

ORDINANCE NO. 658

**AN ORDINANCE TO REPEAL AND REPLACE THE CURRENT
TITLE 9 CHAPTER 6 OF
THE CITY OF CLINTON CODE BOOK RELATIVE
TO MOBILE FOOD TRUCK OPERATIONS**

WHEREAS, the City Council of the City of Clinton desires to repeal the current Chapter 6 of Title 9 of the Municipal Code and in its place approve and establish a new Chapter 6 of Title 9 regarding the operations of mobile food trucks in the City of Clinton; and

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Clinton, Tennessee that:

SECTION 1. Title 9, Chapter 6 of the Municipal Code is hereby repealed in its entirety, and a new Chapter 6 is substituted as follows:

CHAPTER 6

MOBILE FOOD VENDING

SECTION

9-601. Purpose.

9-602. Definitions.

9-603. Permit fee.

9-604. Mobile food preparation vehicles.

9-605. Operational requirements.

9-606. Health Department requirements.

9-601. Purpose. To recognize the unique physical and operational characteristics of mobile food vending and establish standards for the typical range of activities and mitigate or prohibit practices that are contrary to the health, safety, and welfare of the public.

9-602. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) “Mobile food preparation vehicle”. A mobile food preparation vehicle is any motorized vehicle that includes a self-contained or attached trailer kitchen in which food is prepared, processed or stored and used to sell and dispense food to the ultimate consumer. Mobile units must be mobile at all times during operation. The unit must be on wheels at all times. Any mobile

food unit that removes such wheels or becomes stationary must meet Tennessee Department of Health Regulations 1200-23-1, et. seq in their entirety. This definition does not include vehicles from which only ice cream and other frozen non-hazardous food products are sold.

(2) “Private Property”. Property with a legal designation of the ownership of property by non-governmental legal entities. Private property is distinguishable from public property, which is owned and maintained by a state entity, including a municipality.

(3) “Public Property”. Any real property owned, leased, operated, maintained, or controlled by the city other than a street, alley, parkway, sidewalk, or other area dedicated, identified or used as a public right-of-way.

(4) “Public Right-of-Way”. Any public street, road, avenue, highway, named or unnamed alley, lane court, place, trail, parkway, sidewalk, or other public way, operated and/or controlled by the City or other public entity, or subject to an easement owned by or dedicated or granted to the City.

(5) “Event”. Any event held by an organization other than the City that has been sanctioned by the City and approved in advance by the City Manager

9-603. Permit Fee. Owners of mobile food preparation vehicles shall pay an annual permit fee of twenty-five dollars (\$25) per mobile food unit vehicle.

9-604. Mobile Food Preparation Vehicles. Mobile food preparation vehicles shall meet all applicable requirements of this chapter in addition to the requirements outlined as follows:

(1) No person shall engage in the business of a mobile food preparation vehicle within the municipal limits without first having a valid applicable business license as required by the laws of the State of Tennessee.

(2) A mobile food preparation vehicle license, as authorized by the State of Tennessee and local ordinances, will not be issued to a person unless the following conditions are met:

(a) The vehicle must be specially designed as defined as a mobile food preparation vehicle and be approved by the health department.

(b) No person shall engage in the business of a mobile food preparation vehicle without having a valid commissary license issued by the health department.

(c) Each mobile food preparation vehicle must display its business name and state and local permit numbers, in a prominent and visible location on the vehicle.

(d) The driver of the truck must have a current Tennessee driver’s license, current auto insurance (including liability insurance) and a current vehicle registration as required by Tennessee law and enforced by law enforcement authorities.

(e) For Private Property, the vehicle can only operate in locations where the operation of motorized vehicles are permitted under city ordinances, and areas as specified below:

- 1) B-1 (Central Business District)
- 2) B-2 (General Business District)

- 3) B-4 (Interstate Business District)
- 4) M-1 (Light Industrial District)
- 5) M-2 (Heavy Industrial District)
- 6) P-1 (Mixed Use Park District)

(f) For Public Property, the vehicle can only operate in locations where the operation of motorized vehicles are permitted under city ordinances, and areas as specified below:

- 1) JC Park, within designated area
- 2) Lakefront Park, within designated area
- 3) South Clinton Park, within designated area
- 4) Gilliam Street public parking lot, within designated area
- 5) Commerce Street public parking lot, within designated area
- 6) Any other Public Property is subject to approval by City Manager

(g) Setup in a metered parking space or public right of way shall be prohibited unless approved in advance by the City Manager and subject to street closure by the Clinton Police Department.

9-605. Operational requirements.

(1) When parked on private property with permission of the property owner, a mobile food preparation vehicle may operate at the times and for the duration provided in its permission by the property owner, but shall not exceed seventy-two (72) hours.

(2) When proposed, operation on public property site locations must be approved in advance during the permit process. Public areas may be restricted due to safety concerns and may not be approved when proposed by the applicant. Liability insurance in the amount of \$1,000,000 naming City of Clinton as additionally insured is required (a certificate of insurance must be provided with application).

(3) No mobile food preparation vehicle shall use any external electronic sound-amplifying device.

(4) Cooking shall not be conducted while the vehicle is in motion.

(5) Mobile food preparation vehicle shall be parked only in locations that do not violate this chapter or any other municipal ordinance.

(6) No detached signs are permitted. All signs used must be permanently affixed to, or painted on, the mobile food preparation vehicle and shall extend no more than six inches (6") from the vehicle. No sign shall flash, cause interference with radio, telephone, television or other communication transmissions; produce or reflect motion pictures; be animated; or produce any rotation or motion.

(7) Vendor must provide for the sanitary collection of all refuse, litter and garbage generated by the patrons using that service and remove all such waste materials daily.

(8) City sponsored or co-sponsored events are exempt from the regulations.

9-606. Health Department Requirements. All mobile food preparation vehicles and food handlers shall meet all applicable standards of the Tennessee Department of Health.

SECTION 2. This ordinance shall be effective immediately upon passage, the public welfare requiring it.

APPROVED:

Scott Burton, Mayor

Regina Ridenour, City Recorder

Passed First Reading:

Passed Second Reading: