

TITLE 9

BUSINESS, PEDDLERS, SOLICITORS, ETC.¹

CHAPTER

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2. CABLE TELEVISION.
3. MOBILE FOOD VENDING.

CHAPTER 1

PEDDLERS, SOLICITORS, ETC.

SECTION

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9-101. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section:

(1) "Peddler" means any person, firm or corporation, either a resident or a nonresident of the town, who has no permanent regular place of business and who goes from dwelling to dwelling, business to business, place to place, or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale.

(2) "Solicitor" means any person, firm or corporation who goes from dwelling to dwelling, business to business, place to place, or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature for future delivery, except that the term shall

¹Municipal code references

Building, plumbing, and housing regulations: title 12.

Beer regulations: title 8.

Zoning: title 14.

not include solicitors for charitable and religious purposes and solicitors for subscriptions as those terms are defined below.

(3) "Solicitor for charitable or religious purposes" means any person, firm, corporation or organization who or which solicits contributions from the public on the streets of the town for any charitable or religious organization. No organization shall qualify as a "charitable" or "religious" organization unless the organization meets one (1) of the following conditions:

(a) Has a current exemption certificate from the Internal Revenue Service issued under Section 501(c)(3) of the Internal Revenue Service Code of 1954, as amended.

(b) Is a member of the United Way, Community Chest or similar "umbrella" organizations for charitable or religious organizations.

(c) Has been in continued existence as a charitable or religious organization in Cheatham County for a period of two (2) years prior to the date of its application for registration under this chapter.

(d) Is associated with a school located in Cheatham County.

(e) Is a recognized non-profit community group, including, but not limited to athletic leagues, community service organizations/clubs and volunteer fire departments.

(4) "Solicitor for subscriptions" means any person who solicits subscriptions from the public, either on the streets of the town, or from door to door, business to business, place to place, or from street to street, and who offers for sale subscriptions to magazines or other materials protected by provisions of the Constitution of the United States.

(5) "Transient vendor" means any person who brings into temporary premises and exhibits stocks of merchandise to the public for the purpose of selling or offering to sell the merchandise to the public. Transient vendor does not include any person selling goods by sample, brochure, or sales catalog for future delivery; or to sales resulting from the prior invitation to the seller by the owner or occupant of a residence. For purposes of this definition, "merchandise" means any consumer item that is or is represented to be new or not previously owned by a consumer, and "temporary premises" means any public or quasi-public place including a hotel, rooming house, storeroom, building or part of a building, tent, vacant lot, railroad car, or motor vehicle which is temporarily occupied for the purpose of exhibiting stocks or merchandise to the public. Premises are not temporary if the same person has conducted business at those premises for more than eleven (11) consecutive months or has occupied the premises as his or her permanent residence for more than eleven (11) consecutive months. For the purpose of this definition "yard sale or garage sale" means a sale of used or preowned household goods on private property for no more than four (4) consecutive days consisting of Thursday, Friday, Saturday and Sunday, and more than ten (10) days in a calendar year.

(6) "Street barker" means any peddler who does business during recognized festival or parade days in the town and who limits his business to

selling or offering to sell novelty items and similar goods in the area of the festival or parade. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and Ord. #16-11, Aug. 2016, and replaced by Ord. #22-13, Nov. 2022 *Ch4_02-13-23*)

9-102. Exemptions. The terms of this chapter shall neither apply to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to persons selling agricultural products, who, in fact, themselves produced the products being sold. (Ord. #99-17, Dec. 1999, as replaced by Ord. #22-13, Nov. 2022 *Ch4_02-13-23*)

9-103. Permit required. No person, firm or corporation shall operate a business as a peddler, transient vendor, solicitor or street barker, and no solicitor for charitable or religious purposes on the streets of the town or solicitor for subscriptions shall solicit within the town unless the same has obtained a permit from the town in accordance with the provisions of this chapter. Provided however, that solicitors for charitable or religious purposes shall not be required to obtain a permit for solicitations other than those to be conducted on the streets of the town. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 *Ch4_02-13-23*)

9-104. Permit procedures. (1) Application form. A sworn application containing the following information shall be completed and filed with the office of the city recorder by each applicant for a permit as a peddler, transient vendor, solicitor, or street barker and by each applicant for a permit as a solicitor for charitable or religious purposes or as a solicitor for subscriptions:

- (a) The complete name and permanent address of the business or organization the applicant represents.
- (b) A brief description of the type of business and the goods to be sold.
- (c) Location of operation, if applicable.
- (d) The dates for which the applicant intends to do business or make solicitations.
- (e) The names and permanent addresses of each person who will make sales or solicitations within the town.
- (f) The make, model, complete description, and license tag number and state of issue, of each vehicle to be used to make sales or solicitations, whether or not such vehicle is owned individually by the person making sales or solicitations, by the business or organization itself, or rented or borrowed from another business or person.
- (g) Tennessee state sales tax number, if applicable.
- (h) Two (2) means of identification; one (1) of which being government issued.

(i) Tennessee Bureau of Investigation criminal history record (within last thirty (30) days).

(2) Permit fee. Each applicant for a permit as a peddler, transient vendor, solicitor, street barker or solicitor for subscriptions shall submit with his application a non-refundable fee of fifty dollars (\$50.00). Each applicant for a permit as a solicitor for charitable or religious purposes on the streets of the town shall submit with his application a non-refundable fee of ten dollars (\$10.00).

(3) Permit issued. Upon the completion of the application form and the payment of the permit fee, the office of the city recorder shall issue a permit on a form approved by the mayor to the applicant.

(4) Submission of application form to chief of police. Immediately after the applicant obtains a permit from the office of the city recorder, the office shall submit to the chief of police a copy of the application form and the permit. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 *Ch4_02-13-23*)

9-105. Restrictions on peddlers, street barkers and solicitors. No peddler, street barker, solicitor, solicitor for charitable purposes, or solicitor for subscriptions shall:

(1) Be permitted to set up and operate a booth or stand on any street or sidewalk within the town.

(2) Stand or sit in or near the entrance to any dwelling or place of business, or in any other place which may disrupt or impede pedestrian or vehicular traffic.

(3) Offer to sell goods or services or solicit in vehicular traffic lanes, or operate a "road block" of any kind, except for solicitors for charitable or religious purposes as provided for herein.

(4) Call attention to his business or merchandise or to his solicitation efforts by crying out, by blowing a horn, by ringing a bell, or creating other noise, except that the street barker shall be allowed to cry out to call attention to his business or merchandise during recognized parade or festival days of the town.

(5) Enter in or upon any premises or attempt to enter in or upon any premises wherein a sign or placard bearing the notice "Peddlers or Solicitors Prohibited," or similar language carrying the same meaning, is located. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 *Ch4_02-13-23*)

9-106. Restrictions on transient vendors. (1) A transient vendor shall not advertise, represent, or hold forth the sale of merchandise as defined in § 9-101(5), as an insurance, bankrupt, insolvent, assignee, trustee, estate, executor, administrator, receiver's manufacture's wholesale, canceled order, or misfit sale, or closing-out sale, or a sale of any goods damaged by smoke, fire,

water or otherwise, unless such advertisement, representation or holding forth is actually of the character it is advertised, represented or held forth.

(2) Renewal of permits for transient vendors shall not exceed eleven (11) within a calendar year. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 *Ch4_02-13-23*)

9-107. Restrictions on fireworks vendors. (1) The sale of fireworks within the Town of Pleasant View, Tennessee is limited to the following seasonal time periods:

- (a) June 20th through July 5th; and
- (b) December 10th through January 2nd.

(2) A permit is required for each seasonal time period that fireworks are sold.

(3) A copy of the fireworks vendor(s) State of Tennessee Fireworks Permit shall be submitted at the time of application.

(4) Each vendor location within the town limits shall have a separate sales tax certificate of registration.

(5) Each vendor shall submit proof of liability insurance in the insured amount of one million dollars (\$1,000,000.00), with the Town of Pleasant View listed as the certificate holder.

(6) Documentation of sales tax returns shall be filed no later than thirty (30) days after the permit expires.

(7) Each vendor shall submit proof that any tent erected by vendor is flame retardant.

(8) A list of other requirements for holding a fireworks permit within the Town of Pleasant View will be provided upon issuance of a permit. The vendors site shall be inspected by the fire marshal and the building commissioner prior to the sale of any fireworks by the vendor. A temporary building permit and certificate of occupancy must be issued prior to the sale of any fireworks by the vendor.

(9) Each vendor may erect not more than two (2) signs (including banners and flags) at any location advertising the sale of fireworks.

(10) The fee for the issuance of a fireworks permit shall be seven hundred fifty dollars (\$750.00) per season.

(11) Any violation of any requirement of the Town of Pleasant View by the vendor and/or their subsidiaries shall result in the denial of issuance of a fireworks permit for a period of three (3) years.

(12) Each vendor shall have seven (7) days from the last day of sales to remove any tent or other temporary structure from the sale site. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, 2004, and Ord. #05-17, Aug. 2005, and replaced by Ord. #22-13, Nov. 2022 *Ch4_02-13-23*)

9-108. Display of permit. Each peddler, street barker, solicitor, solicitor for charitable or religious purposes or solicitor for subscriptions is required to have in his possession a valid permit while making sales or

solicitations, and shall be required to display the same to any police officer or person solicited upon demand. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 ***Ch4_02-13-23***)

9-109. Suspension or revocation of permit. (1) Suspension by the recorder. The permit issued to any person or organization under this chapter may be suspended by the office of the city recorder for any of the following causes:

(a) Any false statement, material omission, or untrue or misleading information which is contained in or left out of the application; or

(b) Any violation of this chapter.

(2) Revocation by the board of mayor and aldermen. The permit issued to any person or organization under this chapter may be revoked by the board of mayor and aldermen, after notice and hearing, for the same causes set out in subsection (1) above. Notice of the hearing for revocation of a permit shall be given by the office of the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed to the permit holder at their last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (Ord. #99-17, Dec. 1999, as replaced by Ord. #22-13, Nov. 2022 ***Ch4_02-13-23***)

9-110. Expiration and renewal of permit. The permit of peddlers, solicitors, transient vendors, and solicitors for subscriptions shall not exceed thirty (30) days. The permit of street barkers shall be for a period corresponding to the dates of the recognized parade or festival days of the chapter. The permit of solicitors for religious or charitable purposes shall expire on the date provided in the street solicitation permit. Renewal of permits for transient vendors shall not exceed six (6) within a calendar year and permits for street solicitation shall not be issued more than once every six (6) months to each club, charity, religious organization, etc. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 ***Ch4_02-13-23***)

9-111. Violation and penalty. In addition to any other action the town may take against a permit holder in violation of this chapter, such violation shall be punishable by a penalty of up to fifty dollars (\$50.00) for each offense. Each day a violation occurs shall constitute a separate offense. (Ord. #99-17, Dec. 1999, as amended by Ord. #04-20, Oct. 2004, and replaced by Ord. #22-13, Nov. 2022 ***Ch4_02-13-23***)

CHAPTER 2

CABLE TELEVISION

SECTION

9-201. To be furnished under franchise.

9-201. To be furnished under franchise. Cable television service shall be furnished to the Town of Pleasant View and its inhabitants under franchise as the board of mayor and aldermen shall grant. The rights, powers, duties and obligations of the Town of Pleasant View and its inhabitants and the grantee of the franchise shall be clearly stated in the franchise agreement which shall be binding upon the parties concerned.¹

¹For complete details relating to the cable television franchise agreement see Ords. #97-18, Dec. 1997 and #98-10, Dec. 1998 in the office of the city recorder.

CHAPTER 3

MOBILE FOOD VENDING

SECTION

- 9-301. Purpose.
- 9-302. Definitions.
- 9-303. Generally.
- 9-304. Locations and hours of operation.
- 9-305. Operating requirements.
- 9-306. Mobile food service permits.
- 9-307. Food truck rallies.

9-301. Purpose. This article recognizes the unique physical and operational characteristics of mobile food vending and establishes standards for the typical range of activities and mitigates or prohibits practices that are contrary to the health, safety, and welfare of the public. (as added by Ord. #18-38, Jan. 2019 *Ch4_02-15-23*)

9-302. Definitions. (1) "Canteen trucks" means vehicles that operate to provide food services to employees at a location where access to other good service is impractical (e.g., a construction site); from which the operator vends fruits, vegetables, pre-cooked foods such as hot dogs, pre-packaged foods, and pre-packaged drinks that require no preparation or assembly of foods or beverages except for the heating of pre-cooked foods; which operate at a single location for a period not longer than one and one-half (1 1/2) hours; and which do not advertise in any form to the general public except by virtue of signage on the vehicle. Canteen trucks that operate other than as defined herein are food trucks and must comply with all food truck regulations.

(2) "Food trucks" means vehicles from which the operator cooks, prepares, or assembles food items (including products sold by canteen trucks and ice cream trucks) with the intent to sell such items to the general public and which may market their products to the public via advertising, including social media.

(3) "Food truck rallies" means coordinated and advertised gatherings of more than four (4) food trucks in one (1) location on a date certain with the intent to serve the public.

(4) "Ice cream trucks" means vehicles from which the operator vends only pre-packaged frozen dairy or frozen water-based food products, soft serve, or hand-dipped frozen dairy products or frozen water-based food products, and pre-packaged beverages.

(5) "Location" means any single property parcel and all other parcels that is contiguous or cumulatively contiguous to that owned or controlled by a single or affiliated entities.

(6) "Mobile food service permit" means a permit issued by the town for the operation of food trucks, special events, town co-sponsored events, or an approved food truck rally.

(7) "Mobile food service vehicle" means a food truck, a canteen truck, or an ice cream truck and includes any other portable unit that is attached to a motorized vehicle and that is intended for use or in service to the operations of the mobile food service vehicle.

(8) "Operate" means to promote or sell food, beverages, and other permitted items from the mobile food service vehicle and includes all tenses of the work.

(9) "Operator" means any person owning, operating, or permitted to operate a food truck and collectively refers to all such persons.

(10) "Vehicle," as used in this article, means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices moved by human power or used exclusively upon stationary rails or tracks. (as added by Ord. #18-38, Jan. 2019 *Ch4_02-15-23*)

9-303. Generally. (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 state and local business tax regulation. (as added by Ord. #18-38, Jan. 2019 *Ch4_02-15-23*)

9-304. Locations and hours of operation. (1) Food trucks.

(a) Rights-of-way. Food trucks shall not set up, sell food, advertised or be stored on any right-of-way, except as part of a town approved special event permit or town sanctioned special event.

(b) Public property. Food trucks may operate at times in town parks upon approval by the Parks and Recreation Board of the Town of Pleasant View. Concessions that are a part of local youth league sports as approved as part of the contract of use of the sports complex are exempt from permit but must be located within the park complex and approved by the parks and recreation board. Sanctioned special events hosted by the town are exempt from this section.

(c) Private property. Food trucks may operate on private property where there is a commercial, office, educational, church or industrial use subject to the following conditions:

(i) Permission. Food Trucks selling to the public from private property shall have the written permission of the property owner, which shall be made available to the town immediately upon request.

(ii) Unimproved properties. Regardless of an agreement with the owner of the property, a food truck may not operate on an

unimproved parcel or portion of an unimproved parcel unless that parcel is paved, has paved ingress and egress, and has on the parcel a principal structure with an operating restroom.

(iii) Frequency. Food trucks may operate no more than four (4) days per calendar week at a location on privately owned property.

(iv) Maximum number of food trucks. No more than two (2) mobile food trucks may operate at any location with coordinated advertising to the public unless a special event permit has been secured.

(v) Existing parking spaces. Mobile food trucks may not require the use of more than twenty-five percent (25%) of existing parking spaces located on the property for which it has an agreement to operate.

(vi) Minimum distance to established restaurant. No food vendor or food truck may set up within three-hundred feet (300') of the front entrance of any existing restaurant without the written permission of that establishment with the exception if it is a sanctioned special event hosted by the town.

(d) Restroom facility. Food trucks operating at a location for a duration of more than two (2) hours must have a written agreement, available upon request by the city, that permits employees to have access to a flushable restroom no more than four hundred fifty feet (450') of the vending location during all the hours of operation.

(2) Canteen trucks. (a) Locations. (i) Right-of-way. Canteen trucks shall not operate from the right-of-way to cater to on-site employees. Canteen trucks must pull onto sites served. Canteen trucks may only stay on a site for one and a half (1 1/2) hours.

(ii) Food truck rallies. A canteen truck may operate at a food truck rally only after complying with all requirements applicable to a food truck.

(b) Hours of operation. Canteen trucks may operate after 5:00 A.M. and before 6:00 P.M. in all areas.

(3) Ice cream trucks. (a) Locations. (i) Right-of-way. An ice cream truck may operate from any minor street right-of-way at any one (1) location for no more than fifteen (15) minutes without relocating to another location not less than one-quarter (1/4) mile from the previous location. Ice cream trucks shall not sell from collector or arterial level rights-of-way.

(ii) Private property. An ice cream truck may operate on private property with written permission of the property owner, which will be immediately available to the town upon request. An ice cream truck may not require use of more than twenty-five percent (25%) of existing parking spaces. No ice cream truck may

operate on the same or adjoining private property more than two (2) days per week.

(b) Hours of operation. Ice cream trucks may operate after 11:00 A.M. and before sunset. (as added by Ord. #18-38, Jan. 2019 *Ch4_02-15-23*, and amended by Ord. #20-09, Feb. 2021 *Ch4_02-13-23*)

9-305. Operating requirements. (1) Vehicle requirements.

(a) Design and construction. Mobile food service vehicles must be specifically designed and constructed for the purpose of preparation and sale of the specific type of food being sold and may not operate in any manner that is not safe and is not compatible with the purpose for which the vehicle has been designed and constructed.

(b) Licensing. Mobile food service vehicles must be licensed in accordance with the rules and regulations of any local, state, and federal agency having jurisdiction over motor vehicles and all products sold therein must be properly licensed, permitted, and allowed by local, state, and, federal laws or regulations.

(2) Right-of-way. (a) Mobile food service vehicles may not operate, stop, stand, or park in any area of the right-of-way that is intended for use by vehicular travel or that in any way impedes the use of the right-of-way or that present an unsafe condition for patrons, pedestrians, or other vehicles.

(b) Food trucks may operate within right-of-way as a part of a town approved special events permit in the event area designated by the special events permit.

(c) Unless authorized in writing by the town, all mobile food service vehicle are prohibited from operating in public alleys.

(3) Business access. No mobile food service vehicle may operate in a location that impedes the ingress to, egress from, or signage of another business or otherwise causes undue interference with access to other businesses or emergency areas, paths, or facilities.

(4) Pedestrians. A mobile food service vehicle may not reduce the clear pedestrian path of travel on the sidewalk to less than six feet (6'). This includes all components of the unit and any patron queue. All awnings or canopies of the unit shall be at least six feet, eight inches (6'8") above the sidewalk.

(5) Distance between units. A mobile food service vehicle may not operate within three feet (3') of any other mobile food service vehicle.

(6) Types of cooking apparatuses. Open flame cooking (other than with a gas range specifically constructed and designed within the food truck) either within or outside a mobile food service vehicle is prohibited; except where such activity is specifically permitted by the local fire department. Canteen trucks may have installed within the vehicle a heating apparatus that is used only for serving heated precooked foods provided such apparatus is permitted

by state and local regulations. Ice cream trucks can have no heating apparatus installed within the vehicle for the purpose of food service.

(7) Noise. Amplified music or other sounds from any mobile food service vehicles may not at any time unreasonably disturb nearby businesses, pedestrians, or vehicles.

(8) Commissary. If the operator has a fixed, non-mobile establishment or any other place that is used for the storage of supplies, the preparation of food to be sold or served at or by mobile food service vehicle, or the cleaning and servicing of the mobile food service vehicle, such a commissary location within the town cannot be located in any residential zoning district; unless such commissary complies with all applicable zoning regulations, building code requirements, and requirements of the utility district.

(9) Utilities. All mobile food service vehicles shall comply with the version of the electrical code currently adopted by the State of Tennessee and any power, water, or sewage required for the mobile food service vehicle shall be self-contained and shall not use utilities drawn from other sources.

(10) Fire extinguishers required. All mobile food service vehicles must be equipped with a 2-A:10-B:C fire extinguisher that is certified annually by a licensed company. Additionally, any mobile food service vehicle that produce grease laden vapors (e.g., those units with deep fat fryers or flat top griddles) must be equipped with a K Class fire extinguisher that is certified annually by a licensed company.

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

(12) Pedestrian service only. Mobile food service vehicles shall serve pedestrians only; drive-up, drive-thru, or drive-in service is prohibited.

(13) Spills. To prevent discharges into the storm drain system and river, each unit shall comply with all storm water regulations of the town. In addition, each unit shall have a spill response plan and kit on board to contain and remediate any discharge from the unit. In the event of a spill, operators are required to call Pleasant View Volunteer Fire Dept, to assist with the cleanup of spills and to determine the need for a more extensive response.

(a) Spill plan - food trucks must post, on the interior of the vehicle, instructions for containing spills; at a minimum such plan should include:

(i) Description of and typical quantities materials that may be spilled;

(ii) Procedures for containing potentially spilled materials including proper disposal of spilled materials;

(iii) Procedures for storage, use, handling and transfer of materials to reduce potential for spilling;

(iv) Emergency notification requirements; and

(b) Spill kit - food trucks must have a response kit on the vehicle including:

- (i) Minimum five (5) gallon storage and clean-up container capacity with lid;
- (ii) Minimum of ten (10) adsorbent pads and two (2) adsorbent socks or equivalent;
- (iii) Disposable bag adequate to hold contents of spill kit and spilled materials;
- (iv) One (1) pair of disposable gloves.

(14) Waste collection. The area of a mobile food service vehicle operation must be kept neat and orderly at all times. Operation of a mobile food service vehicle in an area is deemed acceptance by the operator of the responsibility for cleanliness of the reasonable area surrounding the operations (not less than twenty feet (20') from all parts of the vehicle) regardless of the occurrence or source of any waste in the area. The operator must provide proper trash receptacles for public use that are sufficient and suitable to contain all trash generated by the mobile food service vehicle during the period of operation at a location. All trash within the area of operations regardless of the source must be removed and all garbage, trash, and trash receptacles must be removed when full and prior to departure of a mobile food service vehicle from a location.

(15) Signage. Mobile food service vehicles are limited to signs mounted to the exterior of the mobile food establishment and one (1) sandwich board sign with dimensions no larger than six (6) square feet. All signs mounted on the unit shall be secured and mounted flat against the unit and shall not project more than six inches (6") from the exterior of the unit. Sandwich board signs shall not obstruct or impede pedestrian or vehicular traffic. All signage and must at all times conform to community standards of decency.

(16) Alcohol sales. Food trucks may not sell alcoholic beverages. Canteen trucks and ice cream trucks are prohibited from selling alcoholic beverages.

(17) Insurance requirements. Mobile food service vehicles shall obtain, at a minimum, any motor vehicle insurance required by any local, state, or federal laws and regulations.

(a) Food trucks operating on town property other than the right-of-way are required at all times to maintain insurance coverage in the form and amounts required by the town. In the event the required coverage is not properly maintained, the operator's mobile food service permit will be immediately revoked. The failure of the operator to notify the town of any change in coverage will preclude the operator from obtaining a permit for a period of six (6) months from the date the town learns of the failure to provide the required notification of change.

(b) Canteen trucks and ice cream trucks shall not operate on town property other than the right-of-way, except upon obtaining written permission from the city, and may be required to obtain insurance

consistent with the type of operation permitted. (as added by Ord. #18-38, Jan. 2019 *Ch4_02-15-23*)

9-306. Mobile food service permits. (1) Applicable. No mobile food service vehicle may operate within the town without a mobile food service permit issued by the town. A mobile food service permit authorizes the holder only to engage in the vending of products from a mobile food service vehicle in compliance with town code and as specified on the permit. The mobile food service permit must be prominently displayed when the mobile food service vehicle is in operation.

(2) Application. A mobile food service vehicle operator shall apply for a mobile food service permit by payment of one (1) of the following, a twenty-five dollar (\$25.00) one (1) day application fee, or a thirty (30) day permit application fee of fifty dollars (\$50.00), or a two hundred dollar (\$200.00) annual application fee, the term of the permit shall begin on the date shown on the permit. The term of a permit shall be no longer than shown on the permit application or under no circumstance over one (1) year from issuance date.

(a) Complete an application form provided by the city, which shall include the following information:

- (i) Name and address of the owner of the vehicle;
- (ii) Name and address of the operator of the vehicle;
- (iii) Three (3) color photographs of the exterior (front, side, and back) and interior food service portion of the vehicle in the final condition and with and with all markings under which it will operate;
- (iv) A copy of the vehicle license and registration form reflecting the Vehicle Identification Number (VIN) of the mobile food service vehicle;
- (v) A copy of the state or county health department license or permit applicable to mobile food providers;
- (vi) A copy of the local fire marshal's inspection report;
- (vii) A copy of the operator's Tennessee business license issued by the county or the operator's home-based county;
- (viii) A copy of insurance coverage in the amount of one million dollars (\$1,000,000.00) general liability; and
- (ix) A copy of any applicable and/or required business license whether it be state, county, or local.

(b) Permittee has an on-going duty to provide the town with notice of any change to any of the information required by the town to obtain a mobile food service permit, including current photographs of the mobile food service vehicle in the event of any change in the appearance of or signage on the vehicle.

(c) This section does not apply to contractual arrangements between a mobile food service vehicle operator and an individual, group,

or the town for catering at a specific location, for a period of not more than four (4) hours, and that is not open to or serving the public.

(3) Issuance. A mobile food service permit shall be issued upon full completion and review of the application required by this section except that no mobile food service permit will be issued to:

(a) An operator that operated within the prior six (6) months notwithstanding a mobile food service permit that is suspended or has been revoked; or

(b) An operator, or any person affiliated with the operator for purposes of operating a mobile food vehicle that is the subject of a suspended mobile food service permit or has held a mobile food service permit revoked with the prior twelve (12) months.

(4) Expiration. A mobile food service permit expires on the date twelve (12) months after issuance and may be renewed provided that all town requirements are met and the license has not been suspended or revoked.

(5) Transferability. A mobile food service permit may not be transferred except as part of the sale of an interest in a business holding the license or a sale of substantially all of the assets of a business holding the license.

(6) Enforcement. (a) Temporary permit. If an operator is found to be operating within the town and without a mobile food service permit, the operator will be cited and the town will issue a temporary permit that will allow the operator to operate for not more than one (1) hour after which time the temporary permit will be revoked. The operator will pay a fine of five hundred dollars (\$500.00) to offset the city's costs of compliance measures, inspections, and correction of any circumstance resulting from operators failure to comply with this article.

(b) Warnings. A town enforcement officer may provide one (1) warning to any operator for a violation of this section except that a citation shall be issued as set forth in the section.

(c) Citation. A town enforcement officer must issue a citation to the mobile food service operator for the following:

(i) A second violation of this section is found to have occurred after a warning has been issued within the previous six (6) months; or

(ii) Any violation that constitutes ground for revocation of a mobile food service permit.

(d) Suspension. A mobile food service permit shall be suspended until restatement upon issuance of a citation for the following reasons:

(i) A second violation of this section is found to have occurred after a warning has been issued within the previous six (6) months;

(ii) The required vehicle license, health permit, or business tax license for the operator or the mobile food service vehicle has expired or been suspended, revoked, or otherwise terminated;

(iii) The operator fails to obtain or maintain the insurance coverages required by this section.

(e) Revocation. The town shall revoke a mobile food service permit after two (2) suspensions within a twelve (12) month period except that the mobile food service permit revoked:

(i) If an operator fails to obtain a permit and upon expiration of the temporary permit as set forth in the article; or

(ii) The operator operates in an unlawful manner such a manner as to constitute a breach of the peace, interferes with the normal use of the right-of-way, or otherwise constitutes a menace to the health, safety, or general welfare of the public.

(f) Reinstatement. (i) Suspension. An operator may reinstate a suspended mobile food service permit by payment of a fee of five hundred dollars (\$500.00) to offset the city's costs of compliance measures, necessary inspections, and the correction of any circumstance that lead to the suspension.

(ii) Revocation. The town may allow an operator to reapply for a mobile food service permit after three (3) months from the date of revocation, the operator corrects all circumstances that lead to the violations, and the operator pays a fee of five hundred dollars (\$500.00) to offset the city's costs of compliance measures, necessary inspections, and the correction of any circumstance that lead to the suspension.

(7) Notice. Upon denial, suspension or revocation of a mobile food service permit, the town shall give notice to the operator in writing. There shall be no refund of any other fee paid to the city.

(8) Appeal. Citation may be appealed to the board of mayor and aldermen, whose decision, which will be based upon a written summation of the facts submitted by the town enforcement officer charged with mobile food service permit compliance and the permit holder, is final. (as added by Ord. #18-38, Jan. 2019 *Ch4_02-15-23*, and amended by Ord. #20-09, Feb. 2021 *Ch4_02-13-23*)

9-307. Food truck rallies. All food truck rallies on public or private property require a special event permit. (as added by Ord. #18-38, Jan. 2019 *Ch4_02-15-23*)

