tennessee.
 - 9) Copy of valid government-issued driver's license for all drivers.
 - 10) Insurance Coverage:
 - a. Proof of General Comprehensive Liability policy with limits of no less than \$1 million combined single limit coverage issued by an insurer licensed to do business in Tennessee and which names the Town of Erwin as an additional injured.
 - b. Proof of Public Liability and Property Damage motor vehicle policy with the minimum limits per State law, and issued by an insurer licensed to do business in Tennessee.
- C. A license issued under this ordinance shall not be transferrable from person to person.
- D. A license is valid for one vehicle only and shall not be transferred between vehicles.

Section 9-805. Regulations

- A. No operator of a mobile food vehicle shall park, stand, or move a vehicle and conduct business within areas of the town where the license holder has not been authorized to operate. The Board of Mayor and Aldermen shall by ordinance identify those streets and public areas where parking by mobile food vehicles is permitted.
- B. The customer service area for mobile food vehicles shall be on the side of the truck that faces a curb, lawn or sidewalk when parked. No food service or customer service area shall be provided on the driving lane side of the truck. No food shall be prepared, sold, or displayed outside of mobile food vehicles area.
- C. No mobile food vehicle vendor shall provide or allow any dining area on the exterior of the mobile food vehicle when operating on public property or in the right-of-way, including but not limited to tables and chairs, booths, stools, benches, or stand up counters, unless approved by the Fire Marshal.
- D. Customers shall be provided with single service articles such as plastic utensils and paper plates and a waste container for their disposal. All mobile food vehicle vendors shall offer a waste container for public use which the vendor shall empty at its own expense. All trash and garbage originating from the operation of mobile food vehicles shall be collected and disposed of off-site by the operators each day. Spills of food or food by-products shall be cleaned up, and no dumping of gray water on the streets is allowed.
- E. No mobile food vehicle shall make or cause to be made any unreasonable or excessive noise. The operation of all mobile food vehicles shall meet the town noise ordinance, including generators. No loud music, other high-decibel sounds, horns,

or amplified announcements are allowed.

- F. Signage is only allowed when placed on mobile food vehicles. No separate free-standing signs are permitted.
- G. No flashing or blinking lights, or strobe lights are allowed on mobile food vehicles or related signage when the vehicle is parked and engaged in serving customers. All exterior lights with over 60 watts shall contain opaque, hood shields to direct the illumination downward.
- H. Mobile food vehicles when parked on public streets shall be parked in conformance with all applicable parking restrictions and shall not hinder the lawful parking or operation of other vehicles. Placement of mobile food vehicles and any related devices, including trailers, shall not obstruct or impede pedestrian or vehicular traffic, access to driveways, and sight distance for drivers.
- I. A mobile food vehicle shall not be parked on the street overnight or left unattended and unsecured at any time food is in the vehicle. Any mobile food vehicle found to be unattended shall be considered a public safety hazard and may be ticketed and impounded.
- J. A vendor shall not operate a mobile food vehicle within 200 feet of any fair, festival, special event, or civic event that is licensed or sanctioned by the Town unless the vendor has obtained written permission from the event sponsor.
- K. The issuance of a mobile food vehicle license does not grant or entitle the vendor to the exclusive use of any service route or parking space to the license holder, except where approved by the town.
- L. A vendor shall not operate on private property without first obtaining written consent to operate from the affected private property owner. A private property owner shall not permit operation of a mobile food vehicle on their property unless the operator is licensed by the Town.
- M. When extended, awnings for mobile food vehicles shall have a minimum clearance of 7 feet between the ground level and the lowest point of the awning or support structure.
- N. Any power required for the mobile food vehicle operating on a public right-of-way shall be self-contained and a mobile food vehicle shall not use utilities drawn from the public right-of-way, except where approved by the town. Mobile food vehicles on private property may use electrical power from the property being occupied or an adjacent property, but only when the property owner provides written consent to do so. No power cable or equipment shall be extended at or across any public street, alley, or sidewalk unless properly secured with an electric cord cover.
- O. Mobile food vehicles shall not be parked within fifty (50) feet of an existing brick and mortar restaurant during the hours when such restaurant is open to the public for business.
- P. Each mobile food vehicle vendor shall display the following in a conspicuous manner: The mobile food vehicle permit issued by the Town, a business license issued in Tennessee, all state and local health and sanitation permits, and all other permits required by law to be displayed.
- Q. Mobile food vehicles must meet or exceed all food handling, equipment standards, maintenance, and sanitation requirements set forth by the State of Tennessee.
- R. Separation distances between mobile food vehicles shall be determined by the Fire Marshal.
- S. All mobile food vehicles must be equipped with a sufficient fire extinguisher that is certified annually by a licensed company. Additionally, mobile food vehicles that produce grease laden vapors (e.g., those with deep fat fryers or flat top griddles) must have a listed fire suppression system certified bi-annually by a licensed company. All certifications must be kept in the mobile food vehicle and must be able to make available immediately upon request.

- T. A vendor may only sell food or beverage items as described in the mobile food vehicle license application. The sale or distribution of merchandise and alcoholic beverages is prohibited.

Section 9-806. Enforcement

- A. Any license holder operating a mobile food vehicle in violation of any provision of this ordinance or any rules and regulations promulgated by the Town shall be subject to a civil fine of \$50.00 per day up to a total fine not to exceed \$500.00 per day. Each day a violation exists shall constitute a separate and distinct offense.
- B. Once a license has been issued it may be revoked, suspended, or not renewed by the City Recorder for failure to comply with the provisions of this ordinance and any rules or regulations promulgated by the Town.

Section 9-807. Effective Date

This ordinance shall be in full force and effect from and after its date of passage by the Board of Mayor and Aldermen.

Section 9-808. Severability

Should any section, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or Federal law or regulation, such decision or legislation shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

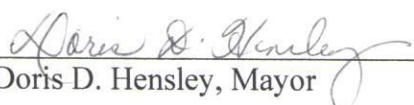
THIS ORDINANCE SHALL TAKE EFFECT TEN (10) DAYS AFTER ITS FINAL PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

Passed on First Reading: February 24, 2020

Public Hearing Held on: March 9, 2020

Passed on Second Reading: March 9, 2020

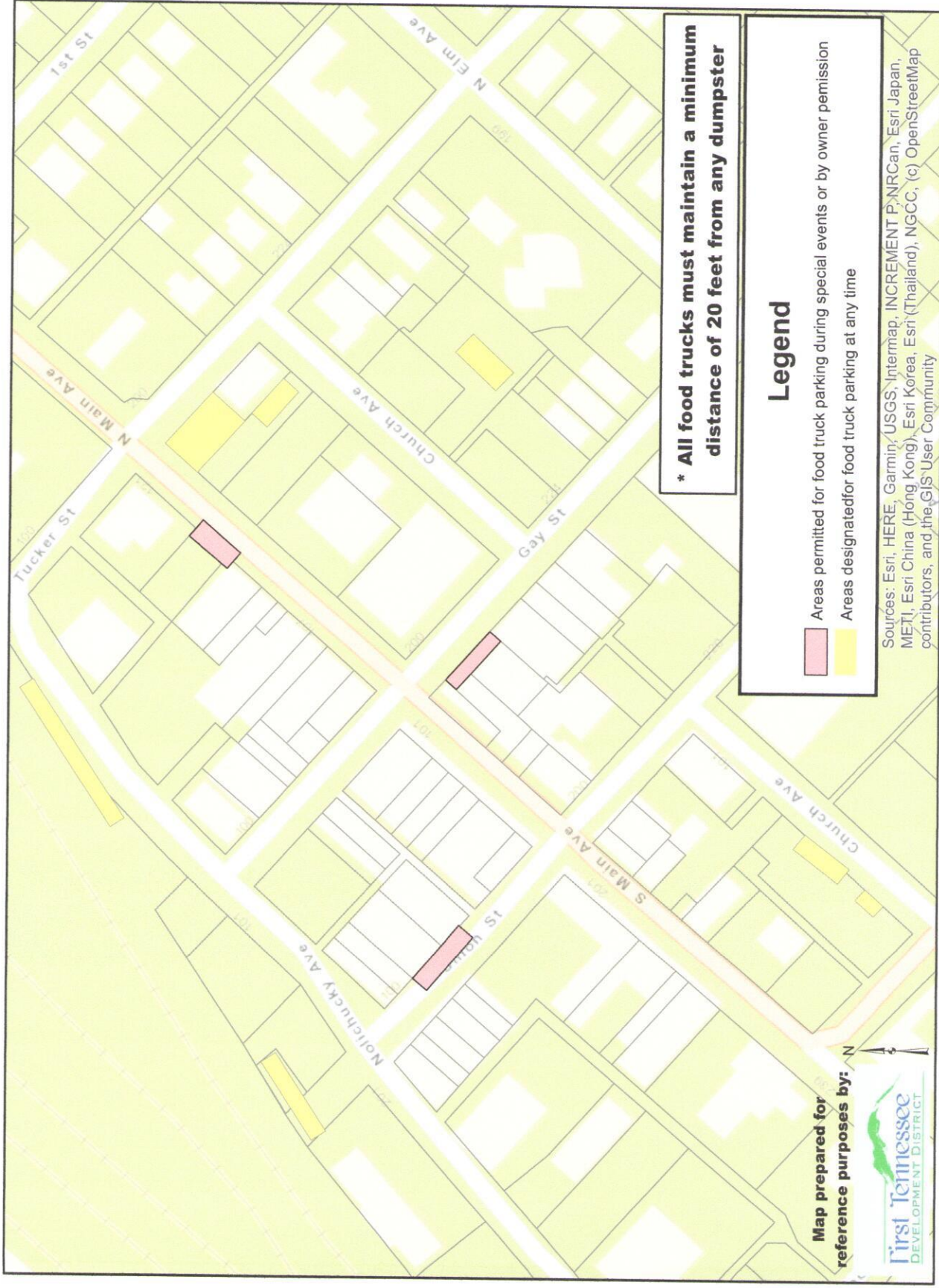
Approved and Signed in Open Meeting:


Doris D. Hensley, Mayor

Attest:


Glenn C. Rosenoff, City Recorder

Erwin Food Truck Parking Areas



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