

**ORDINANCE NO. 635**

**AN ORDINANCE TO AMEND TITLE 9 OF  
THE CITY OF CLINTON CODE BOOK RELATIVE  
TO MOBILE FOOD TRUCK OPERATIONS**

**WHEREAS**, the City of Clinton desires to promote economic development through the encouragement of vibrant entertainment alternatives, including accommodating the popularity and growth of the mobile food truck industry; and

**WHEREAS**, the city council has determined it is in the City's best interest to regulate the operations of mobile food preparation vehicles within the city; and

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF  
THE CITY OF CLINTON, TENNESSEE:**

**SECTION 1.** Title 9, of the municipal code is amended by adding the following as Chapter 6 – Mobile Food Truck Vending:

**Section 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.

**Section 9-602. General.**

- (1) It is a violation to operate a mobile food service vehicle at any location except in compliance with the requirements of this article.
- (2) Mobile food service 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) The City Manager is hereby authorized to promulgate rules and regulations supplemental to the provisions herein for the purpose of carrying out the administration and enforcement of such provisions.

**Section 9-603. Definitions.** Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

- (1) "Commissary". Any State of Tennessee licensed stationary food establishment that serves mobile food dispensers, mobile food facilities, vending machines or other food dispensing operations where:
  - (a) Food, containers or supplies are stored;
  - (b) Food is prepared or prepackaged for sale or service at other locations;
  - (c) Utensils are cleaned; or
  - (d) Liquid and solid wastes are disposed of or potable water is obtained.
- (2) "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. This definition does not include vehicles from which only ice cream and other frozen non-hazardous food products are sold, or vehicles operating under a special event permit.

(3) “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.

(4) “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.

(5) “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.

(6) “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.

(7) “Retail Business”. Any business located within the City whose primary (greater than 50%) industry is the selling of consumer goods or services to customers who are the end users.

**Section 9-604. Mobile Food Unit Permit.**

(1) A Mobile Food Unit Permit is required by all vendors in order to operate in the City of Clinton. A Permit is required for each mobile food preparation vehicle and is non-transferrable. The Permit shall be prominently displayed on the mobile food preparation vehicle.

(2) Every vendor desiring to engage in mobile food vending shall submit an application for a Mobile Food Unit Permit to the City of Clinton Recorder. All vendors shall obtain necessary inspections and permits otherwise required by any other agency to operate a mobile food preparation vehicle.

(3) Vendors that wish to operate within the City of Clinton during a single event may apply for a Temporary Mobile Food Unit Permit. The Temporary Permit shall be valid only for a maximum, consecutive three (3) day period. Vendors that receive a Temporary Permit are required to follow the same rules and regulations that apply to annual mobile food unit permit holders.

(4) An application for a Mobile Food Unit Permit shall be accompanied by a fee in the amount of one hundred dollars (\$100). An application for a Temporary Mobile Food Unit Permit shall be accompanied by a fee of fifteen dollars (\$15) per day not to exceed forty-five dollars (\$45), based on maximum permit period of three (3) days. There will be no charge for a Temporary Mobile Food Unit Permit for a mobile food preparation vehicle that is set up at a retail business in conjunction with a special event/sale of that retail business provided that the retail business has a current City of Clinton business license.

(5) Every Mobile Food Unit Permit, unless suspended or revoked for a violation of any provision of this article or other rule of the City of Clinton, can be renewed annually provided that a renewal fee of one hundred dollars (\$100) is paid and required documents are provided.

**Section 9-605. 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) All mobile food service vehicles must be licensed and equipped in accordance with the rules and regulations of all local, state and federal agencies having jurisdiction over such vehicles. The preparation and sale of food from mobile food service vehicles must comply with all applicable local, state and federal laws and regulations.

(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 first having obtained a commissary license or having a written commissary agreement, if required by the health department. All permits must be posted in a conspicuous manner.

(c) 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.

(d) For Private Property, the vehicle can only operate in locations where the operation of motorized vehicles is 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)

(e) For Public Property, the vehicle can only operate in locations where the operation of motorized vehicles is 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

(f) 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.

**Section 9-606. Operational requirements.**

- (1) Any mobile food preparation vehicle unit may not operate during the hours of 11:00 pm to 7:00 am, whether on private property or public property.
- (2) Operation on public property site locations must be approved in advance during the permit process. Public areas are subject to change and may be restricted due to safety concerns. Liability insurance in the amount of \$1,000,000 naming City of Clinton as additionally insured is required (a valid certificate of insurance must be provided with application).
- (3) No mobile food preparation vehicle shall be equipped with 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 at its commissary or any other location approved by the health department that does not violate an applicable 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. A sign on which the message is changed electronically not more than one (1) time per eight (8) seconds shall not be considered to be an animated sign or a sign with movement, but is classified as a changeable copy sign. Changeable copy signs shall be permitted, but the total area of such signs on the vehicle, when parked and the vehicle is set up to operate, must not exceed thirty (30) square feet.
- (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.

**Section 9-607. Food Handler Requirements.** All food handlers shall meet the standards as set forth in the Tennessee Retail Food Safety Act (Tennessee Code Annotated, Title 53, Chapter 8, Part 3).

**Section 9-608. Equipment Standards.** All mobile food preparation vehicles shall meet the standards as set forth in Tennessee Department of Health Rules and Regulations.

**Section 9-609. Maintenance of Premises.** All mobile food preparation vehicles shall meet the standards as set forth in the Tennessee Retail Food Safety Act (Tennessee Code Annotated, Title 53, Chapter 8, Part 3).

**Section 9-610. Vehicle Sanitation Requirements.**

- (1) Each vehicle shall be constructed so that the portions of the vehicle containing food shall be covered so that no dust or dirt will settle on the food; and such

portions of the vehicles which are designed to contain the vehicle are being used for the conveyance of food.

(2) The food storage areas of each vehicle shall be kept free from rats, mice, flies and other insects and vermin. No living animals shall be permitted in any area where food is stored.

(3) Hazardous non-food items such as detergents, insecticides, rodenticides, plants, paint and paint products that are poisonous or toxic in nature shall not be stored in the food area of the vehicle.

(4) The vehicle shall be enclosed with a top, bottom and sides.

(5) The vehicle shall not be used for any purpose other than for the purpose described in this chapter.

**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: August 27, 2018

Passed Second Reading: March 25, 2019 (as revised)

