

TITLE 9**BUSINESS, PEDDLERS, SOLICITORS, ETC.**¹**CHAPTER**

1. MISCELLANEOUS.
2. PEDDLERS, ETC.
3. CHARITABLE SOLICITORS.
4. CABLE TELEVISION.
5. MOBILE FOOD VENDORS.

CHAPTER 1**MISCELLANEOUS****SECTION**

9-101. "Going out of business" sales.

9-101. "Going out of business" sales. It shall be unlawful for any person falsely to represent a sale as being a "going out of business" sale. A "going out of business" sale, for the purposes of this section, shall be a "fire sale," "bankrupt sale," "loss of lease sale," or any other sale made in anticipation of the termination of a business at its present location. When any person, after advertising a "going out of business" sale, adds to his stock or fails to go out of business within ninety (90) days he shall prima facie be deemed to have violated this section. (2000 Code, § 9-101)

¹Municipal code references

Building regulations: title 12.

Junkyards: title 13.

Liquor and beer regulations: title 8.

Noise reductions: title 11.

Zoning: title 14.

CHAPTER 2

PEDDLERS, ETC.¹

SECTION

- 9-201. Permit required.
- 9-202. Exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Use for solicitations and displaying, selling, etc., goods and merchandise.
- 9-209. Exhibition of permit.
- 9-210. Police department to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication after revocation.
- 9-213. Expiration and renewal of permit.
- 9-214. Prohibition of door-to-door solicitors.
- 9-215. Trespassing.
- 9-216. Sales hours for peddlers.

9-201. Permit required. It shall be unlawful for any peddler, canvasser, solicitor, or transient merchant to ply his trade in any residential area within the corporate limits without first obtaining a permit therefor in compliance with the provisions of this chapter. No permit shall be used at any time by any person other than the one to whom it is issued. (2000 Code, § 9-201, as replaced by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-202. Exemptions. The terms of this chapter shall not be applicable to persons selling to wholesale dealers, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to sellers responding to a prior invitation by the owner or occupant of a residence, nor to bona fide charitable, religious, patriotic or philanthropic organizations. (2000 Code, § 9-202, as replaced by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-203. Application for permit. Applications for a permit under this chapter must file with the permit administrator sworn written application containing the following:

¹Municipal code reference
Privilege taxes: title 5.

- (1) Name and physical description of applicant.
- (2) Complete permanent home address and local address of the applicant and, in the case of transient merchants, the local address from which proposed sales will be made.
- (3) A brief description of the nature of the business and the goods or services to be offered.
- (4) If employed, the name and address of the employer, together with credentials therefrom establishing the exact relationship.
- (5) The length of time for which the right to do business is desired.
- (6) A recent clear photograph approximately two inches (2") square showing the head and shoulders of the applicant.
- (7) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance, the nature of the offense, and the punishment or penalty assessed therefor.
- (8) The names of the last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities.
- (9) At the time of filing the application, the application fee shall be paid to the city to cover the administrative costs associated with processing permits. (2000 Code, § 9-203, as replaced by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-204. Issuance or refusal of permit. (1) Each application shall be processed by the permit administrator.

(2) If, as a result of the processed application, the applicant is found to have engaged in fraudulent or other illegal activities within a ten-year period preceding the date of the application which indicate the applicant's business responsibility to be unsatisfactory, the permit administrator shall notify the applicant that the application is disapproved and no permit will be issued.

(3) If, on the other hand, the processed and complete application indicates that the moral reputation and business responsibility of the applicant are satisfactory the permit administrator shall issue a permit, upon the payment of all fees and the filing of the bond required by § 9-206.

(4) Peddler permits issued to vendors shall not exceed one hundred eighty (180) days within a calendar year. A fee of one hundred dollars (\$100.00) for a minimum of a fourteen (14) day period and each subsequent fourteen (14) day period a fee of fifty dollars (\$50.00) shall be assessed to peddlers. (2000 Code, § 9-204, as replaced by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-205. Appeal from denial. Any person denied a permit, required under this chapter, shall have the right to appeal to the city manager. Such appeal shall be taken by filing with the city manager within fourteen (14) days after notice of the action complained of, a written statement setting forth fully

the grounds for the appeal. The city manager shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, by certified mail, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or 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. (2000 Code, § 9-205, as replaced by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-206. Bond. Every permittee shall file with the permit administrator a surety bond running to the city in the amount of two thousand five hundred dollars (\$2,500.00). The bond shall be conditioned that the permittee shall comply fully with all the provisions of the ordinances of the City of Goodlettsville and the statutes of the state regulating peddlers, canvassers, solicitors, transient merchants, itinerant merchants, or itinerant vendors, as the case may be, and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (2000 Code, § 9-206, as replaced by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises where sound of sufficient volume is emitted or produced therefrom to be capable of being plainly heard upon the adjacent sidewalks, streets, alleys, parks, or other public places, for the permittee proposes to sell. (2000 Code, § 9-207, as replaced by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-208. Use for solicitations and displaying, selling, etc., goods and merchandise. (1) Except as permitted by other portions of this code, no person shall use or occupy any portion of the public right-of-way, including any public street, median, alley or sidewalk for the purpose of:

- (a) Storing or exhibiting any goods, merchandise or other materials.
- (b) Selling or attempting to sell any goods, merchandise or other materials or any services.

(2) No person shall stand on or otherwise occupy any portion of the public right-of-way, including any public street, median, alley or sidewalk for the purpose of soliciting or accepting a donation of money or any other item from the occupant of any vehicle.

(3) No person shall, by means of a sign or other device of any kind, use or occupy any portion of the public right-of-way, including any public street, median, alley or sidewalk, to attempt to alert the driver or any occupant of a motor vehicle that is on a street to any commercial activity.

(4) Nothing in this section shall be construed to apply to:

(a) Licensees, lessees, franchisees, permittees, employees or contractors of the city, county or state authorized to engage in inspection, construction, repair or maintenance or in making traffic or engineering's surveys.

(b) Any of the following persons while engaged in the performance of their respective occupations; firefighting and rescue personnel, law enforcement personnel, emergency medical services personnel, health care workers or providers, military personnel, civil preparedness personnel, emergency management personnel, solid waste or recycling personnel; public works personnel or public utilities personnel.

(c) Use of public streets, alleys, sidewalks or other portions of the public right-of-way in areas which have been closed to vehicular traffic for festivals or other events or activities permitted by the city.

(5) Nothing in this section or in any other part of this code shall be construed as prohibiting the sale or distribution of newspapers, magazines, periodicals, handbills, flyers or similar materials, except that:

(a) Such activity shall be prohibited on any portion of any street within the city.

(b) Such materials shall not be handed to the occupant of any motor vehicle that is on a street, nor shall any action be taken which is intended or reasonably calculated to cause the vehicle occupant to hand anything to the person selling or distributing the materials. (2000 Code, § 9-208, as replaced by Ord. #12-790, Nov. 2013, and Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-209. Exhibition of permit. Permittees are required to exhibit their permits at the request of any police officer, city employee or citizen. (2000 Code, § 9-209, as replaced by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-210. Police department to enforce. It shall be the duty of all policemen to see that the provisions of this chapter are enforced. (2000 Code, § 9-210, as replaced by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked by the city manager, after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the business of solicitor, canvasser, peddler, transient merchant, itinerant merchant or itinerant vendor.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, canvasser, solicitor, transient merchant, itinerant merchant, or itinerant vendor, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the permit administrator in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his 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.

(3) When reasonably necessary in the public interest, the city manager may suspend a permit pending the revocation hearing. (2000 Code, § 9-211, as replaced by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-212. Reapplication after revocation. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (2000 Code, § 9-212, as replaced by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-213. Expiration and renewal of permit. (1) Permits issued under the provisions of this chapter shall expire in no more than one hundred eighty (180) days within a calendar year.

(2) Each application expires December 31st of the year it was submitted.

(3) A permit may be renewed within the active permit dates, if it has not exceeded the one hundred eighty (180) days allowed within a calendar year.

(4) If, after issuance of a permit has expired, no additional permit shall be issued until a grace period of fourteen (14) days has been honored. (2000 Code, § 9-213, as replaced by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-214. Prohibition of door to door solicitors. (1) all solicitation prohibited by posting of "No Solicitation" or "No Trespassing" sign or sticker.

(a) No solicitor, whether commercial or noncommercial; shall enter or remain upon any private premises in the city where:

(i) A "No Solicitation" or "No Trespassing" sign is clearly posted or placed at or near the entrance(s) to such premises or, in the case of a multi-family dwelling, at or near the entrance(s) to such individual dwelling.

(b) This provision shall apply to all solicitation, including, without limitation, all activities that are religious, charitable or political in nature and all solicitation of newspaper or magazine subscriptions.

(2) No-solicitation list. (a) The no-solicitation list allows any property owner or lawful occupant of any residence within the city to prohibit solicitation at said residence by registering the address with the city. Such registration shall take effect as soon as it is noted on the city's no-solicitation list.

(b) The city shall maintain and publish on the city's website and have available at the office of the city clerk such no-solicitation list consisting of all addresses that have been registered thereon.

(i) Such list shall be made available without charge to any person requesting same. No person shall be required to provide identification as a condition of obtaining a copy of such list.

(ii) The city will make the necessary arrangements to periodically update the no-solicitation list.

(iii) Each address appearing on the no-solicitation list will remain on the list until removed by the occupant.

(c) Each permit holder shall be responsible for obtaining and reviewing a copy of the no-solicitation list immediately upon issuance of a permit under this chapter and at such intervals thereafter as may be reasonably necessary to ensure compliance with the requirements of subsection (d) of this section.

(d) As of the effective date of the registration of a residential address under subsection (a) of this section, door-to-door solicitation at such address shall be prohibited until such time, if at all, that the address has been deleted from the no-solicitation list.

(e) Neither the city nor any of its officers, employees, agents or authorized volunteers shall be liable to any person for any injuries, damages or liabilities of any kind arising from or relating to any errors or omissions that may occur in compiling or maintaining the no-solicitation list.

(3) Offense. It shall constitute a general offense against the regulations of the City of Goodlettsville for any person or persons who violates this chapter.

(4) Penalty. Anyone who is found in violation of this chapter shall be subject to a fine of fifty dollars (\$50.00) per offense for each day of occurrence, regardless of the time period involved, and shall constitute a separate offense under this chapter. (as added by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-215. Trespassing. It shall be unlawful and deemed to be trespass for any permittee acting under this article to fail to promptly leave the private premises of any person who requests or directs him to leave. (as added by Ord. #19-942, July 2019 *Ch4_1-23-20*)

9-216. Sales hours for peddlers. No permittee shall conduct any solicitations or sales except between the hours of 8:00 A.M. and 8:00 P.M. Monday through Saturday, it being the intent that door-to-door sales occur during daylight hours and at times when citizens feel secure in their homes to receive unexpected visitors. (as added by Ord. #19-942, July 2019 *Ch4_1-23-20*)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

- 9-301. Permit required.
- 9-302. Prerequisites for a permit.
- 9-303. Denial of a permit.
- 9-304. Exhibition of permit.
- 9-305. Trespassing.
- 9-306. Violations.

9-301. Permit required. No person shall solicit contributions or anything else of value for any real or alleged charitable or religious purpose without a permit from the city recorder authorizing such solicitation. Provided, however, that this section shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church. (2000 Code, § 9-301)

9-302. Prerequisites for a permit. The recorder shall, upon application, issue a permit authorizing charitable or religious solicitations when, after a reasonable investigation, he finds the following facts to exist:

(1) The applicant has a good character and reputation for honesty and integrity, or if the applicant is not an individual person, that every member, managing officer or agent of the applicant has a good character or reputation for honesty and integrity.

(2) The control and supervision of the solicitation will be under responsible and reliable persons.

(3) The applicant has not engaged in any fraudulent transaction or enterprise.

(4) The solicitation will not be a fraud on the public but will be for a bona fide charitable or religious purpose.

(5) The solicitation is prompted solely by a desire to finance the charitable cause described by the applicant. (2000 Code, § 9-302)

9-303. Denial of a permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of commissioners if he has not been granted a permit within fifteen (15) days after he makes application therefor. (2000 Code, § 9-303)

9-304. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit at the request of any policeman or person solicited. (2000 Code, § 9-304)

9-305. Trespassing. It shall be unlawful and deemed to be a trespass for any permittee acting under this chapter to fail to leave promptly the private premises of any person who requests or directs him to leave. (2000 Code, § 9-305)

9-306. Violations. Any person violating any provision of this chapter or making a false or fraudulent statement either in his application for a permit or in the process of making a solicitation shall be subject to the penalty provided for violations of this municipal code. In addition to or in lieu of any pecuniary penalty, if a violator has been issued a permit, his permit shall be cancelled and revoked by the court. (2000 Code, § 9-306)

CHAPTER 4

CABLE TELEVISION

SECTION

9-401. To be furnished under franchise.

9-401. To be furnished under franchise. Cable television service shall be furnished to the City of Goodlettsville and its inhabitants under franchise as the board of commissioners shall grant. The rights, powers, duties and obligations of the City of Goodlettsville 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 (2000 Code, § 9-401)

¹Complete details relating to cable television franchise agreements are of records in the office of the city recorder.

CHAPTER 5

MOBILE FOOD VENDORS

SECTION

- 9-501. Purpose.
- 9-502. Definitions.
- 9-503. Generally.
- 9-504. Locations and hours of operation.
- 9-505. Operating requirements.
- 9-506. Mobile food vendor permits.
- 9-507. Food truck rally permits.
- 9-508. Enforcement.
- 9-509. Appeals.
- 9-510. Permit fees.

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 article 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. (as added by Ord. #17-896, May 2017)

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

(1) "Canteen truck" means 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 the 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) "Commissary" means an establishment or facility in a fixed location that is used for the storage of supplies for a mobile food service vehicle, the preparation of food to be sold or served at a mobile food service vehicle, or the cleaning or servicing of a mobile food service vehicle or the equipment used in conjunction with a mobile food service vehicle.

(3) "Edible food products" means those products that are ready for immediate consumption, including prepackaged food and food cooked, prepared or assembled on-site. The term "edible food products" does not include fresh produce unless the produce has been packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared for consumption.

(4) "Food truck" means a vehicle from which edible food products are cooked, prepared or assembled with the intent to sell such items to the general public, provided further that food trucks may also sell other edible food products and beverages that have been prepared or assembled elsewhere. Food truck operators may market their products to the public via advertising, including social media.

(5) "Food truck rally" means a coordinated and advertised gathering of more than two (2) mobile food service vehicles in one location on a date certain with the intent to serve the public.

(6) "Food truck rally permit" means a permit issued by the city for a food truck rally.

(7) "Ice cream truck" means a vehicle from which the operator sells only pre-packaged frozen dairy or water-based food products and pre-packaged beverages. For purposes of this article, a non-motorized cart from which such products are sold shall be considered an ice cream truck.

(8) "Location" means any single property parcel or any combination of contiguous parcels that are owned or controlled by a single entity or affiliated entities.

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

(10) "Mobile food vendor permit" means a permit issued by the city for the operation of a mobile food service vehicle.

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

(12) "Operator" means any person operating or permitted to operate a mobile food service vehicle.

(13) "Permit administrator" means a person designated by the city manager to oversee the issuance, suspension and revocation of mobile food vendor permits and food truck rally permits.

(14) "Vehicle" means 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. (as added by Ord. #17-896, May 2017)

9-503. 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 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. (as added by Ord. #17-896, May 2017)

9-504. Locations and hours of operation. (1) Food trucks.

(a) Right-of-way/public property. Food trucks may not operate within the public right-of-way or on any city property except as may be specifically allowed by the city. When allowed in the public right-of-way, a food truck must be positioned so as to comply with the requirements of § 9-505(2) herein. Food trucks may not operate on property owned by a public entity other than the city unless specifically allowed by such public entity. No unattended food truck shall be left at any time in the right-of-way or parked on any other public property overnight.

(b) Private property. A food truck with a current mobile food vendor permit may operate on private property if allowed as a permitted use under the zoning title of this code, 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 city immediately upon request.

(ii) Unimproved properties. Regardless of any agreement with the owner of the property, a food truck may not operate on an unimproved parcel. For purposes of this section, a parcel is considered "improved" if it contains a building that may be occupied pursuant to applicable building codes.

(iii) Maximum number of food trucks. No more than two (2) food trucks may operate at any location unless a food truck rally permit has been issued.

(iv) Placement on lot. Food truck operations, including any canopies, signage, equipment, and seating areas, may not occupy more than four parking spaces per food truck. Food trucks not parked within designated parking spaces shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.

(c) Restroom facility. Food truck operators operating at a location for a duration of more than three (3) hours must have a written agreement, available upon request by the city, that permits employees to have access to an indoor restroom in a building no more than one hundred fifty feet (150') from the vending location during all hours of operation.

(d) Hours of operation. Food trucks may operate beginning at 7:00 A.M. and ending at 9:00 P.M. unless otherwise restricted by the operator's mobile food vendor permit or by the property owner. The city may permit extended hours of operation for a food truck rally.

(2) Canteen trucks. (a) Right-of-way/public property. A canteen truck with a current mobile food vendor permit may operate from the right-of-way adjacent to a clearly delineated location to cater to on-site workers. A clearly delineated location is one in which the boundaries are defined by the use of fencing enclosing the location or where the surrounding area is undergoing construction activity. Canteen trucks may not operate within any other public right-of-way or on any city property except as may be specifically allowed by the city. When allowed in the public right-of-way, a canteen truck must be positioned so as to comply with the requirements of § 9-505(2) herein. Canteen trucks may not operate on property owned by a public entity other than the city unless specifically allowed by such public entity. No unattended canteen truck shall be left at any time in the right-of-way or parked on any other public property overnight.

(b) Private property. A canteen truck with a current mobile food vendor permit may operate on private property within commercial and industrial zoning districts, subject to the following conditions:

(i) Permission. Canteen trucks operating on private property shall have the written permission of the property owner, which shall be made available to the city immediately upon request.

(ii) Unimproved properties. A canteen truck may operate on an unimproved parcel only if the parcel or an adjoining parcel is undergoing construction activity.

(iii) Placement on lot. Canteen trucks shall not block fire lanes, designated traffic lanes or ingress or egress to or from a building or street.

(c) Hours of operation. 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. (a) Right-of-way/public property. An ice cream truck with a current mobile food vendor permit may operate from the right-of-way at any one location for no more than fifteen (15) minutes before relocating to another location not less than one-quarter mile from the previous location. When operating in the public right-of-way, an ice cream truck must be positioned so as to comply with the requirements of section § 9-505(2) herein. Ice cream trucks may not operate on any other property owned by the city or another public entity except as may be specifically allowed by the city or other public entity. No unattended ice cream truck shall be left at any time in the right-of-way or parked on any other public property overnight.

(b) Private property. An ice cream truck with a current mobile food vendor permit may operate on private property, subject to the following conditions:

(i) Permission. Ice cream trucks operating on private property shall have the written permission of the property owner, which shall be made available to the city immediately upon request.

(ii) Unimproved properties. Regardless of any agreement with the owner of the property, an ice cream truck may not operate on an unimproved parcel. For purposes of this section, a parcel is considered "improved" if it contains a building that may be occupied pursuant to applicable building codes.

(iii) Placement on lot. Ice cream trucks shall not block fire lanes, designated traffic lanes or ingress and egress to and from a building or street.

(c) Hours of operation. Ice cream trucks may operate beginning at 11:00 A.M. and ending at sunset unless otherwise restricted by the operator's mobile food vendor permit. (as added by Ord. #17-896, May 2017)

9-505. 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 compatible with the purpose for which the vehicle has been designed and constructed.

(b) Licensing. 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) Right-of-way. (a) Mobile food service vehicles other than ice cream trucks may not operate, stop, stand or park in any area of the right-of-way that is intended for use by vehicular travel, except in the event of a street closure for a special event. Mobile food service vehicles, including ice cream trucks, may not operate, stop, stand or park that in any way violates the provisions of the title on traffic and vehicles of this code, impedes the flow of traffic, interferes with ingress or egress to or from any property or presents an unsafe condition for patrons, pedestrians or other vehicles.

(b) Mobile food service vehicles shall park facing the same direction as traffic, at a distance of no more than nine inches (9") between the curb face or edge of pavement and with the service window of the vehicle facing the curb or edge or pavement.

(c) When a mobile food service vehicle is allowed to operate in the public right-of-way, no seating area shall be provided, except as permitted in conjunction with a street closure for a special event.

(3) Business access. No mobile food service vehicle may operate in a location that:

(a) Impedes the ingress to or egress from another business or otherwise causes undue interference with access to another business; or

(b) Blocks the lawfully placed signage of another business.

(c) Prevents access to another business by emergency vehicles.

(4) Pedestrians. If on or adjacent to a sidewalk, the components of a mobile food service vehicle's operations, including signage, seating areas and patron queue may not reduce the clear pedestrian path of travel on the sidewalk to less than six feet. All awnings or canopies of the vehicle 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) Safety and fire prevention. All cooking, heating and electrical equipment and all cooking practices must comply with applicable safety regulations, including applicable fire and electrical codes and any other safety requirements imposed by the city's fire and rescue department. No cooking equipment other than a heating apparatus compliant with applicable safety regulations may be used in a canteen truck. No cooking or heating equipment may be used in an ice cream truck. All mobile food service vehicles must be equipped with fire extinguishers that are inspected annually and certified as meeting National Fire Protection Association standards. No power cord, cable or equipment shall be extended across any public street, sidewalk or other public property.

(7) Noise. No sounds may be produced by a mobile food service vehicle's operations.

(8) Support methods. No mobile food service 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.

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

(10) 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 area surrounding the operations (not less than fifty feet (50') from all parts of the vehicle) regardless of the occurrence or source of any waste in the area. During each period of operation at a location, 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. All trash receptacles must be emptied when full, and all waste must be removed prior to departure of a mobile food service vehicle from a location.

(11) Pedestrian service only. Mobile food service vehicles shall serve pedestrians only. Drive-through or drive-in service is prohibited.

(12) Signage. Signage for each mobile food service 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. One (1) sandwich board sign may be placed outside the mobile food service vehicle, provided that the base of a sandwich board sign must be placed no further than two feet (2') beyond the mobile food service 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.

(13) Alcohol sales. Food trucks may not sell alcoholic beverages, except as may be specifically allowed by applicable state law and city ordinance. Canteen trucks and ice cream trucks are prohibited from selling alcoholic beverages.

(14) Insurance. (a) Mobile food service vehicles must maintain all motor vehicle insurance coverage required by applicable state and federal laws and regulations.

(b) Mobile food service vehicles operating on city property other than the right-of-way shall at all times maintain such further insurance coverage as may be required by the city manager. In the event the required coverage is not properly maintained, permission to operate on city property will be immediately revoked.

(15) Exterior cooking equipment. Any food preparation equipment outside of the mobile food service vehicle shall not obstruct vehicular or pedestrian traffic, and the use and operation of such equipment shall not create safety hazards for the public. Food shall not be served to customers directly from any outside food preparation equipment. Any smoker or other exterior equipment that generates heat shall be surrounded with at least three (3) traffic safety cones.

(16) Commissary. A commissary, as defined in this article, shall not be located in any residential zoning district unless permitted as a home occupation in compliance with the zoning title of this code. (as added by Ord. #17-896, May 2017)

9-506. Mobile food vendor permits. (1) Required. The designated permit administrator shall oversee the issuance, suspension and revocation of mobile food vendor permits. No mobile food service vehicle may operate within the city without a mobile food vendor permit issued by the city. A mobile food vendor permit authorizes the holder only to engage in the vending of products from a mobile food service vehicle in compliance with this code and as specified

on the permit. The mobile food vendor permit must be prominently displayed when the mobile food service vehicle is in operation. This section shall not apply to contractual arrangements between a mobile food service 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 service vehicle is not open to or serving the general public.

(2) Application. (a) Submittal of an application for an annual mobile food vendor permit must be accompanied by payment of an application fee in the amount of fifty dollars (\$50.00), provided that for any mobile food service vehicle previously found to be operating within the city without a current permit, the application fee shall be one hundred dollars (\$100.00) per vehicle.

(b) Submittal of a special event mobile vendor permit application will require no application fee or permit fee as long as it is an event conducted by the City of Goodlettsville, or a partnering agency, or the entity conducting a special event has procured a special event permit from the City of Goodlettsville in accordance to Ordinance #17-911. Special event mobile vendor permits shall be in effect for no more than four (4) days.

(3) Issuance. A mobile food vendor permit shall be issued upon verification that an application has been completed in accordance with the requirements of this section, except that no such permit will be issued to an operator whose permit is currently suspended or has been revoked within the preceding twelve (12) months, or to any person who intends to operate the same mobile food service vehicle for which the operator's permit is currently suspended or has been revoked within the preceding twelve (12) months. 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 permits shall expire on December 31 of each year, or on such alternate date as may be set by the permit administrator. A mobile food vendor 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 not 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 permit.

(5) Transferability. A mobile food vendor permit may not be transferred except 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 service vehicle shall notify the city within ten (10) days of any such sale and shall update any information that has been changed since the submittal of the application for the mobile food vendor permit.

(6) Temporary permit. If an operator of a mobile food service vehicle has not previously obtained a mobile food vendor permit and is found to be

operating within the city, city staff may authorize the operator to continue operating for not more than two (2) hours, provided that the operations must comply with the location and hours of operation requirements set forth in § 9-504 herein. Thereafter, the operator shall not operate a mobile food service vehicle within the city without first paying the required application fee and obtaining a mobile food vendor permit as required by this section. (as added by Ord. #17-896, May 2017, as amended by Ord. #18-919, June 2018 *Ch4_1-23-20*)

9-507. Food truck rally permits. (1) Applicability. All food truck rallies on public or private property require a food a special event permit. The permit administrator shall oversee the issuance of food truck special event permits. A special event permit shall be required for food truck rallies involving more than two (2) mobile food service vehicles or for events that include a food truck rally.

(2) Application. (a) In order to obtain a food truck rally special event permit, the entity or organization hosting the food truck rally must complete an application form provided by the city. The application shall include the following information:

(i) Name and address of the owner of the entity or organization hosting the food truck rally.

(ii) Name of person in charge of the food truck rally and a telephone number that may be used to contact such person during the food truck rally.

(iii) Name and address of the owner of the property on which the food truck rally will be held, along with the property owner's written authorization.

(iv) A site plan of the property on which the food truck rally will be held, showing proposed location of each food truck; location of any portable restroom facilities, if applicable; and location of any stages, tents, seating areas and any other facilities, structures or equipment to be used in conjunction with the food truck rally.

(v) Written description of the plans for the food truck rally, including parking locations, traffic control plans and the anticipated hours of operation.

(vi) A list of all mobile food service vehicles participating in the food truck rally, along with confirmation that each vehicle operator has obtained or will obtain a mobile food vendor permit from the city.

(b) Submittal of an application for a food truck rally special event requiring a special event permit must be accompanied by payment of the required application fee.

(c) An application for a food truck rally special event permit shall be filed with the permit administrator. An application for a food truck rally special event permit shall be filed with the permit

administrator at least thirty (30) days prior to the date on which the food truck rally is to be held. At the discretion of the permit administrator, taking into account the feasibility of processing and approving the application, an application may be accepted by the permit administrator less than thirty (30) days prior to a food truck rally.

(3) Financial guarantees. (a) The permit administrator may establish requirements for the posting of a financial guarantee prior to issuance of a food truck rally special event permit to ensure that:

(i) The premises will be cleared of all debris during and after the food truck rally.

(ii) Any damage to the public right-of-way resulting from the food truck rally is repaired.

(b) Any financial guarantee required shall be returned to the applicant only after all costs for removal of debris or repairs to public right-of-way damage have been deducted. In the event the financial guarantee is not sufficient to cover such costs, the entity or organization hosting the food truck rally shall be responsible for paying all remaining costs.

(4) Issuance. The permit administrator shall issue a food truck rally permit if the city determines that the application is complete, that the food truck rally will comply with the standards set forth in this article, and that appropriate measures have been taken to protect the public health, safety, and welfare. 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.

(5) Conditions of approval. (a) All food truck rally permits shall be subject to the following conditions:

(i) All participating mobile food service vehicles must hold a valid mobile food vendor permit.

(ii) All lighting and electrical equipment brought to the site shall be subject to applicable permitting and inspection requirements, including payment of applicable fees.

(iii) All tents, stages and other temporary facilities shall be subject to safety inspections by the city before use.

(iv) The location shall be cleared of all trash and debris at the end of the event and cleared of all temporary structures and restored to its previous condition within forty-eight (48) hours after the end of the event.

(v) Traffic control and pedestrian safety in the vicinity of the event shall be the responsibility of the permittee of the event. The city may require that city forces be employed to assist with traffic control and pedestrian safety. Costs anticipated by the city for these services shall be estimated by the city and paid at least ten (10) days in advance by the permittee as a condition of the

permit. Following the event, any overpayment shall be refunded to the permittee, and any underpayment shall be billed to the permittee.

(b) In order to protect the health, safety, and welfare of the general public, to mitigate the potential impacts of the food truck rally, and to ensure compliance with applicable laws and regulations, the city may impose additional conditions and restrictions on the issuance of a food truck rally permit. Such conditions and restrictions may relate to, but are not limited to, hours of operation, layout, parking and security.

9-508. Enforcement. (1) Citation. Each of the following circumstances constitute a violation of this article, for which a citation may be issued by a codes enforcement officer or police officer of the city:

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

(b) Continuation of temporary mobile food service vehicle operations beyond the time period authorized by staff.

(c) Holding a food truck rally without a permit or failing to comply with the conditions of approval for a food truck rally permit.

(d) Failure to comply with any other provision of this article.

(2) Responsibility for violations. The city codes enforcement officers and police officers may, at their discretion in consideration of the situation, cite any of the individuals or entities listed below for any violation of the provisions of this article:

(a) The operator of a mobile food service vehicle.

(b) An employee working at a mobile food service vehicle.

(c) The owner of the property on which a mobile food service vehicle is operated.

(d) The entity or organization hosting a food truck rally, or the person in charge of the food truck rally.

(3) Suspension of permit. A mobile food vendor permit shall be suspended by the permit administrator if:

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

(b) Two (2) violations of this article have occurred within a six (6) month period in conjunction with the mobile food service vehicle for which the permit has been issued.

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

(4) Revocation of permit. A mobile food vendor permit shall be revoked by the permit administrator if:

(a) Four (4) violations of this article have occurred within a twelve (12) month period.

(b) A mobile food service vehicle is operated in an unlawful manner so as to constitute a breach of the peace or otherwise threaten the health, safety or general welfare of the public.

(5) Reinstatement. (a) Suspended permit. An operator may reinstate a suspended mobile food vendor permit by taking such actions as may be necessary to correct a mobile food service vehicle's noncompliance and paying a reinstatement fee of five hundred dollars (\$500.00) to offset the city's cost of enforcement measures, inspections and compliance verifications.

(b) Revoked permit. An operator whose mobile food vendor permit has been revoked may apply for a new permit after twelve (12) months from the date of revocation, provided the operator has taken such actions as may be necessary to correct a mobile food service vehicle's noncompliance. The operator shall pay a permit reinstatement fee of five hundred dollars (\$500.00) to offset the city's cost of enforcement measures, inspections and compliance verifications.

(c) No permit will be issued to any person who intends to operate the same mobile food service vehicle for which the operator's permit is currently suspended or has been revoked within the preceding twelve (12) months.

(6) Notice. Notice of the suspension or revocation of a mobile food vendor permit shall be issued to the operator in writing by the permit administrator. (as added by Ord. #17-896, May 2017)

9-509. Appeals. (1) Filing. The denial, suspension or revocation of a mobile food vendor permit or the denial of a food truck rally permit by the permit administrator may be appealed by filing a written notice of appeal, establishing the grounds for the appeal, with the city manager no later than ten (10) business days following receipt of the notice of denial, suspension or revocation.

(2) City manager's review. When an appeal is filed with the city manager as set forth herein, the city manager may request such additional information from the operator and the permit administrator as may be deemed necessary. At the city manager's discretion, the appeal may be decided based on the written information and documentation submitted, or a hearing may be scheduled with the operator and the permit administrator. The city manager's decision shall be issued in writing, based on a written summation of the pertinent facts, and shall be final. The city manager may reverse the denial, suspension or revocation of a permit, or may reduce the waiting period required for reinstatement of a revoked permit if it is determined that the operator has taken reasonable steps to mitigate the violations leading to the revocation and to prevent future violations.

(3) Refunds. There shall be no refund of an application fee for a mobile food vendor permit or food truck rally special event permit that has been denied. There shall be no refund of a reinstatement fee for a suspended or revoked permit unless the city manager determines on appeal that the permit administrator acted in error in suspending or revoking the permit. (as added by Ord. #17-896, May 2017)

9-510. Permit fees. (1) There is hereby established a mobile food vending permit application fee of fifty dollars (\$50.00) per mobile food vehicle, unless a vendor is determined to be operating without a permit at which time the permit application permit fee would be one hundred dollars (\$100.00).

(2) There is hereby created an annual mobile food vending permit fee of one hundred dollars (\$100.00) per mobile food vehicle, per calendar year (January 1, through December 31). (as added by Ord. #17-896, May 2017)